(2) On any application in pursuance of the foregoing subsection, the court may, in lieu of granting warrant for imprisonment, recall the decree on which the application proceeds and make an order for the payment by the respondent to the applicant of a specified sum or make such other order as appears to the court to be just and equitable in the circumstances, including, in the case where the decree on which the application proceeds is a decree for delivery of corporeal moveables, a warrant to officers of court to search any premises in the occupation of the respondent or of such other person as may be named in the warrant, and to take possession of, and deliver to the applicant, any such moveables which may be found in such premises.

(3) Any warrant granted under the last foregoing subsection shall be deemed to include authority to open shut and lockfast places for the purpose of carrying the warrant into lawful execution.

(4) This section shall not apply as regards a decree granted by a court held in pursuance of the Small Debt (Scotland) Act, 1837, as amended by any subsequent enactment.

2.—(1) In any question as to the right to recover damages or solatium in respect of the death of a person caused by the fault of another person, an adopted child shall be deemed,

(*a*) if adopted by two spouses jointly, to be the legitimate child of those spouses; and

(*b*) if adopted by one person, to be the legitimate child of that person, and of a spouse who died immediately after the adoption,

and, in either case, not to be the child of any other person.

(2) An illegitimate person shall have the like right to recover damages or solatium in respect of the death of either of his parents as if he were legitimate.

(3) In this section the expression "adopted child" means a person, whether or not still under the age of twenty-one, who has been adopted, whether before or after the commencement of this Act, in pursuance of an adoption order made under the Adoption of Children (Scotland) Act, 1930, or the Adoption of Children Act, 1926, or the Adoption of Children Act (Northern Ireland) 1929, and for the purpose of any proceedings in relation to a claim for damages or solatium a certified copy of any entry in the Adopted Children Register which under subsection (5) of section eleven of the Adoption of Children Act, 1926, or under subsection (5) of section eleven of the Adoption of Children Act (Northern Ireland), 1929, would, in England or Northern Ireland, as the case may be, be receivable as evidence of any fact, shall be receivable as evidence of that fact in Scotland.

(4) Nothing in this section shall apply to a claim of damages or solatium in

respect of the death of a person which occurred before the commencement of this Act.

3.—(1) Where in any action of damages in respect of loss or damage arising from any wrongful acts or negligent acts or omissions two or more persons are, in pursuance of the verdict of a jury or the judgment of a court found jointly and severally liable in damages or expenses, they shall be liable *inter se* to contribute to such damages or expenses in such proportions as the jury or the court, as the case may be, may deem just: Provided that nothing in this subsection shall affect the right of the person to whom such damages or expenses have been awarded to obtain a joint and several decree therefor against the persons so found liable.

(2) Where any person has paid any damages or expenses in which he has been found liable in any such action as aforesaid, he shall be entitled to recover from any other person who, if sued, might also have been held liable in respect of the loss or damage on which the action was founded, such contribution, if any, as the court may deem just.

(3) Nothing in this section shall—

(*a*) apply to any action in respect of loss or damage suffered before the commencement of this Act; or

(*b*) affect any contractual or other right of relief or indemnity or render enforceable any agreement for indemnity which could not have been enforced if this section had not been enacted.

4.—(1) Any provision or agreement in or in relation to a contract to which this section applies, whereby any party to such contract prorogates, or agrees to submit to, the jurisdiction of a particular sheriff court, shall be void.

(2) This section applies to—

(*a*) any contract for the sale of an article whether the purchase price is payable in one sum or in instalments and whether or not the contract contains a condition that the property shall not pass to the purchaser until payment of the last instalment of the price or of a specified number of such instalments or of a specified sum;

(*b*) any contract whereby one person lets on hire to another person any article in consideration of periodical payments to be made by that other person to the first mentioned person with an option to that other person to become the purchaser of the article.

(3) In this section the expression "instalment" includes any periodical payment and any sum payable under a contract to which this section applies by way of deposit or premium, or on, or in respect of, the exercise of an option to purchase, and

payments stipulated for under such a contract shall be deemed to be periodical notwithstanding that they may not be payable at regular intervals.

5.—(1) The surviving husband of any woman domiciled in Scotland who, after the commencement of this Act, dies wholly or partially intestate leaving no lawful issue shall have the like rights to or in her estate as a widow has to or in her deceased husband's estate under the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, as extended by the immediately succeeding subsection, and those Acts shall have effect accordingly.

(2) Where, after the commencement of this Act, any person domiciled in Scotland dies intestate as regards part only of his estate and is survived by a husband or wife but by no lawful issue, the Intestate Husband's Estate (Scotland) Acts, 1911 and 1919, as extended by the foregoing subsection, shall apply to the part of the estate which has fallen into intestacy in like manner as those Acts apply to the whole estate of a person dying wholly intestate, subject however to the following and any other necessary modifications, namely—

(*a*) where the surviving husband or wife receives a legacy out of the estate of the deceased, he or she shall be entitled under this subsection only to such sum, if any, as remains after deducting from five hundred pounds the amount or value of such legacy; and

(*b*) any provision with regard to the deduction of debts, expenses, liabilities or charges shall be construed as if it were a provision with regard to the deduction of such proportion thereof as is properly chargeable against the said part of the estate,

(3) References in any enactment to a widow entitled by virtue of the Intestate Husband's Estate (Scotland) Act, 1911, to the whole or part of the estate of her deceased husband, and to the sum to which a widow is so entitled, shall respectively include references to a surviving husband or wife entitled by virtue of this section to the whole or part of the estate of the predeceasing spouse, and to the sum to which a surviving husband or wife is so entitled.

6:—(1) For removal of doubts it is hereby declared that when any estate shall have fallen to the Crown as *ultimus haeres*, the King's and Lord Treasurer's Remembrancer has the like right to uplift and ingather such estate in England as well as in Scotland as an executor of whose appointment confirmation has been granted and sealed in pursuance of section one hundred and sixty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925.

(2) Where the King's and Lord Treasurer's Remembrancer is satisfied that any person has a legal right to any sum not exceeding twenty pounds (exclusive of interest) which has been paid over to the said Remembrancer in pursuance of section sixteen of the Court of Session Consignations (Scotland) Act, 1895, or of section ten of the Sheriff Courts Consignations (Scotland) Act, 1893, it shall be lawful for the said Remembrancer to pay such sum to that person, without any order of the court:

Provided that nothing in this subsection shall authorise the said Remembrancer to pay any sum to which competing claims have been made.

7.—(1) The provisions of this section shall apply for the purpose of giving effect as respects Scotland to any Convention for the time being in force, by virtue of which the High Contracting Parties to the Convention, or their property, are rendered liable to legal proceedings in the courts of the other High Contracting Parties.

(2) As from such day as His Majesty may by Order in Council certify to be the day on which any such Convention comes into force as respects Scotland, every High Contracting Party to the Covention shall, for the purposes of any proceedings brought in the Court of Session against that party or in respect of property of that party in accordance with the provisions of the Convention, be deemed to have submitted to the jurisdiction of the Court; and the Court shall, in determining whether or to what extent any such proceedings are within its jurisdiction, give effect to any provision of the Convention (including any Protocol thereto) prescribing the mode of proof of any material circumstance.

(3) His Majesty may by Order in Council from time to time certify who are the High Contracting Parties to any such Convention, in respect of what territories they are respectively parties, and to what extent they have availed themselves of any provision of the Convention for suspending or modifying the operation of the Convention, and any such Order shall, except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

8. If a person charged on indictment with any crime or offence tenders a plea of guilty of any other crime or offence of which he could competently, by virtue of any enactement, be found guilty on the trial of such indictment, and if the plea is accepted by the prosecutor, it shall be competent to convict such person of the crime or offence to which he has so pled guilty and to sentence him accordingly.

9.—(1) Where in any proceedings under the Summary Jurisdiction (Scotland) Acts either—

(*a*) the prosecutor produces to the court written intimation that the accused pleads guilty to the charge and the court is satisfied that such written intimation has been made or authorised by the accused, or

(*b*) a solicitor, or a person not being a solicitor who satisfies the court that he is authorised by the accused, appears on behalf of the accused and tenders a plea of guilty,

the court may, if the prosecutor accepts such plea, proceed to hear and dispose of the case in the absence of the accused in like manner as if he had appeared and pled guilty :

Provided that—

(i) the court may, if it thinks fit, continue the case to another diet and require the attendance of the accused with a view to pronouncing sentence in his presence, and

(ii) no sentence of imprisonment or of detention in a Borstal institution, or in an approved school or in a remand home shall be imposed in the absence of the accused.

(2) In this section—

(*a*) the expressions "approved school," "Borstal institution," and "remand home" have the like meanings as in the Children and Young Persons (Scotland) Act, 1937 ;

(*b*) any reference to a plea of guilty to a charge shall include a reference to a plea of guilty to a part only of the charge.

10. Section twenty-nine of the Summary Jurisdiction (Scotland) Act, 1908, in so far as it requires the complaint or the substance thereof to be read to the accused if he is present at the first calling of the case, shall not apply if either the complaint has been served on the accused or he has legal assistance in his defence, and in either of those events the accused may be asked to plead in common form, without the complaint or the substance thereof being so read.

11.—(1) This Act may be cited as the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940.

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

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

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 114.	The Debtors (Scotland) Act, 1838.	Sections six, seven, nine, and eleven so far as relating to decrees *ad factum praestandum*.
55 & 56 Vict. c. 17.	The Sheriff Courts (Scotland) Extracts Act, 1892.	Section seven so far as relating to decrees *ad factum praestandum*.
8 Edw. 7. c. 65.	The Summary Jurisdiction (Scotland) Act, 1908.	In section thirty-three, paragraph (2) from the words "and may also" to the end of the paragraph.
22 & 23 Geo. 5. c. 38.	The Hire Purchase and Small Debt (Scotland) Act, 1932.	In section four, paragraph (*a*).

3. 裁判所

Rules of the Supreme Court (No. 2).

No. $\frac{924}{\text{L. } 10}$, 6th June, 1940.

1.—(1) In Rule 1 of Order V of the Rules of the Supreme Court, 1883, after the word "may", there shall be inserted the words "subject to the next following Rule".

(2) The following Rule shall be inserted after Rule 1 of the said Order V :—

"1A.—(1) A writ of summons claiming any relief of the nature or kind specified in Rule 5A of this Order may not issue out of a district registry unless the property is situate within the district of the registry.

(2) This Rule shall not apply to proceedings in the district registry of Liverpool or the district registry of Manchester."

2. In paragraph (1) of Rule 17 of Order XXII of the Rules of the Supreme Court, 1883, the following words shall be added after the words "Three and a half per cent. London County Consolidated Stock, 1968–1973", that is to say, "Three and a half per cent. London County Consolidated Stock, 1954–1959".

3. The following Rules shall be inserted in the Rules of the Supreme Court, 1883, after Order LIVF and shall stand as Order LIVG :—

"ORDER LIVG.

Procedure on Applications under the Coal (Registration of Ownership) Act, 1937, and the Coal Act, 1938.

1. All applications and proceedings under the Coal (Registration of Ownership) Act, 1937, and the Coal Act, 1938, shall be made in the Chancery Division of the High Court by originating summons.

2. The originating summons shall be inter partes and shall be intituled in the matter of the Act under which the application is made and shall specify the section or part of the Act under which the application is made.

3. If it shall appear to the Court or a Judge that the application involves questions of fact which are in dispute, the Court or a Judge may, whether before or after affidavit evidence has been filed, direct particulars of claim and particulars of answer to be delivered and that the originating summons shall be heard with witnesses.

4. The Rules of the Supreme Court for the time being in force and the practice and procedure in the Chancery Division shall apply.".

4. The Rules of the Supreme Court (Criminal Proceedings), 1938, shall be amended as follows:—

(*a*) In paragraph (1) of Rule 13 of the said Rules, after the word "shall", and also in paragraph (3), after the word "application", there shall be inserted the words "subject to the next following Rule".

(*b*) After Rule 13 of the said Rules there shall be inserted the following Rule:—

"13A.—(1) Where a defendant in custody who desires to apply for bail is unable through lack of means to instruct a solicitor and no defence certificate under the Poor Prisoners' Defence Act, 1930, has been granted to him, he may give notice in writing to the Judge in Chambers stating his desire to apply for bail and requesting that the Official Solicitor should act for him in the application, and the Judge may, if he thinks fit, assign the Official Solicitor to act for the applicant accordingly.

(2) When the Official Solicitor has been so assigned, the Judge may, if he thinks fit, dispense with the requirements of the last foregoing Rule and deal with the application in a summary manner.".

5. The Crown Office Rules, 1932, are hereby revoked.

6.—(1) These Rules may be cited as the Rules of the Supreme Court (No. 2), 1940.

(2) These Rules, except Rule 1 thereof, shall come into operation forthwith, and Rule 1 thereof shall come into operation on the 1st day of July, 1940.

No. 1306 L. 16, 18th June, 1940.

1. The proviso to paragraph (8) of Rule 14 of the Courts (Emergency Powers) (Consolidation) Rules, 1940, shall be omitted, and the following paragraphs shall be added to that Rule:—

"(9) Where the registered office of a company is situated within the district of a District Registry, an originating summons for leave to appoint a receiver for the debenture-holders of the company may be issued in the District Registry.

(10) Nothing in the last two foregoing paragraphs of this Rule shall be construed as restricting the jurisdiction of the District Registry at Liverpool or Manchester."

2. After Rule 15 of the Courts (Emergency Powers) (Consolidation) Rules, 1940, there shall be inserted the following new Rules:—

"*General Provisions as to Procedure.*

15A. Where upon an application for leave to proceed or to exercise any of the rights or remedies specified in subsection (2) it appears to the court or a judge that the defendant or respondent desires that his liabilities other than the liability to which the application relates should be taken into account, and that the defendant or respondent has given notice of the application to persons having claims against him in respect of such other liabilities, the court or judge may permit any such person to be present at the hearing of the application, and may permit him to make representations in relation to the subject-matter of the application:

Provided that nothing in this Rule shall be construed as preventing the court or judge from taking a liability into account by reason only of the fact that notice of the application has not been given by the defendant or respondent to the person having a claim against him in respect of that liability.

15B.—(1) Where a mortgagee of dwelling-house has, in relation to the mortgage or the dwelling-house, commenced proceedings for leave to exercise any of the rights or remedies specified in subsection (2) and he satisfies the court or a judge—

(*a*) that prompt service of the summons cannot be effected; or

(*b*) that the person who, if alive, would be the proper respondent to the summons, is dead and that no grant of representation has been taken

out to his estate or that it has not been possible to ascertain the person or persons (if any) who would be entitled to apply for a grant of representation; or

(*c*) that it is otherwise expedient;

the court or a judge may, upon the *ex parte* application of the mortgagee, give leave to exercise any remedy which may be available to him by way of the appointment of a receiver of the rents and profits of the mortgaged dwelling-house.

(2) Leave may be given for the appointment of a receiver subject to such conditions as the court or a judge may think fit to impose, and, without prejudice to the generality of this provision, the court or a judge may require the mortgagee to give an undertaking—

(i) to remove a receiver appointed, if so directed by the court or a judge;

(ii) to direct the receiver to pay to such person as the court or a judge may direct any sums which may become applicable in or towards the discharge of the principal money due under the mortgage in accordance with paragraph (v) of Section 109 (8) of the Law of Property Act, 1925.

(3) For the purpose of giving effect to paragraph (1) (b) of this Rule, it shall not be a condition precedent to the issue of an originating summons under Rule 14 that any person be named therein as respondent."

3. These Rules may be cited as the Courts (Emergency Powers) (No. 2) Rules, 1940.

Defence (Administration of Justice) Regulations.

No. 1028, 19th June, 1940.

ARRANGEMENT OF REGULATIONS.

Assizes, quarter sessions and trials on indictment.

1. Assizes.
2. Quarter sessions.
3. Committal for trial.
4. Provisions consequential on alteration of place or court of trial.
5. Amendment of s. 11 of the Criminal Justice Act, 1925.

Justices.

6. Power of Secretary of State to alter sittings and jurisdiction of justices.
7. Power of justices to alter sittings.

8. Provisions consequential on alteration of sittings or jurisdiction of justices.
9. Amendment as to date of summary trial of indictable offences.
10. Provision as to warrants.
11. Remanding of accused persons.
12. Application to special courts of summary jurisdiction.

Jurors.

13. Challenge of jurors.
14. Supplying deficiency of jurors.
15. Continuance of certain proceedings where a juror dies or becomes incapable.

Evidence.

16. Use of statutory declarations before examining justices.
17. Use of depositions at triai on indictment.

Miscellaneous and General.

18. General provisions as to orders and directions.
19. Delegation of powers.
20. Short title, interpretation and extent.

FIRST SCHEDULE.—Provisions consequential on Regulations 1, 2 and 3

Part I.—Provisions applicable where court is moved or time of sitting is altered.

Part II.—Provisions applicable where trial is transferred to another court.

SECOND SCHEDULE.—Manner of binding over witnesses making statutory declarations.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that the following Regulations shall have effect:—

Assizes, Quarter Sessions and Trials on Indictment.

1.—(1) If the appropriate authority for a circuit, having regard to any hostile operations in Great Britain, thinks it expedient that the assizes for any county or other area of jurisdiction on the circuit should not be held or continued at the place at which they have been appointed to be held or continued, or should not be continued at the place at which they are then being held, he may give directions either—

(*a*) that those assizes shall be held or continued at such other place as may

be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that place is on the circuit or in that county or other area; or

(*b*) that those assizes shall not be held or shall be discontinued, and that the trial of all persons committed for trial at those assizes, or of all persons so committed whose trial has not begun, or has not been brought to a final conclusion, shall take place before such other court of assize as may be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that court is on the circuit:

Provided that any directions given under sub-paragraph (*b*) of this paragraph may provide that the trial of any such person who has been committed for an offence within the jurisdiction of a court of quarter sessions shall, instead of taking place before such other court of assize as aforesaid, take place before such court of quarter sessions as may be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that court is the court for that county or other area.

(2) For the purpose of considering whether it is expedient to give directions under the foregoing paragraph as respects any assizes, or what directions should be so given, the appropriate authority may give directions postponing or a adjourning those assizes, and postponing any other assizes, to such date as may be fixed by subsequent directions given by the appropriate authority.

(3) For the purpose of this Regulation, the appropriate authority for any circuit shall be the judge for the circuit:

Provided that the Lord Chancellor may as respects any circuit by order provide that—

(*a*) the person first mentioned in a list contained in the order shall be the appropriate authority for the circuit in relation to the giving of directions under this Regulation at any time when the judge for the circuit is for any reason unable to act; and

(*b*) any other person mentioned in the list shall be the appropriate authority for the circuit in relation to the giving of such directions at any time when the judge for the circuit and all previously mentioned in the list are for any reason unable to act.

(4) For the purpose of this Regulation, the judge for a circuit shall be deemed to be the judge going or appointed to go the circuit or, where two judges have been appointed to go a circuit or any part of a circuit together, then—

(*a*) in relation to the giving of directions under this Regulation at any time

when they are on circuit together, or when neither of them has started on the circuit, the senior of them or, if for any reason he is unable to act, the junior of them; or

(*b*) in relation to the giving of such directions at any time when one of them is on circuit alone, that one.

For the purpose of this paragraph, the following shall be deemed to be separate circuits, namely—

(i) each part of the South Eastern circuit;

(ii) the assizes for the Birmingham division of the county of Warwick;

(iii) the assizes for the county and city of Chester;

(iv) the assizes for the connty Glamorgan.

(5) References in the foregoing provisions of this Regulation to a judge going or appointed to go a circuit or part of a circuit shall include references to any commissioner of assize going or appointed to go the circuit or part of the circuit in lieu of a judge.

2.—(1) The Secretary of State, if he thinks it expedient so to do having regard to any hostile operations in Great Britain, may by order direct—

(*a*) that any court of quarter sessions shall sit at such place or places (whether within or without the area by reference which the jurisdiction of the court is limited), and on such dates or for such periods, and at such times, as may be specified in or appointed under the order;

(*b*) that the whole or any part of the jurisdiction of any court of quarter sessions shall be transferred to such other court or courts of quarter sessions as may be so specified or appointed.

(2) If the chairman of a court of quarter sessions, at any time while the court is sitting, or at any time within seven days before the date on which the court has been appointed to sit (whether under paragraph (1) of this Regulation or otherwise) or the date to which it has been adjourned, thinks it expedient, having regard to any hostile operations in Great Britain, that the court should not sit or continue to sit at the place at which it has been appointed to sit or is sitting, he may give directions either—

(*a*) that the sitting of the court shall be adjourned or postponed or further adjourned to such date and place as may be fixed by or under an order or further order to be made under paragraph (1) of this Regulation; or

(*b*) notwithstanding any such order in force at the time when the directions are given, that the court shall sit or continue its sitting at such place within the

county or other area for which the court is held, and at such time, as may be appointed by the directions or any subsequent directions given by him.

(3) The powers conferred by the last foregoing paragraph on the chairman of a court of quarter sessions may be exercised at any time when the chairman is for any reason unable to act—

(*a*) by any deputy chairman; or

(*b*) if no deputy chairman is then able to act, by the clerk of the peace; or

(*c*) if neither a deputy chairman nor the clerk of the peace is then able to act, by the deputy clerk of the peace.

(4) In this Regulation—

(*a*) the expression "court of quarter sessions" includes any committee to which the powers and duties of a court of quarter sessions are delegated by virtue of any Act;

(*b*) the expression "deputy chairman" means, in relation to any court of quarter sessions, a person, by whatsoever name styled, performing or nominated to perform the duty of presiding over the court in the absence of the chairman and of presiding over any second court, and the said expression includes in relation to any court any number of such persons;

(*c*) in relation to the court of quarter sessions for a borough, references to the chairman shall be construed as references to the recorder and references to a deputy chairman as references to the mayor of the borough.

(5) The foregoing provisions of this Regulation shall have effect in substitution for so much of subsection (2) of section five of the Administration of Justice (Emergency Provisions) Act, 1939, as relates to courts of quarter sessions.

3.—(1) The Secretary of State, if he thinks it expedient so to do having regard to any hostle operations in Great Britain, may by order direct that, so long as the order is in force, all persons charged with indictable offences before justices in such area as may be specified in the order shall be committed to be tried at the assizes for such place as may be appointed by or under the order or (if the offence is within the jurisdiction of a court of quarter sessions) either at those assizes or at the quarter sessions for such place as may be so appointed.

(2) Subject to any order made under this Regulation, the justices before whom any person is charged with an indictable offence, if they think it expedient so to do having regard to any hostile operations in Great Britain, may instead of committing that person to be tried at the assizes or quarter sessions for a place to which but for this Regulation he might have been committed (whether by virtue of subsection (1) of section fourteen of the Criminal Justice Act, 1925, or otherwise), commit him to be

tried at the assizes for such other place, or (if the offence is within the jurisdiction of a court of quarter sessions) at the quarter sessions for such other place, as they think expedient having regard to the said operations.

4.—(1) Where, by virtue of the exercise of any power conferred by sub-paragraph (*a*) of paragraph (1) or paragraph (2) of Regulation one, or by sub-paragraph (*a*) of paragraph (1) or paragraph (2) of Regulation two, of these Regulations, a court of assize or quarter sessions sits at a time or place, or at a time and place, other than that at which it would have sat but for the exercise of the power, the consequential provisions set out in Part I of the First Schedule to this Order shall have effect.

(2) Where, by virtue of the exercise of any power conferred by sub-paragraph (*b*) of paragraph (1) of Regulation one, by sub-paragraph (*b*) of paragraph (1) of Regulation two, or by Regulation three, of these Regulations, the trial of any person is required to take place before a court other than that before which is has begun, or before which it would have taken place but for the exercise of the power, the consequential provisions set out in Part II of the First Schedule to this Order shall have effect.

5. Notwithstanding anything in proviso (*a*) to subsection (1) of section eleven of the Criminal Justice Act, 1925, examining justices shall not discontinue further proceedings under that subsection, if it appears to them, having regard to any hostile operations in Great Britain, that it is expedient to continue the proceedings; and no appeal shall lie under proviso (*b*) to that subsection from the refusal of justices to comply with an application to discontinue such proceedings if the justices certify that it appears to them as aforesaid.

Justices.

6.—(1) The Secretary of State may by order direct that courts of summary jurisdiction for any petty sessional division shall be held at such place or places (whether within or without the division, and whether within or without the county or other area of jurisdiction of the justices constituting the court) and on such dates or for such periods, and at such times as may be specified in, or appointed under, the order.

(2) The Secretary of State may by order direct—

(*a*) that any functions of the justices for any county or other area shall be performed by the justices for such other county or area as may be specified in, or appointed under, the order;

(*b*) that the whole or any part of the jurisdiction of a court of summary jurisdiction for any petty sessional division shall be exercised by a court of summary jurisdiction for such other petty sessional division as may be so specified or appointed;

and any such order may provide for the performance of such functions, or for the exercise of such jurisdiction, either exclusively or concurrently with the justices by whom those functions were performed, or the court by which that jurisdiction was exercised, before the making of the order.

(3) The foregoing provisions of this Regulation shall have effect in substitution for so much of subsection (2) of section five of the Adminstration of Justice (Emergency Provisions) Act, 1939, as relates to courts of summary jurisdiction, and any order made before the date on which these Regulations come into force under the said subsection (2) in relation to courts of summary jurisdiction shall be deemed to be made under this Regulation.

7. Subject to the provisions of any order made under the last foregoing Regulation—

(*a*) a justice for any county or other area may, if he considers it expedient so to do having regard to any hostile operations in Great Britain, exercise any of his functions as such a justice at any place in any county or area adjoining that county or area, as well as at any place in that county or area;

(*b*) a court of summary jurisdiction for any petty sessional division may, if it appears to the justices constituting the court to be expedient having regard to any hostile operations in Great Britain, be held at any place, whether within or without that division, and whether within the county or other area of jurisdiction of the justices or any adjoining county or area.

8.—(1) Where any person is, by virtue of any summons, recognizance, warrant or otherwise, required to appear or be brought before a court of summary jurisdiction for any petty sessional division at any specified time or place, and that court is, by virtue of the exercise of any power conferred by paragraph (1) of Regulation six, or by paragraph (*b*) of Regulation seven, of these Regulations, to be held at some other time or place, any justice acting for that division, or the clerk to the justices for that division, or any constable, may give notice to that person, or to any other person whose duty it is to bring him before the court, requiring him to appear or be brought before the court at such time and place as may be specified in the notice, and thereupon the summons, recognizance or warrant shall have effect accordingly.

(2) The place at which a court of summary jurisdiction for any petty sessional division is held by virtue of the exercise of any such power shall be deemed to be a petty sessional court house, and if it is outside that division, anything done by the court at that place shall, for the purpose of the jurisdiction of the court, be deemed to be done within that division.

(3) Where any person is, by virtue of any summons, recognizance, warrant or

otherwise, required to appear or be brought before a court of summary jurisdiction for any petty sessional division, and the jurisdiction of that court with respect to that person, by virtue of the exercise of the power conferred by sub-paragraph (*b*) of paragraph (2) of Regulation six of these Regulations, is to be exercised by a court of summary jurisdiction for some other petty sessional division (in this paragraph referred to as "the new court") any justice acting for either of those divisions, or the clerk to the justices for either of those divisions, or any constable, may give notice to that person, or to any other person whose duty it is to bring him before the court, requiring him to appear or be brought before the new court at such time and place as may be specified in the notice, and thereupon the summons, recognizance or warrant shall have effect accordingly.

(4) Anything done by a justice by virtue of the exercise of any power conferred by sub-paragraph (*a*) of paragraph (2) of Regulation six, or by paragraph (*a*) of Regulation seven, of these Regulations, at any place outside the county or other area of jurisdiction for which he is acting shall, for the purpose of the jurisdiction of the justice, be deemed to be done within that county or area.

9. Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879 (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences) a court of summary jurisdiction may deal summarily with an indictable offence on any day on which the court is sitting as a petty sessional court.

10. A warrant issued under subsection (2) of section thirty-one of the Criminal Justice Act, 1925, may, if the justice issuing the warrant considers it expedient having regard to any hostile operations in Great Britain, direct the offender when apprehended to be brought before a court of summary jurisdiction for the petty sessional division for which the justice acts, and thereupon that court shall have jurisdiction to deal with the case.

11.—(1) The maximum period for which an accused person may be remanded under section twenty-one of the Indictable Offences Act, 1848, or section twenty-four of the Summary Jurisdiction Act, 1879, shall be twenty-one clear days, unless he is admitted to bail and both he and the prosecutor consent to a longer period:

Provided that—

(*a*) Where a person is remanded under the said section twenty-four, he may, notwithstanding anything in this Regulation or any enactment, be remanded, either in custody or on bail, to the next practicable sitting of a petty sessional court, whenever that may be; and

(*b*) nothing in this Regulation shall affect section thirty-six of the Metro-

politan Police Courts Act, 1839.

(2) The foregoing provisions of this Regulation shall have effect in substitution for the provisions of subsection (2) of section twenty of the Criminal Justice Administration Act, 1914, and subsection (1) of section nine of the Administration of Justice (Emergency Provisions) Act, 1939.

12. For the purpose of the foregoing provisions of these Regulations—

(*a*) each division of the metropolitan police court area;

(*b*) the City of London; and

(*c*) any area, not being a petty sessional division, for which a stipendiary magistrate is appointed, or other special court of summary jurisdiction is constituted;

shall be deemed to be a petty sessional division.

Jurors.

13.—(1) No person indicted for treason or felony shall have any right of peremptory challenge of jurors.

(2) Any question arising in any criminal proceedings on a challenge to the array, or any challenge to the polls for cause, shall be determined by the judge, chairman of quarter sessions, recorder or other person before whom the proceedings are to be heard.

14.—(1) Where a court of assize or court of quarter sessions is satisfied that, for lack of jurors duly summoned to appear before the court, it is impracticable to proceed with due despatch with the trial of any person indicted before the court, the court shall require the sheriff to return the names of such number of persons as the court may direct, being persons who are then present or can be found to serve on the jury, whether or not they would, apart from this Regulation, be qualified or liable to serve on a jury or to serve on the jury at that court.

(2) Thereupon the sheriff shall as soon as practicable return the names of the required number of such persons as aforesaid, and require such of them as may be present in the court to remain in court and such of them as may not be so present to appear in court forthwith:

Provided that the sheriff shall not return the name of any person who appears to him not to have attained the age of twenty-one or to have attained the age of seventy.

(3) Any person whose name is returned to a court under this Regulation shall be deemed for all purposes to have been duly summoned to attend on the jury in that court under the Juries Act, 1825.

(4) This Regulation shall have effect notwithstanding that no persons have been

duly summoned to attend on the jury in the court in question, or that no precept or writ has been issued requiring persons to be so summoned, or that no persons so summoned have appeared before the court, if it appears to the court that the failure to issue the summons, writ or precept, or the failure of jurors to appear before the court, is due to any hostile operations in Great Britain.

(5) In this Regulation the expression "sheriff", in relation to any court, means the sheriff or other officer responsible for summoning jurors to attend on the jury in that court, or, in the absence of that sheriff or other officer, any officer of the court appointed by the court for the purpose of this Regulation.

15.—(1) Where, in the case of a criminal trial or an inquest, any member of the jury dies or is discharged by the court or the coroner as being through illness incapable of continuing to act or for any other reason, the jury shall nevertheless—

(*a*) in a case where the trial or inquest commenced before twelve jurors, so long as the number of members of the jury is not reduced below ten; and

(*b*) in any other case, so long as the number of members of the jury is not reduced below five;

be considered as remaining for all the purposes of that trial or inquest properly constituted, and the trial or inquest shall proceed and a verdict may be given accordingly.

(2) The foregoing provisions of this Regulation shall have effect in substitution for the provisions of section fifteen of the Criminal Justice Act, 1925.

Evidence.

16.—(1) Where any person is charged with an indictable offence before examining justices, the prosecutor may, unless the offence is dealt with summarily, use as evidence in support of the charge any statutory declaration, instead of calling the person making the declaration as a witness.

(2) Where a statutory declaration is used as aforesaid and the person charged is committed for trial—

(*a*) the prosecutor shall within two days of the committal provide the accused free of charge with a copy of the declaration;

(*b*) the person making the declaration shall, in accordance with the provisions of the Second Schedule to these Regulations, be bound to attend the trial, either conditionally or not, as if he had been called as a witness before the examining justices; and

(*c*) the declaration shall be signed by one of the examining justices and shall be transmitted to the court of trial as if it were the deposition of the person making it.

17.—(1) Where a person has been committed for trial for any offence, and it is proved at his trial, whether for that offence or for any other offence arising out of the same transaction, or set of circumstances, as that offence,—

(*a*) that any witness whose deposition was taken before the examining justices is unable to attend the trial either by reason of being engaged in the naval, military or air force service of His Majesty or on other work of urgent public importance, or by reason of hostile operations in the United Kingdom; and

(*b*) that the deposition was taken in the presence of the accused, and (except in the case of a deposition by a witness on behalf of the accused) that the accused, or any person appearing on his behalf before the examining justices, had full opportunity of cross-examining the witness;

then, if the deposition purports to be signed by one of the examining justices, it may be given in evidence at the trial without further proof, unless it is proved that it was not in fact signed by the justice purporting to sign it.

(2) For the purpose of this Regulation the following certificates, that is to say—

(*a*) a certificate purporting to be signed by a secretary or assistant secretary to the Admiralty, Army Council or Air Council, certifying that a person is unable to attend a trial by reason of being engaged in the naval, military or air force service of His Majesty;

(*b*) a certificate purporting to be signed by one of the examining justices or by the clerk to the examining justices certifying that a deposition was taken in the presence of the accused, and that the accused, or a person appearing on his behalf before the examining justices, had full opportunity of cross-examining the witness;

shall be conclusive evidence of the facts so certified, unless it is proved that the certificate in question was not in fact signed by the person by whom it purports to have been signed; but nothing in this paragraph shall be taken to exclude any other mode of proof.

Miscellaneous and General.

18.—(1) Any order or direction made or given under any provision of these Regulations may be varied, supplemented or revoked by a subsequent order or direction made or given in like manner.

(2) Any order or direction made or given under any provision of these Regulations may contain such provisions as appear to be necessary or expedient for giving effect to the order or direction, or to any previous order or direction made or given under that provision.

(3) Where any person makes or gives any order or direction under these Regulations, he shall take all practical steps to bring the order or direction to the notice of all persons concerned.

19. The Lord Chancellor and the Secretary of State may, to such extent and subject to such restrictions as they think proper, delegate all or any of their powers under these Regulations to any specified person or class of persons.

20.—(1) These Regulations may be cited as the Defence (Administration of Justice) Regulations, 1940.

(2) For the purpose of these Regulations the following expressions have the meanings respectively assigned to them—

"court of summary jurisdiction", in relation to any petty sessional division, means a court consisting of any justice or justices of the peace for that division sitting in his or their capacity as such or, in relation to any division or other area which is deemed to be a petty sessional division by Regulation twelve of these Regulations, a court consisting of any magistrate or magistrates (by whatever named called) for that division or other area sitting for the purpose of exercising any jurisdiction which is exercisable by a justice or justices of the peace sitting in his or their capacity as such, except that it shall not include a court of quarter sessions;

"examining justices" means the justices before whom a charge is made against any person for an indictable offence and references to examining justices include references to a single examining justice.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations and of any order made thereunder as it applies to the interpretation of an Act of Parliament.

(4) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as amended by any subsequent Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940.

(5) These Regulations shall not extend to Scotland or Northern Ireland.

FIRST SCHEDULE.

Provisions Consequential on Regulations 1, 2 and 3.

Part I.

Provisions applicable where court is moved or time of sitting is altered.

1. Any recognizance, warrant or other document requiring a person to appear

or be brought before the court shall have effect as if it required him to appear or be brought before the court at the time and place at which the court sits by virtue of the exercise of any such power as is mentioned in paragraph (1) of Regulation four of these Regulations.

2. Where, by virtue of the exercise of any such power, a court of assize or quarter sessions for any county or other area of jurisdiction sits at a place outside that county or other area (hereafter in this paragraph referred to as "the original county or area")—

(*a*) the court shall have jurisdiction for all purposes in like manner as if it were sitting within the original county or area;

(*b*) the jurors to attend the court shall be summoned from the county in which the court sits, and for that purpose precepts may be directed to the sheriff of that county—

(i) in the case of a court of assize, by any person who is for the time being the appropriate authority for the circuit for the purpose of Regulation one of these Regulations;

(ii) in the case of a court of quarter sessions for a borough, by the recorder, mayor, clerk of the peace or deputy clerk of the peace of the borough; and

(iii) in the case of any other court of quarter sessions, by two justices; and the jurors so summoned, and any jury formed out of those jurors, shall have jurisdiction in like manner as if they had been summoned from the original county or area;

(*c*) except as hereinbefore provided, and subject to any directions given by the court, all officers of the court and other persons required to attend thereat, or to perform functions in relation thereto, shall attend at the place where the court sits, and shall perform those functions in relation to the court, in like manner as if it had been sitting within the original county or area.

PART II.

Provisions applicable where trial is transferred to another court.

1. The new court shall have jurisdiction for all purposes connected with the trial of the offender as though the offence had been committed in the place for which that court is held.

2. Where judgment of death is passed at the trial of the offender by the new

court, the sheriff who would, if the offender had been tried by the original court, have been charged with the execution of the judgment shall be charged with the execution of the judgment, and—

(*a*) may carry the judgment into execution in any prison which is the common gaol of his county or in which the offender was confined for the purpose of safe custody before his removal to the place where the new court was held; and

(*b*) shall, for the purposes of the execution, have the same jurisdiction in the prison and over the officers of the prison, and be subject to the same responsibilities and duties, as though he were the sheriff of the place for which the assize was held within the meaning of the Sheriffs Act, 1887;

Provided that—

(i) nothing in this paragraph shall affect the provisions of subsection (5) of section two of the Central Criminal Court (Prisons) Act, 1881, and

(ii) this paragraph shall have effect subject to the provisions of Regulation forty B of the Defence (General) Regulations, 1939.

3. All indictments, inquisitions, recognizances, depositions, exhibits and other relevant documents shall be transmitted to the new court.

4. Any recognizance, warrant or other document requiring the offender or any other person to appear or be brought before the original court shall have effect as if it required him to appear or be brought before the new court.

5. Any commissions, writs, indictments, inquisitions, depositions, exhibits or other relevant documents shall be deemend to be amended so far as may be necessary in consequence of the change of the court of trial:

Provided that nothing in this paragraph shall be taken to require the sheriff or other officer responsible for summoning jurors to attend on the original court to summon jurors to attend on the new court, or any juror summoned to attend on the original court to attend on the new court.

6. Where the trial of the offender has begun before the original court but has not been brought to a final conclusion then—

(*a*) if the jury have not returned a verdict, the jury shall be discharged and the offender shall be tried by a fresh jury before the new court;

(*b*) if the jury have returned a verdict, the offender may either be sentenced by the original court, or be sentenced by the new court as if he had been tried by a jury before the new court.

7. Where the offender could not have been tried by the new court but for the

exercise of any such power as is mentioned in paragraph (2) of Regulation four of these Regulations, any costs payable in the case under the Costs in Criminal Cases Act, 1908, shall in the first instance be paid in the same manner as if the offence had been committed in the county or borough in which he is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed.

8. In this Part of this Schedule the following expressions have the meanings hereby respectively assigned to them—

"New court" means the court before which the trial of an offender is required to take place by virtue of the exercise of any such power as is mentioned in paragraph (2) of Regulation four of these Regulations;

"Offender" means a person whose trial, by virtue of the exercise of any such power, is required to take place before a court other than that before which it has begun, or before which it would have taken place but for the exercise of any such power;

"Original court" means the court before which the trial of an offender has begun, or would have taken place but for the exercise of any such power.

SECOND SCHEDULE.

MANNER OF BINDING OVER WITNESSES MAKING STATUTORY DECLARATIONS.

1. A notice signed by one of the examining justices shall be served in the manner applicable to a witness summons on the person making the declaration, and a copy of the notice with a certificate of service endorsed thereon and signed by the person serving the notice shall be transmitted to the court of trial as if it were the recognizance of the person making the declaration.

2. The notice shall be in one of the following forms or in a form to the like effect, and upon service thereof upon the person making the declaration shall have the like effect as if that person had entered into a recognizance in accordance with the terms of the notice before the examining justices.

(*a*) *Form to be used where the witness is not bound over conditionally.*

to wit. {TAKE NOTICE, that you C.D. of
are hereby bound in the sum of

to appear at the next Court of assize [*or* quarter sessions of the peace] in and for the *county* of , to be holden at , in the said *county*, and

then and there to give evidence *against* A.B.; and unless you then appear there and give evidence accordingly this recognizance will be forthwith levied on you.

Dated this day of 19 .

J.S.
Justice of the Peace for the *County* of

(*b*) *Form to be used where the witness is bound over conditionally.*

to wit. {TAKE NOTICE, that you C.D. of
are hereby bound in the sum of

to appear, upon notice given to you, at the next Court of assize [*or* quarter sessions of the peace] in and for the *county* of to be holden at , in the said *county*, and then and there to give evidence *against* A.B.; and unless you comply in all respects with the requirements of any notice you may receive relating to this recognizance and duly appear at such Court as you may be directed therein and give evidence acoordingly, this recognizance will be forthwith levied on you.

Dated this day of 19 .

J.S.
Justice of the Peace for the *County* of

Rules of the Supreme Court (No. 3).

No. 1058 / L. 11, 21st June, 1940.

1. In Order XIII the following words shall be added at the end of Ruld 17:—

"and to such other person (if any) as the court or a judge may think proper.".

2. In Order LV, Rule 5A, for the words from "that is to say,—" to the end of the Rule, the following words shall be substituted:—

"Payment of monies secured by the mortgage or charge;

Sale;

Foreclosure;

Delivery of possession (whether before or after foreclosure) to the mortgagee or person entitled to the charge by the mortgagor or person having the property subject to the charge or by any other person in, or alleged to be in, possession of the property;

Redemption;

Reconveyance;

Delivery of possession by the mortgagee.".

3. These Rules may be cited as the Rules of the Supreme Court (No. 3), 1940.

Defence (Administration of Justice) (Scotland) Regulations.

No. 1191 / S. 53, 2nd July, 1940.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that the following Regulations shall have effect:—

1. Where in any trial on indictment (whether in the High Court of Justiciary or in the sheriff court), the presiding judge has deemed it necessary, by reason of any hostile operations in Great Britain, to discharge the jury and to desert the diet *pro loco et tempore*, then, without prejudice to the power of the Lord Advocate to direct the institution of new proceedings, the provisions of section forty-two of the Criminal Procedure (Scotland) Act, 1887, shall apply in any such case in like manner as they apply in the case of desertion of the diet for any of the causes set forth in section forty-one of the said Act.

2. The presiding judge at any trial on indictment in the High Court of Justiciary shall have power to give such directions in relation to the trial as he may deem necessary, having regard to any hostile operations in Great Britain, with respect to (*a*) the the right of audience, (*b*) the procedure to be followed and (*c*) the performance of the duties of clerk of the court by a sheriff clerk or sheriff clerk depute in the event of the absence or incapacity of the clerk in the Justiciary Office appointed to act as clerk at the trial.

3.—(1) For the purposes of a trial on indictment (whether in the High Court of Justiciary or in the sheriff court) no person residing outside the county in which the trial is to be held shall be required to serve on the jury, and the jury shall be summoned from the general jury roll of that county, and any enactment relating to the return or summoning of jurors shall have effect accordingly.

(2) It shall not be competent in any trial on indictment (whether in the High Court of Justiciary or in the sheriff court) to challenge any juror without reason assigned.

(3) It shall be competent for the presiding judge at any trial on indictment (whether in the High Court of Justiciary or in the sheriff court) where he is satisfied

that, owing to lack of special jurors or of common jurors it is impossible to empanel a jury containing the respective numbers of such special and common jurors required by any Act, to authorise a common juror to serve on the jury in place of a special juror or *vice versa*.

(4) Where in the course of a trial on indictment (whether in the High Court of Justiciary or in the sheriff court) by a jury consisting, in accordance with section three of the Administration of Justice (Emergency Provisions) (Scotland) Act, 1939, of seven persons any of such persons dies, or the presiding judge is satisfied that any of such persons is through illness or other reason unfit to continue to serve on the trial, the presiding judge may direct that the trial shall proceed before the remaining jurors (if they shall be not less than five in number), and where any such direction is given the remaining jurors shall be deemed in all respects to be a properly constituted jury for the purpose of the trial and shall have power to return a verdict accordingly: provided always that they shall not be entitled to return a verdict of guilty unless five of their number are in favour of such verdict, and if in any such case the remaining jurors shall inform the presiding judge that less than five of their number are in favour of a verdict of guilty, and that there is not a majority in favour of any other verdict they shall be deemed to have returned a verdict of not guilty.

4. These Regulations may be cited as the Defence (Administration of Justice) (Scotland) Regulations, 1940.

Order in Council amending the Defence (Administration of Justice) Regulations.

No. 1161, 2nd July, 1940.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940 and, of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered that at the end of paragraph (2) of Regulation twenty of the Defence (Administration of Justice) Regulations, 1940, there shall be inserted the following definition:—

"Hostile operations" includes measures taken in anticipation of, or in consequence of, hostile operations.

Rules of the Supreme Court (August Bank Holiday).

No. 1183 / L. 13, 4th July, 1940.

1.—(1) Notwithstanding anything in Order LXIII, Rule 6, the several offices of the Supreme Court shall be open on the first Monday in August, 1940, that is to say, on Monday the fifth day of August, 1940.

(2) The provisions of Order LXIII, Rule 9, shall apply with respect to the hours during which the said offices shall be open on the said day.

2. These Rules may be cited as the Rules of the Supreme Court (August Bank Holiday), 1940.

Courts (Emergency Powers) Amendment Act.

3 & 4 Geo. 6 Ch. 37. 10th July, 1940.

1.—(1) Where an application is made by the lessor or mortgagee of any premises, other than a dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, apply, for leave to exercise any of the rights and remedies mentioned in subsections (1), (2) and (3) of section one of the principal Act, being a a right or remedy arising in consequence of a default in the payment of rent or mesne profits, or, as the case may be, in the payment of any instalment of or interest on mortgage money, the appropriate court, if it gives leave subject to restrictions and conditions, shall not make the leave conditional on any default in the payment of rent or mesne profits falling due after the date of the hearing of the application or, as the case may be, on any default in the payment of any mortgage money or interest thereon falling due after that date; but nothing herein shall be taken as prejudicing the power of the court, on any subsequent application for leave to exercise the same right or remedy, to vary the conditions or give unconditional leave, having regard to any such default occurring after the first application but before the subsequent application.

(2) Where the appropriate court, after the passing of this Act, refuses leave under the said section one to enforce a judgment or order for the recovery of possession of any such premises as aforesaid in default of payment of rent, or gives such leave subject to restrictions and conditions, the lease shall be deemed not to have been forfeited and shall continue in force so long as the judgment or order remains unenforceable, but no longer.

(3) Where the appropriate court, before the passing of this Act, has refused leave under the said section one to enforce a judgment or order for the recovery of possession of any such premises as aforesaid in default of payment of rent, or has given such leave subject to restrictions and conditions, and the judgment or order remains unenforceable, the person who, if the lease had not been forfeited, would be entitled to the benefit thereof, may apply to the court for relief from forfeiture, and the court may grant such relief and direct that it shall have effect so long as the judgment or order remains unenforceable, but no longer.

(4) Where relief is granted under the last foregoing subsection from forfeiture of a lease, any order made under subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925, vesting the premises or any part thereof in an under-lessee shall have effect subject to the relief so given.

2.—(1) It is hereby declared for the removal of doubt that on an application for leave to exercise any of the rights or remedies mentioned in subsections (1), (2) and (3) of section one of the principal Act, the appropriate court—

(*a*) in determining whether the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question is unable immediately to do so by reason of circumstances directly attributable to any war in which His Majesty may be engaged; or

(*b*) in determining the restrictions and conditions (if any) subject to which the leave is to be given;

may take account of other liabilities, whether present or future, of that person:

Provided that nothing in this subsection shall be construed as affecting the provisions of the foregoing section of this Act or as enabling the court to make the leave conditional on a failure to satisfy any such other liability.

(2) Rules made under the principal Act may provide for the service of notice of any such application upon persons, other than the applicant, having claims against the person liable as aforesaid, and for enabling such persons to be heard at the hearing of the application.

3.—(1) Where an application is made by the mortgagee of a dwelling-house for leave to exercise in relation to the mortgage or the dwelling-house any of the rights or remedies mentioned in subsections (2) and (3) of section one of the principal Act, and the mortgagor is a person serving in the armed forces of His Majesty or mainly dependent on a person so serving, the appropriate court, unless it is satisfied that the mortgagor is able immediately to pay the debt or to perform the obligation in question or that his inability to do so does not arise by reason of circumstances directly or indirectly attributable to any war in which His Majesty may be engaged, may in its absolute discretion refuse leave for the exercise of that right or remedy or give leave therefor subject to such restrictions and conditions as the court thinks proper.

(2) Where at the hearing of any such application as aforesaid the mortgagor is not present or is not represented, he shall, unless the contrary is proved by the applicant, be deemed for the purposes of the foregoing subsection to be a person serving in the armed forces of His Majesty or mainly dependent on a person so serving.

(3) Rules made under the principal Act may provide that, in such cases and subject to such conditions as may be specified in the rules, the leave of the appro-

priate court to appoint a receiver of the rents and profits of any mortgaged dwelling-house may be given on the ex-parte application of the mortgagee.

(4) For the avoidance of doubt it is hereby declared that subsection (1) of section one of the Possession of Mortgaged Land (Emergency Provisions) Act, 1939 (which restricts the right of mortgagees to obtain possession of land mortgaged before the third day of September nineteen hundred and thirty-nine) applies to any right to obtain possession conferred on the mortgagee by virtue of any attornment or other provision contained in the mortgage or in any agreement collateral thereto; and accordingly the said subsection shall have effect and be deemed always to have effect as if after the words "obtain possession of the land" there were inserted the words "whether by virtue of his estate or interest "as mortgagee or of any attornment or other provision "contained in the mortgage or in any agreement collateral "thereto."

4.—(1) Subsection (3) of section one of the principal Act (which prevents persons proceeding without the leave of the court to execution on judgments and orders for the recovery of possession of land) shall have effect as if after the words "payment of money" there were inserted the words "or for the delivery of any property "other than land by reason of a default in the payment "of money."

(2) Where the appropriate court refuses leave under subsection (4) of section one of the principal Act to take possession of goods let under a hire-purchase agreement or to execute any judgment or order for the delivery of such goods, or gives such leave, subject to restrictions and conditions, and the hirer, before possession is taken or the judgment or order is executed, pays the hire-purchase price, the owner's title to the goods shall, notwithstanding any failure to pay the hire-purchase price at the times required by the agreement, vest in the hirer.

5.—(1) In relation to any application under the principal Act for leave to enforce a judgment or order for the recovery of possession of land in default of payment of rent, the references in subsection (4) of section one of the principal Act and in section two of this Act to the person liable to satisfy the judgment or order or to pay the rent or other debt or to perform the obligation in question shall be construed as referring only to the person against whom the judgment or order was made and who is or would be, but for any forfeiture incurred in consequence of the default, entitled to the benefit of the lease under which the rent was reserved.

(2) On any application under the principal Act for leave to enforce a judgment or order for the recovery in default of payment of rent of possession of land held in distinct parcels under one lease by two or more lessees, the court may (notwithstanding that a single rent was reserved by the lease and the proviso for re-entry in default of payment of the rent was not severable) order that the application shall be dealt

with as if those parcels had been held under distinct leases and applications were being made for leave to enforce separate judgments or orders in relation thereto, and may make such consequential provision as seems just for the apportionment of the arrears of rent, for the relief of any lessee from forfeiture of the parcel held by him and for the adjustment of the rights and obligations under the lease of the parties to the application.

(3) In paragraph (*c*) of the proviso to subsection (1) of section one of the principal Act (which excepts from that subsection judgments and orders under which costs only are recoverable) the expression "costs" shall be deemed to include all charges and possession money payable to a sheriff in respect of interpleader proceedings taken by him.

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

(*a*) for the reference to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, there shall be substituted a reference to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1940 and to Part II of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940;

(*b*) for the reference to subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925, there shall be substituted a reference to section four of the Conveyancing and Law of Property Act, 1892;

(*c*) For the reference to a sheriff there shall be substituted a reference to an under-sheriff.

7.—(1) This Act may be cited as the Courts (Emergency Powers) Amendment Act, 1940, and shall be construed as one with the Courts (Emergency Powers) Act, 1939, and this Act and that Act may be cited together as the Courts (Emergency Powers) Acts, 1939 and 1940.

(2) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:

"armed forces of His Majesty" does not include the Local Defence Volunteers; "hire-purchase agreement," "hire-purchase price," "owner" and "hirer" have the meanings respectively assigned to them by section twenty-one of the Hire-Purchase Act, 1938;

"lease" includes an under-lease and any contract of tenancy, and the expressions "lessee" and "lessor" shall be construed accordingly;

"the principal Act" means the Courts (Emergency Powers) Act, 1939, as amended by the Possession of Mortgaged Land (Emergency Provisions) Act, 1939, and the Courts (Emergency Powers) (Scotland) Act, 1939.

Long Vacation (1940) Order.

No. 1323 / L. 18, 17th July, 1940.

Whereas by section 53 of the Supreme Court of Judicature (Consolidation) Act, 1925, it is enacted that His Majesty may from time to time by Order in Council, on a report or recommendation made, with the concurrence of the Lord Chancellor, by the Council of Judges of the Supreme Court assembled in pursuance of the provisions of Part X of that Act, make, revoke, or modify Orders regulating the Vacations to be observed by the High Court and the Court of Appeal and in the offices of the said Courts respectively:

And whereas a Council of Judges of the Supreme Court, assembled in pursuance of the said provisions at the House of Lords on Monday, the 15th day of July, 1940, recommended that the Long Vacation for the year 1940 should be cancelled, without prejudice to any Order which may be made by the Lord Chancellor for the purpose of suspending the Sittings of the High Court or Court of Appeal under subsection (4) of section 1 of the Administration of Justice (Emergency Provisions) Act, 1939:

And whereas the Lord Chancellor concurs in that recommendation:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows;—

1. The Long Vacation for the year 1940 shall be cancelled.

2. This Order shall be without prejudice to any Order which may be made by the Lord Chancellor for the purpose of suspending the Sittings of the High Court or Court of Appeal under subsection (4) of section 1 of the Administration of Justice (Emergency Provisions) Act, 1939.

3. This Order may be cited as the Long Vacation (1940) Order, 1940.

Rules of the Supreme Court (No. 4).

No. 1321 / L. 17, 19th July, 1940.

1.—(1) The following words shall be added at the end of Order XXVII, Rule 7:—

", upon the production of a certificate by the solicitor for the plaintiff or, in the case of a plaintiff in person of an affidavit that the action is not one to which Rule 17 of this Order applies.".

(2) In Order XXVII, Rule 17, the following words shall be inserted at the end of paragraph (*a*) and also at the end of paragraph (*b*):—

"and to such other person (if any) as the court or a judge may think proper.".

2. The following Rules shall be inserted in the Rules of the Supreme Court, 1883, after Order LIVG and shall stand as Order LIVH.

"ORDER LIVH.

Procedure on Applications under Section 2 (3) of the Public Order Act, 1936.

1. Any application to the High Court under subsection (3) of section 2 of the Public Order Act, 1936, shall be made in the Chancery Division by originating summons *inter partes*, and shall be intituled in the matter of the association by the name (if any) under which it is commonly known, and in the matter of the said Act.

2. The defendants to the originating summons shall be such persons as the Attorney-General shall determine.

3. In the absence of other sufficient representation, the court or a judge may appoint the Official Solicitor to represent any interests which in the opinion of the court or judge ought to be represented on any inquiry directed under the subsection aforesaid.

4. The Rules of the Supreme Court for the time being in force and the practice and procedure of the Chancery Division shall apply."

3.—(1) In the year 1940 there shall be no Long Vacation and the Trinity Sittings of the Court of Appeal and of the High Court shall terminate on the 11th day of October instead of the 31st day of July.

(2) The provisions of this Rule shall have effect notwithstanding anything to the contrary in Rule 1 and paragraph (1) of Rule of Order LXIII.

4. These Rules may be cited as the Rules of the Supreme Court (No. 4), 1940, and shall come into operation on the 29th day of July, 1940.

County Court (Emergency Powers) (No. 2) Rules.

No. 1422 / L. 22, 4th August, 1940.

1. In Rule 11 of the principal Rules, the words "possession or delivery" shall be substituted for the words "or possession".

2. Paragraphs (2) to (5) of Rule 18 of the principal Rules shall be omitted and the following paragraphs shall be substituted therefor:—

"(2) Where a mortgagee of land who is plaintiff in an action for the recovery of the land by reason of a default in the payment of money desires to apply for

leave to realise his security by selling the land or to appoint a receiver of the rents and profits thereof, the application may be made in the course of the action (whether before or after judgment).

(3) The provisions of Rules 8 and 9 shall apply to an application under the last preceding paragraph as they apply to an application for leave to proceed to the enforcement of a judgment given in an ordinary action:

Provided that—

(*a*) the notice of the application shall be to the effect of Form No. 10 instead of Form No. 2 or Form No. 3; and

(*b*) the notice shall not be served with the summons in the action unless the plaintiff has included in the praecipe a statement that he desires a notice to the effect of Form No. 2 and also a notice to the effect of Form No. 10 to be served with the summons; and

(*c*) where the notice has not been served with the summons, the application shall not be made except on notice."

3. After Rule 18 of the principal Rules, 1940, there shall be inserted the following new Rules:—

"*General Provisions as to Procedure.*

18A. Where upon an application for leave to proceed or to exercise any of the rights or remedies specified in subsection (2) it appears to the court that the defendant desires that his liabilities other than the liability to which the application relates should be taken into account, and that the defendant has given notice of the application to persons having claims against him in respect of such other liabilities, the court may permit any such person to be present at the hearing of the application, and may permit him to make representations in relation to the subject-matter of the application:

Provided that nothing in this Rule shall be construed as preventing the court from taking a liability into account by reason only of the fact that notice of the application has not been given by the defendant to the person having a claim against him in respect of that liability.

18B.—(1) Where a mortgagee of a dwelling-house has, in relation to the mortgage or the dwelling-house, commenced proceedings for leave to exercise any of the rights or remedies specified in subsection (2) and he satisfies the court—

(*a*) that prompt service of the application cannot be effected; or

(*b*) that the person who, if alive, would be the proper respondent to the application, is dead and that no grant of representation has been taken out to

his estate or that it has not been possible to ascertain the person or persons (if any) who would be entitled to apply for a grant of representation; or

(*c*) that it is otherwise expedient;

the court may, upon the *ex parte* application of the mortgagee, give leave to exercise any remedy which may be available to him by way of the appointment of a receiver of the rents and profits of the mortgaged dwelling-house.

(2) Leave may be given for the appointment of a receiver subject to such conditions as the court thinks fit to impose, and, without prejudice to the generality of this provision, the court may require the mortgagee to give an undertaking—

(i) to remove a receiver appointed, if so directed by the court;

(ii) to direct the receiver to pay to such person as the court may direct any sums which may become applicable in or towards the discharge of the principal money due under the mortgage in accordance with paragraph (v) of Section 109 (8) of the Law of Property Act, 1925."

4.—(1) In Rule 22 (2) (*c*) of the principal Rules—

(i) after the words "recovery of land" there shall be inserted the words "or for the return of goods"; and

(ii) the words "or for leave to proceed in an action for the return of goods (under Rule 18 (2))" shall be omitted and the following words shall be substituted therefor "or for leave to exercise a remedy in an action for the recovery of land (under Rule 18 (2))".

(2) The following sub-paragraph shall be added to Rule 22 (2):—

"(*e*) Where an application is made in respect of the same land both under Rule 9 and under Rule 18 (2), only one set of costs shall be allowed unless the court otherwise orders.".

5. The following Form shall be substituted for Form No. 10 in the Appendix to the principal Rules:—

"10.

NOTICE OF INTENTION TO APPLY FOR LEAVE TO SELL OR APPOINT RECEIVER.

(*Title of Action.*)

Take notice that the plaintiff intends to apply under the Courts (Emergency Powers) Act, 1939, to the court at [at the time when the judgment in the above-mentioned action is given] [*or* on the day of 19 , at the hour of in the noon] for an order giving leave to exercise the following remedy, namely [to realise his security by selling] [*or* to appoint a receiver of

the rents and profits of] the property to which the above-mentioned action relates.

Under the Courts (Emergency Powers) Act, 1939, a person is not entitled, except with the leave of the court, to exercise certain remedies, including the remedy aforesaid, and if the court is of opinion that the person liable to pay the rent or other debt or perform the obligation in question is unable immediately to do so by reason of circumstances directly or indirectly attributable to the present war, the court may refuse leave to exercise the remedy or may give leave to exercise it subject to such restrictions and conditions as the court thinks proper.

If you desire to take advantage of the protection afforded by the said Act, you should attend at the place and time above-mentioned, when you will have an opportunity of showing cause why the discretion of the court should be exercised in your favour.

If you do not attend at the time and place above-mentioned, such order will be made as the court thinks proper.

To the Defendant.".

6.—(1) These Rules may be cited as the County Court (Emergency Powers) (No. 2) Rules, 1940.

(2) In these Rules the expression "the principal Rules" means the County Court (Emergency Powers) (Consolidation) Rules, 1940.

(3) These Rules shall come into operation on the 12th day of August, 1940.

Defence (War Zone Courts) Regulations.

No. 1444, 7th August, 1940.

1. These Regulations may be cited as the Defence (War Zone Courts) Regulations, 1940.

2.—(1) For the purpose of securing the trial and punishment of offenders in any places in England in which by reason of recent or immediately apprehended enemy action the military situation is such that criminal justice cannot be administered by the ordinary courts with sufficient expedition, the Minister of Home Security (hereinafter referred to as "the Minister") may by order establish special courts (hereinafter referred to as "war zone courts"), so, however, that the provisions of these Regulations as to the trial of offenders by war zone courts shall not have effect in relation to any area until that area has been declared by an order made by the Minister to be a war zone.

(2) An order made under this Regulation shall specify the district for which each war zone court is established, but without prejudice to the provisions of these Regulations as to the jurisdiction of, and distribution of business between, war zone courts.

(3) Every war zone court established under this Regulation shall be a superior court of record.

2.—(1) Subject to the provisions of this Regulation, a war zone court shall consist of a president appointed by the Lord Chancellor and two other members (in these Regulations referred to as "advisory members") appointed by the president from a panel constituted by a Secretary of State.

(2) A person shall not be qualified to be appointed president of a war zone court unless he is a judge of the Supreme Court, or is otherwise qualified under subsection (3) of section seventy of the Supreme Court of Judicature (Consolidation) Act 1925, to be appointed a commissioner of assize.

(3) A person shall not be qualified to be appointed to be a member of the panel of advisory members constituted for a war zone court unless he is a justice of the peace.

(4) In appointing persons to be members of the panel of advisory members constituted for any war zone court the Secretary of State shall take into account the expediency of appointing, where practicable, persons residing in or otherwise connected with the district for which the court is established; and, in appointing advisory members from the panel, the president shall take into account the expediency of securing an even distribution of work among members of the panel so far as circumstances permit.

(5) Save as otherwise expressly provided in these Regulations, all questions to be determined by a war zone court shall be determined by the president after consultation with the advisory members.

(6) A person holding office as president of a war zone court shall hold office as such upon the like tenure as a puisne judge of the High Court.

(7) A person appointed to be an advisory member of a war zone court shall hold office as such for such period as may be determined at the time of his appointment by the president appointing him; so, however, that if the president is of opinion that it is expedient that any person holding office as an advisory member of a war zone court should not take part in the trial of any particular case to be tried by that court during the period for which he was appointed, the president may appoint another person from the panel to act in his stead.

(8) The Secretary of State may appoint persons to, and remove persons from, the panel of advisory members constituted for any war zone court as he thinks fit:

Provided that no person shall be removed from any such panel while he holds office as a member of a war zone court.

4. A Secretary of State may appoint to assist in conducting the administrative

business of war zone courts such officers as he thinks fit, and may fix the terms of their appointment, subject to the consent of the Treasury as to the number of officers appointed and as to their remuneration and other conditions of service.

5.—(1) If the Minister is satisfied that by reason of recent or immediately apprehended enemy action the military situation in any area in England is such that criminal justice cannot be administered by the ordinary courts with sufficient expedition, he may by order specifying the area declare that area to be a war zone, and upon any area being so declared to be a war zone the following provisions of these Regulations shall have effect in relation to that area.

(2) Any order made under this Regulation may make provision as to the distribution of business between war zone courts in relation to the trial and punishment of offences committed in war zones.

6.—(1) A war zone court shall, in any area for which it or any other war zone court is for the time being established, have jurisdiction to try any person charged with an offence punishable whether by virtue of any enactment or at common law, by the High Court, a court of assize, a court of quarter sessions or a court of summary jurisdiction, and, subject to the provisions of this Regulation as to sentence, to deal with any person tried by it in like manner in all respects as he might have been dealt with by any such court as aforesaid, if he had been tried on indictment or summarily, as the case may be:

Provided that save as otherwise expressly provided in this Regulation a war zone court shall not have jurisdiction to try any person in respect of an offence committed elsewhere than in a war zone.

(2) A war zone court may sentence any person convicted by that court of an indictable offence to any punishment to which he might have been sentenced by a court of assize or quarter sessions if he had been convicted on indictment, and may sentence any person convicted by the war zone court of any offence to any punishment to which he might have been sentenced by a court of summary jurisdiction if he had been summarily convicted of that offence.

(3) Where a person is charged before a war zone court with an indictable offence and the court, after taking into account both the nature of the offence and the military situation, is of opinion that the person charged ought to be tried by a court of assize, or, in a case within the jurisdiction of a court of quarter sessions, by a court of quarter sessions, and that it is practicable for him to be so tried, the war zone court—

(*a*) may direct that he be charged before justices, or

(*b*) may deal with the case as if the war zone court were examining justices, and commit him for trial to such court of assize or court of quarter sessions as the war zone court may determine, or

(*c*) if the person charged has been committed for trial before the war zone court, may direct that the committal shall have effect as if he had been committed to such court of assize or court of quarter sessions as may be specified in the direction.

(4) Where a person is charged before a war zone court with any offence which could be dealt with by a court of summary jurisdiction and the war zone court, after taking into account both the nature of the offence and the military situation, is of opinion that the person charged ought to be dealt with by a court of summary jurisdiction and that it is practicable for him to be so dealt with, the war zone court may direct that he be charged before a court of summary jurisdiction.

(5) The powers conferred by the last two foregoing paragraphs may be exercised by a war zone court whether or not the court is satisfied that the offence in respect of which the proceedings were taken was, if committed, committed in a war zone, and, subject to any directions given by the president, the said powers may, except in a case in which proceedings could not apart from these Regulations be instituted without a fiat of the Attorney-General or the Solicitor-General or by or with the consent of the Director of Public Prosecutions, be exercised in the absence of the president.

(6) If any person charged with an offence before a war zone court objects before pleading to the charge that the offence, if committed, was not committed in a war zone, the court shall examine into the objection, and shall, if it upholds the objection, deal with the case under the powers conferred by the last three foregoing paragraphs, but after any such objection has been over-ruled by a war zone court or after the person charged has pleaded to the charge or been found by the court to be mute of malice or unfit to plead, the jurisdiction of the court shall not be open to question on the ground that the offence in respect of which the proceedings were taken was committed elsewhere than in a war zone.

(7) A war zone court may by order require any proceedings pending before justices in respect of an offence alleged to have been committed in a war zone to be removed to a war zone court and such an order may be made in the absence of the person charged: where any proceedings have been so removed the person charged shall be brought before the war zone court and that court may deal with the case as if the proceedings had been initiated before that court.

(8) If during the trial of any person by a war zone court one of the advisory members becomes for any reason unable to continue to be present, the trial may, unless the president otherwise directs, be proceeded with in the absence of that member

and all proceedings consequent thereon shall be as valid as if he had continued to be present.

(9) A war zone court shall have jurisdiction to try a person in respect of an offence committed in any place within an area which is a war zone notwithstanding that the offence was committed before the area was declared to be a war zone, and where any person has been committed for trial for an offence alleged to have been committed in any place within an area which is, after the committal but before the trial, declared to be a war zone, any warrant, recognizance, or other document, requiring a person charged or any other person to appear or be brought before any court named in the warrant, recognizance, or other document, shall have effect as if a war zone court were therein substituted for the court so named.

7.—(1) Subject as hereinafter provided, any person by whom an offence is alleged to have been committed in a war zone shall be proceeded against before justices in like manner as if the place in which the offence is alleged to have been committed had not been within a war zone:

Provided that if an officer of His Majesty's forces of a rank not lower than that of Lieutenant-Commander, Major, or Squadron Leader, or an officer of police of a rank not lower than that of superintendent, considers it expedient, by reason of the nature of the offence or by reason of the military situation, that proceedings against a person by whom an offence is alleged to have been committed in a war zone should be initiated in a war zone court, he may direct that the proceedings shall be so initiated instead of being initiated by way of information or charge before justices.

(2) Where any person is charged before justices with an indictable offence alleged to have been committed in a war zone the justices shall not (unless they are satisfied that the offence if committed was committed elsewhere than in a war zone or unless the person is charged before them in pursuance of a direction given under the last foregoing Regulation) commit him for trial at assizes or quarter sessions, but, if they commit him for trial, shall commit him for trial by a war zone court.

(3) No person shall, in respect of any offence alleged to have been committed in a war zone, be committed upon a coroner's inquisition for trial by any court except a war zone court, unless the coroner is satisfied that the offence, if committed, was committed elsewhere than in a war zone.

(4) No provision of any enactment prohibiting the institution of proceedings for an offence without a fiat of the Attorney-General or Solicitor-General, or providing that proceedings for an offence shall not be instituted except by or with the consent of the Director of Public Prosecutions, a constable, or any other authority, shall have effect with respect to the institution of proceedings initiated before a war zone court.

8. In any proceedings before a war zone court the prosecutor may appear by counsel, by a solicitor, by an officer of His Majesty's forces, or by any member of a police force of a rank not lower than that of inspector; and any person charged may appear by counsel, by a solicitor, by an officer of His Majesty's forces, or by such other person, if any, as may be allowed by the court.

9. The Poor Prisoners Defence Act 1930, shall apply to proceedings before war zone courts subject to the following modifications, that is to say—

(*a*) the president of a war zone court shall be deemed for the purposes of that Act to be the judge of the court;

(*b*) the reference in subsection (1) of section one thereof to a person committed for trial for an indictable offence shall include a reference to a person tried for an indictable offence before a war zone court notwithstanding that he has not been committed to that court for trial;

(*c*) the reference in paragraph (*a*) of subsection (2) of section one thereof to committing justices shall include a reference to a war zone court which commits any person for trial;

(*d*) in paragraph (*b*) of the said subsection (2) the words "after reading the depositions" shall not have effect;

(*e*) the reference in section two thereof to a court of summary jurisdiction shall include a reference to a war zone court which tries a person for any offence other than an indictable offence;

(*f*) the reference in the said section two to examining justices shall include a reference to a war zone court which deals with any case as is the court were examining justices;

(*g*) for the words after "shall be made" in subsection (1) of section three thereof there shall be substituted the words "by the war zone court by which the certificate is granted, and for that purpose a war zone court which tries any person for an offence other than an indictable offence shall have power to make such an order notwithstanding that the charge is not for an indictable offence and shall, where it makes such an order in a case where the charge is not for an indictable offence, be deemed for the purposes of subsection (1) of section three of the Costs in Criminal Cases Act 1908, to be a court of summary jurisdiction acting for the county or place in which the war zone court is sitting";

(*h*) the reference in subsection (3) of the said section three to a court of assize shall include a reference to a war zone court which tries any person for an indictable offence; and

(*i*) the references in section four thereof to "this Act" shall include a reference to that Act as applied by these Regulations.

10.—(1) The rules of evidence to be adopted in proceedings before war zone courts shall be those which are followed in the ordinary courts of criminal jurisdiction, and no person shall be required to answer any question or to produce any document which he would not be required to answer or produce in similar proceedings before such a court.

(2) A war zone court shall have the like powers to exclude persons or classes of persons from proceedings before the court and to give directions prohibiting or restricting the disclosure of information with respect to such proceedings as are possessed by the ordinary courts of criminal jurisdiction, and such powers shall be exercisable subject to the like conditions as are applicable in those courts, but save as aforesaid all proceedings before war zone courts shall be conducted in open court.

11. A war zone court shall take into consideration any representations made to the court by an officer of His Majesty's forces as to any inconvenience which would be occasioned if the court were to direct any person charged before it to be dealt with by some other court, and any representations made by any such officer after the conviction of any person as to the gravity of the offence of which that person has been convicted having regard to the military situation.

12.—(1) If in any proceedings before a war zone court—

(*a*) any person convicted is sentenced to death or to penal servitude for a term of seven years or more; or

(*b*) (in any case in which no person is so sentenced) the president of the court certifies that in his opinion the case has involved questions of special difficulty, whether of law or fact, or is one which for any other reason ought properly to be reviewed,

the proceedings shall in accordance with rules made under these Regulations be submitted for review by three persons who hold or have held high judicial office and a decision of those persons or of the majority of them shall be final.

(2) In considering whether to issue a certificate under subparagraph (*b*) of the last foregoing paragraph in respect of any proceedings the president of the court shall have regard to any representations made to him by or on behalf of any person convicted in the proceedings.

(3) If a Secretary of State is of opinion that it is expedient in the interests of justice that any proceedings of a war zone court should be reviewed, he shall direct that the proceedings be submitted for review in like manner as if the president of

the court had issued a certificate under sub-paragraph (*b*) of paragraph (1) of this Regulation.

(4) The persons to whom proceedings are submitted for review under this Regulation shall—

(*a*) if they think that any conviction by the war zone court is unreasonable or cannot be supported having regard to the evidence, or that any question of law has been wrongly decided by that court, and that a substantial miscarriage of justice has occurred, quash the conviction and direct a judgment of acquittal to be entered;

(*b*) if they think that any sentence passed by the war zone court, other than a sentence fixed by law, ought te be less severe, quash the sentence of that court and pass in substitution therefor such less severe sentence, warranted in law by the conviction, as they think proper;

and shall in relation to any such proceedings have the like powers as are conferred on the Court of Criminal Appeal, in relation to appeals to that court, by the provisions of section five, subsection (2) of section six, section nine, section ten, and section fourteen of the Criminal Appeal Act 1907, and the rules made for the puroses of this Regulation shall in particular provide accordingly for the application of those provisions, of the provisions of subsection (1) of the said section six, and of section thirteen of the said Act, subject to such necessary adaptations, modifications, and exceptions, as may be provided by the rules.

(4) The persons to whom proceedings may be submitted for review under this Regulation shall be nominated by the Lord Chancellor; and in this Regulation the expression "high judicial office" has the same meaning as in section twenty-five of the Appellate Jurisdiction Act 1876.

(5) Save as expressly provided in this Regulation no conviction, sentence, judgment, or order of a war zone court shall be subject to any appeal, and no enactment relating to appeals in criminal cases shall apply with respect to any such conviction, sentence, judgment, or order.

13.—(1) When a person has been sentenced by a war zone court to death or to penal servitude, imprisonment, or detention, the president of the court shall issue a warrant of committal signed by him or by such officer of the court as may be prescribed by rules made under these Regulations, and the person sentenced shall be conveyed with the warrant to the nearest convenient prison and thereafter dealt with in accordance with directions of the Prison Commissioners:

Provided that where, by reason of the military situation, it is, in the opinion of the officer of police or officer of His Majesty's forces having the custody of any person

in respect of whom a warrant has been issued under this paragraph, impracticable to convey him to the nearest convenient prison, the warrant shall be authority for the detention of that person in the custody of the police in such place as may be determined by an officer of police of a rank not lower than that of inspector, or in military custody, until he can be conveyed to prison or, in a case where a person sentenced to death cannot be so conveyed before the time at which the sentence can lawfully be carried out, until the execution of the sentence.

(2) When a person has been sentenced to death by a war zone court a Secretary of State shall in a case where the person sentenced can without undue difficulty be conveyed to a prison equipped for the carrying out of sentences of death by hanging, and may in any other case, direct that he shall be dealt with in like manner as a person convicted on indictment of murder, and may by any such direction determine the prison in which the sentence is to be executed and make provision for charging such sheriff as may be specified in the direction with the execution thereof; but in the absence of any such direction the sentence shall be carried out by shooting in like manner as in the case of a person upon whom sentence of death has been passed under the Army Act by a court martial:

Provided that no sentence of death passed in any proceedings befor a war zone court shall be carried out until the decision of the persons to whom the proceedings have been submitted for review in accordance with the last foregoing Regulation has been communicated to the person whose duty it is to carry out the sentence.

14—(1) A war zone court before which a person is tried for any indictable offence shall have the like power to make orders under the Costs in Criminal Cases Act 1908, as a court of assize, and shall for all the purposes of that Act be deemed to be a court of assize, and the references in subsection (2) of section six of that Act to an indictment shall accordingly be deemed to include refecences to a charge before a war zone court.

(2) A war zone court which deals with a case as if the court were examining justices shall have the like power to make an order under the Costs in Criminal Cases Act 1908, as examining justices, and shall for all the purposes of that Act be deemed to be examining justices.

(3) Where a war zone court convicts or discharges any person charged with any offence other than an indictable offence, the court may—

(*a*) in the case of a conviction, order that the defendant shall pay to the prosecutor such costs incurred by the prosecutor in and about the prosecution as the court thinks fit;

(*b*) in the case of a discharge, order that the prosecutor shall pay to the

defendant such costs incurred by the defendant in and about the defence as the court thinks fit.

15.—(1) Subject to any rules made under these Regulations, a war zone court shall have power to make such order relating to matters consequential upon any orders or directions given by the court, and to make such orders for authorising arrest, requiring the attendance of persons and the production of articles, remanding any person charged, granting bail, and taking forfeiting discharging and otherwise dealing with recognisances, as the court thinks necessary or expedient, and shall have power to administer oaths, to require witnesses to give evidence (whether for the prosecution or for the defence), and to punish contempt of court; and may, in exercising any of the said powers, dispense with any formalities imposed by law upon their exercise or upon the manner of their exercise by other courts.

(2) Rules made under these Regulations may provide for enabling any such orders as are mentioned in the last foregoing paragraph to be made, and generally for any interlocutory matters specified in the rules to be dealt with, on behalf of a war zone court by one or more of the members of that court in the absence of the other members.

(3) Subject to any rules made under these Regulations, the practice and procedure of any war zone court shall be regulated in accordance with such directions as may be given by the president of the Court.

16.—(1) The Lord Chancellor may make rules as to the practice and procedure of war zone courts, as to the prosecution of offences before such courts, and as to the enforcement of the orders of such courts, and such rules may provide for the application, with or without modifications, of any of the enactments relating to practice or procedure in, or the prosecution of offences before, or the enforcement of orders of, the ordinary courts of criminal jurisdiction, but subject to any such rules and to the provisions of these Regulations, none of the said enactment shall apply to the practice or procedure of war zone courts, to the prosecution of offences before such courts, or to the enforcement of the orders of such courts.

(2) The Lord Chancellor may make rules as to the practice and procedure of justices and coroners in relation to offences alleged to have been committed in war zones, and such rules may provide for suspending the operation of, or for modifying, in relation to their practice and procedure in relation to such offences, any enactment regulating the practice or procedure of justices or coroners, and shall in particular make such modifications in section seventeen of the Summary Jurisdiction Act 1879, as are necessary for securing that a defendant in any case to which that section applies is correctly informed as to his right to claim to be committed for trial.

(3) The Lord Chancellor may make rules for any of the purposes for which rules are required to be made by Regulation twelve of these Regulations, and generally as to the practice and procedure to be followed in connection with the review of proceedings of war zone courts under that Regulation.

(4) The Lord Chancellor may make rules as to the custody of persons charged before war zone courts pending the determination of the proceedings of such courts, and of persons convicted by war zone courts after conviction.

(5) Any rules made by the Lord Chancellor under these Regulations shall be laid before Parliament.

(6) Section one of the Rules Publication Act 1893, shall not apply to any rules made under this Regulation.

17. Any order made by the Minister under these Regulations may be varied or revoked by a subsequent order made by him, so, however, that where by virtue of any order varying or revoking an order made under Regulation five of these Regulations any area ceases to be, or form part of, a war zone, any proceedings pending in a war zone court at the date on which the order comes into operation in respect of an offence alleged to have been committed in that area, and all proceedings consequent thereon, may continue and shall be as valid as if that order had not been made.

18.—(1) The Interpretation Act 1889, shall apply for the purposes of the interpretation of these Regulations as if these Regulations were an Act of Parliament, and section twenty-seven of that Act (which defines the expression "committed for trial") shall, while these Regulations are in force, have effect as if after the word "before" in both places where that word occurs there were inserted the words "a war zone court or before".

(2) In these Regulations the expression "enactment" includes any rule, regulation, byelaw, or order having the force of an Act, and the expression "indictable offence" includes any offence in respect of which a person has claimed under section seventeen of the Summary Jurisdiction Act 1879, to be committed for trial.

Defence (War Zone Courts) (Scotland) Regulations.

No. $\frac{1445}{S.\ 64}$, 7th August, 1940.

1. These Regulations may be cited as the Defence (War Zone Courts) (Scotland) Regulations, 1940.

2.—(1) For the purpose of securing the trial and punishment of offenders in any places in Scotland in which by reason of recent or immediately apprehended enemy action the military situation is such that criminal justice cannot be administered

by the ordinary courts with sufficient expedition, the Secretary of State may by order establish special courts hereinafter referred to as "war zone courts" so, however, that the provisions of these Regulations as to the trial of offenders by war zone courts shall not have effect in relation to any area until that area has been declared by an order made by the Minister of Home Security (hereinafter referred to as "the Minister") to be a war zone.

(2) When any area is so declared to be a war zone the Secretary of State shall give such directions as he may think fit to secure that one or more war zone courts is available for the trial and punishment of persons alleged to have committed offences within the war zone.

3.—(1) Subject to the provisions of this Regulation, a war zone court shall consist of a president appointed by the Lord Justice General and two other members (in these Regulations referred to as "advisory members") appointed from time to time by the president from a panel constituted by the Secretary of State.

(2) A person shall not be qualified to be appointed president of a war zone court unless he is a Lord Commissioner of Justiciary, a sheriff or a sheriff substitute.

(3) A person shall not be qualified to be appointed to be a member of the panel of advisory members constituted for war zone courts unless he is an honorary sheriff substitute or a justice of the peace, or is or has been a magistrate of a burgh, or is an advocate or a solicitor of not less than five years standing.

(4) In appointing members of the panel to be advisory members of a war zone court the president shall take into account the expediency of appointing, where practicable, persons residing in or otherwise connected with the district in which the court is to sit.

(5) Save as otherwise expressly provided in these Regulations, all questions to be determined by a war zone court shall be determined by the president after consultation with ahe advisory members.

(6) A person holding office as president of a war zone court shall hold office as such upon the like tenure as a Lord Commissioner of Justiciary.

(7) A person appointed to be an advisory member of a war zone court shall hold his office for such period as may be determined at the time of his appointment by the president appointing him, so, however, that if the president is of opinion that it is expedient that any person holding office as an advisory member of a war zone court should not take part in the trial of any particular case to be tried by that court during the period for which he was appointed, the president may appoint another person from the panel to act in his stead.

(8) The Secretary of State may appoint persons to, and remove persons from,

the panel of advisory members constituted for any war zone court at such times as he thinks fit:

Provided that no person shall be removed from the panel while he holds office as a member of a war zone court.

4.—(1) The Secretary of State may appoint to assist in conducting the administrative business of war zone courts such officers as he thinks fit, and may fix the terms of their appointment, subject to the consent of the Treasury as to the number of officers appointed and as to their remuneration and other conditions of service.

(2) Subject to any directions issued by the Lord Advocate prosecutions in a war zone court shall be instituted and conducted by a procurator fiscal or procurator fiscal depute or by a person appointed for the purpose by the Lord Advocate: Provided that in any case where no procurator fiscal or procurator fiscal depute or other person so appointed is available, an officer of His Majesty's forces or such other person as may be allowed by the Court may institute and conduct such prosecutions.

(3) Any person charged before a war zone court may appear by counsel, by a solicitor, by an officer of His Majesty's forces or by such other person, if any, as may be allowed by the Court.

5. If the Minister is satisfied that by reason of recent or immediately apprehended enemy action the military situation in any area in Scotland is such that criminal justice cannot be administered by the ordinary courts with sufficient expedition, he may by order specifying the area, declare that area to be a war zone, and upon any area being so declared to be a war zone the following provisions of these Regulations shall have effect in relation to that area.

6.—(1) A war zone court shall in any war zone have jurisdiction to try any person charged with an offence which by virtue of any enactment or at common law is punishable on conviction on indictment or summarily, and to deal with any person tried by it or charged before it in like manner in all respects as he might have been dealt with if he had been tried or charged on indictment or summarily: Provided that the war zone court shall not impose on any person convicted by it of an offence punishable only on summary conviction any punishment which could not have been imposed on him if he had been summarily convicted in the sheriff court.

(2) Save as otherwise expressly provided in this Regulation, a war zone court shall not have jurisdiction to try or sentence any person in respect of an offence committed elsewhere than in a war zone.

(3) Any person apprehended with a view to trial before a war zone court shall wherever practicable be brought before such court or before a sheriff within twenty-four hours after his apprehension and where he is brought before the sheriff shall

have power to commit him to prison for any period not exceeding four days and to order intimation of such committal to the war zone court.

(4) Where a person is charged before a war zone court with an offence which could be tried on indictment or summarily, and the war zone court, after taking into account both the nature of the offence and the military situation, is of opinion that the person charged ought to be tried by the High Court of Justiciary or, in a case within the jurisdiction of the sheriff court, by that court and that it is practicable for him to be so tried, the war zone court may direct that he be so tried and commit him for trial accordingly, or may release him on bail and any person so committed or released shall be deemed to have been committed until liberation in due course of law or to have been released on bail after being so committed.

(5) The power conferred by the last foregoing paragraph may be exercised by a war zone court whether or not the court is satisfied that the offence in respect of which the proceedings were taken was, if committed, committed in a war zone.

(6) If any person charged with an offence before a war court objects before pleading to the charge that the offence, if committed, was not committed in a war zone the court shall examine the objection, and shall, if it upholds the objection, deal with the case under the powers conferred by paragraph (4) of this Regulation, but after any such objection has been over-ruled by a war zone court or after the person charged has pleaded to the charge or has refused to plead to the charge or has been found to be unfit to plead, the jurisdiction of the court shall not be open to question on the ground that the offence in respect of which the proceedings were taken was committed elsewhere than in a war zone.

(7) If during the trial of any person by a war zone court one of the advisory members becomes for any reason unable to continue to be present, the trial may, unless the president otherwise directs, be proceeded with in the absence of that member and all proceedings consequent thereon shall be as valid as if he had continued to be present.

(8) A war zone court shall have jurisdiction to try a person in respect of an offence committed in any place within an area which is a war zone notwithstanding that the offence was committed before the area was declared to be a war zone.

7. Subject as hereinafter provided, any person by whom an offence is alleged to have been committed in a war zone may be proceeded against in like manner as if the place in which the offence is alleged to have been committed were not within a war zone:

Provided that if an officer of His Majesty's forces of a rank not lower than that of Lieutenant-Commander, Major, or Squadron Leader considers it expedient, by

reason of the nature of the offence or by reason of the military situation, that proceedings against a person by whom an offence is alleged to have been committed in a war zone should be brought in a war zone court, he may make representations to that effect through the prosecutor to the war zone court and that court may direct that proceedings in respect of that offence shall be brought in the war zone court, or, if such proceedings have already been instituted in the sheriff court, that the proceedings shall be removed to the war zone court.

8.—(1) The rules of evidence to be adopted in proceedings before war zone courts shall be in accordance with the ordinary law and practice of Scotland in criminal cases, and no person shall be required to answer any question or to produce any document which he would not be required to answer or produce in similar proceedings before the High Court of Justiciary.

(2) A war zone court shall have the like powers to exclude persons or classes of persons from proceedings before the court and to give directions prohibiting or restricting the disclosure of information with respect to such proceedings as are possessed by the High Court of Justiciary, and such powers shall be exercisable subject to the like conditions as are applicable in that court, but save as aforesaid all proceedings before war zone courts shall be conducted in open court.

9. A war zone court shall take into consideration any representations made to the court by the prosecutor as to any inconvenience which would be occasioned if the court were to direct any person charged before it to be dealt with by some other court, and any representations made by the prosecutor after the conviction of any person as to the gravity of the offence of which that person has been convicted having regard to the military situation.

10.—(1) If in any proceedings before a war zone court—

(*a*) any person convicted is sentenced to death or to penal servitude for a term of seven years or more; or

(*b*) (in any case in which no person is so sentenced) the president of the court certifies that in his opinion the case has involved questions of special difficulty, whether of law or fact, or is one which for any other reason ought properly to be reviewed,

the proceedings shall in accordance with rules made under these Regulations be submitted for review by three persons who hold or have held high judicial office and a decision of those persons or of the majority of them shall be final.

(2) In considering whether to issue a certificate under subparagraph (*b*) of the last foregoing paragraph in respect of any proceedings the president of the court shall

have regard to any representations made to him by or on behalf of any person convicted in the proceedings.

(3) If the Secretary of State is opinion that it is expedient in the interests of justice that any proceedings of a war zone court should be reviewed, he shall direct that the proceedings be submitted for review in like manner as if the president of the court had issued a certificate under subparagraph (*b*) of paragraph (1) of this Regulation.

(4) The persons to whom proceedings are submitted for review under this Regulation shall—

(*a*) if they think that any conviction by the war zone court is unreasonable or cannot be supported having regard to the evidence, or that any question of law has been wrongly decided by that court, and that a substantial miscarriage of justice has occurred, quash the conviction and direct a judgment of acquittal to be entered;

(*b*) if they think that any sentence passed by the war zone court, other than a sentence fixed by law, ought to be altered, quash the sentence of that court and pass in substitution therefor such other sentence, warranted in law by the conviction, as they think proper; and

(*c*) in any other case confirm the conviction and sentence;

and shall in relation to any such proceedings have the like powers as are conferred on the High Court of Justiciary in relation to appeals under the Crminal Appeal (Scotland) Act, 1926, by the provisions of section three, section six, and section nine of that Act, and the rules made for the purposes of this Regulation shall in particular provide accordingly for the application of those provisions, subject to such necessary adaptations or modifications as may be provided by the rules.

(5) The persons to whom proceedings may be submitted for review under this Regulation shall be nominated by the Lord Justice General; and in this Regulation the expression "high judicial office" has the same meaning as in section twenty-five of the Appellate Jurisdiction Act, 1876.

(6) Save as expressly provided in this Regulation no conviction, sentence, judgment, or order of a war zone court shall be subject to any appeal, and no enactment relating to appeals in criminal cases shall apply with respect to any such conviction, sentence, judgment, or order.

11.—(1) Where a person has been sentenced by a war zone court to death or to penal servitude, imprisonment or detention, the president of the court shall issue a warrant of committal signed by him or by such officer of the court as may be prescribed by rules made under these Regulations and the person sentenced shall be

conveyed with the warrant to the nearest convenient prison and there dealt with in accordance with the directions of the Secretary of State.

Provided that where, by reason of the military situation, it is, in the opinion of the officer of police or officer of His Majesty's forces having the custody of any person in respect of whom a warrant has been issued under this paragraph, impractiable to convey him to the nearest convenient prison, the warrant shall be authority for the detention of that person in the custody of the police in such place as may be determined by an officer of police of a rank not lower than that of inspector, or in military custody, until he can be conveyed to prison or, in a case where a person sentenced to death cannot be so conveyed before the time at which the sentence can lawfully be carried out, until the execution of the sentence.

(2) Where a person is found by a war zone court to be insane or to have been insane at the time of committing the offence with which he is charged, the court shall order him to be kept in strict custody in such place and in such manner as to the court shall seem fit until His Majesty's pleasure be known, and the provisions of any enactment with regard to persons charged on indictment and ordered to be kept in such custody shall apply to any such person as if the order for his custody had been made in pursuance of the Lunacy (Scotland) Act, 1857, in proceedings on indictment.

(3) Where a person is liable, in pursuance of the sentence of a war zone court, to suffer death, the sentence shall be carried out by hanging at such time and place as the Secretary of State may appoint in like manner as if he had been sentenced by the High Court of Justiciary to suffer death at that time and place: Provided that the Secretary of State may, if, having regard to the military situation or for any other reason, he thinks it expedient so to do, direct that the sentence shall be carried out by shooting in like manner as in the case of a person upon whom sentence of death has been passed under the Army Act by a court martial.

12.—(1) Subject to any rules under these Regulations a war zone court shall have power to make such orders relating to matters consequential upon any orders or directions given by the court and to make such orders for authorising arrest, requiring the attendance of persons and the production of articles, adjourning the proceedings against any person charged and giving direction as to his detention in custody or liberation on bail or without bail during the period of adjournment, and forfeiting bail, as the court thinks necessary or expedient, and shall have power to administer oaths, to require witnesses to give evidence (whether for the prosecution or for the defence) and to punish contempt of court; and may exercise any of the said powers in such manner as the court may determine. All orders or warrants issued by a war

zone court shall have the like force and effect as similar orders or warrants of the High Court of Justiciary.

(2) Rules made under these Regulations may provide for enabling any such orders as are mentioned in the last foregoing paragraph to be made and generally for any interlocutory matters specified in the rules to be dealt with on behalf of a war zone court by the president of that court in the absence of the other members.

13.—1) The Lord Justice General may make rules as to the practice and procedure of war zone courts and as to the enforcement of the orders of such courts, and such rules may make provision for the application, with or without modifications, of any of the enactments relating to practice or procedure in, or the prosecution of offences before, or the enforcement of orders of, the ordinary courts, but subject to any such rules and to the provisions of these Regulations, none of the said enactments shall apply to the practice or procedure of war zone courts, to the prosecution of offences before such courts, or to the enforcement of the orders of such court.

(2) The Lord Justice General may make rules as to the practice and procedure of sheriff courts in relation to offences alleged to have been committed in war zones and such rules may provide for suspending the operation of, or for modifying, in relation to their practice and procedure in relation to such offences any enactment relating to the practice or procedure of sheriff courts.

(3) The Lord Justice General may make rules for any of the purposes for which rules are required to be made by Regulation ten of these Regulations, and generally as to the practice and procedure to be followed in connection with the review of proceedings of war zone courts under that Regulation.

(4) The Secretary of State may make rules as to the custody of persons charged before war zone courts pending the determination of the proceedings of such courts, and of persons convicted by war zone courts after conviction.

(5) Any rules made under this Regulation shall be laid before Parliament.

14. Any order made by the Minister or the Secretary of State under these Regulations may be varied or revoked by a subsequent order so, however, that where by virtue of any order varying or revoking an order made under Regulation five of these Regulations any area ceases to be, or form part of, a war zone, any proceedings pending in a war zone court at the date on which the order comes into operation in respect of an offence alleged to have been committed in that area, and all proceedings consequent thereon, may continue and shall be as valid as if that order had not been made.

15.—(1) The Interpretation Act, 1889, shall apply for the purposes of the interpretation of these Regulations as if these Regulations were an Act of Parliament.

(2) In these Regulations the expression "enactment" includes any rule, regulation, byelaw, or order having the force of an Act.

War Zone Courts (Procedure) (Scotland) Rules, under the Defence (War Zone Courts) (Scotland) Regulations.

No. S.R.O. $\frac{1446}{S.\ 65}$, 10th August, 1940.

1. These Rules may be cited as "The War Zone Courts (Procedure) (Scotland) Rules, 1940," and shall come into operation as at the date hereof.

2. In these Rules the following expressions shall have the meanings hereby respectively assigned to them, viz.: "Court" means a War Zone Court; "prosecutor" means any person authorised or entitled to conduct prosecutions in a War Zone Court; "prosecution" means the proceedings in a War Zone Court; and "Clerk of Justiciary" shall mean and include the Principal and Assistant Clerks of Justiciary, and any person duly authorised to perform the duties of Principal Clerk or Assistant Clerk of Justiciary.

3. Forms in the Schedules hereto appended shall be used, with such variations as circumstances may require.

4. All prosecutions shall be instituted by a Charge in accordance with the form contained in Schedule A. A list of witnesses, giving the name and address of each witness, shall be appended to the Charge.

5. The following enactments shall apply to all prosecutions as they apply to proceedings on Indictment in accordance with existing law and practice, viz. (*a*) the Criminal Procedure (Scotland) Act, 1887, Sections 4 to 15 inclusive, 21, 24, 35 and 58 to 68 inclusive; and (*b*) the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940, Section 8.

6. The Charge shall be signed by the prosecutor and shall continue in force and effect notwithstanding the death, incapacity, resignation or removal from office of the prosecutor. The Charge may, in all circumstances whatever, be taken up and proceeded with by any other prosecutor.

7. On application by the prosecutor by production of the Charge, the Court may grant warrant authorising the apprehension of the person charged, and such warrant may contain a warrant to search premises and authority to the prosecutor to cite witnesses for precognition. The warrant shall be signed by the President of the Court.

8. On or before the first appearance of the accused in Court the prosecutor shall lodge the Charge with the Clerk of Court.

9. On the first appearance of the accused in Court the Charge shall be read over to him and he shall be supplied with a copy thereof.

10. The Court may call upon the accused to plead and may deal with any plea in bar of trial and may in its discretion allow such adjournment as it may deem necessary in order that the accused may obtain legal advice or such other assistance as is authorised by Regulation 4 (3) of the Defence (War Zone Courts) (Scotland) Regulations, 1940.

11. In the event of the accused tendering a plea of guilty to the whole or part of the Charge and the prosecutor accepting the plea, the Court may forthwith pronounce sentence, or may postpone sentence to an adjourned diet.

12. Where the accused does not plead guilty to the Charge or any part thereof, or where any plea tendered is not accepted by the prosecutor, the Court may forthwith hear and determine any objections to the Charge stated by the accused and may immediately thereafter proceed to trial, or adjourn the case to such place and for such time as may be necessary, or on the motion of the prosecutor, remand the accused in custody for further enquiry, or fix a diet for trial of the case, or hear and determine any application for bail made by the accused, or may *ex proprio motu* or on application by the prosecutor or by or on behalf of the accused, make such further or other order necessary for or incidental to the disposal of the case as may seem just.

13. The Order of the Court fixing the diet for trial shall be sufficient warrant for citing or securing the attendance of the accused and witnesses. In the event of the accused or any person on his behalf timeously tendering to the prosecutor names and addresses of witnesses for the defence, the prosecutor shall, subject to any direction which the Court may give, endeavour to secure the attendance of such witnesses at the trial.

14. In the event of the prosecutor desiring to adduce the evidence of witnesses other than those whose names and addresses are appended to the Charge, he shall, as soon as practicable, give notice in writing of the names and addresses of such witnesses to the accused and his legal or other authorised representative, if any, and the Court may allow such postponement or adjournment, if any, as may seem just.

15. All productions to be used as evidence against the accused shall be lodged with the Clerk of Court so soon as practicable after the appearance of the accused before the Court, and the accused, or his legal or other authorised representative, if any, shall be given access to and allowed to examine such productions in the hands of the Clerk of Court or otherwise as the Court may direct.

16. The Court may at any stage allow the prosecutor to amend the Charge, provided that if the Court shall be of opinion that the accused may by such amend-

ment be in any way prejudiced in his defence on the merits of the case, the Court shall grant such delay to the accused by adjournment or otherwise as to the Court may seem just.

17. Unless the President of the Court otherwise directs, the Clerk of Court shall note upon the charge any objections to relevancy or competency stated by the accused and the decision of the Court thereon. Any Order pronounced by the Court under Rules 12 and 16 of these Rules shall be endorsed on the Charge and signed by the Clerk of Court. Any documentary evidence produced at the trial shall be noted on the Charge by the Clerk of Court.

18. Notwithstanding any rule of law or practice to the contrary, the Court may, at any stage before pronouncing judgment, allow a witness to be recalled, or an additional witness to be called.

19. The judgment and sentence of the Court shall be endorsed on the Charge and may be in the form contained in Schedule B to these Rules. The judgment and sentence shall be signed by the President of the Court.

20. The sentence of the Court may be extracted and the Extract shall contain a warrant of committal authorising Officers of Law to convey the person sentenced to the nearest convenient prison. The Extract may be in the form contained in Schedule C of these Rules and shall be signed by the Clerk of Court.

21. Where after the conviction of any person the President of the Court is of opinion that the case is one which ought properly to be reviewed he shall write and sign on the Charge a certificate setting forth his opinion and the grounds thereof. The Clerk of Court shall thereupon intimate to the convicted person that such a certificate has been granted,

22.—(1) Subject to the provisions of these Rules, warrants and citations and executions of citations shall be in the forms used and observed according to the existing law and practice of Criminal procedure in Scotland with such variations as the circumstances of the case may require.

(2) Any citation shall be legal if it would deemed a legal citation under the provisions of Section 21 of the Summary Jurisdiction (Scotland) Act, 1908.

23. It shall be the duty of the Clerk of Court to keep a Minute Book in which he shall record the time and place of every sitting of the War Zone Court, the names of the President and advisory members present, and the proceedings before the Court.

24. Where either (*a*) the person convicted is sentenced to death or to penal servitude for a period of seven years or more, or (*b*) the President of the Court certifies that the case is one which ought properly to be reviewed, or (*c*) the Secretary of State so directs, the Clerk of Court shall submit the proceedings for review by forth-

with transmitting to the Clerk of Justiciary the whole proceedings in the case including (i) a copy, certified by the Clerk of Court, of the Charge including all endorsements thereon, (ii) any productions lodged, and (iii) the President's notes of the evidence led.

25. The persons to whom proceedings are submitted for review under Regulation 10 of the said Defence (War Zone Courts) (Scotland) Regulations, 1940, may review the proceedings in any case with or without hearing parties, and may conduct their proceedings in Chambers or make such further or other order for the disposal of the case as may seem just.

26. Sections 3, 6, and 9 of the Criminal Appeal (Scotland) Act, 1926, shall have effect and apply to proceedings under Regulation 10 of the Defence (War Zone Courts) (Scotland) Regulations, 1940, subject to the following modifications:

(*a*) "the Court" shall mean the persons to whom proceedings are submitted for review under the said Regulation 10, and the expression "any judge of the Court" shall mean any one of such persons.

(*b*) "appellant" shall mean a person convicted by a War Zone Court, whose case is submitted for review under the said Regulation 10, and any reference to "appeal" shall be constructed as reference to proceedings under the said Regulation 10.

(*c*) "an indictment" shall mean a charge made under the said Regulations.

(*d*) "the jury" shall mean the Zone Court.

(*e*) References to the Act shall be construed as references to the said Regulations.

(*f*) For the words "instead of allowing or dismissing the appeal" in section 3 subsections (1) and (2) there shall be substituted the words "instead of confirming or quashing the conviction."

(*g*) Paragraphs (*d*) and (*e*) of Section 6 shall not apply.

(*h*) Subsections (2) and (3) of Section 9 shall not apply and for subsection (4) of that Section there shall be substituted the following provision:—"The time during which a person convicted by a War Zone Court is admitted to bail pending the determination of proceedings under Regulation 10 aforesaid, shall not count as part of any term of imprisonment or penal servitude under his sentence, but any period during which such person has been in custody or under arrest under a sentence pronounced by the War Zone Court may be taken into account by the persons to whom the proceedings are submitted for review and they may order that any imprisonment or penal servitude, whether under a sentence passed by the War Zone Court or by the persons to whom the proceedings are sub-

mitted for review shall begin to run from such date, not being a date later than the determination of the proceedings under Regulation 10 aforesaid, nor a date earlier than the date of conviction by the War Zone Court, as may seem to them just."

(*i*) The evidence of any witness ordered to be examined before the persons to whom the proceedings are submitted for review under Regulation 10 aforesaid, or before any one of such persons, by virtue of the application to proceedings under said Regulation 10 of the powers contained in Section 6 (*b*) of the Criminal Appeal (Scotland) Act, 1926, shall be taken in accordance with the existing law and practice as to the taking of evidence in criminal trials in Scotland. The convicted person or any person by whom he might appear before a War Zone Court, and any person authorised by the Lord Advocate to represent the prosecutor, shall be entitled to be present at, and take part in, any examination of witnesses to which this Rule relates.

27. Where any proceedings have been reviewed by the persons to whom they shall have submitted for review under the said Regulation 10, their decision shall be endorsed on the certified copy of the Charge and signed by them and the Clerk of Justiciary shall intimate the decision to the Secretary of State for Scotland.

28. The Interpretation Act, 1889 (52 and 53 Vict. c. 63) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

SCHEDULES.

Schedule A.

(FORM OF CHARGE.)

Under

The Defence (War Zone Courts) (Scotland) Regulations, 1940.

(Name and designation of accused.) You are charged at the instance of (name and designation of prosecutor) that on (date) at (place) you did (specify the charge).

(Signed) A. B.,
prosecutor.

LIST OF WITNESSES.

(Give name and address of each witness.)

Schedule B.

(Place and date.) The Court found the accused {not guilty, or / guilty as libelled}, or state to

what extent found guilty, and {discharged the accused or / pronounced the following sentence} (the sentence may be specified in manner following, e.g. death; or—years, penal servitude, or as the case may be).

(Signed) C. D.,
President of Court.

Schedule C.

In the War Zone Court
held at
on 194 .

President.

X. Y. (name and designation of convicted person), Prisoner, charged with (specify shortly nature of crime charged) as particularly mentioned in the Charge raised thereanent; In respect of (plea of guilty or judgment of Court as the case may be), the Court sentenced the Prisoner (to death or to—years' penal servitude or as the case may be); and for these purposes granted and hereby grants Warrant to Officers of Law to convey the Prisoner from the Court to the nearest convenient Prison there to be dealt with in due course of law. Extracted by me,

(Signed) E. F.,
Clerk of Court.

W. G. Normand,
Lord Justice General.

Sheriff Court (Emergency Procedure) (Scotland) Rules, under the Defence (War Zone Courts) (Scotland) Regulations, 1940 (S.R. & 1940 No. 1445/S.64).

No. S.R.O. $\frac{1447}{S.\ 66}$, 10th August, 1940.

1. These Rules may be cited as the Sheriff Court (Emergency Procedure) (Scotland) Rules, 1940, and shall come into operation as at the date hereof.

2. Except in so far as hereinafter provided the procedure shall be in accordance with the Summary Jurisdiction (Scotland) Acts and any Acts amending the same.

3. Notwithstanding anything contained in Section 32(3) of the Summary Jurisdiction (Scotland) Act, 1908, were the accused is brought before the Court on apprehension the Sheriff shall allow only such adjournment as is necessary in the interests of justice.

War Zone Courts (Constitution) (Scotland) Order, under Regulation 2 of the Defence (War Zone Courts) (Scotland) Regulations, 1940.

No. 1472 / S. 67, 10th August, 1940.

1. For the purpose of securing the trial and punishment of offenders in such areas in Scotland as may from time to time be declared by the Minister of Home Security by order under Regulation 5 of the Defence (War Zone Courts) (Scotland) Regulations, 1940, to be War Zones there are hereby established four War Zone Courts to be presided over by the following persons appointed under the said Regulations by the Lord Justice General, *videlicet*:—

The Hon. Lord Russell
The Hon. Lord Keith
The Hon. Lord Patrick
Sheriff Sir John Charles Watson, K.C.

2. This order may be cited as the War Zone Courts (Constitution) (Scotland) Order, 1940, and shall extend to Scotland only.

Rules of the Supreme Court (No. 5).

No. 1521 / L. 24, 19th August, 1940.

1. The following Rules shall be inserted in the Rules of the Supreme Court, 1883, after Order LIVH and shall stand as Order LIVJ:—

"ORDER LIVJ.

Procedure on Applications under Regulation 18AA *of the Defence (General) Regulations*, 1939.

1. Any application to the High Court under paragraph (4) of Regulation 18AA of the Defence (General) Regulations, 1939, shall be made in the Chancery Division by originating summons *inter partes*, and shall be intituled in the matter of the organisation by the name (if any) under which it is commonly known, and in the matter of the said Regulation.

2. In the absence of other sufficient representation, the court or a judge may appoint the Official Solicitor to represent any interests which in the opinion of the court or judge ought to be represented on any inquiry directed under the paragraph aforesaid.

3. The Rules of the Supreme Court for the time being in force and the practice and procedure of the Chancery Division shall apply."

2. These Rules may be cited as the Rules of the Supreme Court (No. 5), 1940.

War Zone Courts Rules, under the Defence (War Zone Courts) Regulations, 1940.

No. 1744 / L. 29, 19th September, 1940.

Proceedings of War Zone Courts.

1, A war zone court shall sit in such places within the district for which it is established as the president of the court may determine.

2. A war zone court shall sit at such times as the president of the court may determine.

3. Where a war zone court adjourns any proceedings before the court, it may resume them at such time and place as the president of the court may determine.

4.—(1) Where under paragraph (1) of Regulation seven of the principal Regulations a direction has been given that proceedings for any offence shall be initiated in a war zone court, an information may be laid before the court charging that person with that offence, and the court may—

(*a*) issue a summons requiring the person charged to appear before the court at the time and place mentioned in the summons; or

(*b*) if the information was on oath, issue a warrant authorising the person named in the warrant and any constable or member of His Majesty's forces to apprehend the person charged and to cause him to be brought before the war zone court to answer the charge.

(2) If after the issue of any such summons as aforesaid the person thereby required to appear before the court does not appear before the court in accordance with the summons, the court may issue a warrant authorising any person named therein and any constable or member of His Majesty's forces to apprehend that person and bring him before the war zone court to answer the charge.

(3) Any warrant issued under this Rule may be executed anywhere in the United Kingdom.

(4) The powers conferred by this Rule may be exercised on behalf of a war zone court by one or more of the members of the court in the absence of the other members.

5. Where any person has been arrested without warrant for an offence alleged to have been committed in a war zone and a direction has been given under paragraph

(1) of Regulation seven of the principal Regulations that proceedings against the person arrested for the offence for which he was arrested shall be initiated before a war zone court, he shall be kept in custody until he is brought before one or more members of a war zone court.

6.—(1) Before any person is tried by a war zone court for any offence, the prosecutor shall prepare and deliver to the court and to the accused person a statement of the offence or offences with which he is charged and particulars thereof.

Any such statement is hereinafter referred to as a "memorandum of accusation".

(2) Any question as to the sufficiency of a memorandum of accusation shall be determined by the war zone court; and the court may, at any stage of the proceedings, allow the memorandum of accusation to be amended.

7.—(1) The powers of a war zone court to remand any person or to take recognizances from any person may be exercised on behalf of the court by one or more of the members of the court in the absence of the other members.

(2) Where a war zone court or any member of the court remands any person in custody, the court or member may order that he be kept either in the custody of the police, or in the custody of an officer of His Majesty's forces or in any prison.

8. In any case in which the question whether any woman convicted by a war zone court of an offence punishable with death is pregnant would, under the Sentence of Death (Expectant Mothers) Act, 1931, have been required to be determined by a jury, that question shall be determined by the war zone court on such evidence as may be laid before the court on the part of the woman or on the part of the prosecutor, and thereupon the provisions of that Act (other than the provisions of subsection (4) of section two thereof) shall have effect as if the question had been determined by a jury in accordance with those provisions.

9. An order made or warrant issued by a war zone court may be signed by the president of the court or by the clerk of the court or his deputy or, except in the case of a warrant of committal issued under paragraph (1) Regulation thirteen of the principal Regulations, by any advisory member of the court.

10. Where a person has been sentenced by a war zone court to death, the clerk of the court or his deputy shall forthwith report the conviction to the Secretary of State.

11. The clerk of the court shall keep a record of all trials before the war zone court and shall enter therein the names of the prosecutor and defendant, the charge on which the defendant was tried, whether he pleaded guilty or not, the decision of the court, the date of the trial and the names of the president and advisory members present, and of such other matters as may be directed by the president.

Review of Proceedings of War Zone Courts.

12. The Secretary of State shall from time to time authorise a person to receive on behalf of the persons by whom the proceedings of a war zone court are to be reviewed (hereinafter referred to as "the reviewing authority") any documents or exhibits transmitted to the reviewing authority, or any representations made to the authority, under the following provisions of these Rules; and a person so authorised is hereinafter referred to as "the proper officer".

13. Where any proceedings of a war zone court are to be reviewed, the clerk of the court shall transmit to the proper officer such exhibits, documents and other information relating to the proceedings as appear to the president of the court to be likely to be of material assistance to the reviewing authority, and such exhibits, documents and other information relating to the proceedings as the reviewing authority may require.

14.—(1) In reviewing any proceedings of a war zone court, the reviewing authority shall have regard to any representations made to them in writing by or on behalf of any person convicted in the proceedings under review.

(2) The reviewing authority may, if they think fit, hear any person convicted in the proceedings under review, or his counsel or solicitor.

15. Where a person convicted in proceedings before a war zone court, or any person representing him, is to be heard by the reviewing authority by which those proceedings are reviewed, the persons constituting the reviewing authority shall sit together for the purpose of holding the review; but save as aforesaid the said persons may review the proceedings either separately or sitting together, as they or a majority of them may determine.

16. Sections five, six, nine, ten, thirteen, and fourteen of the Criminal Appeal Act, 1907, shall have effect in relation to the review of proceedings of war zone courts subject to such adaptations, modifications, and exceptions as are necessary for the purpose of enabling each of the said sections to have effect in the form in which it is set out in the Schedule to these Rules.

17. Save as expressly provided in these Rules, the procedure to be followed in connection with the review of proceedings of war zone courts shall be such as may be determined by the persons constituting the reviewing authority.

18. The reviewing authority shall cause their decision upon a review of any proceedings to be communicated to the Secretary of State, and the Secretary of State shall take such steps as appear to him to be expedient for the purpose of informing

any person convicted in those proceedings of the decision of the reviewing authority.

Proceedings before Justices and Coroners.

19. In relation to proceedings before a court of summary jurisdiction in respect of an offence alleged to have been committed in a war zone—

(*a*) section seventeen of the Summary Jurisdiction Act, 1879, shall have effect subject to the following modifications, that is to say:—

(i) in subsection (1) thereof, for the words "claim to be tried by a jury" there shall be substituted the words "claim to be committed for trial"; and

(ii) for subsection (2) thereof there shall be substituted the following subsection—

"(2) A court of summary jurisdiction, before the charge is gone into in respect of an offence to which this section applies, for the purpose of informing the defendant of his right to be committed for trial in pursuance of this section, shall address him to the following effect: 'You are charged with an offence in respect of the commission of which you are entitled, if you desire it, instead of being dealt with summarily, to be committed for trial; do you desire to be committed for trial?' with a statement, if the court think such statement desirable for the information of the person to whom the question is addressed, of the meaning of being dealt with summarily, of the courts by which such person may be tried if committed for trial, and of the fact that if he is tried by a war zone court the trial will be without a jury";

(*b*) section eleven of the Summary Jurisdiction Act, 1879, and section twenty-four of the Criminal Justice Act, 1925, shall have effect subject to the following modifications, that is to say:—

(i) in subsection (1) of each of the said sections for the words "his right to be tried by a jury" there shall be substituted the words "his right to be committed for trial";

(ii) for the question set out in subsection (2) of each of the said sections there shall be substituted the question "Do you desire to be committed for trial, or do you consent to the case being dealt with summarily?"; and

(iii) the words "of the courts by which he may be tried if committed for trial and of the fact that if he is tried by a war zone court the trial will be without a jury" shall be substituted in subsection (2) of the said section eleven for the words "and of the assizes or sessions (as the case may

be) at which he will be tried if tried by a jury" and in subsection (2) of the said section twenty-four for the words "and of the assizes or quarter sessions, as the case may be, at which he will be tried, if tried by a jury"; and

(*c*) section nine of the Conspiracy and Protection of Property Act, 1875, shall have effect as if the words "and the offence may be prosecuted on indictment accordingly" were omitted.

20.—(1) Where by virtue of the principal Regulations a person charged before justices or by a coroner's inquisition with an indictable offence is required to be committed for trial by a war zone court, the justices or coroner, as the case may be, shall make or authorise the making of such modifications in the procedure to be followed and forms to be used in connection with the committal of persons for trial at assizes or quarter sessions as appear to the justices or coroner to be necessary for the purpose of securing that the prosecutor, the witnesses, and the accused appear before the war zone court at the appropriate time and place.

(2) Section twenty of the Coroners (Amendment) Act, 1926, shall have effect subject to the following modifications, that is to say:—

(*a*) in relation to any proceedings which are initiated in a war zone court by virtue of a direction given under the proviso to paragraph (1) of Regulation seven of the principal Regulations, references in the said section to examining justices shall be deemed to include references to that war zone court; and

(*b*) in subsection (2) of the said section for the words "charged on indictment" there shall be substituted the words "charged before a war zone court", and for the words "of which he could have been convicted on the indictment" there shall be substituted the words "with which he was charged before the war zone court".

Enforcement of orders of War Zone Courts.

21.—(1) Where a war zone court imposes a fine on any person or forfeits any recognizance, the court shall fix a term of imprisonment, not exceeding twelve months in the case of a fine or six weeks in the case of a recognizance, to be undergone in default of payment of the sum due and shall allow time for payment of the said sum unless there are, in the opinion of the court, special circumstances why time should not be allowed for payment, in which event the court may commit him forthwith and thereupon he shall be dealt with as if he had been sentenced by the court to imprisonment.

(2) For the purpose of the reduction of any term of imprisonment imposed by

a war zone court in default of payment of any such sum as aforesaid, the term of imprisonment so imposed shall be deemed to have been imposed by a court of summary jurisdiction in respect of the non-payment of a sum of money.

(3) Where a war zone court allows time for a payment of any such sum as aforesaid, the court may make an order entrusting such court of summary jurisdiction as may be specified in the order with the function of enforcing payment of the said sum; and upon any such order being made the law relating to the enforcement of payment of fines imposed by courts of summary jurisdiction shall have effect for the purpose of enforcing payment of the said sum in all respects as if the person liable to pay that sum had been convicted by the court of summary jurisdiction so specified and as if that court had imposed the term of imprisonment aforesaid on the occasion of the conviction.

22. Any payments in respect of fines or forfeitures received by the clerk of a war zone court shall be dealt with in accordance with the directions of the Secretary of State.

23. Where costs are ordered by the court to be paid by the prosecutor or defendant, they may be recovered summarily as a civil debt.

General.

24. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

25. These Rules may be cited as the War Zone Courts Rules, 1940.

SCHEDULE.

APPLICATION OF CERTAIN PROVISIONS OF CRIMINAL APPEAL ACT, 1907, IN RELATION TO REVIEW OF PROCEEDINGS OF WAR ZONE COURTS.

Section applied.	*Form in which section is to be applied.*
Section five	5.—(1) If it appears to the reviewing authority that a person convicted by a war zone court, though not properly convicted on some part of the memorandum of accusation, has been properly convicted on some other part thereof, the reviewing authority may either affirm the sentence passed on the person convicted at the trial, or pass such sentence in substitution therefor, not being a sentence of greater severity, as they think proper, and as may be warranted in law by the conviction on the part of the memorandum of accusation on which the reviewing authority consider that the said person has been properly convicted.

(2) Where a person has been convicted by a war zone court of an offence and, if the proceedings had been proceedings on indictment and the memorandum of accusation had been an indictment, the jury could on the indictment have found him guilty of some other offence, and having regard to the decision of the war zone court it appears to the reviewing authority that the court must have been satisfied of facts which proved him guilty of that other offence, the reviewing authority may substitute for the conviction of the war zone court a conviction of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that other offence, not being a sentence of greater severity.

(4) If on any review it appears to the reviewing authority that, although a person covicted was guilty of the act or omission charged against him, he was insane at the time the act was done or omission made so as not to be responsible according to law for his actions, the reviewing authority may quash the sentence passed at the trial and order the said person to be kept in custody as a criminal lunatic under the Trial of Lunatics Act, 1883, in the same manner as if a special verdict had been found by a jury under that Act.

46 & 47 Vict. c. 38

Section six	6.—(1) The operation of any order for the restitution of any property to any person made on a conviction by a war zone court, and the operation, in case of any such conviction, of the provisions of sub-section (1) of section twenty-four of the Sale of Goods Act, 1893, as to the revesting of the property in stolen goods on conviction, shall (unless the court before whom the conviction takes place direct to the contrary in any case in which, in their opinion, the title to the property is not in dispute) be suspended—

56 & 57 Vict. c. 71

(*a*) in any case until the expiration of ten days after the date of the conviction; and

(*b*) in cases where any person convicted in the proceedings has been sentenced to death or to penal servitude

for a term of seven years or more, or where, within ten days after the date of the conviction, a certificate is issued under sub-paragraph (*b*) of paragraph (1) of Regulation twelve of the Defence (War Zone Courts) Regulations, 1940, or a direction is given under paragraph (3) of the said Regulation, until the decision of the reviewing authority is announced;

S.R. & O. 1940 No. 1444.

and in cases where the operation of any such order, or the operation of the said provisions, is suspended until the decision of the reviewing authority is announced, the order or provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed by the reviewing authority.

A war zone court may give such directions as appear to the court to be expedient for securing the safe custody of any property pending the suspension of the operation of any such order or of the said provisions.

(2) The reviewing authority may annul or vary any order made on a trial by a war zone court for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Section nine ... ...

9. The reviewing authority may, if they think it necessary or expedient in the interest of justice,—

(*a*) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to them to be necessary for the determination of the case; and

(*b*) if they think fit order any witnesses who would have been compellable witnesses at the trial to attend and be examined before any one or more of the persons constituting the reviewing authority, whether those witnesses were or were not called at the trial, or order the examination of any such witnesses to be conducted in such manner as the reviewing authority may determine before any justice of the peace or other person appointed

by the reviewing authority for the purpose, and take into consideration any depositions so taken; and

(*c*) if they think fit authorise one or more of the persons constituting the reviewing authority to receive the evidence, if tendered, of any witness (including any person convicted in the proceedings subject to review) who was a competent but not compellable witness in those proceedings, and, if any person convicted in the proceedings makes an application for the purpose, of the husband or wife of any such person, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application, and take into consideration any depositions so taken; and

(*d*) where any question to be considered by the reviewing authority involves prolonged examination of documents or accounts, of any scientific or local investigation, which cannot in the opinion of the authority conveniently be conducted before the persons constituting the reviewing authority, order the reference of the question, in such manner as the reviewing authority may determine, for inquiry and report to a special commissioner appointed by the reviewing authority, and act upon the report of any such commissioner so far as they think fit to adopt it; and

(*e*) appoint any person with special expert knowledge to advise the reviewing authority in any case in which it appears to the authority that such special knowledge is required for proper determination of the case;

and issue any warrants necessary for enforcing the orders or sentences of the authority.

Section ten ... ...

10. Where it appears to the reviewing authority to be desirable in the interest of justice that a person convicted in the proceedings which are to be reviewed by the authority should have legal aid and that he has not sufficient means to enable him to obtain that aid, the reviewing authority may assign to the person convicted a solicitor and counsel, or

counsel only, for the purpose of securing his representation before the reviewing authority.

Section thirteen ... ...

13.—(1) On any review of proceedings of a war zone court in accordance with Regulation twelve of the Defence (War Zone Courts) Regulations, 1940, no costs shall be allowed on either side.

S.R. & O. 1940 No. 1444.

(2) The expenses of any solicitor or counsel assigned to any person under this Act as it applies in relation to the review of the proceedings of war zone courts, and the expenses of any witnesses attending on the order of the reviewing authority or examined in any proceedings incidental to the review and of the appearance of a person convicted, if he appears before the authority by which the proceedings in which he was convicted are reviewed, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the reviewing authority for the purpose, or any reference of a question to a special commisioner appointed by the reviewing authority, or of any person appointed to advise the reviewing authority, shall be defrayed up to an amount allowed by the reviewing authority out of local funds in accordance with the Costs in Criminal Cases Act, 1908.

8 Edw. 7. c. 15.

Section fourteen ... ...

14.—(2) The reviewing authority may admit any person convicted in the proceedings which are to be reviewed to bail pending the decision of the reviewing authority.

Rules of the Supreme Court (No. 6).

No. $\frac{1772}{\text{L. 31}}$, 25th September, 1940.

1. The following Order shall be inserted in the Rules of the Supreme Court, 1883, after Order LIVJ and shall stand as Order LIVK:—

"LIVK.

Proceedings under Section 4 (4) *of the Trading with the Enemy Act*, 1939.

1.—(1) A person desiring to pay money into Court under subsection (4) of section 4 of the Trading with the Enemy Act, 1939 (in this Order called "the Act") shall

make and file in the Chancery Division an affidavit intituled in the matter of the Act and in the matter of the negotiable instrument or chose in action, and setting forth therein—

(*a*) short particulars of the negotiable instrument or chose in action, as the case may be, with such names, numbers, dates and amounts for the purpose of the identification thereof as may be reasonably practicable;

(*b*) the name and address of the person who has made the claim in respect of the negotiable instrument or chose in action;

(*c*) a description of the circumstances giving rise to the belief that the offence of trading with the enemy within the meaning of the Act might be committed if the claim were satisfied;

(*d*) a submission by the person making the payment into court to answer all such inquiries relating to the application of the sum paid into court as the court or judge may make or direct; and

(*e*) an address where the person making the payment into court may be served with any petition, summons or notice of any proceedings relating to the sum paid in.

(2) There shall be annexed to the affidavit a Lodgment Schedule setting forth—

(*a*) the name and address of the person desiring to pay money into court:

(*b*) the ledger credit to which the money is to be credited; and

(*c*) the amount to be lodged.

(3) The ledger credit shall be intituled in the matter of the Act, and in the matter of the negotiable instrument or chose in action.

(4) An office copy of the Lodgment Schedule shall be left with the Accountant-General.

2. Where a sum has been paid into court as aforesaid the person making the payment into court shall forthwith proceed to give, so far as may be practicable, notice of the fact by prepaid letter addressed to the person who has made the claim in respect of the negotiable instrument or chose in action.

3. Where a sum has been paid into court as aforesaid, the following provisions shall apply:—

(*a*) An application to deal with money so paid in, or with the income thereof, whether by petition or summons, shall be intituled in the same manner as the affidavit on which the money was paid in.

(*b*) If the petitioner or applicant is not a custodian appointed by the Board of Trade under Section 7 of the Act, the Board of Trade shall be named as respondents and, unless the court otherwise orders, service on the Board of Trade

may be effected by delivering the petition or summons or sending it by prepaid post in an envelope addressed to the Secretary, Board of Trade.

(*c*) The petition or summons shall be served, or such other notice or intimation thereof, shall be given, on or to such persons (if any) as the court or a judge may direct:

Provided that where it appears to the court or a judge that a person on whom the petition or summons would otherwise be served, or to whom notice or intimation thereof would otherwise be given, is an enemy within the meaning of the Act or is a person who is abroad or whose whereabouts are not known, the court or a judge may dispense with service of the petition or summons or the giving of any such notice or intimation.

4. The procedure and practice of the Chancery Division relating to money paid into court on affidavit under Section 63 of the Trustee Act, 1925, shall, subject to the provisions of this Order, apply with respect to money paid into court under Section 4(4) of the Act and to the dealing therewith."

2. These Rules may be cited as the Rules of the Supreme Court (No. 6), 1940, and shall come into operation forthwith.

Rules of the Supreme Court (No. 7).

No. $\frac{1815}{\text{L. } 32}$, 10th October, 1940.

1. The following provision shall have effect during the Michaelmas Sittings, 1940, in substitution for the provisions of Order LXIII, Rule 9:—

"The Office Hours in the several Offices of the Supreme Court shall be from 10.30 a.m. to 3.30 p.m. on week-days other than Saturdays, and from 10.30 a.m. to 1 p.m. on Saturdays."

2. These Rules may be cited as the Rules of the Supreme Court (No. 7), 1940.

Metropolitan Police Courts (No. 2) Order, under Regulation 6 of the Defence (Administration of Justice) Regulations, 1940.

No. 1840, 11th October, 1940.

1. The Metropolitan Police Courts shall sit from 9.30 a.m. until 4.30 p.m. or such later time on any day as the court may determine.

Provided that where the whole of the business of the court for any day has been concluded before 4.30 p.m. the court may be closed at the conclusion of the business

so however, that up to and including the 16th November, the court is not closed before 3.30 p.m. and thereafter is not closed before 3,0 p.m.

2.—(*a*) This Order may be cited as the Metropolitan Police Courts (No. 2) Order, 1940, and shall come into operation on the 14th day of October, 1940.

(*b*) The Metropolitan Police Courts Order, 1940, is hereby revoked.

Metropolitan Police Courts (No. 3) Order, under Regulation 6 (1) of the Defence (Administration of Justice) Regulations, 1940.

No. 1931, 19th October, 1940.

1. Subject as hereinafter provided, the police court for the Greenwich police court division of the metropolitan police district shall be held at the Greenwich county court on Monday, Wednesday, Friday and Saturday in every week.

2. Subject as hereinafter provided, the police court for the Westminster police court division of the said district shall be held at 35, Lennox Gardens, Chelsea.

3. Subject as hereinafter provided, the police court for the Woolwich police court division of the said district shall be held on Tuesday and Thursday in every week.

4. Any of the said court may, instead of being held as directed by the foregoing provisions of this Order, be held at such place or places and on such dates as may be appointed in case of emergency by the chief magistrate of the metropolitan police courts.

5. This Order may be cited as the Metropolitan Police Courts (No. 3) Order, 1940.

Order in Council adding Regulation 15A to the Defence (Administration of Justice) Regulations.

No. 1869, 24th October, 1940.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that after Regulation fifteen of the Defence (Administration of Justice) Regulations, 1940, there shall be inserted the following Regulation:—

15A. Upon the trial of any person for murder, treason or treason felony, the court may, if it thinks fit, at any time before the jury consider their verdict, permit the jury to separate in the same way as the jury upon the trial of any person for any other offence are now permitted to separate."

Juvenile Courts (Metropolitan Police Court Area) (No. 3) Order, under Regulations 9 (1) and 18 (1) of the Defence (Administration of Justice) Regalations, 1940.

No. 1908, 28th October, 1940.

1. For the word "Tuesday" in the third column of the Schedule to the Juvenile Courts (Metropolitan Police Court Area) (No. 2) Order, 1940, where it secondly occurs, there shall be substituted the word "Monday".

2. This Order may be cited as the Juvenile Courts (Metropolitan Police Court Area) (No. 3) Order, 1940, and shall come into force on the thirtieth day of October, 1940.

Order of the Lord Chief Justice of Northern Ireland, under section 1 (4) of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939 (2 & 3 Geo. 6. c. 105) amending Orders XXXVII and XXXVIII of the Rules of the Supreme Court (Northern Ireland), 1936 (S.R. & O. 1936 (No. 70) II, p. 2559).

31th October, 1940.

I, the Right Honourable James Andrews, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred upon me by sub-section (4) of section one of the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and of all other powers enabling me in that behalf, and upon the recommendation and with the concurrence of a majority of all the Judges (of which majority I was one) and the other persons mentioned in section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877, as amended by section twelve of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897 (as those enactments apply to the Supreme Court of Judicature of Northern Ireland), do by this Order make and alter the Rules of Court as set out in the Schedule hereto.

And I do hereby certify that it is expedient that on account of urgency the Rules made by this Order should come into immediate operation, and I accordingly order that the same shall come into operation as provisional Rules as from the date hereof in accordance with the provisions of section two of the Rules Publication Act, 1893.

SCHEDULE.

ORDER XXXVII.

Rule 1 is hereby annulled, and the following rule shall stand in lieu thereof:—

ORDER XXXVII, *Rule* 1.—In the absence of any agreement in writing between

the solicitors of all parties, and subject to these rules, the witnesses at the trial of any action, or at any assessment of damages in either of the Divisions, shall be examined vivâ voce and in open court, but the Court or a Judge may order at any stage in the proceedings that any particular fact or facts may be proved at the trial by affidavit with or without the attendance of the deponent for cross-examination, notwithstanding that a party desires the attendance of the deponent for cross-examination and that he can be produced for that purpose (pursuant to the Evidence Act (Northern Ireland), 1939, Section 5 (1)), or that any witness whose attendance in court ought for some sufficient cause to be dispensed with, be examined by interrogatories or otherwise before a commissioner or examiner.

ORDER XXXVIII.

Rule 29.—The words "subject to any order made under Order XXXVII, Rule 1, pursuant to Section 5 (1) of the Evidence Act (Northern Ireland), 1939", shall be inserted as the commencement of the Rule.

Rules of the Supreme Court (No. 8).

No. $\frac{1983}{\text{L. 36}}$, 14th November, 1940.

1.—(1) Where by any of the Rules of the Supreme Court an act is authorised or required to be done or a proceeding to be taken within a specified number of days or hours from or after any date or event, or not less than a specified number of days or clear days or hours before or after any date or event, then—

(*a*) in the case of a specified number of days—

(i) if the specified number is less than six, the Rule shall have effect as if the specified number were doubled; and

(ii) if the specified number is six or more, the Rule shall have effect as if the specified number were increased by four; and

(*b*) in the case of a specified number of hours, the Rule shall have effect as if the specified number were doubled.

(2) In the forms of writ of summons and originating summons to which an appearance is required to be entered within eight days of service of the writ or summons upon the defendant, inclusive of the day of service, "twelve days" shall be substituted for "eight days".

2. In Appendix N to the Rules of the Supreme Court, in Items 106 and 107 (which relate to the maximum amounts per folio which may be allowed on taxation

for printing pleadings, etc.), "3s." shall be substituted for "2s. 8d.", and "2d." shall be substituted for "1½d." in both the Higher Scale and the Lower Scale.

3. These Rules may be cited as the Rules of the Supreme Court (No. 8), 1940, and shall come into operation on the 25th day of November, 1940.

Metropolitan Police Courts (No. 4) Order, under Regulations 6 (1) and 18 of the Defence (Administration of Justice) Regulations, 1940.

No. 2139, 20th November, 1940.

1. The police court for the Greenwich police court division of the metropolitan police district shall be held at the Greenwich police court, Blackheath Road, Greenwich, on Monday, Wednesday, Friday and Saturday in every week:

Provided that the said court may, instead of being held as directed by the foregoing provision, be held at such place or places and on such dates as may be appointed in case of emergency by the chief magistrate of the metropolitan police courts.

2.—(1) This Order may be cited as the Metropolitan Police Courts (No. 4) Order, 1940.

(2) Article 1 of of the Metropolitan Police Courts (No. 3) Order, 1940, is hereby revoked.

Rules of the Supreme Court (No. 9).

No. $\frac{2101}{L.\ 38}$, 10th December, 1940.

1. The provisions of Order LXIII, Rule 6 (which relates to the days on which offices are to be closed) shall have effect subject to the following modifications:—

(*a*) The several offices of the Supreme Court in London shall be closed from Christmas Day till Sunday the 29th day of December, 1940, inclusive, and on Saturdays, the 4th and 11th days of January, 1941.

(*b*) The Principal Probate Registry at Llandudno shall be closed on Christmas Day and shall be open on the 26th day of December, 1940.

(*c*) The District Probate Registries shall be closed on Christmas Day and on the 26th day of December. 1940, and shall be open on other days (except Sundays) unless in any particular case the President of the Probate Division otherwise directs.

2. Notwithstanding anything in Order LXIII, Rule 9, the office hours in the several offices of the Supreme Court in London shall be as follows:—

During the Christmas Vacation From the 7th January to the 8th February, 1941, inclusive—	10.30 a.m. to 2 p.m.
Week days other than Saturdays	10.30 a.m. to 3.30 p.m.
Saturdays	10.30 a.m. to 1 p.m.

3. In Order LXV, Rule 27 (52), after "signature," the following words shall be inserted:—

"or by the signature of the Secretary of the General Council of the Bar or of a barrister duly authorised in writing by the barrister entitled to the fee."

4. These Rules may be cited as Rules of the Supreme Court (No. 9), 1940.

Matrimonial Causes (Emergency Powers) Rules.

No. $\frac{2208}{L.\ 43}$, 19th December, 1940.

1.—(1) Where, by virtue of Regulation 1 of the Defence (Administration of Justice) Regulations, 1940, the appropriate authority for a circuit gives directions as respects the Assizes for any county or other area of jurisdiction on his circuit that—

(*a*) the Assizes shall be held or continued at some other place than the place at which they have been appointed to be held or continued; or

(*b*) the Assizes shall not be held or shall be discontinued, and the trial of all persons committed for trial at those Assizes, or of all persons so committed whose trial has not begun, or has not been brought to a final conclusion, shall take place before some other court of assize,

then, if that other place or the place at which that other court of assize is to be held, as the case may be, is not a town specified in Appendix III of the Matrimonial Causes Rules, 1937, Rule 32 of those Rules (which relates to the trial and determination of matrimonial causes at Assizes) shall have effect as if that place were a town so specified.

(2) Where any such directions as aforesaid are given by the appropriate authority as respects any Assizes, the provisions of paragraphs (6) and (8) of the said Rule 32 (which provide for the furnishing to certain District Registries of lists of causes, and the forwarding thereto of files of papers, relating to matrimonial causes for trial or hearing at Assizes) shall have effect as if the Assizes were to be held at the place at which they had been appointed to be held before the giving of the directions, or at which they would normally have been held but for the said directions.

2. These Rules may be cited as the Matrimonial Causes (Emergency Powers) Rules, 1940, and shall come into operation forthwith.

Order in Council amending Regulation 13 of the Defence (War Zone Courts) Regulations.

No. 2153, 19th December, 1940.

His Majesty, in pursuance of the Emergency Powers (Defence) Acts, 1939 and 1940, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered that in paragraph (2) of Regulation thirteen of the Defence (War Zone Courts) Regulations, 1940, after the word "charging" there shall be inserted the words "with the execution thereof", for the word "sheriff" there shall be substituted the word "person", and after the word "direction", where that word occurs for the second time, for the words "with the execution thereof" there shall be substituted the words "being either a sheriff or the governor or other person having charge of the prison".

Metropolitan Police Courts Order, under Regulation 6 of the Defence (Administration of Justice) Regulations, 1940.

No. $\frac{251}{\text{L. 5}}$, 24th February, 1941.

1. The Metropolitan Police Courts shall sit from 10.0 a.m. until 5.0 p.m. or such later time on any day as the court may determine.

Provided that where the whole of the business of the court for any day has been concluded before 5.0 p.m. the court may be closed at the conclusion of the business so however, that the court is not closed before 4.0 p.m.

2.—(*a*) This Order may be cited as the Metropolitan Police Courts Order, 1941, and shall come into operation on the 3rd day of March, 1941.

(*b*) The Metropolitan Police Court (No. 2) Order, 1940, is hereby revoked.

4. 監獄法

Order, appointing the Date of Commencement of Operation of Paragraph 1 of Regulation 42A of the Defence (General) Regulations, 1939.

No. 1773, 7th August, 1940.

I hereby appoint the 12th day of August, 1940, as the date on which Paragraph 1 of Regulation 42A of the Defence (General) Regulations, 1939, shall come into operation.

Order, for Scotland, appointing a Day for the Purpose of Regulation 42A of the Defence (General) Regulations, 1939.

No. $\frac{1777}{\text{S. } 88}$, 7th August, 1940.

In pursuance of Regulation 42A of the Defence (General) Regulations, 1939, I hereby fix the twelfth day of August, 1940, as the day on which paragraph (1) of the said Regulation, as modified in its application to Scotland by paragraph (3), shall come into operation.

5. 警察

A. — 般

Order of the Secretary of State, made in Pursuance of the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, and the Superannuation (Various Services) Act, 1938, respecting the Grant of Gratuities and Allowances to Officers of the Staff of the Metropolitan Police and Metropolitan Police Courts who are injured in the Discharge of their Duty.

No. 1070, 5th June, 1940.

1. In this Order, unless the context otherwise requires:—

(1) The expression "police service" means service the salary in respect of which is paid out of the Metropolitan Police Fund,

(*a*) under the Commissioner of Police of the Metropolis, or under the Receiver for the Metropolitan Police District, otherwise than as a constable, or

(*b*) if appointed after the 6th August, 1897, as a member of the staff of the Metropolitan Police Courts;

(2) The expression "established officer" means a person employed in police service in a pensionable situation, and the expression "unestablished officer" a person employed in police service otherwise than as an established officer;

(3) The expression "emoluments" means emoluments which, if the recipient were an established officer, would be reckoned by the Secretary of State in the calculation of any superannuation benefits which might be granted to such officer;

(4) The expression "salary and emoluments" means annual salary and emoluments;

(5) The expression "pension" means an annual superannuation, compensation allowance or retiring allowance granted by the Secretary of State under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally

enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder;

(6) The expression "an adopted child" means a child whom the deceased had, prior to the date of his injury, adopted within the meaning of any enactment for the time being in force in the locality in which he was domiciled at the date of his injury;

(7) The expression "workman" means a workman as defined by the Workmen's Compensation Act, 1925, and any statutory modification thereof who:—

(*a*) is injured in Great Britain, or

(*b*) is injured out of Great Britain in circumstances in which compensation is payable in respect of his injury under any Act relating to workmen's compensation for the time being in force in Great Britain, Northern Ireland, the Isle of Man or Eire.

2. This Order shall apply to any person (not being a workman as defined in this Order) employed in police service who is injured on or after the date of this Order:—

(*a*) in the actual discharge of his duty; and

(*b*) without his own default; and

(*c*) by some injury specifically attributable to the nature of his duty,

otherwise than while carried, in pursuance of official instructions, in any aircraft or in one of His Majesty's submarines.

3. The allowances or gratuities which may be granted to persons to whom this Order applies shall be according to the scales set out in clause four of this Order. Scale I shall apply to established officers, and Scale II to unestablished officers.

SCALE I.—ESTABLISHED OFFICERS.

4. Any person to whom Scale I applies and who retires by reason of his injury may, subject to the provisions of clause five of this Order, be granted an annual allowance, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of his salary and emoluments at the date of such injury, with the addition, in the case of an established officer who is not otherwise qualified for a pension, of one one-sixtieth of such salary and emoluments for each completed year of his service.

Degree of Impairment.	Proportion of Salary and Emoluments.
Slightly impaired	Five sixtieths.
Impaired	Ten Sixtieths.
Materially impaired	Fifteen sixtieths.
Totally destroyed	Twenty sixtieths.

SCALE II.—UNESTABLISHED OFFICERS.

Any person to whom Scale II applies who retires by reason of his injury and:—

(*a*) whose capacity to contribute to his support is totally destroyed by his injury may, subject to the provisions of clause five of this Order, be granted an annual allowance not exceeding fifteen-sixtieths of his salary and emoluments at the date of such injury, with the addition of one one-sixtieth of such salary and emoluments for each completed year of his service;

(*b*) whose capacity to contribute to his support is not totally destroyed by his injury may, subject to the provisions of clause five of this Order, be granted a gratuity, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of his salary and emoluments at the date of such injury.

Degree of Impairment.	Proportion of Salary and Emoluments.
Slightly impaired	One-half.
Impaired	The whole.
Materially impaired	One-and-a-half times.

In this paragraph the expression "service," in relation to an unestablished officer, means service which would be reckoned by the Secretary of State for the purposes of the Order of the Secretary of State of the 9th March, 1933, respecting the grant of compassionate gratuities to certain officers of the staff of the Metropolitan Police and Metropolitan Police Courts and to their dependants, and, in relation to an established officer, means service in an established capacity together with any service in an unestablished capacity which, in the case of an unestablished officer, would be reckoned as aforesaid.

5.—(1) In any case in which a person to whom this Order applies retires wholly or partly on account of age or infirmity, but his capacity to contribute to his support

is, in the opinion of the Secretary of State, impaired by reason of his injury, the Secretary of State may make such award as he may think reasonable, having regard to the Scale applicable to such person.

(2) If, for the purpose of assessing the amount of any allowance or gratuity to be granted to any person to whom this Order applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, the Secretary of State may make a provisional award to have effect until such time as the degree of permanent impairment can be finally determined.

(3) Where any person to whom this Order applies is unable to follow his employment by reason of his injury, but there is doubt whether or not he will retire by reason thereof, the Secretary of State in any case in which that person either is not eligible for sick pay or is eligible for sick pay at a rate which is less than the rate of annual allowance which might be awarded to him under this Order if he retires by reason of his injury may grant to him such provisional allowance as he may think reasonable, having regard to the Scale applicable to such person.

(4) An annual allowance granted to any person to whom this Order applies shall not, together with any superannuation allowance for which he is otherwise qualified, exceed five-sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

In this clause the expression "superannuation allowance" includes, in relation to any person, an annual compensation or retiring allowance granted by the Secretary of State under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder, and the annuity value of any additional allowance granted under those Orders, the said value being computed in accordance with the tables for immediate life annuities framed under Part II of the Government Annuities Act, 1929, which were in force at the time of his retirement.

AWARDS TO WIDOWS.

6. If any person to whom this Order applies dies within seven years of the date of his injury and as a direct result thereof, there may be paid to his widow (if she was married to such person at the date when the injury was sustained), so long as she remains unmarried and of good character, an annual allowance, according as Scale I or Scale II applied to the deceased, not exceeding the proportion specified in column 2 of the following table of his salary and emoluments at the date of his injury, or the amount specified in column 3 of that table, whichever be the greater:—

Scale applicable to deceased. 1	Proportion of Salary and Emoluments. 2	Minimum Allowance. 3
Scale I	Ten sixtieths.	£15
Scale II	Eight sixtieths.	£15

AWARDS TO CHILDREN.

7.—(1) If any person to whom Scale I applies dies within seven years of the date of his injury and as a direct result thereof, there may be paid, subject to the provisions of clause ten of this Order, in respect of each of his children, until such child attains the age of fifteen years, and so long, thereafter, up to the age of eighteen years, as tne child remains at school, an annual allowance not exceeding the proportion ascertainable from the following table of the allowance which might have been granted to his widow under clause six of this Order.

Where the deceased leaves a widow to whom an award is granted.	One eighth.
Where the deceased does not leave a widow to whom an award is granted.	One quarter.
Where the deceased leaves a widow to whom an award is granted and who subsequently dies, as from the date of her death.	One quarter.

(2) No allowance under this clause shall be payable at any time in respect of more than six children.

8. Subject to the provisions of clause ten of this Order, there may be paid in respect of the children of any person to whom Scale II applies, and who dies within seven years of the date of his injury as a direct result thereof, a gratuity not exceeding the proportion of his salary and emoluments at the date of his injury mentioned in the second column of the following table, or the amount given in the third column of that table, whichever be the greater, multiplied by the aggregate (not exceeding 50) of the number of completed years in the period between the date of the death of the deceased and the date when each child attains the age of fifteen years, so however that the total gratuity shall not in any case be less than the sum mentioned in the fourth column of the said table.

1	2	3	4
Where the deceased leaves a widow to whom an award is granted.	One hundredth.	£1	£10
Where the deceased does not leave a widow to whom an award is granted.	One fiftieth.	£2	£20

Provided that where the deceased leaves a widow to whom an award has been granted and who dies while one or more of his children is or are under the age of fifteen years, there may be awarded in respect of such children an additional gratuity not exceeding one one-hundredth part of the annual salary and emoluments of the deceased at the date of his injury or £1, whichever be the greater, multiplied by the aggregate of the number of completed years between the date of the death of the widow and the date when each of such children attains the age of fifteen years, so however, that if the gratuity originally granted in respect of the children was arrived at on the basis of the over-riding maximum of fifty years, the additional gratuity shall not exceed the amount calculated as aforesaid multiplied by a fraction in which the numerator is 50 and the denominator is the number of years on which the gratuity originally granted might have been calculated but for the over-riding maximum of 50 years.

9. Except where otherwise provieded, any annual allowance payable under clauses six, seven or eight of this Order shall be payable as from the date of the death of the deceased injured person, or, in the case of a posthumous child, as from the date of its birth,

10. Nothing in clauses seven or eight of this Order shall permit:—

(*a*) the grant of any allowance or gratuity in respect of any child unless, in the case of a legitimate child, that child was born not later than nine months after the date of the injury directly causing the death of the deceased, or, in the case of a step-child, illegitimate child or adopted child, that child was born or adopted before the date of such injury and was wholly or mainly dependent upon the deceased for support; or

(*b*) the grant of an allowance or gratuity in respect of a step-child, illegitimate child or adopted child at a higher rate than would have been payable in respect of such child if the deceased had left a widow to whom an allowance had been granted, unless the Secretary of State in any particular case otherwise directs.

Awards to Dependent Mothers.

11. If any person to whom this Order applies dies within seven years of the date of his injury and as a direct result thereof, without leaving a widow eligible for the grant of an allowance under this Order, but leaving a mother wholly dependent upon him for her support, the award which might have been made to the widow under this Order may be made to the mother.

12. Where an annual allowance is granted to a person under clause four of this Order calculated in part by reference to the number of years of his service, the part so calculated shall be in lieu of any gratuity under clause six of the Order of the Secretary of State dated 1st January, 1876, and clause one of the Order of the Secretary of State dated 9th March, 1933, but save as aforesaid, any award under this Order to any person, or to his widow or dependants, shall be in addition to any allowance or gratuity for which such person, his legal personal representatives or his dependants may be eligible under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder.

13. A person employed in police service who is subject to the Superannuation Scheme of the Federated Superannuation System for Universities shall, for the purposes of clause three of this Order, be deemed to be an established officer who is eligible for a pension in respect of his service, and any annual allowance granted to any such person under that clause, together with such sum as the Secretary of State may determine to be the annual value, on a fair and reasonable basis, according to the circumstances, of the benefits of the policies or accumulated investments held in respect of him under the said Scheme, shall not exceed five-sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

Awards to Injured Women and to Dependants of Women who Die as the Result of an Injury.

14. References in this Order to a widow or her husband shall, in their application to a woman employed in police service, be read as references to a widower or his wife, provided that nothing therein shall permit the grant of an award to a widower, or to children, in the case where the deceased leaves a widower, unless such widower was permanently incapacitated and was dependent upon the deceased at the date of her death.

15. The Order of the Secretary of State of the 19th April, 1929, shall not apply to any person to whom this Order applies.

16. This Order may be cited as the Metropolitan Police Staffs Injuries Order, No. 1, 1940.

Order of the Secretary of State, made in Pursuance of the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, and the Superannuation (Various Services) Act, 1938, respecting the Grant of Gratuities and Allowances to Officers of the Staff of the Metropolitan Police and Metropolitan Police Courts who are injured in the Discharge of their Duty, while carried, in Pursuance of Official Instructions, in any Aircraft or in one of His Majesty's Submarines.

No. 1071, 5th June, 1940.

1. In this Order, unless the context otherwise requires :—

(1) The expression "police service" means service the salary in respect of which is paid out of the Metropolitan Police Fund,

(*a*) under the Commissioner of Police of the Metropolis, or under the Receiver for the Metropolitan Police District, otherwise than as a constable, or

(*b*) if appointed after the 6th August, 1897, as a member of the staff of the Metropolitan Police Courts;

(2) The expression "established officer" means a person employed in police service in a pensionable situation, and the expression "unestablished officer" a person employed in police service otherwise than as an established officer;

(3) The expression "emoluments" means emoluments which, if the recipient were an established officer, would be reckoned by the Secretary of State in the calculation of any superannuation benefits which might be granted to such officer;

(4) The expression "salary and emoluments" means annual salary and emoluments;

(5) The expression "pension" means any annual superannuation compensation or retiring allowance granted by the Secretary of State under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder;

(6) The expression "an adopted child" means a child whom the deceased had, prior to the date of his injury, adopted within the meaning of any enactment for the time being in force in the locality in which he was domiciled at the date of his injury;

(7) The expression "workman" means a workman as defined by the Workmen's Compensation Act, 1925, and any statutory modification thereof who :—

(*a*) is injured in Great Britain; or

(*b*) is injured out of Great Britain in circumstances in which compensation is payable in respect of his injury under any Act relating to workmen's compensation for the time being in force in Great Britain, Northern Ireland, the Isle of Man or Eire.

2. This Order shall apply to any person (not being a workman as defined in this Order) employed in police service who is injured on or after the date of this Order :—

(*a*) in the actual discharge of his duty; and

(*b*) without his own default; and

(*c*) by some injury specifically attributable to the nature of his duty, while carried, in pursuance of official instructions, in any aircraft or in one of His Majesty's submarines.

3. Subject as hereinafter provided, any person to whom this Order applies and who retires by reason of his injury may be granted :—

(*a*) if he is either an unestablished officer or an established officer who is not eligible for a pension in respect of his service, an annual allowance, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of his salary and emoluments at the date of the injury; and

(*b*) if he is an established officer who is eligible for a pension in respect of his service, an annual allowance, according to the degree of impairment of his capacity to contribute to his support, not exceeding the proportion specified in the following table of the difference between his salary and emoluments at the date of the injury and the amount of any pension, including the annuity value (computed in accordance with the tables for immediate life annuities framed under Part II of the Government Annuities Act, 1929, which were in force at the time of his retirement) of any additional allowance, granted to him in respect of his service.

The Table above referred to.

Where the injured person's capacity to contribute to his support is:—	Proportion.
Slightly impaired	One eighth.
Impaired	One quarter.
Materially impaired	Three eighths.
Totally destroyed	One half.

4.—(1) In any case in which a person to whom this Order applies retires wholly or partly on account of age or infirmity, but his capacity to contribute to his support is, in the opinion of the Secretary of State, impaired by reason of his injury, the Secretary of State may make such award as he may think reasonable.

(2) If, for the purpose of assessing the amount of any allowance to be granted to any person to whom this Order applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, the Secretary of State may make a provisional award, to have effect until such time as the degree of permanent impairment can be finally determined.

(3) Where any person to whom this Order applies is unable to follow his employment by reason of his injury, but there is doubt whether or not he will retire by reason thereof, the Secretary of State, in any case in which that person either is not eligible for sick pay or is eligible for sick pay at a rate which is less than the rate of annual allowance which might be awarded to him under this Order if he retires by reason of his injury, may grant to him such provisional allowance as he may think reasonable.

(4) An annual allowance granted to any person to whom this Order applies shall not together with any superannuation allowance for which he is otherwise qualified exceed five-sixths of his salary and emoluments at the date of the injury in respect of which such annual allowance is granted.

In this clause the expression "superannuation allowance" includes, in relation to any person, an annual compensation or retiring allowance granted by the Secretary of State under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder, and the annuity value of any additional allowance granted under those Orders, the said value being computed in accordance with the tables for immediate life annuities framed under Part 11 of the Government Annuities Act, 1929, which were in force at the time of his retirement.

5.—(1) If any person to whom this Order applies dies within seven years of the date of his injury and as a direct result thereof, there may be paid:—

(*a*) to his widow (if she was married to him at the date of his injury), so long as she remains unmarried and of good character;

(*b*) to his mother, if wholly dependent upon him for her support at the date of his death; and

(*c*) in respect of each of his children who, in the case of legitimate children, were born not later than nine months after the date of his injury, and in the case of step-children, illegitimate children or adopted children, were wholly or mainly dependent upon the deceased for support and were born or adopted before the date of his injury, an annual allowance, payable as from the date of the death of the deceased or, in the case of a posthumous child, from the date of its birth, not exceeding, as the case may be, the proportion, calculated in accordance with the table, of the salary and emoluments of the deceased at the date of his injury.

	Proportion of salary and emoluments.
The widow	One fourth.
Each child, where the deceased leaves a widow to whom an award is granted.	One twenty-fourth.
Each child, where the deceased does not leave a widow to whom an award is granted.	One twelfth.
The dependent mother, where the deceased leaves a widow, but no children.	One twenty-fourth.
The dependent mother, where the deceased leaves a child or children, but no widow.	One twelfth.
The dependent mother, where the deceased leaves neither a widow nor any children.	One fourth.

Provided that:—

(*a*) where the deceased leaves a widow to whom an award has been granted and who dies during the continuance of an allowance in respect of any child, the rate of allowance in respect of such child shall, as from the date of the death of the widow, be double the rate which would otherwise be payable under this clause in respect of such child;

(*b*) the allowance in respect of any child shall cease to be payable when he or she attains the age of eighteen years; and

(*c*) the aggregate of the allowances payable in respect of children shall not

exceed one fourth of the salary and emoluments of the deceased at the date of the injury.

(2) Nothing in this clause shall permit the grant of any allowance in respect of a step-child, illegitimate child or adopted child at a higher rate than one twenty-fourth of the salary and emoluments of the deceased injured person at the date of his injury, unless the Secretary of State in any particular case otherwise directs.

6. Any award under this Order to any person, or to his widow or dependents, shall be in addition to any allowance or gratuity for which such person, his legal personal representatives or dependents may be eligible under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied by section five of the Metropolitan Police Courts Act, 1897, the Superannuation (Various Services) Act, 1938, and the Orders made thereunder.

7. A person employed in police service who is subject to the Superannuation Scheme of the Federated Superannuation System for Universities shall, for the purposes of clause three of this Order, be deemed to be an established officer who is eligible for a pension in respect of his service; and

(*a*) any annual allowance granted to any such person under that clause, together with such sum as the Secretary of State may determine to be the annual value on a fair and reasonable basis, according to the circumstances, of the benefits of the policies or accumulated investments held in respect of him under the said Scheme, shall not exceed five-sixths of the salary and emoluments of his office at the date of the injury in respect of which such annual allowance is granted;

(*b*) any such person who has been employed for not less than ten years in police service under the said Scheme shall, for the purpose of calculating an award to him under this Order, be deemed to be eligible for a pension in respect of his service of such an amount as the Secretary of State may determine to be the part of such annual value as is fairly attributable to the contributions paid in respect of his police service.

8. References in this Order to a widow or her husband shall, in their application to a woman employed in police service, be read as references to a widower or his wife, provided that nothing herein shall permit the grant of an annual allowance to a widower, or to children, in the case where the deceased leaves a widower, unless such widower was permanently incapacitated and was dependent upon the deceased at the date of her death.

9. The Order of the Secretary of State of the 19th April, 1929, shall not apply to any person to whom this Order applies.

10. This Order may be cited as the Metropolitan Police Staffs Injuries Order No. 2, 1940.

Order of the Secretary of State, made in Pursuance of the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, and the Superannuation (Various Services) Act, 1938, respecting the Grant of Gratuities and Allowances to certain Officers of the Staff of the Metropolitan Police and Metropolitan Police Courts in respect of Injuries incurred during the Present Emergency.

No. 1072, 5th June, 1940.

1. In this Order, unless the context otherwise requires, the following expressions have the meanings hereinafter respectively assigned to them, that is to say:

"The No. 1 Order" means the Metropolitan Police Staffs Injuries Order No. 1, 1940;

"The No. 2 Order" means the Metropolitan Police Staffs Injuries Order No. 2, 1940;

"The Principal Orders" means the No. 1 Order and the No. 2 Order;

"The Scheme" means the Scheme made by the Minister of Pensions with the consent of the Treasury under section 1 of the Personal Injuries (Emergency Provisions) Act, 1939, and for the time being in force;

"civil defence organisation" means any organisation established for civil defence purposes which is declared by the Scheme to be a civil defence organisation for the purpose of the Personal Injuries (Emergency Provisions) Act, 1939, and the Scheme;

"civil defence volunteer", in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

the expressions "police service", "emoluments", "salary and emoluments" and "workmen" have the same meanings as in the Principal Orders;

"period of the present emergency" means the period beginning with the 1st day of September, 1939, and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency which was the occasion for the passing of the Personal Injuries (Emergency Provisions) Act, 1939, came to an end;

"war entrant" means any person who became during the period of the present emergency employed in police service, not being a workman or a person recruited outside the United Kingdom;

"war injuries" means physical injuries

(*a*) caused by

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

"war service injury", in relation to a civil defence volunteer, means any physical injury which the Minister of Pensions certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity.

2. Neither of the Principal Orders shall apply to a war entrant who sustains a war injury or who, being a civil defence volunteer, sustains a war service injury.

3.—(1) The amount of the annual allowance or gratuity which may be granted under the Principal Orders as amended by this Order to a war entrant who retires by reason of an injury sustained during the period of the present emergency or who, having sustained an injury during the said period, retires wholly or partly on account of age or infirmity shall not exceed, in the case of an annual allowance, the annual value or, in the case of a gratuity, the gratuity value of the pensions and allowances which might have been awarded to, or to the wife of, such war entrant under Part III of the Scheme in respect of the injury if the conditions for such an award had been fulfilled.

(2) The amount of the annual allowances or gratuity which may be granted under the Principal Orders as amended by this Order on the death of a war entrant within seven years after the date of the injury and as a direct result thereof to his widow or mother or in respect of his children shall not, if the injury was sustained during the period of the present emergency, exceed—

(*a*) in the case of annual allowances to his widow or mother or in respect of his children, the annual value of the pensions which might have been awarded

to such relatives under Part III of the Scheme in respect of his death if the conditions for such an award had been fulfilled;

(*b*) in the case of a gratuity in respect of his children, the gratuity value of the pensions which might have been so awarded to his children; and

(*c*) in the case of an annual allowance to his widow or mother and a gratuity in respect of his children the aggregate of the annual value of the pensions which might have been so awarded to his widow or mother and the gratuity value of the pensions which might have been so awarded to his children.

4.—(1) The annual allowance or gratuity which may be granted under the Principal Orders to a person employed in police service (not being a workman or a war entrant) who—

(*a*) is ordinarily resident in the United Kingdom; and

(*b*) suffers a war injury or, being a civil defence volunteer, a war service injury outside the United Kingdom; and

(*c*) is at the date of the injury in receipt of salary and emoluments not exceeding three hundred and fifty pounds a year; and

(*d*) retires by reason of such an injury (or, having sustained such an injury, retires wholly or partly on account of age or infirmity)

may be of an amount not exceeding, in the case of an annual allowance, the annual value or, in the case of a gratuity, the gratuity value, of the pensions and allowances which might have been awarded to, or to the wife of, such person under Part III of the Scheme in respect of the injury, if the conditions for such an award had been fulfilled in cases where the amount of the annual value or of the gratuity value exceeds the amount of the annual allowances or of the gratuity as the case may be which may be granted under the Principal Orders.

(2) The amount of the annual allowances or gratuity which may be granted under the Principal Orders on the death of such a person as aforesaid within seven years after the date of the injury and as a direct result thereof to his widow or mother or in respect of his children may, if the injury was sustained during the period of the present emergency, be of an amount not exceeding—

(*a*) in the case of annual allowances to his widow or mother or in respect of his children, the annual value of the pensions which might have been awarded to such relatives under Part III of the Schemes in respect of his death if the conditions for such an award had been fulfilled;

(*b*) in the case of a gratuity in respect of his children, the gratuity value of the pensions which might have been so awarded to his children; and

(*c*) in the case of an annual allowance to his widow or mother and a gratuity

in respect of his children the aggregate of the annual value of the pensions which might have been so awarded to his widow or mother and the gratuity value of the pensions which might have been so awarded to his children in cases where the amount of the annual value or of the gratuity value or of the annual value and the gratuity value exceeds the amount of the annual allowances or of the gratuity or of the annual allowance and the gratuity, as the case may be, which may be granted under the Principal Orders.

5. For the purpose of the last two foregoing clauses, the "annual value" of the pension or allowance shall be the total amount which would be paid during a year in respect of that pension or allowance and the "gratuity value" of a pension or allowance shall be such capital sum as the Government Actuary estimates to be the actuarial equivalent of that pension or allowance.

6. If a person, to whom the No. 2 Order as amended by paragraph 2 of this Order applies, retires by reason of a war injury which is not a war service injury, or, having sustained such a war injury, retires wholly or partly on account of age or infirmity, the No. 2 Order shall have effect in relation to that person as if he were a person to whom the No. 1 Order applied.

7. This Order may be cited as the Metropolitan Police Staffs Injuries No. 3 Order, 1940.

Special Constables Order.

No. 1193, 2nd July, 1940.

1. A Special constable appointed before the 28th day of September, 1939, who serves as such in a whole-time capacity during the present war may be granted pay at the rate and on the conditions for the time being approved by the Secretary of State, provided that a special constable who is granted pay under the provisions of this Order shall not be granted any allowance in consideration of wages lost under the provisions of clause (*b*) of subsection (1) paragraph 7 of the Special Constables Order, 1923.

2. The Special Constables Order, 1939, is hereby revoked.

3. This Order may be cited as the Special Constables Order, 1940.

Special Constables Order (No. 2).

No. 1274, 10th July, 1940.

1. "18 years" shall be substituted for "20 years" in paragraph 1 of the Special Constables Order, 1923.

2. This Order may be cited as the Special Constables Order (No. 2), 1940.

Police Regulations, under Section 4 of the Police Act, 1919. (9 & 10 geo. 5, c. 46)

No. 1704, 14th September, 1940.

1.—(a) The proviso to paragraph (1) of Regulation 18 and paragraph (2) of Regulation 18 are hereby revoked.

(b) In the proviso to paragraph (2) of Regulation 20, the words "*to appeal against such decision*" shall be omitted.

(c) After Regulation 20 there shall be inserted the following Regulation:—

"*20A. The following provisions shall have effect with respect to disciplinary proceedings before the Chief Officer of Police and also to proceedings before the Watch Committee:*

(1) If the accused so desires, he shall be allowed to have another serving member of the force, selected by himself, to assist him in presenting his case.

(2) If the accused absconds or refuses or neglects without good and sufficient cause to attend the proceedings at the time and place appointed, or is serving a sentence of imprisonment or penal servitude, the case may be decided in his absence."

(d) Regulation 20A shall be renumbered as Regulation 20B.

2.—(a) The word "*and*" after proviso (ii) to paragraph (1) of Regulation 28 shall be omitted, and the following proviso shall be inserted after proviso (iii):—

"*(iv) During the period of the present emergency a member of a police force who has not passed the qualifying examinations may be promoted if the Chief Officer of Police is satisfied that he is the best qualified for the post.*"

(b) At the end of paragraph (4) of Regulation 29 the following proviso shall be inserted:—

"*Provided that it shall not be obligatory to hold the examinations during the period of the present emergency.*"

3. After Regulation 64 there shall be inserted the following Regulations:—

"*Supplementary Allowance.*

64A. As from the 1st July, 1940, there shall be paid to every constable a supplementary allowance of 5s. a week."

"*War Duty Allowance.*

64B. As from the 1st July, 1940, there shall be paid to every constable a war duty allowance of 3s. a week and to every sergeant (including station sergeants) a war duty allowance of 4s. a week."

4. In Regulation 74 before the words "an inspector" there shall be inserted the words "*a station sergeant, sub-inspector or inspector or a station sergeant or sub-inspector is required to perform the duties of .....*" and after the words "his ordinary rate of pay"

there shall be inserted the words "*together with the supplementary allowance paid under Regulation 64A.*"

5. After Regulation 74 there shall be inserted the following Regulation:—

"*Temporary Appointments.*

74A.—(1) *During the period of the present emergency a member of a police force who is required to perform the duties of a higher rank may be appointed temporarily to that rank.*

(2) *The pay of a member of a police force so appointed temporarily to a higher rank shall be the pay to which he would from time to time have been intitled had he not been so appointed.*

(3) *A member of a police force so appointed shall be granted an allowance in addition to his pay at a rate equal to the difference between his ordinary rate of pay together with the supdlementary allowance paid under Regulation 64A and the rate of pay which he would from time to time have received if he had been promoted to the rank which he temporarily holds at the date when the appointment was made and shall receive the allowances appropriate to that rank.*

(4) *If, while holding temporary rank under this Regulation, a member of a police force is appointed substantively to that rank, he shall, for purposes of increments, be deemed to have held the substantive rank as from the date on which he was appointed to the temporary rank.*

(5) *This Regulation shall not apply to a case where a Deputy Chief Constable performs the duties of Chief Constable.*"

6. In Regulation 88 (3) the words "*or registered dentist*" shall be inserted after the words "other medical practitioner".

7. In the proviso to Regulation 89 after the words "own default" there shall be inserted the words "*or by reason of a war injury as defined in subsection (1) of section 8 of the Personal Injuries (Emergency Provisions) Act, 1939*" and at the end of Regulation 89 there shall be inserted the following paragraph:—

"(2) *Where a member of a police force is in receipt of an injury allowance under a scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, the amount of the allowance may be deducted from his pay in respect of the period during which he is in receipt of the allowance.*"

8. After Regulation 89A, there shall be inserted the following Regulation:—

"*90. For the purpose of these Regulations the expression 'period of the present emergency' shall have the same meaning as in the Police and Firemen (War Service) Act, 1939.*"

Police (Scotland) Regulations, under the Police Act, 1919 (9 & 10 Geo. 5. c. 46).

No. 1813 / S. 90, 14th September, 1940.

1. For paragraph (*a*) of Regulation 8 the following paragraph shall be substituted—

"(*a*) he carries on any business or without the consent of the Chief Constable holds any other office or employment for hire or gain, or".

2. In Regulation 17F the following words shall be inserted after the word "appointed":—

"or is serving a sentence of imprisonment or penal servitude".

3. In Regulation 52 the following words shall be inserted at the end of the Regulation:—

"or such shorter period as shall appear to the Chief Constable to meet the circumstance of the case".

4. In Regulation 58 the following words shall be inserted after the words "for a period of five years":—

"or, if the Constable has previously held a higher rank and has completed 22 years' service, for such shorter period, not being less than 12 months, as shall appear to the Chief Constable to meet the circumstances of the case,"

5. After Regulation 63 there shall be inserted the following Regulations:—

"*Supplementary Allowance.*

63A. As from the 1st July, 1940, there shall be paid to every constable a supplementary allowance of 5s. a week.

War Duty Allowance.

63B. As from the 1st July, 1940, there shall be paid to every constable a war duty allowance of 3s. a week and to every sergeant a war duty allowance of 4s. a week."

6. In Regulation 72 after the words "his ordinary rate of pay" there shall be inserted the words "together with the supplementary allowance paid under 'Regulation 63A".

7. After Regulation 72 there shall be inserted the following Regulation:—

"72A.—(i) During the period of the present emergency a member of a police force who is required to perform the duties of a higher rank may be appointed temporarily to that rank: provided that no member of a police force shall be so appointed to any rank unless he is eligible under these Regulations for substantive promotion to that rank.

(ii) The pay of a member of a police force so appointed temporarily to a higher rank shall be the pay to which he would from time to time have been entitled had he not been so appointed.

(iii) A member of a police force so appointed shall be granted an allowance in addition to his pay at a rate equal to the difference between his ordinary rate of pay together with the supplementary allowance paid under Regulation 68A and the rate of pay which he would from time to time have received if he had been promoted to the rank which he temporarily holds at the date when the appointment was made, and shall receive the allowances appropriate to that rank.

(iv) If, while holding temporary rank under this Regulation, a member of a police force is appointed substantively to that rank, he shall, for purposes of increments, be deemed to have held the substantive rank as from the date on which he was appointed to the temporary rank.

(v) This Regulation shall not apply to a case where a Deputy Chief Constable performs the duties of Chief Constable."

8. In Regulation 84B (2) the words "or registered dentist" shall be inserted after the words "other medical practitioner".

9. In Regulation 84C the following paragraph shall be inserted at the end of the Regulation :—

"(2) Where a member of a police force is in receipt of an injury allowance under a scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, the amount of the allowance may be deducted from his pay in respect of the period during which he is in receipt of the allowance."

10. In Regulation 90 the following paragraph shall be inserted at the end of the Regulation :—

"(3) For the purposes of these Regulations the expression 'period of the present emergency' shall have the same meaning as in the Police and Firemen (War Service) Act, 1939."

11. In the second Appendix the following words shall be inserted at the end of paragraph (3) :—

"Provided that in respect of any year during the period of the present emergency the Secretary of State may direct that examinations shall not be held or that they shall be held on such date other than the second Tuesday of February as he may specify."

Police (Women) Regulations, under Section 4 of of the Police Act, 1919. (9 & 10 geo. 5, c, 46)

No. 1705, 14th September, 1940.

1.—(a) The proviso to paragraph (1) of Regulation 12 and paragraph (2) of Regulation 12 are hereby revoked.

(b) In the proviso to paragraph (2) of Regulation 14 the words "*to appeal against such decision*" shall be omitted.

(c) After Regulation 14 there shall be inserted the following Regulation :—

"*14A. The following provisions shall have effect with respect to disciplinary proceedings before the Chief Officer of Police and also to proceedings before the Watch Committee :*

(1) If the accused so desires, she shall be allowed to have another serving member of the force, selected by herself, to assist her in presenting her case.

(2) If the accused absconds or refuses or neglects without good and sufficient cause to attend the proceedings at the time and place appointed, or is serving a sentence of imprisonment or penal servitude, the case may be decided in her absence."

(d) Regulation 14A shall be renumbered as Regulation 14B.

2.—(a) "(*i*)" shall be inserted after the word "that" in the first line of the proviso to Regulation 21, the words "*provided also that*" shall be omitted after the words "to be employed" and "(*ii*)" shall be inserted, and the following words shall be added after the word "standard" "*and (iii) during the period of the present emergency a woman member of a police force who has not passed the qualifying examinations may be promoted if the Chief Officer is satisfied that she is the best qualified for the post.*"

(b) At the end of paragraph (4) of Regulation 22 the following proviso shall be inserted :—

"*Provided that it shall not be obligatory to hold the examinations during the period of the present emergency,*"

3. After Regulation 56 there shall be inserted the following Regulations :—

"*Supplementary Allowance.*

56A. As from the 1st July, 1940, there shall be paid to every woman constable a supplementary allowance of 4s. a week."

"*War Duty Allowance.*

56B. As from the 1st July, 1940, there shall be paid to every woman constable a war duty allowance of 2s. 6d. a week and to every woman sergeant a war duty allowance of 3s. a week."

4. In Regulation 64 after the words "her ordinary rate of pay" there shall be inserted the words "*together with the supplementary allowance paid under Regulation 56A*".

5. After Regulation 64 there shall be inserted the following Regulation :—

"*Temporary Appointments.*

64A.—(*1*) *During the period of the present emergency a woman member of a police force who is required to perform the duties of a higher rank may be appointed temporarily to that rank.*

(*2*) *The pay of a woman member of a police force so appointed temporarily to a higher rank shall be the pay to which she would from time to time have been entitled had she not been so appointed.*

(*3*) *A woman member of a police force so appointed shall be granted an allowance in addition to her pay at a rate equal to the difference between her ordinary rate of pay together with the supplementary allowance paid under Regulation 56A and the rate of pay which she would from time to time have received if she had been promoted to the rank which she temporarily holds at the date when the appointment was made and shall receive the allowances appropriate to that rank.*

(*4*) *If, while holding temporary rank under this Regulation a woman member of a police force is appointed substantively to that rank, she shall, for purposes of increments, be deemed to have held the substantive rank from the date on which she was appointed to the temporary rank.*"

6. In Regulation 79 (3) the words "*or registered dentist*" shall be inserted after the words "other medical practitioner".

7. In the proviso to Regulation 80 after the words "own default" there shall be inserted the words "*or by reason of a war injury as defined in subsection (1) of section 8 of the Personal Injuries (Emergency Provisions) Act, 1939*", and at the end of Regulation 80 there shall be inserted the following paragraph:—

"(2) *Where a woman member of a police force is in receipt of an injury allowance under a scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, the amount of the allowance may be deducted from her pay in respect of the period during which she is in receipt of the allowance.*"

8. After Regulation 81, there shall be inserted the following Regulation:—

"*82. For the purpose of these Regulations the expression 'period of the present emergency' shall have the same meaning as in the Police and Firemen (War Service) Act, 1939.*"

Temporary Constables (Emergency) Rules, under Regulation 40AC of the Defence (General) Regulations, 1939.

No. 243. 20th February, 1941.

1. Constables to whom these Rules apply (hereinafter referred to as "constables") shall be appointed by, and shall serve under the directions of, the Chief Officer of Police.

2. Every constable shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a constable. He may be required to do duty at all times, including Sundays and public holidays.

3. The normal daily period for which a constable shall be required to perform his appointed police duties shall be eight hours, exclusive of time occupied in parading for relief, waiting for relief and returning to station after relief. Where the duties are performed in one tour of eight hours an interval of 30 minutes for refreshments shall be allowed so far as the exigencies of duty will permit.

4. The normal period of duty may be extended by or under the directions of the Chief Officer of Police on any particular day or for a specified period, as respects any constable or constables; and nothing in these Rules shall affect the obligation of any constable to carry out any lawful orders or to attend at any time to any matter to which it is his duty as a constable to attend.

5. When the normal period of duty of any constable is so extended, or he is recalled to do duty after his normal hours, so that his period of duty on any day is more than 12 hours, he shall be granted, if and as soon as the exigencies of duty will permit, time off from duty equal to the period worked over and above 12 hours.

6. The pay of a constable shall be 70s. weekly.

7. A constable who has served as such for six months shall, if and so long as the Chief Officer of Police certifies him to be capable of discharging efficiently the duties of a constable and to be discharging those duties satisfactorily, be entitled to proficiency pay at the rate of 5s. weekly unless deprived of such pay for an offence against discipline.

8. A constable who is not supplied with boots by the Police Authority shall be paid in lieu a boot allowance at the rate of 1s. weekly. Where boots are supplied a repair allowance not exceeding 1s. a month shall be paid.

9. An allowance not exceeding 1s. weekly may be paid to a constable who regularly uses his bicycle on duty.

10. A constable who is employed away from home on normal police duties may be paid subsistence, lodging and refreshment allowances at the rates authorised for Constables by Regulations 70 and 71 of the Police Regulations.

11. Where a constable is employed on detachment duty and owing to exceptional circumstances cannot be provided with food he may be paid a refreshment allowance at the rate authorised for Constables by Regulation 71 of the Police Regulations.

12. Where a constable is required to live away from home in circumstances not covered by Rule 10 and owing to exceptional circumstances has to make arrangements for accommodation at his own expense he may be paid a lodging allowance of 5s. weekly.

13. No other payment by way of an allowance may be made except with the approval of the Secretary of State.

14.—(1) A constable shall, so far as the exigencies of duty permit, be granted leave of absence (hereinafter referred to as annual leave) at the rate of one day for each complete month of continuous service up to a maximum of twelve days in each complete calendar year, provided that, if the Secretary of State so specially authorises, broken periods of service may, for the purposes of this Rule, be reckoned as continuous.

(2) Annual leave shall be additional to any leave granted by way of rest days and to any leave specially authorised by the Secretary of State.

15.—(1) A constable who has qualified by completing the periods of service specified in paragraph (2) of this Rule and who complies with the conditions specified in paragraph (3) of this Rule shall, in any period of twelve months, be entitled to sick leave on full pay up to a maximum of three weeks and also to sick leave on half pay up to a maximum of three weeks subject to the deduction specified in paragraph (4) of this Rule.

Provided that the Chief Officer of Police may deprive a constable of such pay in whole or in part where the sickness is certified by a medical practitioner as being due to or the injury is suffered by reason of the constable's own misconduct, neglect or default.

(2) A constable shall be entitled to sick leave on full pay when he has completed, since the relevant date, three months continuous service, and to sick leave on half pay when he has completed, since the said date, twelve months continuous service.

For the purposes of this paragraph—

(i) "the relevant date" means the date on which the constable was first called up for active service after his last enlistment;

(ii) a period of sick leave during which a constable is not entitled to pay shall be disregarded in computing continuous service and, unless the Chief Officer of Police otherwise directs, the periods of service immediately before and after such a period of sick leave shall not be deemed to be continuous with each other;

(iii) the Chief Officer of Police may direct that periods of service immediately before and after a period during which a constable is not called up for active service shall be deemed to be continuous with each other.

(3) The constable shall report without delay to the Chief Officer of Police or to an officer designated by him for the purpose any sickness necessitating absence from duty, and shall furnish a medical certificate if his absence from duty exceeds two consecutive days, provided that, in any period of twelve months, the periods of absence from duty during which a constable is entitled to pay without furnishing a medical certificate shall not exceed seven days in all.

(4) There shall be deducted from any pay to which a constable may be entitled during a period of sick leave an amount equivalent to any statutory benefit for which the constable may have qualified under the National Health Insurance Acts, 1936, to 1939, or to any payment made to the constable in respect of the period of sick leave with pay under any scheme made by the Minister of Pensions under the Personal Injuries (Emergency Provisions) Act, 1939.

16.—(1) A constable who sustains a war service injury as defined in sub-section (1) of section 8 of the Personal Injuries (Emergency Provisions) Act, 1939, and is thereby incapacitated for duty shall be entitled to special leave with full pay in respect of such incapacity for a period or periods not exceeding in the aggregate eight weeks, and such leave shall not be taken into account in calculating the sick leave with pay to which he is entitled under Rule 15.

(2) At the expiration of four weeks of such special leave the constable shall be examined by the medical officer of the force or other medical practitioner appointed or approved by the Police Authority, and—

(*a*) if the medical officer or other practitioner certifies that the constable is likely to be permanently incapacitated for duty, the constable's employment shall be terminated at the end of the said period of eight weeks; or

(*b*) if the medical officer or other practitioner certifies that there is a reasonable prospect that the constable will be able to resume duty at some future date, the said period of eight weeks special leave with full pay shall be extended to thirteen weeks.

(3) Any payment made under this paragraph shall be subject to the deduction of the amount of any injury allowance paid to the constable in respect of the same period under any scheme made by the Minister of Pensions under the Personal Injuries (Emergency Provisions) Act, 1939.

17. Subject to the provisions of paragraph (2) of Rule 16 the Chief Officer of Police may terminate the employment of any constable by giving him not less than one week's notice.

18.—(1) The Chief Officer of Police may suspend from duty a constable against whom a report or complaint suggesting the commission of an offence against discipline

is made, or who is charged with a criminal offence, and such suspension from duty may continue until the disciplinary proceedings arising out of such report or complaint, or the criminal proceedings, as the case may be, have been concluded.

(2) Except as provided in paragraph (3) hereof a constable who is suspended from duty shall not be entitled to any pay or allowances in respect of the period of suspension.

(3) A constable who is suspended from duty because a report or complaint suggesting the commission of an offence against discipline has been made against him shall be paid a suspension allowance at such rate not less than one half and not exceeding two-thirds of his pay (including proficiency pay) as the Chief Officer of Police may determine.

(4) A constable who is suspended from duty because he has been charged with a criminal offence may, at the discretion of the Chief Officer of Police, be paid a suspension allowance at a rate not exceeding two-thirds of his pay (including proficiency pay) for a period not exceeding four weeks.

(5) A constable who has been suspended from duty and has returned to duty without having been found guilty of any offence may, at the discretion of the Chief Officer of Police, be paid an additional suspension allowance of an amount not exceeding the total of the pay which he would hove received during the period of suspension if he had not been suspended from duty less any sums paid to him by way of suspension allowance in respect of that period.

19. The Code of Offences against Discipline set out in Appendix I shall apply with respect to constables, and an offence against discipline shall be dealt with and may be punished in accordance with Appendix II.

20. A constable shall return either on demand or at the termination of his service any equipment, appliance or material issued to him and shall be liable to defray the cost of the replacement or repair, as the case may be, of any such equipment, appliance or material which is, through his own default, either not returned or consumed destroyed or lost or otherwise becomes defective.

21.—(1) These Rules shall apply to constables in the Police War Reserve of all police forces in England and Wales to which the Police Act, 1919, applies.

(2) These Rules may be cited as the Temporary Constables (Emergency) Rules, 1941.

APPENDIX I.

Code of Offences against Discipline.

Any constable commits an offence against discipline if he is guilty of:—

(1) Discreditable Conduct, that is to say, if he acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the reputation of the force or of the Police Service.

(2) Insubordinate or oppressive conduct, that is to say, if he—

(*a*) is insubordinate by word, act or demeanour, or

(*b*) uses obscene, abusive or insulting language to any other member of the force, or

(*c*) wilfully or negligently makes any false complaint or statement against any member of the force, or

(*d*) assaults any other member of the force, or

(*e*) overholds any complaint or report against any member of the force.

(3) Disobedience to Orders, that is to say, if he disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise.

(4) Neglect of Duty, that is to say, if he—

(*a*) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty as a constable, or

(*b*) idles or gossips while on duty, or

(*c*) fails to work his beat in accordance with orders, or leaves his beat, point, or other place of duty to which he has been ordered, without due permission or sufficient cause, or

(*d*) by carelessness or neglect permits a prisoner to escape, or

(*e*) fails, when knowing where any offender is to be found, to report the same, or to make due exertions for making him amenable to justice, or

(*f*) fails to report any matter which it is his duty to report, or

(*g*) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge, or

(*h*) omits to make any necessary entry in any official document or book, or

(*i*) neglects, or without good and sufficient cause omits, to carry out any instructions of a Medical Officer of the force, or while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.

(5) Falsehood or Prevarication, that is to say, if he—

(*a*) knowingly makes or signs any false statement in any official document or book, or

(*b*) wilfully or negligently makes any false, misleading or inaccurate statement, or

(*c*) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein.

(6) Breach of Confidence, that is to say, if he—

(*a*) divulges any matter which it is his duty to keep secret, or

(*b*) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or

(*c*) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the force, or

(*d*) without proper authority shows to any person outside the force any book or written or printed document the property of the Police Authority, or

(*e*) makes any anonymous communication to the Police Authority or the Chief Officer of Police or any superior officer.

(7) Corrupt Practice, that is to say, if he—

(*a*) receives any bribe, or

(*b*) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity, or

(*c*) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial, without the consent of the Chief Officer of Police or the Police Authority, or

(*d*) places himself under pecuniary obligation to any publican, beer-retailer, spirit-grocer, or any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence, or

(*e*) improperly uses his character and position as a member of the force for his private advantage, or

(*f*) in his capacity as a member of the force, writes, signs or gives, without the sanction of the Chief Officer of Police, any testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind, or

(*g*) without the sanction of the Chief Officer of Police, supports an application for the grant of a licence of any kind.

(8) Unlawful or unnecessary exercise of authority, that is to say, if he—

(*a*) without good and sufficient cause makes any unlawful or unnecessary arrest, or

(*b*) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty, or

(*c*) is uncivil to any member of the public.

(9) Malingering, that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty.

(10) Absence without leave or being late for duty, that is to say, if he without reasonable excuse is absent without leave from, or is late for, parade, Court, or any other duty.

(11) Uncleanliness, that is to say, if he while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing, or accoutrements.

(12) Damage to clothing or other articles supplied, that is to say, if he—

(*a*) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrement, or to any book, document or other property of the Police Authority, served out to him or used by him or entrusted to his care, or

(*b*) fails to report any loss or damage as above, however caused.

(13) Drunkenness, that is to say, if he, while on or off duty, is unfit for duty through drink.

(14) Drinking on duty or soliciting drink, that is to say, if he—

(*a*) without the consent of his superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty, or

(*b*) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty.

(15) Entering licensed premises, etc., while on duty, that is to say, if he enters, while on duty, any premises licensed under the Liquor Licensing laws, or any other premises where liquors are stored or distributed, when his presence there is not required in the execution of his duty.

(16) If he lends money to any superior.

(17) Any constable also commits an offence against discipline, and shall be liable to punishment as provided in these Rules, if he is guilty of an offence which is punishable on conviction, whether summarily or on indictment, or if he connives at or is knowingly an accessory to any offence against discipline under this Code.

APPENDIX II.

1. An offence against discipline may be punished by :—

(i) dismissal ;

(ii) stoppage of pay (including proficiency pay) ;

(iii) reprimand.

2. Dismissal shall take effect forthwith and a constable who is dismissed shall forfeit all rights to pay or any other emolument in respect of any period after his dismissal.

3.—(1) A stoppage of pay may be a stoppage of proficiency pay or a stoppage of the pay prescribed by Rule 6 or both, and shall be for a definite period which shall be stated in the order by which the punishment is inflicted.

(2) Proficiency pay may be stopped in whole or in part for such period as the Chief Officer of Police thinks fit.

(3) For any one offence a stoppage of the pay prescribed by Rule 6 shall not be for a period exceeding three months or of a greater amount in any week than 1/7th of such pay.

4. Every constable against whom a report or complaint suggesting the commission of an offence against discipline is made shall, as soon as possible, be informed in writing of the exact charge against him.

5. The written charge must disclose an offence against discipline as defined in the Code of Offences against Discipline, with such details of time and place as will leave the accused under no misapprehension as to the offence with which he is charged.

6. The written charge, which shall be entered on a form provided for the purpose (hereinafter referred to as the Misconduct Form), together with the report or complaint on which the charge is founded, and all reports thereon (whether confidential or otherwise) or copies thereof, shall be handed or sent as soon as practicable to the accused, who shall initial them to show that he has seen them. He shall either be allowed to retain for purposes of his defence the copies of the reports which are handed to him or shall be given a reasonable opportunity to make copies of the reports for that purpose.

7. The accused shall be directed to state in writing upon the Misconduct Form whether he admits or denies the charge and shall be allowed to give any explanation which he may wish to offer in writing. He shall also be allowed to state whether he desires to offer his explanation personally to the Chief Officer of Police, and shall, if he desires it, be given an opportunity of so doing.

8. The accused shall also be allowed to state the names of any witnesses to material facts whom he desires to be present when the charge is heard. Any such witnesses who are members of the police force shall be ordered to attend ; and any witnesses who are not members of the force shall be given due notice that their attendance is desired and of the place and time of the hearing.

9.—(1) If the accused denies the charge, he shall, unless the Chief Officer of Police is satisfied with the explanation he has offered, be ordered to appear before the Chief Officer of Police and shall have an opportunity of hearing the evidence against him and of cross-examining the witnesses and of calling witnesses in his defence.

Provided that, if the accused absconds or refuses or neglects without good and sufficient cause to attend the hearing of the charge at the time and place appointed, or is serving a sentence of imprisonment or penal servitude, the case may be decided in his absence.

(2) If the accused so desires, he shall be allowed to have another serving constable selected by himself to assist him in presenting his case.

10. The decision of the Chief Officer of Police shall be written upon the Misconduct Form and at once notified to the accused, who shall write on the Misconduct Form his acknowledgment of his having read the decision.

11. In the case of the Metropolitan Police the procedure in discipline cases shall be as specially approved by the Secretary of State and published in the General Orders of that Force.

B. 治 安 維 持

Order, under Regulation 18AA of the Defence (General) Regulations, 1939.

No. 1273, 10th July, 1940.

Whereas I am satisfied with respect to the organisation named below that the persons in control of that organisation have had sympathies with the system of Government of a power with which His Majesty is at war and that there is danger of the utilisation of the organisation for purposes prejudicial to the efficient prosecution of the war :

Now, therefore, in pursuance of the power conferred upon me by paragraph (1) of Regulation 18AA of the Defence (General) Regulations, 1939, I by this Order direct that the said Regulation shall apply to the organisation known as the British Union.

C. 防　空

Civil Defence (Revision of Code) Order, under Section 13 of the Civil Defence Act, 1939 (2 & 3 Geo. 6. c. 31).

No. 1075, 25th June, 1940.

1. Paragraph 2 of the said revised Code shall be revised as follows:—

(*a*) in sub-paragraph (*a*) (ii) after the words "thickness of" there shall be inserted the words "structural concrete or".

(*b*) in sub-paragraph (*a*) (iv) the words "or structural" and "unreinforced" shall be omitted.

(*c*) after sub-paragraph (*a*) (vii) the following sub-paragraph shall be inserted—

"(viii) concrete in hollow type construction conforming with the requirements set out in paragraph (1) of the Appendix to Part I of this code."

(*d*) in sub-paragraph (*b*) (iv) after the words "set out in" there shall be inserted the words "paragraph (2) of".

2. The Appendix to Part I of the said revised Code shall be revised by substituting therefor the following Appendix—

"Appendix to Part I.

(1) (*a*) Walls shall be at least 18 inches thick and built with precast rectangular hollow blocks of cement concrete having nominal overall dimensions of 18 inches × 9 inches × 6 to 9 inches high. The walls and central web of the blocks shall be at least 2 inches thick and the cavities shall be filled with ballast, shingle, earth or sand. The blocks shall be bedded in a suitable mortar, which may be of a non-hydraulic lime and sand to facilitate the recovery of the blocks if and when the wall is no longer required.

(*b*) The quality of the concrete shall be such that the compressive strength of the blocks, tested on bed at 28 days with the cavities unfilled, is not less than 1,500 lb. per sq. inch calculated on the net area of the walls and central web of the blocks, and a test certificate shall be produced, if required.

(2) Hollow type construction, in which are incorporated hollow tiles, hollow concrete blocks or precast reinforced concrete structural units, if—

(*a*) such construction has been designed for its normal structural purpose in accordance with the Code of Practice for the use of Reinforced Concrete in Buildings prepared by the Reinforced Concrete Structures Committee of

the Building Research Board, or in accordance with the appropriate building regulations at present in force, to carry safely a superimposed load, in addition to its own weight, of not less than 50 lb. per sq. ft. of covered area; and

(*b*) there is, above the system of tiles, blocks or precast units, not less than 3 inches of reinforced concrete, or alternatively not less than 2½ inches of reinforced concrete together with a superimposed screeding not less than 1 inch thick."

3. This Order may be cited as the Civil Defence (Revision of Code) Order, 1940.

Balloons and Kites (Prohibition of Flying) Order, under Paragraph (2) of Regulation 7 of the Defence (General) Regulations, 1939.

No. 1163, 25th June, 1940.

In exercise of the powers vested in me by Regulation 7 of the Defence (General) Regulations, 1939, I, Major the Right Honourable Sir Archibald Sinclair, Bt., C.M.G., M.P., one of His Majesty's Principal Secretaries of State, hereby order as follows:—

(1) No person, other than a servant of His Majesty acting in the course of his duty as such, shall fly any balloon (whether fixed or free) or any kite over any area of the United Kingdom except in pursuance of a permit in writing granted under this Order and in accordance with any conditions subject to which such permit has been granted.

(2) Permits under this Order may be granted by the Air Council, or by any officer or person authorised in writing by me or by the Air Council.

(3) This Order may be cited as the Balloons and Kites (Prohibition of Flying) Order, 1940.

Destruction of Peregrine Falcons Order, under Regulation 9 of the Defence (General) Regulations, 1939.

No. 1164, 1st July, 1940.

1. In any of the areas specified in the Schedule hereto it shall be lawful for any person authorised by me or on my behalf to take or destroy at any time peregrine falcons or the eggs of peregrine falcons.

2. This Order may be cited as the Destruction of Peregrine Falcons Order, 1940.

SCHEDULE.

I. Areas in England and Wales :—

(1) The County of Cornwall.

(2) The Coastal areas of the Country of Devon.

(3) The County of Pembroke.

(4) The County of Caernarvon.

(5) The County of Anglesey.

(6) The Coastal areas of the County of Denbigh.

(7) The Coastal areas of the district of the North Riding of the County of York.

II. Areas in Scotland :—

(1) The Orkney Islands.

(2) The Shetland Islands.

(3) The County of Caithness.

(4) That part of the Counties of Sutherland and Ross and Cromarty lying east of a line Kinbrace-Lairg-Loch Luichart Station and thence south to the boundary of Ross and Cromarty.

(5) In the County of Inverness all the islands lying to the west of the Mainland.

(6) County of Argyll including the Islands thereof.

(7) The Islands of Arran and Bute.

(8) The Coastal areas of the County of East Lothian and the islands adjacent thereto.

In this Schedule the expression "Coastal Area" means a coastal strip ten miles deep.

Air-Raid Precautions (London) (Allocation of Duties) Order, under Section 2 (1) of the Air-Raid Precautions Act, 1937 (1 & 2 Geo. 6. c. 6).

No. 1400, 30th July, 1940.

1. The First Schedule to the principal Order shall be varied—

(*a*) by omitting from paragraph 6 thereof the words "and for dealing with damaged or unsafe buildings and rescue of persons trapped therein".

(*b*) by adding to paragraph 12 thereof the words "other than those members of the public described in paragraph 10 of the Second Schedule hereto".

(*c*) by omitting therefrom paragraph 16 thereof.

2. The Second Schedule to the principal Order shall be varied—

(*a*) by omitting therefrom paragraph 7 thereof.

(*b*) by adding to the said Second Schedule the following paragraph :—

"9. Arrangements for dealing with damaged or unsafe buildings and rescue of persons trapped therein."

(*c*) by adding to the said Second Schedule the following paragraph :—

"10. Arrangements for the provision of shelter for residents in and other members of the public who may be in blocks of tenement buildings owned by the London County Council in so far as the provision of such shelter may be reasonably practicable within the limits of the estate in which the blocks of tenement buildings are situated."

3.—(1) All references in paragraph 1 of the Principal Order to the Schedules to the Principal Order shall be construed as referring to those Schedules as varied by this Order,

(2) Sub-paragraph (1) of paragraph 2 of the Principal Order shall be varied by substituting for the words "Air-Raid Precautions (London) (Allocation of Duties) Orders, 1938" the words "Air—Raid Precautions (London) (Allocations of Duties) this Order. 1938 and 1940".

(3) Sub-paragraph (3) of paragraph 2 of the Principal Order shall be varied by substituting for the word "Order" the word "Orders".

4.—(1) In this Order "the Principal Order" means the Air-Raid Precautions (London) (Allocation of Duties) Order, 1938.

(2) This Order shall be construed as one with Principal Order.

5. This Order may be cited as the Air-Raid Precautions (London) (Allocation of Duties) Order, I940, and this Order and the Principal Order may be cited together as the Air-Raid Precautions (London) (Allocation of Duties) Orders, 1938 and 1940.

Destruction of Peregrine Falcons (No. 2) Order, under Regulation 9 of the Defence (General) Regulations 1939.

No. 1708, 16th September, 1940.

1. The Destruction of Peregrine Falcons Order, 1940, shall have effect as if in addition to the areas specified in the Schedule thereto there were included in the said Schedule the areas specified in the Schedule to this Order.

2. This Order may be cited as the Destruction of Peregrine Falcons (No. 2) Order, 1940.

SCHEDULE.

I. Areas in England and Wales :—

(1) The Coastal areas of the County of Dorset.

(2) The Coastal areas of the County of Sussex.

(3) The Coastal areas of the County of Kent.

II. Areas in Scotland :—

(1) The County of Ayr.

(2) The County of Dumfries.

Ministers of the Crown (Minister of Works and Buildings) Order.

No. 1825, 11th October, 1940.

1. This Order may be cited as the Ministers of the Crown (Minister of Works and Buildings) Order, 1940.

2. The Ministers of the Crown (Emergency Appointments) Act, 1939, shall apply to any Minister of the Crown appointed to hold the office of Minister of Works and Buildings.

D. 燈 火 制 限

Lighting (Restrictions) (Amendment) (No. 2) Order, under the Defence (General) Regulations, 1939.

No. 1872, 23rd October, 1940.

1. The Lighting (Restrictions) Order, 1940 (as amended by any subsequent Order, shall, as from half-an-hour after sunset on the 23rd day of October, 1940, have effect subject to the amendments set out in the following provisions of this Order.

2. In paragraph 14 for sub-paragraphs (*a*), (*b*), (*c*) and (*d*) there shall be substituted the following sub-paragraphs :—

"(*a*) that the light is emitted through a single circular aperture of one inch in diameter, and

(*b*) that the light emitted is clearly visible at a distance of thirty yards but is not visible at a distance of three hundred yards".

3. In paragraphs 15 and 16 for the words "sub-paragraphs (*a*), (*b*), (*c*) and (*d*)" there shall be substituted the words "sub-paragraphs (*a*) and (*b*)".

4. In paragraph 18 for sub-paragraphs (*b*) and (*c*) there shall be substituted the following sub-paragraphs :—

"(*b*) that one of those apertures is circular and one inch in diameter,

(*c*) that the brightness of the said aperture is not more than twenty candles per square foot when the higher degree of power is employed in the lamp and that the light emitted through that aperture when the lower degree of power is

employed in the lamp is clearly visible at a distance of thirty yards but not visible at a distance of three hundred yards."

5. For sub-paragraph (5) of paragraph 20 there shall be substituted the following sub-paragraph :—

"(5) Notwithstanding anything in the preceding provisions of this paragraph, no light shall be displayed from any authorised head lamp and the higher power shall not be used in any authorised dual purpose lamp, except—

(*a*) while the vehicle is in motion, or

(*b*) while the vehicle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction, or

(*c*) if the vehicle is a public service vehicle or a trolley vehicle, while the vehicle is stationary for the purpose of picking up or setting down passengers."

6. For sub-paragraph (4) (*a*) of paragraph 24 there shall be substituted the following sub-paragraph :—

"(*a*) one shall be emitted from an authorised side-lamp, and"

and in sub-paragraph (8) of the said paragraph 24 for the words "Immediately on the receipt by the person in charge of the tram-car of an air raid warning" there shall be substituted the words "While the tram-car is stationary (except owing to the exigencies of traffic or in order to comply with any traffic signal or direction or to pick up or set down passengers)".

7.—(1) For sub-paragraph (*d*) of paragraph 25 there shall be substituted the following sub-paragraph :—

"(*d*) immediately on the receipt by the person in charge of the vehicle of an air raid warning, all the said lights except not more than three on each deck shall be extinguished."

(2) At the end of the said paragraph 25 there shall be added the following sub-paragraphs :—

"(2) In addition to the lights authorised by the preceding provisions of this paragraph light may be displayed from a lamp on the platform, or each of the platforms, by which passengers enter or leave the tram-car, trolley vehicle or public service vehicle, so long as—

(*a*) the illumination produced at any point at the level of any of the seats in the vehicle does not exceed 0·1 foot candles,

(*b*) the illumination produced at any point at ground level outside the vehicle within a distance of 3 feet 6 inches from the edge of the lowest step leading from the ground to the platform or, if there is no such step, from

the edge of the platform, does not exceed 0·005 foot candles, and

(*c*) the illumination produced at any other point at ground level outside the vehicle does not exceed 0·001 foot candles.

(3) Notwithstanding anything in the preceding provisions of this paragraph, no light shall be displayed by virtue of any of the provisions thereof except while the vehicle is in motion or while the vehicle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction or for the purpose of picking up or setting down passengers."

8. For sub-paragraph (*b*) of paragraph 28 there shall be substituted the following sub-paragraph :—

"(*b*) if the work in which the vehicle is engaged is urgent it may continue to display light during a fog from a fog lamp or an unmasked head lamp or dual purpose lamp used in lieu of a fog lamp, notwithstanding that the person in charge of the vehicle has received an air raid warning".

9. For paragraph (*a*) of sub-paragraph (1) of paragraph 52 there shall be substituted the following paragraph :—

"(*a*) the expression 'air raid warning' means an air raid warning to the public or a warning of the approach of hostile aircraft given for the purposes of the provisions of this Order relating to the steps to be taken on the receipt of an air raid warning",

and in sub-paragraph (2) of the said paragraph 52 after the word "signal" there shall be inserted the words "or message".

10. The omission, by virtue of this Order, of certain provisions expressly requiring that on a demand made in that behalf by a constable the light from any lamp shall be extinguished, or that the higher power shall cease to be used in any authorised dual purpose lamp, is without prejudice to the general power conferred by paragraph 4 of the Lighting (Restrictions) Order, 1940, to prohibit or restrict the display of light, and the said paragraph 4 shall be construed as if the provisions so omitted had never been contained in the said Order.

11. This Order may be cited as the Lighting (Restrictions) (Amendment) (No. 2) Order, 1940.

Lighting (Restrictions) (Amendment) (No. 2) (Northern Ireland) Order, under the Defence (General) Regulations, 1939.

No. 1934, 29th October, 1940.

1. The Lighting (Restrictions) (Northern Ireland) Order, 1940 (as amended by any subsequent Order) shall, as from half-an-hour after sunset on the 30th day of October, 1940, have effect subject to the amendments set out in the following provisions of this Order.

2. In paragraph 14 for sub-paragraphs (*a*), (*b*), (*c*) and (*d*) there shall be substituted the following sub-paragraphs :

(*a*) that the light is emitted through a single circular aperture of one inch in diameter, and

(*b*) that the light emitted is clearly visible at a distance of thirty yards but is not visible at a distance of three hundred yards".

3. In paragraphs 15 and 16 for the words "sub-paragraphs (*a*), (*b*), (*c*) and (*d*)" there shall be substituted the words "sub-paragraphs (*a*) and (*b*)".

4. In paragraph 18 for sub-paragraphs (*b*) and (*c*) there shall be substituted the following sub-paragraphs :—

"(*b*) that one of those apertures is circular and one inch in diameter,

(*c*) that the brightness of the said aperture is not more than twenty candles per square foot when the higher degree of power is employed in the lamp and that the light emitted through that aperture when the lower degree of power is employed in the lamp is clearly visible at a distance of thirty yards but not visible at a distance of three hundred yards."

5. For sub-paragraph (5) of paragraph 20 there shall be substituted the following sub-paragraph :

"(5) Notwithstanding anything in the preceding provisions of this paragraph, no light shall be displayed from any authorised head lamp and the higher power shall not be used in any authorised dual purpose lamp, except—

(*a*) while the vehicle is in motion, or

(*b*) while the vehicle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction, or

(*c*) if the vehicle is a public service vehicle or a trolley vehicle, while the vehicle is stationary for the purpose of picking up or setting down passengers."

6. For sub-paragraph (4) (*a*) of paragraph 24, there shall be substituted the following sub-paragraph :—

"(*a*) one shall be emitted from an authorised side-lamp, and"

and in sub-paragraph (8) of the said paragraph 24 for the words "Immediately on the receipt by the person in charge of the tram-car of an air raid warning" there shall be substituted the words "While the tram-car is stationary (except owing to the exigencies of traffic or in order to comply with any traffic signal or direction or to pick up or set down passengers)".

7.—(1) For sub-paragraph (*d*) of paragraph 25 there shall be substituted the following sub-paragraph:—

"(*d*) immediately on the receipt by the person in charge of the vehicle of an air raid warning, all the said lights except not more than three on each deck shall be extinguished."

(2) At the end of the said paragraph 25 there shall be added the following sub-paragraphs:—

"(2) In addition to the lights authorised by the preceding provisions of this paragraph light may be displayed from a lamp on the platform, or each of the platforms, by which passengers enter or leave the tram-car, trolley vehicle or public service vehicle, so long as—

(*a*) the illumination produced at any point at the level of any of the seats in the vehicle does not exceed 0·1 foot candles,

(*b*) the illumination produced at any point at ground level outside the vehicle within a distance of 3 feet 6 inches from the edge of the lowest step leading from the ground to the platform or, if there is no such step, from the edge of the platform, does not exceed 0·005 feet candles, and

(*c*) the illumination produced at any other point at ground level outside the vehicle does not exceed 0·001 foot candles.

(3) Notwithstanding anything in the preceding provisions of this paragraph, no light shall be displayed by virtue of any of the provisions thereof except while the vehicle is in motion or while the vehicle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction or for the purpose of picking up or setting down passengers."

8. For sub-paragraph (*b*) of paragraph 28 there shall be substituted the following sub-paragraph:—

"(*b*) if the work in which the vehicle is engaged is urgent it may continue to display light during a fog from a fog lamp or an unmasked head lamp or dual purpose lamp used in lieu of a fog lamp, notwithstanding that the person in charge of the vehicle has received an air raid warning".

9. For paragraph (*a*) of sub-paragraph (1) of paragraph 52 there shall be substituted the following paragraph:—

"(*a*) tho expression "air raid warning" means an air raid warning to the public or a warning of the approach of hostile aircraft given for the purposes of the provisions of this Order relating to the steps to be taken on the receipt of an air raid warning",

and in sub-paragraph (2) of the said paragraph 52 after the word "signal" there shall be inserted the words "or message".

10. The omission, by virtue of this Order, of certain provisions expressly requiring that on a demand made in that behalf by a constable the light from any lamp shall be extinguished, or that the higher power shall cease to be used in any authorised dual purpose lamp, is without prejudice to the general power conferred by paragraph 4 of the Lighting (Restrictions) (Northern Ireland) Order, 1940, to prohibit or restrict the display of light, and the said paragraph 4 shall be construed as if the provisions so omitted had never been contained in the said Order.

11. This Order may be cited as the Lighting (Restrictions) (Amendment) (No. 2) (Northern Ireland) Order, 1940.

Lighting (Restrictions) (Amendment) (No. 3) Order, under the Defence (General) Regulations, 1939.

No. 2018, 21st November, 1940.

1. The Lighting (Restrictions) Order, 1940 (as amended by any subsequent Order), shall, as from midday on the 21st day of November, 1940, have effect subject to the amendments set out in the following provisions of this order.

2. For sub-paragraph (1) of paragraph 50 there shall be substituted the following sub-paragraph:—

"(1) Light may be displayed from hand lamps or hand torches so long as—

(*a*) the light is displayed from such a hand lamp or hand torch as is specified in paragraph (*a*) or paragraph (*b*) of the next following sub-paragraph,

(*b*) the light emitted from the lamp or torch is white and is at all times directed downwards, and

(*c*) in the case of light from such a lamp as is specified in paragraph (*a*) of the next following sub-paragraph, the light is extinguished by any person having control of the lamp immediately on the receipt by him of an air raid warning:

Provided that paragraph (*c*) of this sub-paragraph shall not restrict the display of light from such a lamp as is mentioned in that paragraph by a member of a civil defence service acting in the course of his duty as such, or by any person authorised by or on behalf of the Postmaster General acting within the scope of that authorisation notwithstanding the receipt by that member or person of an air raid warning.

(1A) The lamps and torches referred to in sub-paragraph (1) of this paragraph are—

(*a*) hand lamps complying with the requirements of the British Standard Specification No. BS/ARP3; and

(*b*) hand lamps and hand torches (including hand lamps complying with the said requirements) emitting light through a single aperture the area of which does not exceed that of a circle one inch in diameter with the light dimmed by covering either surface of the glass with one thickness of newspaper or by treating the lamp or torch in any other way so as to dim the light to the same extent".

3. In sub-paragraph (2) of the said paragraph 50 the words "and so long as he extinguishes the lamp immediately on the receipt by him of an air raid warning" shall be omitted.

4. This Order may be cited as the Lighting (Restrictions) (Amendment) (No. 3) Order, 1940.

Lighting (Restrictions) (Amendment) (No. 3) (Northern Ireland) Order, under the Defence (General) Regulations, 1939.

No. 2019, 21st November, 1940.

1. The Lighting (Restrictions) (Northern Ireland) Order, 1940 (as amended by any subsequent Order), shall, as from midday on the 21st day of November, 1940, have effect subject to the amendments set out in the following provisions of this Order.

2. For Sub-paragraph (1) of paragraph 50 there shall be substituted the following sub-paragraphs:—

"(1) Light may be displayed from hand lamps or hand torches so long as—

(*a*) the light is displayed from such a hand lamp or hand torch as is specified in paragraph (*a*) or paragraph (*b*) of the next following paragraph,

(*b*) the light emitted from the lamp or torch is white and is at all times directed downwards, and

(*c*) in the case of light from such a lamp as is specified in paragraph (*a*) of the next following sub-paragraph, the light is extinguished by any person having control of the lamp immediately on the receipt by him of an air raid warning:

Provided that paragraph (c) of this sub-paragraph shall not restrict the display of light from such a lamp as is mentioned in that paragraph by a member of a civil defence service acting in the course of his duty as such, or by any

person authorised by or on behalf of the Postmaster General acting within the scope of that authorisation, notwithstanding the receipt by that member or person of an air raid warning.

(1A) The lamps and torches referred to in sub-paragraph (1) of this paragraph are—

(*a*) hand lamps complying with the requirements of the British Standard Specification No. BS/ARP3; and

(*b*) hand lamps and hand torches (including hand lamps complying with the said requirements) emitting light through a single aperture the area of which does not exceed that of a circle one inch in diameter, and with the light dimmed by covering either surface of the glass with one thickness of newspaper or by treating the lamp or torch in any other way so as to dim the light to the same extent".

3. In sub-paragraph (2) of the said paragraph 50 the words "and so long as he extinguishes the lamp immediately on the receipt by him of an air raid warning" shall be omitted.

4. This Order may be cited as the Lighting (Restrictions) (Amendment) (No. 3) (Northern Ireland) Order, 1940.

Lighting (Restrictions) (Amendment) Order, under the Defence (General) Regulations, 1939.

No. 153, 4th February, 1941.

1. The Lighting (Restrictions) Order, 1940 (as amended by any subsequent Order), shall, as from mid-day on the 7th day of February, 1941, have effect subject to the amendments set out in the following provisions of this Order.

2. At the end of paragraph (*h*) of sub-paragraph (1) of paragraph 40 the word "and" shall be omitted, and after paragraph (*i*) of that sub-paragraph there shall be inserted the following:—

"and

(*j*) the light is extinguished immediately on the receipt by the person in charge of the premises of an air raid warning."

3. Paragraphs 41 to 44 shall cease to have effect.

4. This Order may be cited as the Lighting (Restrictions) (Amendment) Order, 1941.

E. 防 火 施 設

Police and Firemen (Employment) Order, under Regulation 29B of the Defence (General) Regulations, 1939.

No. 1041, 20th June, 1940.

1. Subject as hereinafter provided, any person who is on or after the date of this Order—

(i) employed as a constable, or

(ii) in the service of a local authority and employed as a member of a fire brigade or of the Auxiliary Fire Service,

is required to continue in such employment until his services are dispensed with in accordance with the provisions of Article 2 of this Order.

2. The services of any person employed as aforesaid or of any class or description of persons so employed may be dispensed with by the Secretary of State and, in the case of a person employed as a constable (including a constable who acts or is employed as a fireman), by the chief officer of police or, in the case of any other person, by the chief officer of the fire brigade.

3. This Order shall not apply to a person who is employed without remuneration or to a person who is not employed whole-time.

4.—(1) This Order may be cited as the Police and Firemen (Employment) Order, 1940.

(2) This Order shall not extend to Scotland.

Control of Fireworks Order, under Regulation 4C of the Defence (General) Regulations, 1939.

No. 1158, 3rd July, 1940.

1.—(1) Subject as hereinafter provided, no person shall, on or after the eighth day of July, 1940, acquire, have in his possession or sell any fireworks, not being fireworks intended to be used for the purpose of securing the safety or guidance of shipping or for summoning assistance to a vessel in distress or for saving life at sea.

(2) Any person who has in his possession any such fireworks as aforesaid shall, not later than the sixth day of July, 1940, deliver them to the officer in charge of a police station and the said officer is authorized to destroy any fireworks so delivered to him.

(3) Notwithstanding anything in the foregoing provisions of this Article, the occupier of any premises licensed or registered under the Explosives Act, 1875, for

the keeping of explosives may have in his possession any such fireworks as aforesaid until the fifteenth day of July, 1940, and may, not later than the said date, dispose of them to the occupier of any premises licensed under the Explosives Act, 1875, for the manufacture of explosives.

(4) Nothing in this Article shall apply with respect to the acquisition or possession of any firework for the purposes of his duty as such by a servant of His Majesty, a constable or a member of a fire brigade or civil defence organisation.

2.—(1) Subject as hereinafter provided, a person shall not, after the eighth day of July, 1940, sell any fireworks intended to be used for the purpose of securing the safety or guidance of shipping or for summoning assistance to a vessel in distress or for saving life at sea to any other person unless he is satisfied that that other person requires them for one of the aforementioned purposes and that other person furnishes his name and address.

(2) Subject as hereinafter provided, the occupier of any premises licensed or registered under the Explosives Act, 1875, for the keeping of explosives shall keep a register for the purposes of this Article and shall enter therein

(*a*) the quantity and description of any fireworks intended to be used for any of the aforementioned purposes in his possession on the eighth day of July, 1940;

(*b*) the quantity and description of any such fireworks acquired by him after the said date; and

(*c*) the quantity and description of any such fireworks sold by him on or after the said date, and the name and address of the person to whom they were sold;

and the entry shall be made on the day on which the fireworks are received by the said occupier or delivered by him or, if that is not reasonably practicable, on the day next following that day.

(3) The said register shall be kept on the licensed or registered premises to which it relates and shall be open to inspection by a constable at all reasonable hours.

3. Nothing in this Order shall apply to the occupier of any premises licensed under the Explosives Act, 1875, for the manufacture of explosives.

4. In this Order—

the expression "fireworks" means any fireworks capable of being used for giving visible signals to the enemy or other similar devices; and

the expression "sell" includes part with possession and dispose of, and the expressions "sale" and "sold" shall be construed accordingly.

5. This Order may be cited as the Control of Fireworks Order, 1940.

Clearance of Lofts Order, under Regulations 27 (2) and 38 of the Defence (General) Regulations, 1939.

No. 1313, 20th July, 1940.

1. Where there is in a dwelling-house any loft which is not used or furnished for use for human habitation, the loft shall be cleared and kept clear of all articles which are not affixed to the premises:

Provided that this Article shall not apply to a loft to which access is provided by a staircase.

2. The following councils may authorise any of their officers or servants to exercise the powers conferred by paragraph (5) of the said Regulation 27—

(*a*) in the county of London, the London County Council;

(*b*) elsewhere in England and Wales, the council of a borough or urban district;

(*c*) in Scotland, any county or town council.

3. In this Order—

the expression "dwelling-house" means a building constructed or adapted to be used wholly or mainly for human habitation and includes a hospital; and

the expression "loft" includes an attic and any space between a ceiling and a roof.

4. This Order shall apply to the county of London, to all boroughs and urban districts in England and Wales and to Scotland.

5. This Order may be cited as the Clearance of Lofts Order, 1940.

Fire Watchers Order, under Regulations 27A and 38 of the Defence (General) Regulations 1939.

No. 1677, 19th September, 1940.

1. The occupier of any premises or any part of any premises to which this Order applies shall secure that a person who has undertaken to act as fire watcher is at all times present on those premises or that part, as the case may be, and is given all proper facilities for discharging the obligations imposed on him by Article 2 of this Order:

Provided that, if any two or more occupiers of different parts of the same premises so arrange, they may treat all the parts of the premises occupied by them, for the purposes of this Article, as if they were jointly occupied by all of them.

2.—(1) The person who has undertaken to act as fire watcher shall—

(i) be present on the premises or the part of the premises at all times during the period for which he has undertaken to act as fire watcher;

and

(ii) during a period during which a hostile attack is in progress in the vicinity or an air raid warning is in operation, be in readiness to detect outbreaks of fire and to summon assistance and to use such fire fighting appliances as may be available.

(2) For the purpose of this Article an air raid warning shall be deemed to be in operation from the giving of the air raid warning signal to the giving of the raiders passed signal.

3. A Regional Commissioner may in writing exempt from the provisions of Article 1 of this Order any premises or class or description of premises, or any part thereof.

4. The following local authorities are authorized to exercise the powers conferred by paragraph (3) of the said Regulation 27A—

(*a*) in England—

the common council of the city of London,

the council of a metropolitan borough,

the council of a county borough, and

the council of a county district;

(*b*) in Scotland—

the county council, and

the town council.

5.—(1) This Order applies to premises in which more than thirty persons work and to the following premises, whether or not more than thirty persons work therein, namely—

(*a*) any building, the whole or any part of which is used as a warehouse of a greater capacity than fifty thousand cubic feet, except when the warehouse is empty; and

(*b*) any saw-mill or timber yard containing more than fifty thousand cubic feet of timber:

Provided that this Order shall not apply to premises which form part of any mine or quarry.

(2) For the purposes of this Article the number of persons who work in premises shall be taken to be the greatest number of persons who are present in the premises at any one time in a normal day, being persons who carry on business in the premises or are employed by persons carrying on business therein:

Provided that—

(i) regard shall not be had to any temporary increase occasioned by a change of shifts;

(ii) in the case of any premises where there are outdoor workers, regard shall not be had to more than twenty-five per cent. of their total number.

In this proviso the expression "outdoor workers" means persons who are on a normal day work in the premises for not more than one hour.

6. In this Order—

"air raid warning signal" means any public signal indicating that an air raid by the enemy is expected or is in progress; and

"raiders passed signal" means any public signal indicating that such an air raid is no longer expected or has ceased.

7.—(1) This Order may be cited as the Fire Watchers Order, 1940.

(2) This Order shall extend to the whole of Great Britain.

Fire Precautions (Access to Premises) Order, under Regulations 28 (1) and 38 of the Defence (General) Regulations, 1939.

No. 1873, 19th October, 1940.

1.—(1) The powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire conferred on auxiliary firemen by paragraph (1) of the said Regulation 28 are hereby conferred on persons of the following classes, that is to say:—

air raid wardens;

members of a voluntary fire-fighting party which is recognised by a local authority mentioned in paragraph (2) of this Article:

Provided that nothing in this Order shall authorise any person to exercise any of the said powers except when he is acting as an air raid warden or a member of a voluntary fire-fighting party, as the case may be.

(2) For the purpose of the foregoing paragraph the following authorities shall be local authorities, that is to say:—

(*a*) in England—

the common council of the city of London,

the council of a metropolitan borough,

the council of a county borough, and

the council of a county district;

(*b*) in Scotland—

the county council, and

the town council.

2. This Order may be cited as the Fire Precautions (Access to Premises) Order, 1940.

Auxiliary Fire Service (Discipline) Rules, under Regulations 28 (2A) and 38 of the Defence (General) Regulations, 1939.

No. 2117, 13th December, 1940.

1.—Members of the auxiliary fire service shall be subject to the code of offences against discipline set out in Part I of the Schedule to these Rules, and the rules of procedure set out in Part II of the said Schedule shall apply in the case of any member of the said service who is charged with any such offence and the offence shall be punishable as therein provided.

2.—(1) These Rules shall come into force with respect to members of the auxiliary fire service in the service of a local authority on such day as the local authority may by resolution determine, and the local authority may determine different days for different classes of members of the said service.

(2) Upon such a resolution as aforesaid being passed, the local authority shall cause the effect of the resolution and of the Schedule the these Rules to be brought as soon as may be to the notice of the members of the auxiliary fire service affected thereby.

3.—(1) These Rules may be cited as the Auxiliary Fire Service (Discipline) Rules, 1940.

(2) These Rules shall not extend to Scotland.

SCHEDULE.

PART I.

Code of Offences against Discipline.

A member of the auxiliary fire service commits an offence against discipine if he is guilty of—

(1) disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not;

(2) insubordination, that is to say, if he is insubordinate to an officer of a fire brigader or of the auxiliary fire service;

(3) abuse of authority, that is to say, if he abuses his authority by oppressive conduct towards a member of the auxiliary fire service of lower rank;

(4) neglect of duty, that is to say, if he—

(*a*) without sufficient cause fails to attend to, or carry out, his duty promptly and diligently;

(*b*) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property;

(*c*) without permission or sufficient cause leaves his station or place of duty;

(*d*) fails to report any matter which it is his duty to report; or

(*e*) fails to make an entry, which it is his duty to make, in any book or document;

(5) falsehood, that is to say, if he—

(*a*) knowingly makes any false or misleading statement, whether in writing or not, in the course of his duty; or

(*b*) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein;

(6) breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret;

(7) corrupt practice, that is to say, if he—

(*a*) improperly uses his position as a member of the auxiliary fire service for his private advantage; or

(*b*) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duty;

(8) absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance;

(9) damage to clothing or personal equipment, that is to say, if he—

(*a*) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or if he fails to take proper care thereof; or

(*b*) fails to report any damage to or loss of any article of clothing or personal equipment, however caused;

(10) drunkenness, that is to say, if, when on duty or when liable to be called upon for duty, he is unfit for duty through drink; or

(11) discreditable or disorderly conduct, that is to say, if he—

(*a*) acts in a disorderly manner or in any manner prejudicial to discipline;

(*b*) while on duty, or while off duty in uniform in a public place, is

without reasonable excuse dirty or untidy in his person, clothing or personal equipment; or

(*c*) acts in a manner likely to bring discredit on the reputation of the fire brigade or the auxiliary fire service.

Part II.

Rules of Procedure relating to offences against Discipline, and Punishments.

1. Where, on consideration of a complaint or otherwise, the chief officer of the fire brigade decides that a member of the auxiliary fire service should be charged with an offence against discipline, being an offence as defined in the code set out in Part I of this Schedule, the chief officer shall as soon as possible cause him to be informed in writing of the charge together with such particulars, including details as to time and place, as will leave him under no misapprehension regarding the allegations against him.

2.—(1) The accused shall be ordered to state in writing whether he admits or denies the charge, and shall be allowed to give in writing any explanation which he may wish to offer.

(2) The accused shall be allowed to state the names and addresses of any witnesses to material facts whom he may desire to give evidence at the hearing of the charge.

(3) Any such witness who is a member of the fire brigade or a member of the auxiliary fire service attached to that brigade shall be ordered to attend at the hearing of the charge, and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

3.—(1) If the accused denies the charge, he shall, unless the chief officer of the fire brigade is satisfied with the explanation which he has offered, be ordered to appear before the chief officer of the fire brigade at the hearing of the charge.

(2) The accused shall be entitled to hear the evidence given against him and to have an opportunity of cross-examining the witnesses and of calling witnesses in his defence.

4. An offence against discipline may be punished with—

(i) dismissal;

(ii) reduction in rank;

(iii) stoppage of pay;

(iv) additional duty; or

(v) reprimand:

Provided that—

(*a*) a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date of the award of the punishment or of the decision of any appeal therefrom, as the case may be; and the amounts of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender; and

(*b*) additional duty in respect of any one offence shall not exceed forty-eight hours and in respect of one or more offences shall not exceed in any week twelve hours.

5. The chief officer of the fire brigade shall, as soon as may be after the determination of a charge by him, cause his decision to be notified in writing to the accused and, except as otherwise provided in this Part of this Schedule, his decision shall be final.

6. Where a member of the auxiliary fire service is, by a decision of the chief officer of the fire brigade for an offence against discipline, dismissed, reduced in rank or subjected to a stoppage of pay exceeding in respect of any one offence one-half of his weekly pay and feels aggrieved thereby, he shall, on giving notice in writing to the chief officer of the fire brigade within three clear days of the decision having been notified to him, be entitled to appear before a committee of the local authority, in whose service he is, consisting of not more than five persons appointed for the purpose by the local authority from amongst its members to appeal against the decision.

7.—(1) The chief officer of the fire brigade may delegate all or any of his function under the foregoing provisions of this Part of this Schedule, either generally or in a particular case, to another officer of the fire brigade or to the commandant, the deputy commandant or another officer, not being an officer below the rank of divisional officer, of the auxiliary fire service:

Provided that the powers of punishment of an officer to whom functions are delegated under this paragraph shall be subject to the following restrictions:—

(i) he shall not impose any punishment other than—

(*a*) stoppage of pay,

(*b*) additional duty, or

(*c*) reprimand;

(ii) the amount of any stoppage of pay imposed by him on an offender on the same occasion in respect of one or more offences shall not exceed twenty shillings; and the amount of additional duty imposed by him on an offender on the same occasion in respect of one or more offences shall not exceed twenty-four hours; and

(iii) any punishment imposed by him shall not be carried out until it has been confirmed, with or without modifications, by the chief officer of the fire brigade, and for the purpose of proviso (*a*) to paragraph 4 of this Schedule the date of the confirmation shall be deemed to be the date of the award of the punishment.

(2) Any member of the auxiliary fire service, who feels aggrieved by a decision of an officer to whom functions have been delegated under this paragraph awarding punishment, shall, on giving notice in writing to the chief officer of the fire brigade within three clear days of the decision having been notified to him, be entitled to appear before the chief officer of the fire brigade to make representations against the confirmation of the punishment.

8. A member of the auxiliary fire service shall be allowed to have a member of the fire brigade to which he is attached or a member or a member of the auxiliary fire service attached to that fire brigade, selected by himself, to assist him in presenting his case at the hearing of a charge against him or of an appeal by him under paragraph 6 of this Part of this Schedule or in making representations under the last foregoing paragraph against the cofirmation of a punishment.

9. If a member of the auxiliary fire service refuses or without sufficient cause fails to attend at the time and place appointed for the hearing of any charge or appeal or for making representations against the confirmation of a punishment, or if at that time he is serving a term of penal servitude, imprisonment or detention, the matter may be decided in his absence.

10.—(1) The chief officer of the fire brigade may suspend from duty a member of the auxiliary fire service against whom a complaint or report suggesting the commission of an offence against discipline has been made, and the suspension from duty may continue until the conclusion of the disciplinary proceedings.

(2) A member of the auxiliary fire service who has been suspended from duty shall not be entitled in respect of the period of suspension to any pay, but shall be paid a suspension allowance at such rate, being a rate of not less than one-half nor more than two-thirds of his pay as the chief officer of the fire brigade may determine.

(3) Where a member of the auxiliary fire service who has been suspended from duty is reinstated without having been found guilty of any offence against discipline, he shall receive, in respect of the period of suspension, the pay which he would, but for the suspension, have received less the amount of any sums paid to him by way of suspension allowance.

11. Nothing in these Rules shall prejudice or affect any right of a local authority

to dismiss, or terminate the contract of service of, any member of the auxiliary fire service.

12. In this Part of this Schedule—

(i) the expression "chief officer of the fire brigade" means, in relation to a member of the auxiliary fire service who is attached to a fire brigade, the chief officer of that brigade or, where that brigade is a police brigade, the chief constable and, in relation to any other member of the auxiliary fire service, the person designated by the local authority, in whose service the member is, to discharge the functions of the chief officer of the fire brigade under this Part of this Schedule;

(ii) references to the chief officer of the fire brigade shall, in the event of a vacancy in the office or the absence or incapacity of the chief officer of the fire brigade, be construed, in relation to a member of the auxiliary fire service who is attached to that brigade, as references to the person who for the time being is acting as chief officer of the brigade.

Auxiliary Fire Service (Discipline) (Scotland) Rules, under Regulation 28 (2A) of the Defence (General) Regulations, 1939.

No. $\frac{2156}{S.101}$, 16th December, 1940.

1. Members of the auxiliary fire service shall be subject to the code of offences against discipline set out in Part I of the Schedule to these Rules, and the rules of procedure set out in Part II of the said Schedule shall apply in the case of any member of the said service who is charged with any such offence and the offence shall be punishable as therein provided.

2.—(1) These Rules shall come into force with respect to members of the auxiliary fire service in the service of a local authority on such day as the local authority may by resolution determine, and the local authority may determine different days for different classes of members of the said service.

(2) Upon such a resolution as aforesaid being passed, the local authority shall cause the effect of the resolution and of the Schedule to these Rules to be brought as soon as may be to the notice of the members of the auxiliary fire service affected thereby.

3.—(1) These Rules may be cited as the Auxiliary Fire Service (Discipline) (Scotland) Rules, 1940.

(2) These Rules shall extend to Scotland only.

SCHEDULE.

PART I.

Code of Offences against Discipline.

A member of the auxiliary fire service commits an offence against discipline if he is guilty of—

(1) disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not;

(2) insubordination, that is to say, if he is insubordinate to an officer of a fire brigade or of the auxiliary fire service;

(3) abuse of authority, that is to say, if he abuses his authority by oppressive conduct towards a member of the auxiliary fire service of lower rank;

(4) neglect of duty; that is to say, if he—

(*a*) Without sufficient cause fails to attend to, or carry out, his duty promptly and diligently;

(*b*) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property;

(*c*) without permission or sufficient cause leaves his station or place of duty;

(*d*) fails to report any matter which it is his duty to report; or

(*e*) fails to make an entry, which it is his duty to make, in any book or document;

(5) falsehood, that is to say, if he—

(*a*) knowingly makes any false or misleading statement, whether in writing or not, in the course of his duty; or

(*b*) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein;

(6) breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret;

(7) corrupt practice, that is to say, if he—

(*a*) improperly uses his position as a member of the auxiliary fire service for his private advantage; or

(*b*) fails to account for, or to make a prompt and true return of any money or property which comes into his possession in the course of his duty;

(8) absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance;

(9) damage to clothing or personal equipment, that is to say, if he—

(*a*) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or if he fails to take proper care thereof; or

(*b*) fails to report any damage to or loss of any article of clothing or personal equipment however caused;

(10) drunkenness, that is to say, if, when on duty or when liable to be called upon for duty, he is unfit for duty through drink; or

(11) discreditable or disorderly conduct, that is to say, if he—

(*a*) acts in a disorderly manner or any manner prejudicial to discipline;

(*b*) while on duty, or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment; or

(*c*) acts in a manner likely to bring discredit on the reputation of the fire brigade or the auxiliary fire service.

PART II.

Rules of Procedure relating to offences against discipline, and Punishments.

1. Where, on consideration of a complaint or otherwise, the chief officer of the fire brigade decides that a member of the auxiliary fire service should be charged with an offence against discipline, being an offence as defined in the code set out in Part I of this Schedule, the chief officer shall as soon as possible cause him to be informed in writing of the charge together with such particulars, including details as to time and place, as will leave him under no misapprehension regarding the allegations against him.

2.—(1) The accused shall be ordered to state in writing whether he admits or denies the charge, and shall be allowed to give in writing any explanation which he may wish to offer.

(2) The accused shall be allowed to state the names and addresses of any witnesses to material facts whom he may desire to give evidence at the hearing of the charge.

(3) Any such witness who is a member of the fire brigade or a member of the auxiliary fire service attached to that brigade shall be ordered to attend at the hearing of the charge, and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

3.—(1) If the accused denies the charge, he shall, unless the chief officer of the fire brigade is satisfied with the explanation which he has offered, be ordered to appear before the chief officer of the fire brigade at the hearing of the charge.

(2) The accused shall be entitled to hear the evidence given against him and to have an opportunity of cross-examining the witnesses and of calling witnesses in his defence.

4. An offence against discipline may be punished with—

(i) dismissal;

(ii) reduction in rank;

(iii) stoppage of pay;

(iv) additional duty; or

(v) reprimand;

Provided that—

(*a*) a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date of the award of the punishment or of the decision of any appeal therefrom, as the case may be; and the amounts of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender; and

(*b*) additional duty in respect of any one offence shall not exceed forty-eight hours and in respect of one or more offences shall not exceed in any week twelve hours.

5. The chief officer of the fire brigade shall, as soon as may be after the determination of a charge by him, cause his decision to be notified in writing to the accused and, except as otherwise provided in this Part of this Schedule, his decision shall be final.

6. Where, for an offence against discipline, a member of the auxiliary fire service is, by a decision of the chief officer of the fire brigade, dismissed, reduced in rank or subjected to a stoppage of pay exceeding in respect of any one offence one-half of his weekly pay and feels aggrieved thereby, he shall, on giving notice in writing to the chief officer of the fire brigade within three clear days of the decision having been notified to him, be entitled to appear before a committee of the local authority, in whose service he is, consisting of not more than five persons appointed for the purpose by the local authority from amongst its members to appeal against the decision.

7.—(1) The chief officer of the fire brigade may delegate all or any of his functions under the foregoing provisions of this Part of this Schedule, either generally or in a particular case, to another officer of the fire brigade or to the commandant, the deputy commandant or another officer, not being an officer below the rank of divisional officer, of the auxiliary fire service;

Provided that the powers of punishment of an officer to whom functions are delegated under this paragraph shall be subject to the following restrictions:

(i) he shall not impose any punishment other than—

(*a*) stoppage of pay,

(*b*) additional duty, or

(*c*) reprimand;

(ii) the amount of any stoppage of pay imposed by him on an offender on the same occasion in respect of one or more offences shall not exceed twenty shillings; and the amount of additional duty imposed by him on an offender on the same occasion in respect of one or more offences shall not exceed twenty-four hours; and

(iii) any punishment imposed by him shall not be carried out until it has been confirmed, with or without modifications, by the chief officer of the fire brigade, and for the purpose of proviso (*a*) to paragraph 4 of this Part of this Schedule the date of the confirmation shall be deemed to be the date of the award of the punishment.

(2) Any member of the auxiliary fire service, who feels aggrieved by a decision of an officer to whom functions have been delegated under this paragraph awarding punishment, shall, on giving notice in writing to the chief officer of the fire brigade within three clear days of the decision having been notified to him, be entitled to appear before the chief officer of the fire brigade to make representations against the confirmation of the punishment.

8. A member of the auxiliary fire service shall be allowed to have a member of the fire brigade to which he is attached or a member of the auxiliary fire service attached to that fire brigade, selected by himself, to assist him in presenting his case at the hearing of a charge against him or of an appeal by him under paragraph 6 of this Part of this Schedule, or in making representations under the last foregoing paragraph against the confirmation of a punishment.

9. If a member of the auxiliary fire service refuses or without sufficient cause fails to attend at the time and place appointed for the hearing of any charge or appeal or for making representations against the confirmation of a punishment, or if at that time he is serving a term of penal servitude, imprisonment or detention, the matter may be decided in his absence.

10.—(1) The chief officer of the fire brigade may suspend from duty a member of the auxiliary fire service against whom a complaint or report suggesting the commission of an offence against discipline has been made, and the suspension from duty may continue until the conclusion of the disciplinary proceedings.

(2) A member of the auxiliary fire service who has been suspended from duty shall not be entitled in respect of the period of suspension to any pay, but shall be paid a suspension allowance at such rate, being a rate of not less than one-half nor more than two-thirds of his pay as the chief officer of the fire brigade may determine.

(3) Where a member of the auxiliary fire service who has been suspended from duty is reinstated without having been found guilty of any offence against discipline, he shall receive, in respect of the period of suspension, the pay which he would, but for the suspension, have received less the amount of any sums paid to him by way of suspension allowance.

11. Nothing in these Rules shall prejudice or affect any right of a local authority to dismiss, or terminate the contract of service of, any member of the auxiliary fire service.

12. In this Part of this Schedule—

(i) the expression "chief officer of the fire brigade" means, in relation to a member of the auxiliary fire service who is attached to a fire brigade, the chief officer of that brigade and, in relation to any other member of the auxiliary fire service, the person designated by the local authority, in whose service the member is, to discharge the functions of the chief officer of the fire brigade under this Part of this Schedule;

(ii) references to the chief officer of the fire brigade shall, in the event of a vacancy in the office or the absence or incapacity of the chief officer of the fire brigade, be construed, in relation to a member of the auxiliary fire service who is attached to that brigade, as references to the person who for the time being is acting as chief officer of the brigade.

Fire Prevention (Business Premises) Order, under Regulations 27A and 38 of the Defence (General) Regulations, 1939.

No. 69, 18th January, 1941.

1. This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed.

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession.

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

(2) Before maklng any such arrangements the occupier of the premises shall consult with the persons working at the premises or with their representatives.

(3) All such arrangements shall in particular secure—

(*a*) that an adequate number of persons for the purpose of discharging fire prevention duties are at all times present at the premises;

(*b*) that there shall be allotted to those persons specified fire prevention duties; and

(*c*) that adequate equipment to enable those duties to be discharged shall at all times be available at the premises.

(4) Subject to the provisions of this order, every occupier of premises to which this order applies shall, within fourteen days from the date when this order is applied to the premises, notify in writing to the appropriate authority the arrangements made by him under this Article, and that authority may approve, with or without modifications, or disapprove the arrangements, and it shall be the duty of the occupier to carry out the arrangements as approved by the appropriate authority.

(5) The occupiers of several premises, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements under this Article for all those premises, and notify the appropriate authority accordingly.

(6) If any such joint arrangements for several premises are approved (whether with or without modifications) by the appropriate authority, then, for all the purposes of this order, all those premises shall be treated as if they were single premises, and each of the occupiers thereof shall be treated as if he were the occupier of all the said premises.

3.—(1) For the purpose of securing the matters referred to in sub-paragraphs (*a*) and (*b*) of paragraph (3) of the last foregoing Article, it shall, subject to the provisions of this order, be the duty of all male persons working at premises to which this paragraph applies, being British subjects of the prescribed age, to take turns of duty at the premises and perform such fire prevention duties as may be allotted to them in accordance with arrangements made for the premises under the last foregoing Article.

(2) The occupier of any premises may make and notify to the appropriate authority under the last foregoing Article arrangements whereunder the requirements of the last foregoing paragraph are dispensed with, and, if such arrangements are approved by the appropriate authority (whether with or without modifications), that paragraph shall not apply to those premises so long as the arrangements as so approved are carried out to the satisfaction of the appropriate authority; but subject to

the foregoing provisions of this paragraph, the said paragraph shall apply to all premises to which this order applies.

(3) Where paragraph (1) of this Article applies to any premises, the following provisions shall have effect as respects the fire prevention duties allotted to the persons mentioned in that paragraph under the arrangements made for the premises under the last foregoing Article:—

(*a*) the periods for which the said duties are required by the arrangements to be performed by any such person outside his working hours shall not in the aggregate exceed forty-eight hours in each month;

(*b*) the arrangements shall secure, so far as possible and subject to any exemptions granted by or under the order, that the said duties are shared equally among all the said persons;

(*c*) no such person shall be entitled to any remuneration for the performance of the said duties outside his working hours;

(*d*) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them;

(*e*) any such person shall be exempted from the said duties if and so long as he works at any other premises to which the said paragraph (1) applies and performs outside his working hours duties allotted to him in accordance with arrangements made for those other premises under the last foregoing Article;

(*f*) members of the Home Guard and constables shall be exempted from the said duties;

(*g*) a person who holds a certificate from a local authority that, at the date of the making of this order, he had undertaken to perform civil defence duties in the area of that authority for periods amounting in the aggregate to not less than forty-eight hours in each month shall be exempted from the said duties so long as he continues to perform civil defence duties in that area for such periods;

(*h*) the appropriate authority may, by directions given to the occupier of the premises, exempt from the said duties wholly or partly—

(i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours; and

(ii) persons engaged upon such duties as may be specified in the directions, being duties undertaken to forestall or mitigate hostile attacks on the premises.

4.—(1) The occupier of any premises to which order applies may, within fourteen days from the date on which this order is applied to the premises, report in writing to the appropriate authority that he is unable to make arrangements for the premises as required by Article 2 of this order, stating the grounds of his inability.

(2) After receiving such a report, the appropriate authority may either—

(*a*) notify the occupier in writing that they are satisfied that he is unable to make the said arrangements; or

(*b*) notify the occupier in writing that they are not so satisfied; or

(*c*) give to the occupier, and to the occupiers of any adjoining or neighbouring premises or premises in the same building, directions in writing to make joint arrangements for all those premises under paragraph (5) of Article 2 of this order.

(3) If the appropriate authority notify the occupier under sub-paragraph (*a*) of the last foregoing paragraph that they are satisfied that he is unable to make such arrangements, he shall be relieved from any obligation to comply with the provisions of Article 2 of this order.

5.—(1) If the occupier of any premises to which this order applies—

(*a*) fails, within fourteen days from the date on which the order is applied to the premises, either to make the arrangements required by Article 2 of this order or to make a report under the last foregoing Article; or

(*b*) is notified in writing by the appropriate authority that the arrangements made by him for the premises under the said Article 2 are disapproved; or

(*c*) is notified by the appropriate authority under sub-paragraph (*a*) of paragraph (2) of the last foregoing Article that the authority is satisfied that he is unable to make such arrangements;

the appropriate authority may itself make for the premises the arrangements required by Article 2 of this order, and Article 3 shall apply to the premises as if the arrangements had been made under the said Article 2.

(2) In exercising its powers under the last foregoing paragraph as respects several premises, the appropriate authority may make such arrangements as could have been made by the occupiers thereof under paragraph (5) of Article 2 of this order, and, where such arrangements are made, paragraph (6) of that Article shall apply accordinly as if the arrangements had been made and approved under that Article.

(3) If the occupiers of several premises fail to comply with any directions given under sub-paragraph (*c*) of paragraph (2) of the last foregoing Article, the appropriate authority may itself make the arrangements required by the directions, and paragraph (6) of Article 2 of this order shall apply accordingly as if the arrangements had been made and approved under that Article.

(4) It shall be the duty of the occupier of any premises for which arrangements are made under this Article to take all steps necessary to carry out the arrangements and to comply with any directions given by the appropriate authority with respect thereto.

(5) Nothing in this Article shall prejudice any criminal proceedings for any such failure as is mentioned in paragraph (1) or paragraph (3) thereof.

6. If the occupier of any premises fails to carry out any arrangements made for the premises under this order, whether by him or by the appropriate authority, the appropriate authority may itself carry out the arrangements and recover from the occupier summarily as a civil debt any expenses incurred by the authority in carrying out the arrangements:

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

7.—(1) Subject to the provisions of this Article, the appropriate authority for the purposes of this order shall be—

(*a*) in relation to any local government premises, the Minister;

(*b*) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, that department;

(*c*) in relation to any factory premises or commercial premises forming part of any railway, canal, inland navigation, dock or harbour undertaking, the Minister of Transport;

(*d*) in relation to any factory premises or commercial premises forming part of any electricity undertaking, the Electricity Commissioners;

(*e*) in relation to any factory premises or commercial premises forming part of any gas undertaking, the Board of Trade;

(*f*) in relation to any factory premises or commercial premises forming part of any water undertaking, the Minister of Health;

(*g*) in relation to any factoroy premises or commercial premises other than those aforesaid, as respects which the Minister designates a government department as the appropriate authority, that department;

(*h*) in relation to any factory premises in which more than thirty persons

work, not being premises previously mentioned in this paragraph, the Minister of Labour and National Service;

(*i*) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the council of the county borough, county district or metropolitan borough in which the premises are situated, or if they are situated in the City of London, the Common Council;

Provided that—

(i) any arrangements made under paragraph (5) of Article 2 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be notified to any one of those authorities and, with the consent of the remainder of those authorities, approved by the authority to which they are notified;

(ii) any arrangements under paragraph (2) of Article 5 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be made by any one of those authorities with the consent of the remainder of those authorities;

(iii) directions may be given under sub-paragraph (*c*) of paragraph (2) of Article 4 of this order as repects several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, by any one of those authorities to which a report has been made under that paragraph, and arrangements may be made by that authority accordingly under paragraph (4) of Article 5 of this order;

(iv) the appropriate authority for any premises may, for the purpose of administrative efficiency, agree to the exercise by another authority mentioned in the foregoing provisions of this paragraph of functions in relation to any premises situated near premises as respects which that other authority is the appropriate authority.

(2) If any doubt or dispute arises as to which authority is the appropriate authority for any premises, it shall be referred to the Minister whose decision shall be final.

(3) Any appropriate authority other than a local authority may, to such extent and subject to such conditions as it thinks proper, delegate all or any of its functions under this order to any specified persons or class of persons.

(4) For the purposes of this Article—

(*a*) the expression "commercial premises" means any business premises, not being factory premises or local government premises;

(*b*) the expression "factory premises" means any business premises being a factory within the meaning of Section one hundred and fifty-one of the Factories Act, 1937, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises;

(*c*) the expression "local government premises" means premises occupied by a local authority for the purpose of discharging any of its functions.

8. The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order.

9. For the purposes of this order—

(*a*) the expression "local authority" has the meaning assigned to it by Regulation one hundred of te Defence (General) Regulations, 1939;

(*b*) the expressions "business premises," "fire prevention duties" and "working hours" have the same meanings as in Regulation twenty-seven A of those Regulations;

(*c*) the expression "civil defence duties" has the same meaning as in Regulation twenty-six A of those Regulations;

(*d*) the expression "the Minister" means the Minister of Home Security;

(*e*) the expression "prescribed" means prescribed by directions given by the Minister.

10. In the application of this order to Scotland—

(*a*) the expression "the Minister" shall mean either the Minister of Home Security or the Secretary of State;

(*b*) for references to the Minister of Health there shall be substituted references to the Secretary of State;

(*c*) for references to the council of a county borough, county district, or metropolitan borough, or the Common Council of the City of London, there shall be substituted references to a county council or a town council;

(*d*) Article 6 of this order shall have effect as if the word "summarily" were omitted therefrom.

11.—(1) This order may be cited as the Fire Prevention (Business Premises) Order, 1941.

(2) The Fire Watchers Order, 1940, is hereby revoked, as respects any premises to which this order applies, as from the date on which arrangements are approved or made for those premises by the appropriate authority under this order.

Civil Defence Duties (Compulsory Enrolment) Order, under Regulations 26A and 38 of the Defence (General) Regulations, 1939.

No. 70, 18th January, 1941.

1. If the Minister is satisfied, on the report of a local authority or otherwise, that the number of persons voluntarily enrolled for the performance of fire prevention duties in the area of a local authority is insufficient to enable that authority to discharge the duties imposed on it by Regulation twenty-seven B of the Defence (General) Regulations, 1939, the Minister may direct that this order shall apply to the area of that authority.

2.—(1) The local authority for any area to which this order applies shall from time to time, by notice published in the prescribed manner, require all male persons, being British subjects who at the date of the notice are resident in the area or in such part therof as may be prescribed and are of the prescribed age and are not exempted as hereinafter provided, to make, at such place and time, in such manner and to such authority or person as may be specified in the notice, an application to be registered under this order and to furnish such particulars about themselves as may be so specified.

(2) A notice published under this Article is hereafter in this order referred to as "a registration notice".

3.—(1) A local authority may serve on any person registered by them under this order a notice stating that he has been enrolled for the performance of fire prevention duties in the area of the authority or the part thereof prescribed as aforesaid, and thereupon he shall be deemed to have been so enrolled.

(2) A notice served under this Article is hereafter in this order referred to as "an enrolment notice".

(3) Every enrolment notice shall specify the person or persons, or describe the class of persons, by whom there may be given, to the person deemed to be enrolled by virtue of the notice, directions defining the fire prevention duties to be performed by him, and the time, place and manner of their performance, and the person or persons so specified or of the class so described may give directions accordingly: Provided that—

(*a*) the person or persons or class of persons authorised to give such directions may be varied from time to time by a further notice served by the local authority; and

(*b*) the periods for which a person enrolled by virtue of any such notice is

required by any such directions to perform duties shall not in the aggregate exceed forty-eight hours in each month.

4.—(1) Any person who would, apart from this provision, be required to apply for registration by a registration notice shall be exempted from that requirement if, at the date of the notice, he is a person of any of the classes referred to in the Schedule to this Order; and any person registered under this order who becomes a person of any of the said classes shall be exempted from enrolment under this order or, if he has already been enrolled, shall be released by the local authority from the duties required of him by virtue of his enrolment.

(2) Any person may, in accordance with any order under Regulation twenty-six A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order to be exempted from enrolment under this order, or if he has been enrolled, for release from the duties required of him be virtue of his enrolment, on the ground that he is medically unfit to perform those duties or that it would be an exceptional hardship if he were required to perform them.

(3) A person registered by a local authority under this order, who has undertaken, at the date of the registration notice, to perform civil defence duties in the area of the authority for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from enrolment under this order so long as he continues to perform such duties for such periods.

(4) A person registered by a local authority under this order, who produces to that authority a certificate from another local authority, that, at the date of the registration notice, he had undertaken to perform civil defence duties for such periods as aforesaid in the area of that other local authority, shall be exempted from enrolment by the first mentioned authority, or, if he has already been enrolled, shall be released by the first mentioned authority from the duties required of him by virtue of his enrolment, so long as he continues to perform civil defence duties for such periods in the area of that other authority.

(5) Where a person registered by a local authority under this order has, before he is served by that authority with an enrolment notice, been served with an enrolment notice by another local authority, he shall be exempted from enrolment by the first mentioned authority, if and so long as he is required to perform duties by virtue of the enrolment notice served by that other authority.

(6) A person registered by a local authority under this order, who produces to that authority a certificate from a government department that he has undertaken to perform duties similar to civil defence duties for such periods as aforesaid at permises occupied by that department, shall be exempted from enrolment under this order, or,

if he has already been enrolled, shall be released by the authority from the duties required of him by virtue of his enrolment, so long as he continues to perform duties similar as aforesaid for such periods in such premises.

(7) Where a person registered by a local authority under this order satisfies the authority that he has undertaken, or is required, to perform duties under arrangements made under Regulation twenty-seven A of the Defence (General) Regulations, 1939, then, so long as he continues to perform such duties, he shall be exempted from enrolment under this order, or, if he has already been enrolled, he shall be released by the authority from the duties required of him by virtue of his enrolment.

(8) A person registered by a local authority under this order, who produces to that authority a certificate, signed by or on behalf of the appropriate authority for any premises to which the Fire Prevention (Business Premises) Order, 1941, applies, that he is engaged upon vital work for exceptionally long hours, shall be exempted from enrolment under this order, or, if he has already been enrolled, shall be released from the duties required of him by virtue of his enrolment, so long as he continues to be engaged upon such work for such hours.

(9) Where—

(*a*) any person who is required by a local authority to apply for registration by a registration notice ceases, before the date on which he is required to make the application, to reside in the area of that authority or the part thereof prescribed as aforesaid; or

(*b*) a person enrolled by a local authority by an enrolment notice has ceased to reside in the area of that authority or the part thereof prescribed as aforesaid when the notice is served, or ceases at any time thereafter so to reside,

the authority shall, if he shows reasonable grounds for leaving that area or part, and that it would not be practicable for him to perform the required duties in that area or part, exempt him from liability to be registered under this order, or release him from the duties required of him by virtue of his enrolment, as the case may be; and if the local authority refuses to grant such an exemption or release, an appeal from that refusal shall lie, in accordance with any order under Regulation twenty-six A of the Defence (General) Regulations, 1939, for the time being in force, to the tribunal mentioned in that order.

5. The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order.

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

"civil defence duties" has the same meaning as in Regulation twenty-six A of the Defence (General) Regulations, 1939;

"fire prevention duties" has the same meaning as in Regulation twenty-seven A of the said Regulations;

"the Minister" means the Minister of Home Security;

"local authority" means the council of a county borough, county district or metropolitan borough, or the Common Council of the City of London;

"prescribed" means prescribed by directions given by the Minister.

7. In the application of this order to Scotland—

(*a*) the expression "the Minister" shall mean the Minister of Home Security or the Secretary of State;

(*b*) the expression "local authority" shall mean a county council or a town council;

(*c*) the following paragraph shall be substituted for paragraph 3 of the Schedule to this order—

"3. Any person who is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty's pleasure His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine, or ten of that Act."

8. This order may be cited as the Civil Defence Duties (Compulsory Enrolment) Order, 1941.

SCHEDULE.

Persons Exempted.

1. A member of any of the armed forces of the Crown.
2. A constable.
3. Any person who—

(*a*) is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930; or

(*b*) 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

(*c*) is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930; or

(*d*) is a person placed in an institution or a certified house or under guardianship, under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight or nine of that Act, or is under supervision provided under paragraph (*b*) of section thirty of that Act, or is an inmate of a home approved under section fifty of that Act, or is the subject of a notification under subsection (2) of section fifty-one of that Act;

4. A person certified by a local authority, as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts.

5. A person of any such class as may be prescribed.

F. 特 定 地 域

Civil Defence (Specified Areas) (No. 2) Order, under Section 12 of the Civil Defence Act, 1939 (2 & 3 Geo. 6. c. 31).

No. 2210, 31st December, 1940.

1. The administrative counties, county boroughs, county districts and parishes and parts thereof in England and Wales and counties, large burghs, small burghs and districts in Scotland described in the second column of the Schedule hereto shall, in addition to the areas specified by the Civil Defence (Specified Areas) Order, 1939, and the Civil Defence (Specified Areas) Order, 1940, be areas specified under section twelve above mentioned.

2. This Order may be cited as the Civil Defence (Specified Areas) (No. 2) Order, 1940.

SCHEDULE.

ENGLAND.

County.	Administrative County, County Borough, County District, Parish.
Bedfordshire	*Non-county boroughs:* Bedford. Dunstable.
Berkshire	*Non-county boroughs:* Maidenhead. New Windsor.
Buckinghamshire	*Non-county boroughs:* Aylesbury. Chepping Wycombe. *Urban districts:* Beaconsfield. Chesham. Eton. Marlow. *Rural districts:* Amersham. Eton. Wycombe.
Cambridgeshire	*Non-county borough:* Cambridge.
Cheshire	*County borough:* Chester. *Non-county boroughs:* Altrincham. Congleton. Macclesfield. *Urban districts:* Alderley Edge. Alsager. Bollington. Bowdon. Hale. Hazel Grove and Bramhall. Hoole.

	Knutsford.
	Longendale.
	Lymm.
	Marple.
	Middlewich.
	Nantwich.
	Northwich.
	Sandbach.
	Wilmslow.
	Winsford.
	Rural districts:
	Bucklow.
	Congleton.
	Disley.
	Macclesfield.
	Nantwich.
	Northwich.
	Runcorn.
	Tintwistle.
Cornwall	*Urban district:*
	Camborne-Redruth.
Cumberland	*County borough:*
	Carlisle.
	Non-county boroughs:
	Whitehaven.
	Workington.
	Urban district:
	Maryport.
Derbyshire	The Administrative County of Derby so far as not already specified, except the Urban District of Ashbourne and the Rural Districts of Ashbourne and Clowne.
Devon	*County borough:*
	Exeter.
Dorset	*Non-county borough:*
	Poole.

Durham	*Urban districts:*
	Bishop Auckland.
	Brandon and Byshottles.
	Crook and Willington.
	Shildon.
	Spennymore.
	Rural districts:
	Chester-le-Street, so far as not already specified.
	Durham.
	Easington.
	Sedgefield.
	Stockton.
Ely, Isle of...	*Non-county borough:*
	Wisbech.
Essex	*Non-county boroughs:*
	Chelmsford.
	Colchester.
	Maldon.
	Urban districts:
	Braintree and Bocking.
	Brightlingsea.
	Burnham-on-Crouch.
	Clacton.
	Epping.
	Frinton and Walton.
	Rayleigh.
	West Mersea.
	Witham.
	Wivenhoe.
	Rural districts:
	Braintree, except the Parishes of Finchingfield, Great Saling, Panfield, Rayne, Shalford and Wethersfield.
	Chelmsford.
	Epping.

	Lexden and Winstree.
	Maldon.
	Ongar.
	Rochford.
	Tendring.
Gloucestershire	*County borough:*
	Gloucester.
	Non-county borough:
	Cheltenham.
	Urban districts:
	Charlton Kings.
	Nailsworth.
	Stroud.
	Rural districts:
	Dursley.
	Sodbury, so far as not already specified.
	Stroud.
	Warmley.
	Parishes:
	Coleford.
	East Dean.
	Little Dean.
	Lydbrook.
	West Dean.
Hertfordshire	*Non-county boroughs:*
	Hemel Hempstead.
	Hertford.
	St. Albans.
	Urban districts:
	Baldock.
	Berkhamsted.
	Bishop Stortford.
	Chorleywood.
	Harpenden.
	Hitchin.

	Hoddesdon.
	Letchworth.
	Rickmansworth.
	Ware.
	Welwyn Garden City.
	Rural districts:
	Hatfield.
	St. Albans.
	Watford, so far as not already specified.
	Parishes:
	Bayford.
	Bovingdon.
	Brickendon Liberty.
	Flaunden.
	Hertingford Bury.
	Kings Langley.
	Little Berkhamsted.
Huntingdonshire	*Urban districts:*
	Old Fletton.
Kent	The Administrative County of Kent, so far as not already specified.
	County borough:
	Canterbury.
Lancashire	*Country boroughs:*
	Blackpool.
	Southport.
	Non-county boroughs:
	Fleetwood.
	Lancaster.
	Lytham St. Annes.
	Morecambe and Heysham.
	Urban districts:
	Fulwood.
	Longridge.

	Rural district:
	Preston.
	So much of the Administrative County of Lancaster as lies to the south of the River Ribble and is not already specified.
Leicestershire	*Non-county borough:*
	Loughborough.
	Urban districts:
	Ashby-de-la-Zouch.
	Ashby Woulds.
	Coalville.
	Hinckley.
	Market Harborough.
	Oadby.
	Shepshed.
	Wigston.
	Rural districts:
	Ashby-de-la-Zouch.
	Barrow-upon-Soar.
	Blaby.
	Castle Donington.
	Market Bosworth.
Lincolnshire, Parts of Kesteven ...	*Non-county borough:*
	Grantham.
Lincolnshire, Parts of Lindsey ...	*County borough:*
	Lincoln.
Norfolk	*Non-county borough:*
	Kings Lynn.
Northamptonshire	*Non-county borough:*
	Higham Ferrers.
	Urban districts:
	Burton Latimer.
	Desborough.
	Irthlingborough.
	Raunds.

	Rothwell.
	Rushden.
	Wellingborough.
	Rural district:
	Wellingborough.
Northumberland	*Urban district:*
	Prudhoe.
Nottinghamshire	*Non-county boroughs:*
	East Retford.
	Mansfield.
	Newark
	Worksop.
	Urban districts:
	Eastwood.
	Kirkby-in-Ashfield.
	Mansfield Woodhouse,
	Sutton-in-Ashfield.
	Rural district:
	Basford.
Oxfordshire	*County borough:*
	Oxford.
	Non-county borough:
	Banbury.
Peterborough, Soke of	*Non-county borough:*
	Peterborough.
Shropshire	*Non-county boroughs:*
	Shrewsbury.
	Wenlock.
	Urban districts:
	Dawley.
	Oakengates.
	Wellington.
	Rural district:
	Wellington.

Somerset	*County borough:* Bath. *Non-county boroughs:* Bridgwater. Taunton. Yeovil. *Urban districts:* Frome: Keynsham. Norton-Radstock. *Rural districts:* Bathavon. Bridgwater. Frome. Yeovil.
Southampton	*County borough:* Bournemouth. *Non-county boroughs:* Aldershot. Basingstoke. Christchurch. Lymington. *Urban district:* Farnborough. *Rural district:* New Forest. *Parishes:* Botley. Bursledon. Hedge End. Hound. West End.
Staffordshire	*County borough:* Burton-upon-Trent.

	Non-county boroughs: Stafford. Tamworth. *Urban districts:* Biddulph. Brownhills. Cannock. Kidsgrove. Leek. *Parish:* Audley Rural.
Suffolk, West	*Non-county borough:* Bury St. Edmunds.
Surrey...	The Administrative County of Surrey so far as not already specified.
Sussex, East	The Administrative County of East Sussex. *County boroughs:* Brighton. Eastbourne. Hastings.
Sussex, West	The Administrative County of West Sussex.
Warwickshire	*Non-county boroughs:* Royal Leamington Spa. Warwick. *Urban district:* Solihull. *Rural districts:* Atherstone. Meriden. Tamworth.
Westmorland	*Non-county borough:* Kendal.
Wight, Isle of	*Non-county borough:* Newport.

	Urban district:
	Cowes.
Wiltshire	*Non-county boroughs:*
	Salisbury (New Sarum).
	Swindon.
	Urban districts:
	Bradford-on-Avon.
	Melksham.
	Trowbridge.
	Warminster.
	Westbury.
	Rural district:
	Bradford and Melksham.
Worcestershire	*County borough:*
	Worcester.
	Non-county borough:
	Kidderminster.
	Urban districts:
	Redditch.
	Stourport-on-Severn.
Yorkshire, North Riding...	*Non-county borough:*
	Scarborough.
Yorkshire, West Riding	*Non-county boroughs:*
	Keighley.
	Todmorden.
	Urban districts:
	Aireborough.
	Baildon.
	Barnoldswick.
	Bingley.
	Colne Valley.
	Darfield.
	Denby Dale.

	Denholme.
	Dodworth.
	Earby.
	Garforth.
	Hebden Royd.
	Holmfirth.
	Ilkley.
	Kirkburton.
	Meltham.
	Otley.
	Penistone.
	Ripponden.
	Saddleworth.
	Silsden.
	Skipton.
	Stocksbridge.
	Rural districts:
	Hepton.
	Penistone.
	Wakefield.
	Wortley, so far as not already specified.
	Parishes:
	Addingham.
	Bradleys Both.
	Carleton.
	Cononley.
	Cowling.
	Farnhill.
	Glusburn.
	Kildwick.
	Lothersdale.
	Salterforth.
	Steeton-with-Eastburn.
	Sutton.
	Wentworth.

WALES.

Carmarthenshire	*Non-county boroughs:* Kidwelly. Llanelly. *Urban districts:* Ammanford. Burry Port. Cwmamman. *Rural district:* Llanelly. *Parishes:* Bettws. Llandybie.
Denbighshire	*Non-county borough:* Wrexham. *Urban district:* Llangollen. *Rural district:* Wrexham.
Flintshire	*Rural district:* Hawarden.
Glamorgan	The Administrative County of Glamorgan so far as not already specified. *County borough:* Merthyr Tydfil.
Monmouthshire	All parts of the Administrative County of Monmouthshire lying to the west of the River Usk, so far as not already specified.

SCOTLAND.

County.	County, Large Burgh, Small Burgh and District.
Aberdeenshire	The whole county.* * Including all the Burths therein
Angus	All parts of the county not already specified.*

Ayrshire	The whole county.*
Clackmannanshire	The whole county.*
Dumfries	*Large burgh:* Dumfries. *Small burgh:* Langholm.
Dunbartonshire	All parts of the county not already specified.*
Fifeshire	All parts of the county not already specified.*
Inverness	*Large burgh:* Inverness.
Kincardine	The whole county.*
Kinross-shire	The whole county.*
Lanarkshire	All parts of the county not already specified.*
Midlothian	All parts of the county not already specified.*
Peebles	*Small burghs:* Innerleithen. Peebles.
Perthshire	*Large burgh:* Perth. *Districts:* Eastern.* Perty.*
Renfrewshire	All parts of the county not already specified.*
Roxburgh	*Small burghs:* Hawick. Jedburgh.
Selkirkshire	*Small burghs:* Galashiels. Selkirk.
Stirling	All parts of the county not already specified.*
West Lothian	All parts of the county not already specified.*
Wigtownshire	*Small burgh:* Stranraer.

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Protected Area (Orkney and Zetland) Bye-Laws (Revocation) Order.

No. $\frac{1834}{S.\ 92}$, 15th October, 1940.

1. The Protected Area (Orkney and Zetland) Bye-laws, 1940, are hereby revoked.

2. This Order may be cited as the Protected Area (Orkney and Zetland) Bye-laws (Revocation) Order, 1940.

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Defence Areas Order, under Regulation 16A of the Defence (General) Regulations, 1939.

No. 1004, 17th June, 1940.

1. Each of the areas described in the Schedule to this Order is declared to be a defence area for the purposes of Regulation 16A of the Defence (General) Regulations, 1939.

2. This Order may be cited as the Defence Areas Order, 1940.

SCHEDULE.

The EASTERN AREA consisting of—

In Norfolk—

The city of Norwich;

the county borough of Great Yarmouth;

the non-county borough of King's Lynn;

the urban districts of Cromer, Diss, Downham Market, East Dereham, New Hunstanton, North Walsham, Sheringham, Swaffham, Wells, and Wymondham; and

the rural districts of Blofield and Flegg, Depwade, Docking, Downham, Erpingham, Freebridge Lynn, Forehoe and Henstead, Loddon, Marshland, Mitford and Launditch, St. Faith's and Aylsham, Smallburgh, Swaffham, and Walsingham.

In Suffolk—

the county borough of Ipswich;

the non-county boroughs of Aldeburgh, Beccles, Eye, Lowestoft, Southwold, and Sudbury.

the urban districts of Bungay, Felixstowe, Hadleigh, Halesworth, Leiston-cum-Sizewell, Saxmundham, Stowmarket, and Wood-bridge; and

the rural districts of Blyth, Cosford, Deben, Gipping, Hartismere, Lothingland, Melford, Samford, and Wainford.

In the Isle of Ely—

the non-county borough of Wisbech;

the urban district of March; and

the rural district of Wisbech.

In Essex—

the county borough of Southend-on-Sea;

the non-county boroughs of Chelmsford, Colchester, Harwich, Maldon, and Romford;

the urban districts of Benfleet, Billericay, Braintree and Bocking, Brentwood, Brightlingsea, Burnham-on-Crouch, Canvey Island, Clacton, Frinton and Walton, Halstead, Hornchurch, Rayleigh, Thurrock, West Mersea, Witham, and Wivenhoe; and

the rural districts of Braintree, Chelmsford, Halstead, Lexden and Winstree, Maldon, Ongar, Rochford, and Tendring.

The SOUTH EASTERN AREA consisting of—

In Kent—

the city of Canterbury;

the non-county boroughs of Chatham, Dartford, Deal, Dover, Faversham, Folkestone, Gillingham, Gravesend, Hythe, Lydd, Maidstone, Margate, New Romney, Queenborough, Ramsgate, Rochester, Sandwich, and Tenterden;

the urban districts of Ashford, Broadstairs and St. Peters, Herne Bay, Northfleet, Sheerness, Sittingbourne and Milton, Swanscombe, and Whitstable; and

the rural districts of Bridge-Blean, Cranbrook, Dartford, Dover, East Ashford, Eastry, Elham, Hollingbourn, Maidstone, Malling, Romney Marsh, Sheppey, Strood, Swale, Tenterden, and West Ashford.

In Sussex—

the county borough of Hastings;

the non-county boroughs of Bexhill, and Rye; and

the rural district of Battle.

Defence Areas (No. 2) Order, under Regulation 16A of the Defence (General) Regulations, 1939.

No. 1081, 26th June, 1940.

1. Each of the areas described in the Schedule to this Order is declared to be a defence area for the purposes of Regulation 16A of the Defence (General) Regulations, 1939.

2. This Order may be cited as the Defence Areas (No. 2) Order, 1940.

SCHEDULE.

The NORTHERN AREA consisting of—

In Northumberland—

the county boroughs of Newcastle, and Tynemouth;

the non-county boroughs of Berwick-on-Tweed, Blyth, Morpeth, and Wallsend;

the urban districts of Alnwick, Amble, Ashington, Bedlingtonshire, Gosforth, Longbenton, Newbiggin-by-the-Sea, Newburn, Seaton Valley, and Whitley and Monkseaton; and

the rural districts of Alnwick, Belford, Castle Ward, Glendale, Morpeth, Norham and Islandshires, and Rothbury.

in Durham—

the county boroughs of Darlington, Gateshead, South Shields, Sunderland, and West Hartlepool;

the non-county boroughs of Durham, Hartlepool, Jarrow, and Stockton-on-Tees;

the urban districts of Billingham, Bishop Auckland, Blaydon, Boldon, Brandon and Byshottles, Chester-le-Street, Consett, Crook and Willington, Felling, Hebburn, Hetton, Houghton-le-Spring, Ryton, Seaham, Shildon, Spennymoor, Stanley, Washington, and Whickham; and

the rural districts of Chester-le-Street, Darlington, Durham, Easington, Lanchester, Sedgefield, Stockton, and Sunderland.

in Yorkshire—

the county borough of Middlesbrough;

the non-county boroughs of Redcar, Scarborough, and Thornaby-on-Tees;

the urban districts of Eston, Guisborough, Loftus, Malton, Pickering, Saltburn and Marske-by-the-Sea, Scalby, Skelton and Brotton, and Whitby; and

the rural districts of Kirbymoorside, Pickering, Scarborough, Stokesley, and Whitby.

The NORTH EASTERN AREA consisting of—

in Yorkshire—

the administrative county of the East Riding (except the rural district of Derwent);

the county borough of Kingston-upon-Hull;

the non-county borough of Goole; and

the rural districts of Goole, and Thorne.

The LINCOLNSHIRE AREA consisting of—

in Lincolnshire—

the administrative county of the Parts of Holland:

the administrative county of the Parts of Lindsey (except the urban district of Gainsborough, the rural district of Gainsborough, and the parish of Holton cum Beckering in the rural district of Welton);

the county borough of Grimsby;

the urban districts of Bourne, and Sleaford; and

the rural districts of East Kesteven, and South Kesteven.

Defence Areas (No. 3) Order, under Regulation 16A of the Defence (General) Regulations, 1939.

No. 1126. 1st July, 1940.

1. Each of the areas described in the Schedule to this Order is declared to be a defence area for the purposes of Regulation 16A of the Defence (General) Regulations, 1939.

2. This Order may be cited as the Defence Areas (No. 3) Order, 1940.

SCHEDULE.

The SOUTH EASTERN AREA consisting of—

In Sussex—

the administrative county of East Sussex (except the boroughs of Bexhill and Rye and the rural district of Battle);

the administrative county of West Sussex; and

the county boroughs of Brighton and Eastbourne.

The SOUTHERN AREA consisting of—

In Hampshire—

the administrative county of Southampton (except the boroughs of Aldershot, Andover and Basingstoke, the urban districts of Alton, Farnborough and Fleet and the rural districts of Alton, Andover, Basingstoke, Hartley Wintney, and Kingsclere and Whitchurch);

the administrative county of the Isle of Wight; and the county boroughs of Bournemouth, Portsmouth and Southampton.

in Dorset—

the non-county borough of Poole;

the urban district of Wimborne Minster; and

the rural district of Wimborne and Cranborne.

The SOUTH WESTERN AREA consisting of—

In Dorset—

the non-county boroughs of Blandford Forum, Dorchester, Wareham and Weymouth and Melcombe Regis;

the urban districts of Portland, Sherborne, and Swanage; and

the rural districts of Blandford, Dorchester, Sherborne, Sturminster and Wareham and Purbeck.

Defence Areas (No. 4) Order, under Regulation 16A of the Defence (General) Regulations, 1939.

No. 1503, 16th August, 1940.

1. Each of the areas described in the Schedule to this Order is declared to be a defence area for the purposes of Regulation 16A of the Defence (General) Regulations, 1939.

2. The Defence Areas Order, 1940, the Defence Areas (No. 2) Order, 1940, and the Defence Areas (No. 3) Order, 1940, are hereby revoked:

Provided that nothing in this Article shall prejudice or affect any orders or directions issued or given by or on behalf of a Regional Commissioner under the said Regulation and in force at the date hereof.

3. This Order may be cited as the Defence Areas (No. 4) Order, 1940.

SCHEDULE.

The NORTHERN AREA consisting of—

Durham, Northumberland, and the North Riding of Yorkshire.

The NORTH EASTERN AREA consisting of—

the East Riding and the West Riding of Yorkshire; and the city of York.

The NORTH MIDLAND AREA consisting of—

Derbyshire (except the boroughs of Buxton, and Glossop; the urban districts of New Mills, and Whaley Bridge; and the rural district of Chapel-en-le-Frith), Leicestershire, Lincolnshire, Northamptonshire (including the Soke of Peterborough), Nottinghamshire, and Rutland.

The EASTERN AREA consisting of—

Bedfordshire, Cambridgeshire (including the Isle of Ely), Essex (except the boroughs of Barking, Chingford, Dagenham, East Ham, Ilford, Leyton, Walthamstow, Wanstead and Woodford, and West Ham; and the urban districts of Chigwell and Waltham Holy Cross), Hertfordshire (except the urban districts of Barnet, Bushey, Cheshunt, and East Barnet; and the rural district of Barnet), Huntingdonshire, Norfolk, and Suffolk.

The LONDON AREA consisting of—

the administrative counties of London and Middlesex; so much of Essex as consists of the boroughs of Barking, Chingford, Dagenham, East Ham, Ilford, Leyton, Walthamstow, Wanstead and Woodford, and West Ham; and the urban districts of Chigwell, and Waltham Holy Cross;

so much of Hertfordshire as consists of the urban districts of Barnet, Bushey, Cheshunt, and East Barnet; and the rural district of Barnet;

so much of Kent as consists of the boroughs of Beckenham, Bexley, Bromley, and Erith; and the urban districts of Chislehurst and Sidcup, Crayford, Orpington, and Penge; and

so much of Surrey as consists of the boroughs of Barnes, Beddington and Wallington, Croydon, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, and Wimbledon; and the urban districts of Banstead, Carshalton, Coulsdon and Purley, Esher, and Merton and Morden.

The SOUTH EASTERN AREA consisting of—

Kent (except the boroughs of Beckenham, Bexley Bromley, and Erith; and the urban districts of Chislehurst and Sidcup, Crayford, Orpington, and Penge), and Sussex.

The SOUTHERN AREA consisting of—

Berkshire, Buckinghamshire, Hampshire (including the Isle of Wight), Oxfordshire, and Surrey (except the boroughs of Barnes, Beddington and Wallington, Croydon, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, and Wimbledon; and the urban districts of Banstead, Carshalton, Coulsdon and Purley, Esher, and Merton and Morden); and

so much of Dorset as consists of the borough of Poole; the urban district of Wimborne Minster; and the rural district of Wimborne and Cranborne.

The SOUTH WESTERN AREA consisting of—

Cornwall, including the Isles of Scilly, Devon, Dorset (except the borough of Poole; the urban district of Wimborne Minster; and the rural district of Wimborne and Cranborne), Gloucestershire, Somerset, and Wiltshire.

The MIDLAND AREA consisting of

Herefordshire, Shropshire, Staffordshire, Warwickshire, and Worcestershire.

The NORTH WESTERN AREA consisting of—

Cheshire, Cumberland, Lancashire, and Westmorland; and so much of Derbyshire as consists of the boroughs of Buxton, and Glossop; the urban districts of New Mills, and Whaley Bridge; and the rural district of Chapel-en-le-Frith.

The WELSH AREA consisting of—

Anglesey, Brecknockshire, Caernarvonshire, Cardiganshire, Carmarthenshire, Denbighshire, Flintshire, Glamorganshire, Merionethshire, Monmouthshire, Montgomeryshire, Pembrokeshire, and Radnorshire.

The SCOTTISH AREA consisting of—

the whole of Scotland.

Defence Areas Order, under Regulation 16A of the Defence (General) Regulations, 1939.

No. 307, 7th March, 1941.

1. The following alterations shall be made in the areas declared by the Defence Areas (No. 4) Order, 1940, to be defence areas for the purposes of Regulation 16A of the Defence (General) Regulations, 1939, that is to say:—

(*a*) to the South Eastern area there shall be added Surrey (except the boroughs of Barnes, Beddington and Wallington, Croydon, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam, and Wimbledon; and the urban districts of Banstead, Carshalton, Coulsdon and Purley, Esher, and Merton and Morden);

(*b*) to the Southern area there shall be added so much of Dorset as does not form part of that area; and

(*c*) the part hereby added to the South Eastern area shall cease to form part of the Southern area, and the part hereby added to the Southern area shall cease to form part of the South Western area.

2. This Order may be cited as the Defence Areas Order, 1941, and shall come into force on the tenth day of March, 1941.

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Defence (Evacuated Areas) Regulations.

No. 1209, 10th July, 1940.

1.—(1) These Regulations may be cited as the Defence (Evacuated Areas) Regulations, 1940.

(2) These Regulations shall not extend to Northern Ireland.

2.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

"the appropriate court" means such court as may be designated by rules made by virtue of Regulation seven hereof;

"business" includes a trade and a profession;

"evacuation area" means any area declared to be an evacuation area for the purposes of these Regulations;

"evacuation period" means—

(*a*) in relation to any unoccupied premises in an evacuation area, the period commencing with the date of the order declaring the area to be an evacuation area or the date on which the premises became unoccupied, whichever is the later, and ending with such day as may be appointed in relation to the area by an order of the Minister of Home Security;

(*b*) in relation to any goods which are the subject of a contract for their hire or hire-purchase by any person who has ceased to reside or, as the case may be, to carry on business in any evacuation area, the period commencing with the date of the first-mentioned order or the date on which that person ceased to reside or carry on business, whichever is the later, and ending with such day as aforesaid;

"lease" includes an agreement for a lease and any contract of tenancy;

"mortgage" includes a charge.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Where it appears to the Minister of Home Security that by reason of the extent to which any part of a defence area has been or is likely to be evacuated these Regulations ought to apply in relation thereto, he may declare that part of the defence area to be an evacuation area for the purposes of these Regulations.

(2) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under this Regulation; but the Minister of Home Security shall cause notice of the effect of the order to be given as soon as may be in such manner as

he thinks necessary for bringing it to the notice of the persons in the evacuation area and of any other persons who in his opinion ought to have notice of the order.

(3) The Lord Chancellor shall take steps to supply courts with copies of the order authenticated in such manner as he may direct, and a court to which any such copy is supplied shall not require any further proof of the order.

4.—(1) Subject to the following provisions of this Regulation,—

(*a*) no rent or rates payable in respect of any premises in an evacuation area which are unoccupied at the date when the area is declared an evacuation area, or subsequently become unoccupied, and no sum secured or charged on any such premises, and no sum payable in respect of any such premises on account of a redemption annuity within the meaning of the Tithe Act, 1936, or in lieu of tithe, and no sum payable periodically in respect of any right enjoyed in connection with any such premises, and no sum payable under any contract for the supply of water, gas, electricity or telephone services to any such premises, shall be recoverable during the evacuation period;

(*b*) no sum shall be recoverable during the evacuation period under any contract for the hiring or hire purchase of goods by a person who, in the case of goods used solely for the purpose of a business, has ceased to carry on that business in an evacuation area or, in any other case, has ceased to reside in the area;

and no remedy arising in consequence of a default in the payment of any such rent, rates or sum as aforesaid shall be enforceable (whether by proceedings in any court or otherwise) during the evacuation period:

Provided that this paragraph shall not apply—

(i) to any such rent or sum as aforesaid payable under a lease, mortgage or other contract entered into after the date of these Regulations;

(ii) to any such rent or sum as aforesaid which accrued due and payable before the commencement of the evacuation period;

(iii) to any such rates as aforesaid payable in respect of a rating period completed before the commencement of the evacuation period; or

(iv) to any sum payable under a contract for the hiring or hire purchase of goods, unless the goods or some part thereof were in the area at the commencement of the evacuation period and have not been removed from that area by or on behalf of the hirer before the date on which the sum first accrued due and payable.

(2) For the purposes of the proviso to the foregoing paragraph—

(*a*) in determining at what date any part of a capital sum secured or

charged on any premises and payable or repayable by instalments, or any part of the hire purchase price payable under a hire purchase agreement, accrued due and payable, no regard shall be had to any provision under which the whole amount outstanding accrues due and payable on a default in the payment of any instalment; and

(*b*) no part of any capital sum secured or charged as aforesaid and not payable or repayable by instalments shall be deemed to have accrued due and payable unless and until a written demand for payment has been served on the person liable and a period of three months, or such longer period as may have been specified in the demand, has elapsed since the service of the demand.

(3) No liability shall arise during the evacuation period under any contract of guarantee, indemnity or insurance entered into before the date of these Regulations by reason of a default in the payment of any rent, rates or sum to which paragraph (1) of this Regulation applies.

(4) If the person entitled to any rent, rates or sum to which paragraph (1) of this Regulation applies satisfies the appropriate court—

(*a*) in the case of unoccupied premises, that the person entitled to possession thereof has at any time since the commencement of the evacuation period resided in the area;

(*b*) in any case, that the person liable, or any other person with his consent, has enjoyed a substantial benefit from the premises or goods, as the case may be, since the commencement of the evacuation period or, in the case of any rent, rates or sum payable in respect of a period commencing before the evacuation period, since the commencement of the earlier period; or

(*c*) in any case, that the lease, mortgage, contract, or other obligation under which the liability arises relates also to property other than premises or goods to which that paragraph applies;

the court may make such order removing or modifying, in relation to the particular liability, any of the restrictions imposed by the foregoing provisions of this Regulation as it thinks just, and for the purpose of any such order may apportion any part of the liability to any period or to any premises or goods.

(5) For the purposes of this Regulation—

(*a*) premises requisitioned by or on behalf of any government department shall, without prejudice to the right of any person to compensation in respect of the premises or to any application to the appropriate court under the last foregoing paragraph in respect of any such compensation, be deemed to be unoccupied;

(*b*) no premises shall be deemed to be occupied by reason only of the presence therein of furniture or other goods, and no person shall be deemed to remain in occupation of any premises or to continue to reside or carry on business in an evacuation area by reason only that he intends, when circumstances affecting the area permit, to return to the premises or area or to resume the business.

5.—(1) With a view to preventing or minimising the loss to the persons interested or the waste of goods essential to the life of the community by the destruction of or damage to property in an evacuation area, any person appointed under this Regulation by the Regional Commissioner within whose region the area is situated may, if it appears to him that no other person in the area has authority to act in relation to any such property, take or authorise the taking of any measures for the preservation or removal of the property which he considers necessary or expedient, and, in a case where there are urgent reasons for disposing of goods owing to their perishable nature or otherwise, sell or otherwise dispose of those goods.

(2) Any person acting under this Regulation shall be deemed to be acting on behalf of the persons interested in the property and may exercise any such other powers as he may be authorised by those persons to exercise.

(3) No person acting under this Regulation shall, so long as he acts in good faith, be under any liability by reason of anything done or omitted to be done by him.

6.—(1) Where any judgment or order is or has been given or made for the payment or recovery of a sum of money due under any contract, or for the recovery of possession of land in default of payment of rent, against any person affected directly or indirectly—

(*a*) by the evacuation of an evacuation area or by the provisions of these Regulations in their application to such an area; or

(*b*) by the evacuation of any premises in pursuance of advice given by or on behalf of any government department; or

(*c*) by any order made under Regulation sixteen A or Regulation twenty-one of the Defence (General) Regulations, 1939, requiring the removal of animals from any area;

then, if the person against whom the judgment or order is or has been given or made shows that the contract or lease was entered into after the third day of September, nineteen hundred and thirty-nine, and before the date of these Regulations, and that by reason of his being so affected he is unable immediately to satisfy the judgment or order, or to pay the rent, the appropriate court may exercise its powers under the

Courts (Emergency Powers) Act, 1939, as amended by any subsequent enactment, as if the contract or lease had been made before the third day of September, nineteen hundred and thirty-nine.

(2) Where any person so affected is in default in the payment of any rent or other sum due, or in the performance of any other obligation arising, under a lease, mortgage or other contract made after the third day of September, nineteen hundred and thirty-nine, and before the date of these Regulations, then, if he satisfies the appropriate court that he is unable immediately to pay the rent or other sum or to perform the obligation by reason of his being so affected, the court may, either unconditionally or subject to such conditions as the court thinks just, grant an injunction restraining the exercise of any such remedy as is mentioned in paragraph (*a*) of subsection (2) of section one of the Court (Emergency Powers) Act, 1939, which may be available against him for the enforcement thereof and, in the case of a mortgage, also grant an injunction restraining the institution of any proceedings for foreclosure or for sale in lieu of foreclosure or for the recovery of possession of the mortgaged property or make an order staying any such proceedings previously instituted.

7. The power conferred by section two of the Courts (Emergency Powers) Act, 1939, to make rules for the purposes of that Act shall extend to the making of rules for the purposes of these Regulations, and the said section shall have effect accordingly.

8. These Regulations shall in their application to Scotland have effect subject to the following modifications:—

(*a*) any reference to "rent" shall include a reference to feu duty; "mortgage" means heritable security; and "injunction" means interdict;

(*b*) for any reference to the Lord Chancellor there shall be substituted a reference to the Lord President of the Court of Session;

(*c*) for reference to the Courts (Emergency Powers) Act, 1939, and to paragraph (*a*) of subsection (2) of section one thereof, there shall be substituted respectively references to the Courts (Emergency Powers) (Scotland) Act, 1939, and to subsection (2) of section one thereof;

(*d*) in paragraph (2) of Regulation six for the words from "and in the case of a mortgage" to the end of the Regulation there shall be substituted the words "or sist any action of maills and duties previously instituted".

Courts (Emergency Powers) (Evacuated Areas) Rules.

No. $\frac{1421}{\text{L. 21}}$, 3rd August, 1940.

APPROPRIATE COURT.

1. For the purpose of paragraph (4) of Regulation 4 the appropriate court shall

be the county court having jurisdiction for the time being for the district in which the premises in respect of which the liability arises are situated, or in which the person liable to pay the sum in question risides or carries on business, or if that person does not reside or carry on business in England or Wales, the County Court for the District in which the person entitled to the sum in question resides or carries on business.

2. For the purpose of paragraph (1) of Regulation 6, the appropriate court shall be the court in which the proceedings are pending or by which the judgment or order was given or made,

3.—(1) For the granting of an injunction under paragraph (2) of Regulation 6 restraining the exercise of any such remedy as is specified in paragraph (*a*) of subsection (2) of section 1 of the Act, the appropriate court shall be the High Court, and the county court as an alternative to the High Court in those cases which are within the limits specified in the case of each of the following remedies respectively, that is to say—

(*a*) the levying of distress, where the amount in respect of which the remedy is available does not exceed £200;

(*b*) the taking of possession of land, or the appointment of a receiver of land, or re-entry upon land, where neither the value of the land nor the rent payable in respect thereof exceeds £100 a year;

(*c*) the realisation of a security, where the amount owing in respect of the mortgage, charge or lien does not exceed £1,000;

(*d*) the taking of possession of any property other than land or the appointment of a receiver of any such property, where the value of the property does not exceed £200;

(*e*) the forfeiture of any deposit, where the total amount payable in respect of which the deposit has been made does not exceed £200.

(2) For the granting of an injunction under paragraph (2) of Regulation 6 restraining the institution of any proceedings for foreclosure or for sale in lieu of foreclosure or for the recovery of possession of mortgaged property, the appropriate court shall be the High Court, and the county court as an alternative to the High Court in cases where the proceedings the institution whereof is sought to be restrained could be instituted in the county court.

(3) Where the appropriate court for the granting of an injunction is the county court, the application for the injunction may be made in the county court for the district in which the applicant resides or carries on business, or the propety in respect of which the injunction is sought is situated, or the person against whom the injunction is sought resides or carries on business.

(4) Where the High Court and a county court have concurrent jurisdiction under this Rule, the application shall not be made to the High Court, except in special circumstances.

(5) Where an application is made to the High Court and the court or judge is of opinion that it ought to have been made to a county court, the court or judge may order the matter to be transferred to the county court.

(6) For the making of an order under paragraph (2) of Regulation 6 staying proceedings previously instituted for foreclosure or for sale in lieu of foreclosure or for the recovery of possession of mortgaged property, the appropriate court shall be the court in which the proceedings are pending.

4. Nothing in the foregoing Rules shall prejudice any power of transferring any action or matter from one court to another.

PFOCEDURE.

5. In any proceedings under the Regulations, the procedure shall be regulated by Rules of Court subject to the provisions of these Rules.

6.—(1) An application under paragraph (4) of Regulation 4 for an order removing or modifying, in relation to a particular liability, the restrictions imposed by paragraph (1) of that Regulation may be made by originating application, and the provisions of the County Court Rules, 1936, relating to originating applications shall apply, subject to the modification that the application shall be to the effect of Form No. 1, and the notice required by Order VI, Rule 4 (2) (*c*) (ii), to be served on the respondent with a copy of the application shall be to the effect of Form No. 2.

(2) The application shall be served personally on the respondent in the manner provided for by Order VIII, Rule 2, and Rules 6, 11, 14, 15, 16, 25 and 26 of that Order shall apply.

(3) The application may be heard and determined by the registrar, subject to appeal to the judge under Order XXXVII, Rule 5, and the day fixed for the hearing of the application need not be a court day, and the registrar may hear the application in court or in chambers, whether the judge is holding a court or not.

7.—(1) An application under paragraph (1) of Regulation 6 may be made by the defendant on not less than four clear day's notice to the plaintiff at the time when the judgment or order is given or made, or at any subsequent time before the judgment or order has been executed.

(2) The application shall be made in accordance with the procedure and practice relating to similar applications in the court in which the proceedings are pending, or in which the judgment or order has been given or made, as the case may be, so, how-

ever, that the notice, summons or complaint, on or by which the application is made shall contain a statement to the effect of Form No. 3.

(3) Where on the hearing of an application the court is satisfied that the contract or lease in question was entered into after the 3rd day of September, 1939, and before the 10th day of July, 1940, and that the judgment debtor is unable immediately to satisfy the judgment or order or to pay the rent by reason of any of the matters specified in paragraphs (*a*), (*b*) and (*c*) of paragraph (1) of Regulation 6, the court, if at the hearing the plaintiff applies for leave to proceed, may refuse leave to proceed, or may give leave to proceed subject to such restrictions and conditions as the court thinks proper, or, if the plaintiff does not so apply, may make an order declaring that the plaintiff is not entitled, except with the leave of the court, to proceed to execution on, or otherwise to the enforcement of, the judgment or order.

(4) Where at any time after the judgment or order has been given or made notice has been given of an application under this Rule, the court or a judge may suspend or stay the judgement or order, or any execution or order issued or made for the enforcement thereof, pending the hearing of the application.

(5) In this Rule—

"leave to proceed" means leave under the Act to proceed to execution on, or otherwise to the enforcement of, the judgment or order;

"plaintiff" includes applicant and complainant; and "defendant" includes respondent.

8.—(1) Where the High Court is the appropriate court for an application under paragraph (2) of Regulation 6 for an injunction to restrain the exercise of any such remedy as is mentioned in paragraph (*a*) of subsection (2) of section 1 of the Act, or to restrain the institution of any proceedings for foreclosure, or for sale in lieu of foreclosure, or for the recovery of possession of the mortgaged property, the application shall be by originating summons.

(2) The summons shall be issued out of the Division of the High Court which ordinarily deals with proceedings of which the subject-matter is similar to the subject-matter of the application:

Provided that where a summons has been issued out of a Division which, in the opinion of the court or judge, is inappropriate, the court or judge may order that the proceedings shall either continue in that Division or be transferred to the Division out of which the summons ought to have been issued, as the court or judge thinks fit.

(3) The respondent shall not be required to enter an appearance to the originating summons, and accordingly Rule 4E of Order LIV of the Rules of the Supreme Court, 1883, shall apply thereto.

(4) Jurisdiction to hear applications under this Rule may be exercised by a judge at chambers, and—

(*a*) where the application is made in the Chancery Division, the order need not be made by the judge in person;

(*b*) where the application is made in the King's Bench Division, the jurisdiction may be exercised by a Master, notwithstanding paragraph (*e*) of Rule 12 of the said Order LIV.

(5) In the Chancery Division—

(*a*) an application under this Rule affecting mortgaged land, and any action and any application under the Act affecting the same mortgaged land shall be assigned to the same judge; and

(*b*) an application for an order staying proceedings previously instituted for foreclosure, or for sale in lieu of foreclosure, or for the recovery of possession of mortgaged property, shall be made by summons in the proceedings.

(6) An originating summons under this Rule for an injunction to restrain the exercise of any such remedy as is mentioned in paragraph (*a*) of subsection (2) of section 1 of the Act may be issued in the District Registry in the district of which the applicant resides or carries on business, or the property in respect of which the injunction is sought is situated, or the person against whom the injunction is sought resides or carries on business:

Provided that nothing in this paragraph shall be construed as restricting the jurisdiction of the District Registry at Manchester or Liverpool.

9.—(1) Where the county court is the appropriate court for an application under paragraph (2) of Regulation 6 for an injunction to restrain the exercise of any such remedy as is mentioned in paragraph (*a*) of subsection (2) of section 1 of the Act, or to restrain the institution of any proceedings for foreclosure, or for sale in lieu of foreclosure, or for the recovery of possession of the mortaged property, the application may be made by originating application to the effect of Form No. 4, and the provisions of the County Court Rules, 1936, relating to originating applications shall apply.

(2) The power to grant, under Order XIII, Rule 8, an interim injunction restraining the exercise of the remedy in question until the hearing of the originating application may, in the absence of the judge, be exercised by the registrar.

10. The court may suspend, discharge or vary an order if, having regard to circumstances subsequent to the order, the court thinks it just to do so.

11. The court may at any stage of the proceedings order that the case shall thenceforward be heard in private.

12.—(1) In these Ruless, unless the context otherwise requires—

"the Act" means the Courts (Emergency Powers) Act, 1939, as amended by any subsequent enactment;

"the Regulations" means the Defence (Evacuated Areas) Regulations, 1940;

a Regulation, and a paragraph of a Regulation, referred to by number means the Regulation, or paragraph, so numbered in the Regulations.

a form referred to by number means the form so numbered in the Appendix to these Rules;

words used in these Rules have the same meaning as in the County Court Rules, 1936, and an Order and Rule referred by number mean the Order and Rule so numbered in those Rules.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

13. The Rules may be cited as the Courts (Emergency Powers) (Evacuated Areas) Rules, 1940.

APPENDIX

1.

ORIGINATING APPLICATION FOR AN ORDER REMOVING OR MODIFYING RESTRICTIONS IMPOSED BY REGULATION 4 (1).

In the County Court.

No.

In the Matter of the Defence (Evacuated Areas) Regulations, 1940,

and

In the Matter of [*description of premises or subject-matter*].

Between Applicant

and

Respondent.

I, of

apply to the Court for an order removing or modifying, in relation to [the rent amounting to £ of premises situate at and known as] [the sum of £ owing to me by the respondent under a contract made on the day of , 19 , between and], the restrictions imposed by Regulation 4 (1) of the Defence (Evacuated Areas) Regulations, 1940.

The grounds on which I claim to be entitled to the order are [that the respondent has resided in the evacuated area since the commencement of the evacuation period from the day of to the day of] *or* [that the respondent has enjoyed the following substantial benefit from the premises [*or* goods], namely (*describe the benefit*) (*or as the case may be*).

The name and address of the person on whom it is intended to serve this application is

My address for service is

Dated this day of , 19 .

(Signed)

Applicant.

2.

NOTICE TO RESPONDENT OF DAY ON WHICH ORIGINATING APPLICATION WILL BE HEARD.

(*Title of Originating Application.*)

Take Notice that this Application will be heard at a court to be holden at (or at the Court office) at on the day of , 19 , at the hour of in the noon.

A sealed copy of the originating application is hereto annexed.

Under Regulation 4 (4) of the Defence (Evacuated Areas) Regulations, 1940, if the person entitled to any rent, rates or sum which are, by virtue of paragraph (1) of that Regulation, irrecoverable during the evacuation period, satisfies the appropriate court—

(*a*) in the case of unoccupied premises, that the person entitled to possession thereof has at any time since the commencement of the evacuation period, resided in the area; or

(*b*) in any case, that the person liable, or any other person with his consent, has enjoyed a substantial benefit from the premises or goods, as the case may be, since the commencement of the evacuation period or, in the case of any rent, rates or sum payable in respect of a period commencing before the evacuation period, since the commencement of the earlier period; or

(*c*) in any case, that the lease, mortgage, contract or other obligation under which the liability arises relates also to property other than premises or goods to which that paragraph applies;

the Court may make such order removing or modifying, in relation to the particular

liability, any of the restrictions imposed by Regulation 4 (1) as it thinks just, and for the purpose of any such order may apportion any part of the liability to any period or to any premises or goods.

To the Respondent.

3.

APPLICATION FOR RELIEF UNDER REGULATION 6 (1)—STATEMENT TO BE INCLUDED IN THE NOTICE, SUMMONS OR COMPLAINT.

Under Regulation 6 (1) of the Defence (Evacuated Areas) Regulations, 1940, where a person against whom a judgment or order is, or has been, given or made for the recovery of a sum of money due under a contract, or for the recovery of the possession of land in default of payment of rent shows that the contract or lease was entered into after the 3rd day of September 1939 and before the 10th day of July, 1940, and that he is unable immediately to satisfy the judgment or order or to pay the rent by reason of his being affected directly or indirectly—

(*a*) by the evacuation of an evacuation area or by the provisions of the Regulations in their application to such an area; or

(*b*) by the evacuation of any premises in pursuance of advice given by, or on behalf of, any Government Department; or

(*c*) by any order made under Regulation 16A or Regulation 21 of the Defence (General) Regulations, 1939, requiring the removal of animals from any area;

the court may exercise its powers under the Courts (Emergency Powers) Act, 1939, as amended by any subsequent enactment.

If on the hearing of the application it appears to the Court that the powers conferred by the Courts (Emergency Powers) Act, 1939, as amended by any subsequent enactment, should be exercised, and you apply for leave to proceed to execution on, or otherwise to the enforcement of, the judgment or order made in these proceedings, the Court may refuse leave to proceed, or may give leave to proceed subject to such restrictions and conditions as the Court thinks proper. If you do not so apply, the Court may make an order declaring that you are not entitled, except with the leave of the Court, to proceed to execution on, or otherwise to the enforcement of, the judgment or order.

[*Add where applicable*] The Court has made an order suspending the judgment (or order) and staying execution thereof pending the hearing of the application.

4.

ORIGINATING APPLICATION FOR INJUNCTION TO RESTRAIN EXERCISE OF REMEDY OR INSTITUTION OF FORECLOSURE PROCEEDINGS.

In the County Court.

No. (Seal).

In the Matter of the Defence (Evacuated Areas) Regulations, 1940,

and

In the Matter of [*description of premises or subject-matter*].

Between Applicant

and

Respondent.

I, of

apply to the Court for an injunction under Regulation 6 (2) of the above-mentioned Regulations restraining the respondent from the exercise of the following remedy namely [distraining for rent upon the above-mentioned premises] *or* [selling the above-mentioned premises as mortgagee or otherwise realising the security] (*or as the case may be*).

The grounds on which I claim to be entitled to the injunction are as follows:—

[I am tenant of the above-mentioned premises which are held under a contract of tenancy made on the day of , 19 , at a rent of £ per payable in advance and the rent is in arrear] *or* [the mortgage on the above-mentioned premises is dated the day of , 19 , and the instalments of principal and interest payable under the mortgage are in arrear] and I evacuated the premises on the day of , 19 [the premises being situated in , which has been declared an evacuation area within the meaning of the above-mentioned Regulations] *or* [in pursuance of advice given by, or on behalf of, a Government Department] (*or as the case may be*) and I am unable to pay the rent [*or* instalments] in arrear (*or as the case may be*) by reason of [the evacuation of the area or the provisions of the Regulations in their application to the area] *or* [the evacuation of the premises in pursuance of the advice aforesaid] (*or as the case may be*).

The name and address of the person on whom it is intended to serve this application is .

My address for service is .

Dated this day of , 19 .

(Signed)

Applicant.

Order in Council amending the Defence (Evacuated Areas) Regulations, 1940.

No. 261. 28th February, 1941.

1. The Defence (Evacuated Areas) Regulations, 1940 (hereinafter referred to as "the principal Regulations"), shall extend to Northern Ireland and shall accordingly be amended in the manner hereinafter appearing.

2. Paragraph (2) of Regulation one of the principal Regulations shall cease to have effect.

3. After Regulation eight of the principal Regulations there shall be added the following Regulation:—

9. These Regulations shall, in their application to Northern Ireland, have effect subject to the following modifications:—

(*a*) for references to the Minister of Home Security and to the Regional Commissioner for any region, there shall be substituted references to the Ministry of Public Security for Northern Ireland;

(*b*) for the reference to the Lord Chancellor there shall be substituted a reference to the Lord Chief Justice of Northern Ireland;

(*c*) in sub-paragraph (*a*) of paragraph (1) of Regulation four for the words 'in respect of any such premises on account of a redemption annuity within the meaning of the Tithe Act, 1936, or in lieu of tithe' there shall be substituted the words 'in respect of any purchase annuity under the Acts relating to land purchase charged on any such premises or in respect of any tithe rentcharge payable thereout';

(*d*) for references to the date of these Regulations there shall be substituted references to the twenty-eighth day of February, nineteen hundred and forty-one;

(*e*) any reference to a government department shall include a reference to a department of the Government of Northern Ireland;

(*f*) for the reference to Regulation sixteen A of the Defence (General) Regulations, 1939, there shall be substituted a reference to Regulation sixteen B of those Regulations;

(*g*) for the reference to section two of the Courts (Emergency Powers) Act, 1939, there shall be substituted a reference to sections two and five of the said Act."

J. 爆發物取締

Government Explosives in Harbours (Variation) Order.

No. 1167, 29th June, 1940.

The Minister of Transport in exercise of the powers conferred on him by Regulations 74 and 98 of the Defence (General) Regulations, 1939, and of all other powers enabling him in that behalf hereby orders that The Government Explosives in Harbours Order, 1939, shall be varied by the addition, at the end of paragraph 10 of the said Order, of the following words—"and the expression 'Government' shall include the Government of the Dominion of Canada, the Government of the Dominion of the Commonwealth of Australia, the Government of the Dominion of New Zealand, the Government of the Dominion of the Union of South Africa, the Government of the Dominion of the Irish Free State, the Government of the Dominion of Newfoundland, the Government of India, the Government of Burma and the Government of Southern Rhodesia."

This Order may be cited as "The Government Explosives in Harbours (Variation) Order, 1940."

Control of Indoor Fireworks (No. 1) Order, under Regulation 55 of the Defence (General) Regulations, 1939.

No. 1466, 7th August, 1940.

1. No person shall produce any firework to which this Order applies, except

(*a*) under or for the purposes of a contract with a Government department or a local authority, or

(*b*) under the authority of a licence granted or a special or general direction issued by the Minister of Supply.

2. No person shall dispose of otherwise than by retail any firework to which this Order applies, except

(*a*) under or for the purposes of a contract with a Government department or a local authority, or

(*b*) under the authority of a licence granted or a special or general direction issued by the Minister of Supply.

3.—(1) This Order applies to indoor fireworks, including serpents' eggs sparklers, throwdowns and amorces, but not including starting squibs for Diesel engines.

(2) in this Order the expression "dispose of" means any disposal of

(*a*) ownership or any proprietary interest, or

(*b*) the right to possession, or

(*c*) possession, whether or not accompanied by any disposal of ownership or of any proprietary interest or of the right to possession.

4. This Order shall come into force on the 15th day of August, 1940, and may be cited as the Control of Indoor Fireworks (No. 1) Order, 1940.

Order in Council amending Order in Council (No. 6) relating to Stores Licensed for Mixed Explosives.

No. 1992, 8th November, 1940.

His Majesty, in pursuance of the Explosives Act, 1875, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the Order in Council dated 27th November, 1875, relating to stores licensed for mixed explosives shall be altered as follows:—

In paragraph 4 of Part I for the words "half a pound", wherever those words occur, there shall be substituted the words "one pound".

K. 騒音防止

Control of Noise (Defence) Order, under Regulation 24 of the Defence (General) Regulations, 1939.

No. 1042, 19th June, 1940.

1. No person shall, in any area in Great Britain, sound any church bell or cause or permit any church bell to be sounded except for the purpose of making a signal, in accordance with directions given by a commissioned officer of His Majesty's forces or the chief officer of police for the area, to indicate that members of an enemy force are landing or attempting to land or have landed from the air.

2. In this Order the expression "church bell" includes the bell of any church, chapel or other place of public worship ordinarily used or intended for summoning persons to public worship or for any like purpose and any bell ordinarily used or intended for tolling at a cemetery.

3. This Order may be cited as the Control of Noise (Defence) Order, 1940.

L. 出入國制限

Arrival from Enemy Territory (No. 2) Order, under Regulation 18 (3) of the Defence (General) Regulations, 1939.

No. 1031, 19th June, 1940.

1. Where a competent officer has reasonable cause to believe that a person

who is entering or has recently entered the United Kingdom has come from any territory to which this Order applies, he may—

(*a*) if satisfied that inquiries are desirable, serve a notice in writing upon that person requiring him to report in person—

(i) within twenty-four hours of the service of the notice, and

(ii) whenever he changes his address, within twenty-four hours of his arrival at his new address,

his address at the police station nearest to that address; or

(*b*) if satisfied that inquiries are desirable and that it is necessary so to do, direct in writing that that person shall be detained and thereupon the officer by whom the direction is given shall report forthwith to the Secretary of State the facts of the case and the reasons which led him so to direct.

2. A requirement under paragraph (*a*) of Article 1 of this Order shall continue in force until the person on whom the notice is served is informed by the police officer in charge of the police station at which he last reported his address that the inquiries are complete or until the expiration of three months from the date of the said notice, whichever is the earlier:

Provided that the Secretary of State may, if in any case he considers it expedient so to do, extend the period of the requirement or may at any time cancel the requirement.

3.—(1) This Order applies to any territory which is under the sovereignty of, or administered by, or for the time being in the occupation of, or invaded by, a Power at war with His Majesty.

(2) In this Order the expression "competent officer" means any immigration officer, any officer of police of a rank not lower than that of superintendent or any person authorised in writing by the Secretary of State.

4. The Arrival from Enemy Territory Order 1940, is hereby revoked.

5. This Order may be cited as the Arrival from Enemy Territory (No. 2) Order, 1940.

Passenger Traffic (No. 5) Order, under Regulation 18 (2A) of the Defence (General) Regulations, 1939.

No. 1060 21st June, 1940.

1. A British subject shall not, on coming by sea or by air from any place in Ireland, disembark in Great Britain from any vessel or aircraft without the leave of an immigration officer.

2. An immigration officer shall not grant leave under Article 1 of this Order to a British subject except upon production by him of—

(*a*) a visa to enter Great Britain issued in Eire by the United Kingdom Permit Office;

(*b*) a permit to leave Northern Ireland issued in Northern Ireland by the Northern Ireland Permit Office; or

(*c*) a return permit for a journey to and journey from Ireland issued in Great Britain by the Passport and Permit Office:

Provided that a visa, permit or return permit shall not be required in the case of a British subject who is to the satisfaction of the immigration officer—

(*a*) a person in the service of the Crown (including the service of a Dominion Government) who is travelling in the course of his duty;

(*b*) a constable who is travelling on duty;

(*c*) an officer or member of the crew of a vessel or aircraft who is disembarking in the course of his employment; or

(*d*) a child under the age of sixteen years.

3. An immigration officer may, subject to any general or special directions of the Secretary of State, attach to the grant to a British subject of leave to disembark under Article 1 of this Order such conditions as to length of stay, occupation or employment in Great Britain as the immigration officer may think fit.

4.—(1) Where a British subject has been refused under Article 1 of this Order leave to disembark, the master of the vessel or othe officer in charge of the aircraft in which he came to Great Britain or the owner or agents of that vessel or aircraft shall, if so required by an immigration officer, convey the British subject to Ireland.

(2) A British subject, to whom leave to disembark has been refused under the said Article 1, may be placed by an immigration officer or a constable on board the vessel or aircraft in which he came to Great Britain or on board any other vessel or aircraft for conveyance to Ireland.

(3) Any British subject may, by direction of the immigration officer, be detained pending his conveyance to Ireland under this Article.

5.—(1) Where the Secretary of State or a chief officer of police is satisfied that a British subject to whom leave to disembark has been granted under Article 1 of this Order has failed to comply with any condition attached to the grant, he may direct that the British subject be returned to Ireland.

(2) A British subject with respect to whom such a direction as aforesaid is given may be placed by a constable on board a vessel or aircraft for conveyance to Ireland and may, pending his conveyance to Ireland, be detained.

6.—(1) This Order may be cited as the Passenger Traffic (No. 5) Order, 1940.

(2) The Passenger Traffic (No. 4) Order, 1940, is hereby revoked.

Passenger Traffic (No. 6) Order, under Regulation 18 (1) of the Defence (General) Regulations, 1939.

No. 1144, 29th June, 1940.

1. The following Article shall be substituted for Article 4 of the Passenger Traffic Order, 1939:—

4. An immigration officer shall not grant leave under Article 2 of this Order to a British subject who is proceeding—

(*a*) from Great Britain to a destination outside the United Kingdom other than Ireland except upon production by him of a permit issued in Great Britain by the Passport and Permit Office;

(*b*) from Great Britain to Ireland except upon production by him of—

(i) a permit issued in Great Britain by the Passport and Permit Office;

(ii) a combined visa and permit for a journey to and journey from Great Britain issued in Eire by the United Kingdom Permit Office; or

(iii) a return permit for a journey to and journey from Great Britain issued in Northern Ireland by the Northern Ireland Permit Office:

(*c*) from Northern Ireland to a destination outside the United Kingdom other than Eire except upon production by him of a permit issued in Northern Ireland by the Northern Ireland Permit Office; or

(*b*) from Northern Ireland to Great Britain except upon production by him of—

(i) a permit issued in Northern Ireland by the Northern Ireland Permit Office;

(ii) a visa to enter Great Britain issued in Eire by the United Kingdom Permit Office; or

(iii) a return permit for a journey to and journey from Eire or Northern Ireland issued in Great Britain by the Passport and Permit Office:

Provided that such a permit or visa as aforesaid shall not be required in the case of a British subject who is to the satisfaction of the immigration officer—

(*a*) a member of His Majesty's forces;

(*b*) a person in the service of the Crown (including the service of a Dominion government), other than a person in His Majesty's who is proceeding to a destination other than Ireland;

(*c*) a person in the service of the Crown (including the service of a Dominion government), other than a person in His Majesty's forces, who is proceeding to Ireland in the course of his duty;

(*d*) a person who is proceeding from Great Britain to the Channel Islands;

(*e*) a member of a police force who is travelling on duty;

(*f*) an officer or member of the crew of a vessel or aircraft who is embarking in the course of his employment; or

(*g*) a child under the age of sixteen years.

2.—(1) This Order may be cited as the Passenger Traffic (No. 6) Order, 1940.

(2) Article 2 of the Passenger Traffic (No. 3) Order, 1940, is hereby revoked.

M. 外國人取締

Order, under Article 2 (3) of the Aliens Order, 1920.

No. 961, 30th May, 1940.

Whereas it is provided by Article 2 (3) of the Aliens Order, 1920, that the Secretary of State may by order add any port to the list of approved ports specified in the Second Schedule to the said Order:

Now, I, in pursuance of the powers conferred upon me by the said Article hereby order as follows:—

There shall be added to the list of approved ports specified in the Second Schedule to the Order the port of Swansea, within the limit of King's Dock.

This Order shall come into operation forthwith.

Aliens (High Frequency Apparatus Restriction) Order, under Article 11 of the Aliens Order, 1920, as subsequently amended.

No. 1425, 25th June, 1940.

1. An enemy alien shall not, without the permission of the Secretary of State, have in his possession or under his control any apparatus to which this Order applies.

2. This Order applies to apparatus that generates or uses, and has a maximum power output exceeding ten watts of, electrical energy at a frequency exceeding ten thousand cycles per second, not being wireless transmitting apparatus.

3. This Order may be cited as the Aliens (High Frequency Apparatus Restriction) Order, 1940.

Control of Maps Order, under Regulation 4C of the Defence (General) Regulations, 1939.

No. 1173, 4th July, 1940.

PART I.

General.

1. Subject as hereinafter provided, no person shall acquire any map of any part of the United Kingdom or the Isle of Man drawn to a scale exceeding one mile to one inch, except under authority of a licence granted by the Secretary of State or a chief officer of police.

2.—(1) Subject as hereinafter provided, no person shall sell any such map as aforesaid to any other person except upon production by that person of a licence so granted authorizing him to acquire the map.

(2) Where any person sells any such map as aforesaid upon production of a licence, he shall endorse the fact of sale upon the licence and transmit the licence to the Secretary of State or chief officer of police by whom it was granted:

Provided that where the licence authorizes the acquisition of more than one map, it shall not be necessary to transmit the licence to the Secretary of State or chief officer of police until all the maps authorized by the licence to be acquired have been acquired by the holder of the licence.

3. Nothing in this Part of this Order shall apply with respect to the acquisition of a map by—

(*a*) a servant of His Majesty;

(*b*) a chief officer of police;

(*c*) a chief officer of a fire brigade maintained by a local authority;

(*d*) the clerk of a local authority; or

(*e*) the secretary of a public utility undertaking.

PART II.

Special Provisions relating to Aliens.

4. Subject as hereinafter provided, an alien shall not have in his possession on or after the tenth day of July, 1940, any map of any part of the United Kingdom or the Isle of Man drawn to a scale exceeding twelve miles to one inch or any guide-book to any such part, except under authority of a licence granted in Great Britain

by the Secretary of State or in Northern Ireland by a chief officer of police:

Provided that where application for permission to have in his possession any map or guide-book is made—

(*a*) in the case of an alien who is, at the date of this Order, in the United Kingdom, before the ninth day of July, 1940, or

(*b*) in the case of an alien who after the date of this Order enters the United Kingdom, within seven days of the date of his entry,

the alien may retain the map or guide-book in his possession pending the determination of his application.

5. Subject as hereinafter provided, an alien who has in his possession any such map or guide-book as is mentioned in the last foregoing Article shall not later than the ninth day of July, 1940, or, in the case of an alien who has made an application under the last foregoing Article, not later than three days after the day on which his application is refused, deliver the map or guide-book to the officer in charge of a police station, and the said officer is authorized to destroy the said map or guide-book.

6. This Part of this Order shall not apply to—

(i) any duly accredited head of a foreign diplomatic mission or any member of his household or of his official staff; or

(ii) any person recognised by His Majesty as being a consul-general, consul, vice-consul or consular agent.

PART III.

Interpretation and Short Title.

7. In this Order—

the expression "guide-book" includes road-book; and

the expression "sell" includes distribute, dispose of, and part with possession of, and the expression "sale" shall be construed accordingly.

8. This Order may be cited as the Control of Maps Order, 1940.

Aliens (French Nationality) (Revocation of Exemption) Order, under Article 17 (2) of the Aliens Order, 1920, as subsequently amended.

No. 1188, 7th July, 1940.

1. The Aliens (French Nationality) (Exemption) Order, 1940, is hereby revoked.

2. This Order may be cited as the Aliens (French Nationality) (Revocation of Exemption) Order, 1940.

Aliens (Protected Areas) (No. 7) Order, under Articles 9 and 17 of the Aliens Order, 1920, as subsequently amended.

No. 1189, 7th July, 1940.

1. Article 7 of the Aliens (Protected Areas) No. 5) Order, 1940, and Article 6 of the Aiens (Protected Areas) (No. 6) Order, 1940, are hereby revoked.

2. This Order may be cited as the Aliens (Protected Areas) (No. 7) Order, 1940.

Order, under Articles 11 and 17 of the Aliens Order. 1920, as subsequently amended, imposing on Aliens Restrictions as to Employment.

No. 1239, 10th July, 1940.

1. An alien shall not enter into, or continue in, any employment set out in the Schedule hereto unless he has the permission of the Secretary of State and complies with any conditions attached to the permission:

Provided that an alien who is at the date hereof in any such employment as aforesaid and who applies for permission under this Article before the twentieth day of July, 1940, may continue in that employment pending the determination of his application.

2. Article 3 of the Order, made by the Secretary of State under Articles 11 and 17 of the Aliens Order, 1920, as subsequently amended, and dated the seventeenth day of November, 1939, and the Schedule to the said Order are hereby revoked, so, however, that any permission granted under the said Article 3 and in force at the commencement of this Order shall be deemed to have been granted under this Order.

SCHEDULE.

1. Employment in any prohibited place within the meaning of the Official Secrets Act, 1911, as amended by any subsequent enactment and by any provision of the Defence (General) Regulations, 1939, or in any protected place within the meaning of Regulation 12 of the Defence (General) Regulations, 1939.

2.—(*a*) Employment in the manufacture, construction, supply, repair, testing, storage, maintenance or transport of arms, explosives, ammunition, chemicals, petrol, fuel or lubricating oil, medical stores, photographic apparatus, ships, vehicles, aircraft, aeronautical equipment, tanks or similar engines, torpedoes, or mines, or of any part of the said articles or substances, being articles, substances, or parts intended for the use of His Majesty's forces in war.

(*b*) Employment in any factory or other premises where the manufacture, construction, supply, repair, testing, storage or maintenance of any such articles, substances or parts as aforesaid is carried out or directed.

(*c*) Employment in any place where any sketches, models or plans relating to any such articles, substances or parts or to any such factory or other premises as aforesaid are being made, reproduced, repaired or kept.

3.—(*a*) Employment in the manufacture, supply, repair, testing or storage of any machine tools intended to further the manufacture, construction or supply of any such articles, substances or parts as aforesaid.

(*b*) Employment in any factory or other premises where any such machine tools as aforesaid are manufactured. supplied, repaired, tested or stored.

4. Employment in the design, survey or erection of any factory or other premises where any of the processes specified in paragraph 2 of this Schedule is intended to be carried out.

5. Employment in any radio, telegraph or telephone company engaged in the transmission of naval, military or air force messages.

6. Employment in any gas. water or electricity undertaking.

7. Employment in any railway or other company engaged in the provision of transport for His Majesty's forces by sea or land, or in any air transport company,

8. Employment in any naval, military or air force hospital or in any other hospital providing treatment for His Majesty's forces.

9. Employment in any canteen, club or institute of a social, benevolent or religious character conducted wholly or partly for the benefit of members of His Majesty's forces or in any organisation of a like character and with a like purpose if the employment may involve contact or correspondence with members of His Majesty's forces.

10. In this Schedule—

the expression "company" includes any person or body of persons, whether incorporated or not; and

the expression "employment" in relation to any place or premises includes employment, whether by the occupier of the place or premises or not, on any work therein.

Employment of Aliens in Britsh Ships (No. 2) Order, under Regulation 47C of the Defence (General) Regulations, 1939.

No. 1317, 20th July, 1940.

1. The Republic of France shall be a foreign State of which any subject or former subject may be authorised by or on behalf of the competent authority to act as Master, or Officer of any grade, of a British ship, or as Skipper or Second Hand of

a British fishing boat, if the competent authority or person acting on behalf of the authority is satisfied that he is competent to act in that capacity.

2. This Order shall come into force on the 20th day of July, 1940, and may be cited as The Employment of Aliens in British Ships (No. 2) Order, 1940.

Order in Council amending the Defence (General) Regulations (Isle of Man), 1939.

No. 1372, 24th July, 1940.

1. After Regulation four of the Defence (General) Regulations (Isle of Man), 1939 (hereinafter referred to as "the principal Regulations"), there shall be inserted the following new Regulation four A:—

4A.—(1) No person shall communicate with any person in enemy territory: Provided that this Regulation shall not apply—

(*a*) to anything done by any servant of His Majesty acting in the course of his duty as such; or

(*b*) to anything done under an authority given generally or specially by, or by any person authorised in that behalf by, a Secretary of State, the Treasury, the Board of Trade, or the Governor.

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

2.—(1) At the end of paragraph (2) of Regulation eleven of the principal Regulations there shall be added the following paragraph:—

"An Order may be made under this paragraph with respect to any class or description of documont, pictorial representation, photograph, or article recording information."

(2) For paragraph (3) of the said Regulation eleven there shall be substituted the following paragraphs:—

"(3) Any person who, on any occasion, is about to leave the Isle of Man or arrives in the Isle of Man (which person is hereafter in this paragraph referred to as 'the traveller') shall, if on that occasion he is required so to do by the appropriate officer—

(*a*) declare whether or not he has with him any such article as is mentioned in paragraph (2) of this Regulation, and

(*b*) produce any such article as aforesaid which he has with him,

and the appropriate officer, and any person acting under his directions, may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such article as is mentioned in paragraph (2) of this Regulation, and if the appropriate officer has reasonable grounds for suspecting that the traveller has about his person any such article as is mentioned in the said paragraph (2), search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph (2):

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(3A) Where any persons are about to leave the Isle of Man in any ship, or where any persons arrive in the Isle of Man in any ship, the appropriate officer, and any person acting under his directions, may go on board the ship for the purpose of exercising the powers conferred on them by the last preceding paragraph, and may also examine or search the ship for the purpose of ascertaining whether there is on board the ship any such article as is mentioned in paragraph (2) of this Regulation and may seize any article found upon such examination or search, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph (2).

This paragraph shall apply in relation to aircraft as it applies in relation to ships."

(3) Paragraph (5) of the said Regulation shall be omitted.

(4) For paragraphe (6) and (7) of the said Regulation there shall be substituted the following paragraphs—

"(6) As respects any goods, being goods consigned from the Isle of Man to a destination outside the Isle of Man or from a place outside the Isle of Man to a destination in the Isle of Man, the appropriate officer, and any person acting under his directions, may examine or search the goods for the purpose of ascertaining whether any such article as is mentioned in paragraph (2) of this Regulation is being sent or conveyed and may seize any article found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph.

The appropriate officer, and any person acting under his directions, may go

on board any ship or aircraft for the purpose of exercising the powers conferred on them by this paragraph in relation to any goods on board the ship or aircrat.

(7) Where any article is seized under this Regulation it may be retained for such period and dealt with in such manner as may be directed by or on behalf of a Secretary of State or the Minister of Information or the Governor, and in particular, but without prejudice to the generality of the foregoing words, may be subjected to any process and may be wholly or partly destroyed or obliterated."

(5) Paragraph (8) of the said Regulation shall be omitted.

(6) In sub-paragraph (*b*) of paragraph (9) of the said Regulation, for the words "in a camera" there shall be substituted the words "or otherwise treated so as to record information", and in sub-paragraph (*c*) of that paragraph after the words "by a Secretary of State" there shall be inserted the words "or the Minister of Information".

Aliens (Protected Areas) (No. 8) Order, under Articles 9 and 17 of the Aliens Order, 1920, as subsequently amended.

No. 1464, 10th August, 1940.

1. The Lincolnshire and Yorkshire Area described in the Schedule to the Aliens (Protected Areas) (No. 5) Order, 1940, shall be extended so as to include the parish of Holton cum Beckering in the rural district of Welton in the administrative county of the Parts of Lindsey.

2. From the Southern Area described in the Schedule to the Aliens (Protected Areas) (No. 5) Order, 1940, there shall be excluded those parts of the Area which are situate in Devon, Cornwall, and Somerset.

3. The Severn Area described in the Schedule to the Aliens (Protected Areas) (No. 5) Order, 1940, shall be extended so as to include the whole of the administrative county of Somerset (except the urban districts of Frome, and Shepton Mallet, the rural districts of Frome, Shepton Mallet, and Wincanton, and the parishes of Freshford, Hinton Charterhouse, and Wellow in the rural district of Bathavon), and the city of Bath.

4. The High Wycombe Area described in the Schedule to the Aliens (Protected Areas) (No. 6) Order, 1940, shall be extended so as to include the parishes of Bledlow-cum-Saunderton, Great and Little Hampden, Lacey Green, and Radnage in the rural district of Wycombe in Buckinghamshire.

5. The Northampton Area described in the Schedule to the Aliens (Protected Areas) (No. 6) Order, 1940, shall be extended so as to include the urban districts of

Corby, and Oundle, and the rural district of Oundle and Thrapston in Northamptonshire.

6. The area described in the Schedule to this Order is declared to be a protected area for the purposes of Article 9 of the Aliens Order and shall be added to the Schedule to the Aliens (Protected Areas) (No. 5) Order, 1940.

7. This Order may be cited as the Aliens (Protected Areas) (No. 8) Order, 1940, and shall come into force on the fifteenth day of August. 1940.

SCHEDULE.

The SOUTH WESTERN AREA consisting of—

in Cornwall—

the administrative county of Cornwall.

in Devon—

the administrative county of Devon, and the cities of Exeter, and Plymouth.

Employment of Aliens in British Ships (No. 3) Order, under Regulation 47C of the Defence (General) Regulations, 1939.

No. 1548, 22nd August, 1940.

1. Each of the foreign States specified in the Schedule to this Order shall be a foreign State of which any subject or former subject may be authorised by or on behalf of the competent authority to act as Master, or Officer of any grade, of a British ship, or as Skipper or Second Hand of a British fishing boat, if the competent authority or person acting on behalf of the authority is satisfied that he is competent to act in that capacity.

2. This Order shall come into force on the twenty-second day of August, 1940, and may be cited as The Employment of Aliens in British Ships (No. 3) Order, 1940.

SCHEDULE.

The Kingdom of Belgium.
The Kingdom of the Netherlands.
The Kingdom of Norway.
The Republic of Poland.

Aliens (No. 4) Order, 1940.

No. 1900, 24th October, 1940.

1. This Order may be cited as the Aliens (No. 4) Order, 1940.

2. For paragraph (2) of Article 22 of the Aliens Order, 1920, there shall be substituted the following paragraph:—

"(2) An alien shall, during any period during which he is a member—

(*a*) of His Majesty's naval, military or air forces,

(*b*) of any naval, military or air forces of any foreign Power engaged, in alliance with His Majesty, in any war in which His Majesty is also engaged, or

(*c*) of any naval, military or air forces maintained by any foreign authority recognised by His Majesty as competent to maintain such forces for service in association with His Majesty's forces,

be deemed not to be an alien for the purposes of any provision having effect by virtue of this Order:

Provided that the Secretary of State may direct, either generally or in relation to any particular alien or class of aliens, that the provisions of this paragraph shall not have effect, or shall have effect subject to such modifications as may be specified in the direction."

Employment of Aliens in British Ships (No. 4) Order, under Regulation 47C of the Defence (General) Regulations, 1939.

No. 2058, 28th November, 1940.

1. Each of the foreign States specified in the Schedule to this Order shall be a foreign State of which any subject or former subject may be authorised by or on behalf of the competent authority to act as Master, or Officer of any grade, of a British ship, or as Skipper or as Second Hand of a British fishing boat, if the competent authority or person acting on behalf of the authority is satisfied that he is competent to act in that capacity.

2. This Order shall come into force on the twenty-eighth day of November, 1940, and may be cited as The Employment of Aliens in British Ships (No. 4) Order, 1940.

SCHEDULE.

The Republic of Estonia.
The Republic of Latvia.
The Republic of Lithuania.

Aliens (Protected Areas) Order, under Article 9 of the Aliens Order, 1920, as subsequently amended.

No. 5, 7th January, 1941.

1. The area described in the Schedule to this Order is, on the recommendation of the Admiralty, declared to be a protected area for the purposes of Article 9 of Aliens Order, and is hereinafter referred to as "the protected area".

2.—(1) Except as hereinafter provided, an alien shall not enter into or remain in the protected area without the written permission under this Order of the registration officer of a registration district comprised in whole or in part in the protected area or the Secretary of State.

(2) This Article shall not apply with respect to:—

(*a*) the passage through the protected area in the course of a continuous journey from a place outside Ireland to a destination within Ireland outside the protected area by an alien who arrives by sea or by air at a place within the protected area;

(*b*) the passage of an alien through the protected area in the course of a continuous journey from a place within Ireland to a destination outside Ireland; or

(*c*) the passage of an alien through the protected area in the course of a continuous journey by train from a place outside the protected area to a destination outside the protected area.

3. Except as hereinafter provided, an alien shall not, without the written permission under this Order of the registration officer of a registration district comprised in whole or in part in the protected area, have in his possession or use in the protected area—

(*a*) any camera or other photographic apparatus;

(*b*) any telescope, field-glass or similar optical instrument; or

(*c*) any nautical chart.

4.—(1) The occupier or keeper of any premises in the protected area at which there is staying a person whom the said occupier or keeper knows or has reasonable cause to believe to be an alien shall report to the officer in charge of the nearest police station forthwith—

(i) on the arrival of the alien, his arrival, his names in full, his nationality and the address at which he spent the preceding night; and

(ii) on the departure of the alien, his departure and the address at which he intends to spend the succeeding night.

(2) In this Article the expression "keeper" in relation to any premises includes any person for the time being in charge or control of those premises.

5. Any permission under this Order may be granted for a specified period and in respect of a specified area and subject to conditions, and may be cancelled or varied—

(i) in the case of a permission granted by the Secretary of State, by the Secretary of State; and

(ii) in the case of a permission granted by a registration officer, by the Secretary of State or the registration officer.

6. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

7. This Order may be cited as the Aliens (Protected Areas) Order, 1941, and shall come into force on the twentieth day of January, 1941.

SCHEDULE.

The NORTHERN IRELAND AREA consisting of—

in the administrative county of Londonderry—

the part of the rural district of Coleraine which consists of the district electoral divisions of Articlave, Ballylagan, Bannbrook, Downhill, Drumcroon, Knockantern, Letterloan, Portstewart, and Somerset;

the part of the rural district of Limavady which consists of the district electoral divisions of Aghanloo, Ballykelly, Bellarena, Benone, Fruithill, Keady, and Myroe;

the urban districts of Limavady, and Portstewart; and

the borough of Coleraine:

in the administrative county of Antrim—

the part of the rural district of Ballycastle which consists of the district electoral divisions of Armoy, Ballintoy, Ballycastle Rural, Croagh, Drumtullagh, Dunseverick, Glenaan, Glenariff, Glendun, Glenmakeeran, Glenshesk, Ramoan, and The Fair Head;

the part of the rural district of Ballymena which consists of the district electoral divisions of Ballyclug, Broughshane, Clogh, Glenravill, Glenwhirry, Longmore, Newtown Crommelin, and Slemish;

the part of the rural district of Ballymoney comprised in the district electoral divisions of Ballyhoe, Benvardin, Bushmills, Carnmoon, Corkey, Dunluce, Port Cammon, and Portrush Rural;

the rural district of Larne;

the urban districts of Ballycastle, Carrickfergus, Portrush, and Whitehead; and

the borough of Larne:

in the administrative county of Down—

the part of the rural district of Downpatrick which consists of the district electoral divisions of Ardglass, Castlewellan Rural, Castlewellan Urban, Clough, Downpatrick Rural, Dundrum, Inch, Killough, Raholp, Seaforde, Strangford, and Tyrella;

the part of the rural district of Kilkeel which consists of the district electoral divisions of Annalong, Attical, Ballinran, Ballymartin, Brackenagh, Bryansford, Cross, Dunnaman, Fofanny, Glassdrumman, Greencastle, Kilkeel East, Kilkeel North, and Maghera;

the part of the rural district of Newtownards which consists of the district electoral divisions of Ardkeen, Ballyhalbert, Ballywalter, Carrowdore, Crawfordsburn, Donaghadee, Grey Abbey, Groomsport, Kircubbin, Newtownards North, Newtownards South, Portaferry, and Quintin;

the urban districts of Donaghadee, Downpatrick, Kilkeel, and Newcastle; and

the boroughs of Bangor, and Newtownards.

Aliens (Protected Areas) (No. 2) Order, under Article 17 (2) of the Aliens Order, 1920, as subsequently amended.

No. 56, 13rd January, 1941.

1. An alien who is the wife or a minor child of a member—

(*a*) of His Majesty's naval, military or air forces,

(*b*) of any naval, military or air forces of any foreign Power engaged, in alliance with His Majesty, in any war in which His Majesty is also engaged, or

(*c*) of any naval, military or air forces maintained by any foreign authority recognised by His Majesty as competent to maintain such forces for service in association with His Majesty's forces,

shall be exempt from Articles 2 and 3 of the Aliens (Protected Areas) (No. 4) Order, 1940, of the Aliens (Protected Areas) (No. 5) Order, 1940, of the Aliens (Protected Areas) (No. 6) Order, 1940, and of the Aliens (Protected Areas) Order, 1941, in respect of any protected area in which the said member is for the time being stationed.

2. This Order may be cited as the Aliens (Protected Areas) (No. 2) Order, 1941, and shall come into force on the twenty-first day of January, 1941.

Aliens (Wireless Apparatus Restriction) Order, under Article 17 (2) of the Aliens Order, 1920, as subsequently amended.

No. 57, 13rd January, 1941.

1. An enemy alien—

(*a*) who is exempt, pursuant to directions by the Secretary of State under Article 14 of the Aliens Order, from the provisions of Article 6A of the said Order, or

(*b*) who is the wife or a minor child of a member—

(i) of His Majesty's naval, military or air forces,

(ii) of any naval, military or air forces of any foreign Power engaged, in alliance with His Majesty, in any war in which His Majesty is also engaged, or

(iii) of any naval, military or air forces maintained by any foreign authority recognised by His Majesty as competent to maintain such forces for service in association with His Majesty's forces,

shall be exempt from the provisions of the Aliens (Wireless Apparatus Restriction) Order, 1940, in so far as those provisions relate to wireless receiving apparatus.

2. This Order may be cited as the Aliens (Wireless Apparatus Restriction) Order, 1941, and shall come into force on the twenty-first day of January, 1941.

Aliens (Movement Restriction) Order, under Articles 11 and 17 of the Aliens Order, 1920, as subsequently amended.

No. 58, 13rd January, 1941.

1. An alien who is the wife or a minor child of a member—

(*a*) of His Majesty's naval, military or air forces,

(*b*) of any naval, military or air forces of any foreign Power engaged, in alliance with His Majesty, in any war in which His Majesty is also engaged, or

(*c*) of any naval, military or air forces maintained by any foreign authority recognised by His Majesty as competent to maintain such forces for service in association with His Majesty's forces,

shall be exempt from Articles 1 and 2 of the Aliens (Movement Restriction) Order, 1940.

2. Subject as hereinafter provided, if any such alien as aforesaid having a registered place of residence in the United Kingdom at any time, without changing his registered place of residence, leaves his registered place of residence for a night or more, he shall—