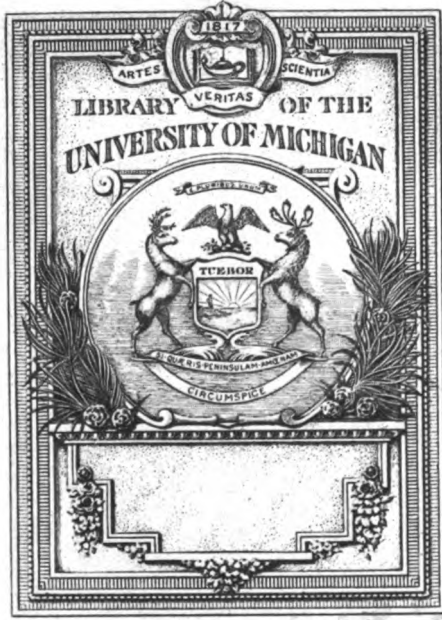


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THE
PUBLIC GENERAL ACTS
and the
Church Assembly Measures
of
1943

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

King George The Sixth

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

with

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



LONDON

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THE
PUBLIC GENERAL STATUTES.

6 & 7 GEO. 6.

CHAPTER 4.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-three and one thousand nine hundred and forty-four. [4th February 1943.]

Most Gracious Sovereign,

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

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

Issue of
£900,000,000
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1943.

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

Issue of
£1,000,000,000
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1944.

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

the Treasury
to borrow.

A

40 & 41 Vict.
c. 2.

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

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

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

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

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1943.

CHAPTER 5.

Minister of Town and Country Planning Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.	
1.	Appointment and functions of Minister of Town and Country Planning.
2.	Oath of Allegiance and Official Oath.
3.	Remuneration, appointment of officers, &c.
4.	Capacity to sit in House of Commons.
5.	Seal style and acts of Minister.
6.	Additional provisions as to transfer of functions to the Minister.
7.	Modifications of Minister of Works and Planning Act, 1942.
8.	Power to establish Commissions.
9.	Expenses.
10.	Variation of Orders in Council.
11.	Construction.
12.	Short title.

SCHEDULES :

First Schedule.—Amendments of 22 & 23 Geo. 5. c. 48.

Second Schedule.—Repeals and Amendments of 5 & 6 Geo. 6. c. 23.

Part I.—Repeals.

Part II.—Amendments.

An Act to make provision in connection with the appointment of a Minister of Town and Country Planning; to provide for the transfer to that Minister of certain statutory functions; and to provide for the establishment of statutory Commissions for the purpose of exercising such functions in relation to the use and development of land in England and Wales as may hereafter be determined.

[4th February 1943.]

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

1. It shall be lawful for His Majesty to appoint a Minister of Town and Country Planning, to be charged with the duty of securing consistency and continuity in the framing and execution of a national policy with respect to the use and development of land throughout England and Wales, and, as from such date as His Majesty may by Order in Council appoint, there shall be transferred to that Minister all functions exercisable by the Minister of Works and Planning under the Town and Country Planning Act, 1932. Appointment and functions of Minister of Town and Country Planning. 22 & 23 Geo. 5. c. 48.

2. The Minister of Town and Country Planning (hereinafter referred to as "the Minister") shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the First Part of the Schedule to that Act. Oath of Allegiance and Official Oath. 31 & 32 Vict. c. 72.

3.—(1) There shall be paid to the Minister an annual salary not exceeding five thousand pounds. Remuneration, appointment of officers, &c.

(2) The Minister may appoint such secretaries, officers and servants as he may with the consent of the Treasury determine, and there shall be paid to the secretaries, officers and servants so appointed such salaries or remuneration as the Treasury may determine.

4. A person holding office as Minister of Town and Country Planning or as Parliamentary Secretary to the Ministry shall not thereby be rendered incapable of being elected as a member of the Commons House of Parliament or of sitting or voting as such a member, but only one such Parliamentary Secretary shall sit as a member of that House. Capacity to sit in House of Commons.

5.—(1) The Minister shall for all purposes be a corporation sole and shall have an official seal which shall be authenticated by the signature of the Minister or of a secretary of the Ministry or of any person authorised by the Minister to act in that behalf. Seal style and acts of Minister.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary of the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

31 & 32 Vict.
c. 37.

(4) The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary of the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

Additional
provisions
as to transfer
of functions to
the Minister.

6.—(1) As from the date appointed for the purpose of section one of this Act, the provisions of the Town and Country Planning Act, 1932, specified in the first column of the First Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule, being amendments consequential upon the transfer of functions effected by the said section one.

(2) If it appears to His Majesty to be expedient that any other functions relating to the use and development of land in England and Wales exercisable by any Minister of the Crown under any enactment should be exercised by the Minister, His Majesty may by Order in Council transfer those functions to the Minister.

(3) His Majesty may by Order in Council make such incidental, consequential or supplemental provisions as appear to His Majesty to be necessary or expedient in consequence of any transfer effected by or under this Act, and in particular, but without prejudice to the generality of the foregoing provision, any such Order in Council may—

- (a) modify or adapt any enactment, order, regulation, scheme, deed, agreement or other instrument relating to the transferor or to his functions or property, to such extent as appears to be necessary and expedient as aforesaid ;
- (b) provide for the carrying on and completion by, before or under the authority of the Minister or of any person appointed by him of anything begun by, before or under the authority of the transferor, or of any person appointed by him, before the date of transfer, and for

the substitution of the Minister for the transferor in any contract or legal proceeding made or begun before that date ;

- (c) provide for securing that any order, regulation, direction, approval, appointment, requirement or authorisation made or given by the transferor before the date of transfer shall continue in force to the like extent and subject to the like conditions as if it had been duly made or given by the Minister.

(4) In this section the expression " the transferor ", in relation to any functions transferred by or under this Act, means any Minister of the Crown by whom those functions were exercisable at any time before the date of transfer, and the expression " the date of transfer " means the date on which the transfer of those functions takes effect.

(5) Any Order in Council under this section shall be laid before Parliament as soon as may be after it is made :

Provided that no such Order in Council shall be deemed for the purposes of section one of the Rules Publication Act, 1893, to be a statutory rule to which that section applies. 56 & 57 Vict. c. 66.

7. As from the date appointed for the purpose of section one of this Act, the Minister of Works and Planning shall be known as the Minister of Works ; the Minister of Works and Planning Act, 1942, shall be cited as the Minister of Works Act, 1942 ; the provisions of that Act specified in the first column of Part I of the Second Schedule to this Act shall be repealed to the extent specified in the second column of that Part, but without prejudice to the provisions of any Order in Council made under any of those provisions, and the provisions of the said Act specified in the first column of Part II of the said Schedule shall have effect subject to the amendments set out in the second column of that Part. Modifications of Minister of Works and Planning Act, 1942. 5 & 6 Geo. 6. c. 23.

8.—(1) If it appears to His Majesty to be expedient to establish any Commission for the purpose of assisting the Minister in the exercise of his functions in relation to the use and development of land in England and Wales, or in any area therein, His Majesty may by Order in Council make provision for that purpose, and, without prejudice to the generality of the foregoing provision, an Order under this section for the establishment of any Commission may provide— Power to establish Commissions.

- (a) for regulating the qualification, appointment, term of office and remuneration of members, officers and servants of the Commission ;
- (b) for regulating the procedure and quorum of the Commission ;
- (c) for determining the functions and proceedings of the Commission, and the extent to which they shall be

exercised and performed subject to the control of the Minister ;

- (d) for enabling the Commission, if incorporated by the Order, to hold land without licence in mortmain notwithstanding that the land may not be held on behalf of the Crown ;
- (e) for such incidental and supplemental matters as His Majesty considers expedient.

(2) The Minister shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty in Council to make under this section, and no further proceedings shall be taken in relation thereto except in pursuance of an Address presented to His Majesty by both Houses of Parliament praying that the Order may be made in the terms of the draft.

Expenses.

9. Any expenses incurred for the purposes of this Act, including the remuneration payable to the Minister and to any secretaries, officers or servants appointed by him, and such sums, if any, as may be required to defray or contribute towards, the expenses of any Commission established under this Act shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

Variation of Orders in Council.

10. Any power conferred by this Act to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.

Construction.

11. References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.

Short title.

12. This Act may be cited as the Minister of Town and Country Planning Act, 1943.

SCHEDULES.

FIRST SCHEDULE.

AMENDMENTS OF 22 & 23 GEO. 5. C. 48.

Section 6,

Provision Amended

Amendment

Section 2 ... In subsection (3) for the reference to the Minister of Health which, by virtue of an Order in Council made under the Minister of Works and Planning Act, 1942, was to be construed as a reference to the Minister of Works and Planning there shall be substituted a reference to the Minister of Town and Country Planning.

Provision Amended	Amendment	1ST SCH. —cont.
Section 32 ...	For the words " the Minister " there shall be substituted the words " the Minister of Health ".	
Section 51 ...	In subsection (3) for the words " the Minister " there shall be substituted the words " the Minister of Health ".	
Section 52 ...	In subsection (2) the words " by the Minister ", in the second place where those words occur, shall be omitted.	
Third Schedule.	In the proviso to paragraph 2 of Part II the words " other than the Ministry of Health " shall be omitted.	

SECOND SCHEDULE.

REPEALS AND AMENDMENTS OF 5 & 6 GEO. 6. C. 23.

Section 7.

PART I

REPEALS.

Title ...	The words " and Planning " ; and the words " and of functions of the Minister of Health in relation to town and country planning ".
Section 1 ...	In subsections (1) (2) and (3) the words " and Planning " wherever those words occur ; and in subsection (1) the words from " and (c) all functions " to the end of the subsection.
Section 5 ...	In subsections (1) (2) and (4) the words " and Planning " wherever those words occur.
Section 6 ...	In subsection (1) paragraph (e) ; in subsection (2) the words " and the Minister of Health " ; and in subsection (3) paragraph (b).
Section 7 ...	In subsection (1) the words " and Planning ".

PART II

AMENDMENTS.

Title ...	After the words " Commissioners of Works " there shall be inserted the word " and ".
Section 4 ...	For the words from " during any period " to the end of the section there shall be substituted the words " only one such Parliamentary Secretary shall sit as a Member of that House ".
Section 6 ...	In subsection (2) after the words " Commissioners of Works " there shall be inserted the word " and ".

CHAPTER 6.*Workmen's Compensation Act, 1943.*

ARRANGEMENT OF SECTIONS.

Section.

1. Extension of s. 47 of Workmen's Compensation Act, 1925, to workmen suffering from any form of pneumoconiosis.
2. Benefit scheme for workmen formerly employed in coal mining industry and suffering from pneumoconiosis.
3. Contributions to medical expenses fund.
4. Power to regulate drilling of siliceous rock.
5. Power to disregard earnings of widow in respect of war work.
6. Calculation of weekly payments in case of changes in rates of remuneration.
7. Exercise of functions by examining surgeon for district where workman resides.
8. Amendment of s. 27 of Workmen's Compensation Act, 1925.
9. Power to deduct or repay out of workmen's compensation provisional payments made by Minister of Pensions to dependants of seamen.
10. Short title, citation and construction.

SCHEDULE.—Amendments of section forty-seven of the Workmen's Compensation Act, 1925, and section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

An Act to extend section forty-seven of the Workmen's Compensation Act, 1925, to workmen suffering from pneumoconiosis and to provide for the payment of benefit in the case of such workmen; to enable the Treasury to contribute to certain medical expenses; to amend certain provisions of the Coal Mines Act, 1911, relating to siliceous rock; to amend the provisions of the Workmen's Compensation Acts, 1925 to 1941, relating to certain dependants, to payments in the case of incapacity, to examining surgeons and to the making of rules of court; to provide for the repayment of certain sums paid to dependants of seamen by the Minister of Pensions; and for purposes connected with the matters aforesaid.

[4th February 1943.]

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

Extension of
s. 47 of
Workmen's
Compensation

1.—(1) Section forty-seven of the Workmen's Compensation Act, 1925 (which as amended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, provides for the making of

schemes applying that Act to workmen suffering from fibrosis of the lungs due to silica dust or asbestos dust) shall extend to workmen suffering from any form of pneumoconiosis; and accordingly the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the said section as so amended and of section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, mentioned in the first column of that Schedule.

Act, 1925, to workmen suffering from any form of pneumoconiosis.
15 & 16 Geo. 5. c. 84.
20 & 21 Geo. 5. c. 29.

(2) In this Act, the expression "pneumoconiosis" means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust-reticulation.

(3) This section shall not affect the validity of any scheme made under the said section forty-seven or the said section two which is in force at the passing of this Act, and any such scheme made under the said section forty-seven shall have effect as if it had been made under that section as amended by the Schedule to this Act, and any scheme made under the said section two shall, pending any extension thereof in consequence of the passing of this section, have effect as if this section had not passed.

2.—(1) The Secretary of State may by scheme (in this section referred to as "the benefit scheme") provide for the payment of benefit at a rate prescribed by the benefit scheme, out of a fund established under the benefit scheme, in the case of workmen not entitled to compensation under any scheme made under the said section forty-seven as amended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, and this Act, who are certified in such manner as may be prescribed by the benefit scheme—

Benefit scheme for workmen formerly employed in coal mining industry and suffering from pneumoconiosis.

- (a) to have been employed in or about a coal mine on or after the twenty-second day of October, nineteen hundred and thirty-four, but not after such date as may be specified in the benefit scheme; and
- (b) to have been totally disabled at the date so specified, or to have become totally disabled or to have died after that date, as the result of any form of pneumoconiosis or of any form of pneumoconiosis accompanied by tuberculosis:

Provided that benefit shall not be payable as aforesaid in any case where the total disablement of the workman or, if he died without previous total disablement, his death took place more than five years after the date so specified.

(2) Any benefit payable under the benefit scheme shall be in addition to any benefit payable under the National Health Insurance Acts, 1936 to 1941.

(3) The benefit scheme may make provision—

- (a) for setting up an administrative board to administer the scheme and to settle claims and other matters arising thereunder and for the duties, powers and procedure of that board ;
- (b) for the establishment of a fund to be administered by the administrative board or otherwise as may be provided by the scheme ;
- (c) for requiring such payments as may be prescribed by the Minister of Fuel and Power to be paid to him, at such times and in such manner as may be so prescribed, by employers of workmen employed in or about a coal mine, and for the recovery of those payments in such manner as may be so prescribed ; for the payment into the said fund of any sums paid to or recovered by the Minister of Fuel and Power as aforesaid ; and for the payment and recovery out of the said fund of benefits payable under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid ;
- (d) for winding up the said fund, when in the opinion of the Secretary of State it is no longer required for the purpose for which it was established, and for the payment of any balance standing to the credit of the said fund into the fund constituted under section twenty of the Mining Industry Act, 1920 ; and
- (e) generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

10 & 11 Geo. 5.
c. 50.

(4) Any payments made by the employer of workmen employed in or about a coal mine under the benefit scheme shall be defrayed as part of the working expenses of the mine, and any sums paid under the benefit scheme into the fund constituted under section twenty of the Mining Industry Act, 1920, shall not be required to be allocated for the benefit of particular districts.

(5) The Minister of Fuel and Power may, with the consent of the Treasury, advance to the administrative board out of moneys provided by Parliament such sums as the board may require for the purposes of the scheme pending the collection of payments from employers under the scheme, and may retain out of those payments and pay into the Exchequer such sums as may be necessary to repay any such advance.

(6) The powers conferred on the Secretary of State by section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, to make a general scheme applicable to all industries and processes to which compensation schemes apply, for the

purpose of co-ordinating the medical arrangements necessary in connection with those compensation schemes, shall include power to extend any such general scheme so as to make provision for the medical arrangements necessary in connection with the benefit scheme.

(7) In this section the expression " coal mine " has the meaning assigned to it by section six of the Workmen's Compensation ^{24 & 25 Geo. 5.} Act, 1934, except that it does not include any open ^{c. 23.} working.

(8) A scheme made under this section may be extended or varied by a subsequent scheme made thereunder, but any such scheme shall be laid before each House of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits after any such scheme is laid before it, praying that the scheme may be annulled, His Majesty in Council may annul the scheme and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

(9) Section one of the Rules Publication Act, 1893, shall not ^{56 & 57 Vict.} apply to any scheme made under this section. ^{c. 66.}

3. The Secretary of State may, with the approval of the Treasury, make out of moneys provided by Parliament such contributions as he thinks fit to any medical expenses fund established by a general scheme made under the powers conferred by section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, as extended by this Act. Contributions to medical expenses fund.

4. General and special regulations made under sections eighty-six and eighty-seven respectively, of the Coal Mines Act, 1911, may vary, amend or replace the provisions of section seventy-eight of the said Act (which requires the use of sprays when drilling siliceous rock). Power to regulate drilling of siliceous rock. 1 & 2 Geo. 5. c. 50.

5.—(1) Where, in the case of an injury to a workman resulting in death, the widow of the workman claims compensation under the Workmen's Compensation Acts, 1925 to 1943, or under any scheme made under the said Acts, and the tribunal by whom the claim is dealt with— Power to disregard earnings of widow in respect of war work.

- (a) is satisfied that any earnings of the widow were in respect of employment which she entered into on or after the third day of September, nineteen hundred and thirty-nine, and would not have entered into but for the war ; and
- (b) is of opinion that, if she had not entered into the said employment, she would have been dependent either wholly or partly upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent ;

the tribunal shall disregard those earnings, either wholly or to such extent as the tribunal thinks proper, and accordingly may treat the widow as wholly or partly dependent upon the earnings of the workman at the time of his death.

(2) Where, in any such case, a female member of the workman's family other than his widow claims compensation as aforesaid, the tribunal by whom the claim is dealt with shall treat her, for the purposes of the last foregoing subsection, as if she were the widow of the workman, if the tribunal is satisfied that—

- (a) she was acting as housekeeper to the workman at the time of his death (otherwise than in a temporary capacity by reason of the accident); or
- (b) she was acting as housekeeper to the workman at the time when she entered into the employment in question and would have been so acting at the time of the workman's death if she had not entered into the said employment.

(3) In this section, any reference to the tribunal by whom a claim is dealt with shall be construed as a reference to the county court judge, arbitrator, committee or board by whom the claim is settled or to the registrar or county court judge exercising powers under section twenty-five of the Workmen's Compensation Act, 1925, in relation to any agreement for the settlement of the claim, and the expression "the war" means any war in which His Majesty is engaged.

(4) This section shall not apply to any deaths taking place before the passing of this Act, and shall expire on such date as His Majesty may by Order in Council appoint, but without prejudice to anything previously done thereunder.

Calculation
of weekly
payments in
case of changes
in rates of
remuneration.

6.—(1) For the purpose of calculating—

- (a) any weekly payment payable under the Workmen's Compensation Acts, 1925 to 1943, or under any scheme made under those Acts, for total or partial incapacity, or
- (b) any supplementary allowances payable in respect of any such weekly payment or the total amount of the supplementary allowances payable in respect of any such weekly payment,

the average weekly earnings of the workman before the accident shall, if and whenever a change occurs after the date of the accident in the rates of remuneration obtaining in the class of employment in which the workman was employed during the relevant period before the accident, be deemed, so long as the changed rates obtain without further change, to be the average

weekly earnings which he would have earned during that period if the changed rates had obtained throughout that period.

(2) For the purpose of calculating any such weekly payment or supplementary allowances as aforesaid, the average weekly earnings of the workman before the accident shall, if any change or changes occurred in the relevant period before the accident in the rates of remuneration obtaining in the class of employment in which the workman was employed during that period, be deemed, subject to the last foregoing subsection, to be the average weekly earnings which he would have earned during that period if the rates obtaining at the date of the accident had obtained throughout that period.

(3) Where any such weekly payment has been increased under subsection (2) of section eleven of the Workmen's Compensation Act, 1925, or under that subsection as applied by any such scheme as aforesaid, and, on any subsequent review of the weekly payment, it appears to the tribunal that any material change in rates of remuneration has occurred since the date when the weekly payment was so increased or (if it has been varied under this subsection) since the date of the last such variation, and that the amount of the weekly payment would have been fixed at that date at a higher or lower figure if the rates of remuneration obtaining at the date of the subsequent review had obtained at the date aforesaid, the tribunal may (subject to the maximum provided in section nine of the said Act) make such increase or reduction of the weekly payment and of any supplementary allowances payable in respect thereof as, having regard to the said change in rates of remuneration and any other material change of circumstances, the tribunal thinks proper.

(4) In this section the expression "the relevant period" means, in relation to any accident, the period before the accident by reference to which the average weekly earnings of the workman are calculated under sections nine and ten of the Workmen's Compensation Act, 1925, and the expression "the tribunal" means, in relation to any weekly payment, the county court judge, arbitrator, committee or board by whom any review of the payment is, in default of agreement, carried out.

(5) This section shall extend to cases where the accident took place before the passing of this Act and to changes in rates of remuneration occurring before the passing of this Act :

Provided that this section shall not affect the amount of any weekly payment payable in respect of any week commencing before the passing of this Act.

(6) Subsection (3) of section eleven of the Workmen's Compensation Act, 1925, shall cease to have effect, but without prejudice to anything done thereunder before the passing of this Act.

3 & 4 Geo. 6.
c. 47.

(7) Section five of the Workmen's Compensation (Supplementary Allowances) Act, 1940 (which enables the Registrar of Friendly Societies to amend schemes certified by him under section thirty-one of the Workmen's Compensation Act, 1925), shall apply in relation to the provisions of this section in like manner as it applies in relation to the provisions of that Act.

Exercise of
functions by
examining
surgeon for
district where
workman
resides.

7. In such cases and subject to such conditions as the Secretary of State may direct, the powers and duties under Part II of the Workmen's Compensation Act, 1925, of the examining surgeon for the district in which a workman is employed may be exercised and performed by the examining surgeon for the district where the workman resides or to which he has been removed for medical treatment.

Amendment
of s. 27 of
Workmen's
Compensation
Act, 1925.

24 & 25 Geo. 5.
c. 53.
15 & 16 Geo. 5.
c. 49.

8.—(1) In subsection (2) of section twenty-seven of the Workmen's Compensation Act, 1925, for the words from "and such rules may, in England," to the end of the subsection, there shall be substituted the words "and such rules shall, in England, be made by the rule committee appointed under section ninety-nine of the County Courts Act, 1934, and in the manner provided in that section, except that no such rules shall be subject to the concurrence of the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925".

2 & 3 Geo. 6.
c. 78.

(2) At the end of section two of the Administration of Justice (Emergency Provisions) Act, 1939, the following subsection shall be added:—

"(3) The power of making rules of court under subsection (2) of section twenty-seven of the Workmen's Compensation Act, 1925, as amended by any subsequent enactment, shall be exercised by the Lord Chancellor instead of being exercised in the manner provided in the said subsection."

(3) Nothing in this section shall affect any rules of court made under subsection (2) of the said section twenty-seven which are in force at the date of the passing of this Act, and any such rules shall (subject to the power of amendment and revocation) continue in force.

Power
to deduct
or repay out
of workmen's
compensation
provisional
payments
made by
Minister of

9.—(1) Where, on the death of a person to whom section three or section four of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942, applies—

(a) compensation is payable under the Workmen's Compensation Acts, 1925 to 1943, to or in respect of the dependants of that person and is required to be paid

into the county court under section twenty-six of the Workmen's Compensation Act, 1925; and

- (b) the Minister of Pensions has, before it was decided that no pension or other grant was payable under a scheme made under either of the said sections, made provisional payments to or in respect of those dependants;

Pensions to dependants of seamen.
2 & 3 Geo. 6.
c. 83.
5 & 6 Geo. 6.
c. 26.

the amount of the said payments, if and so far as they have been repaid to the Minister by the person liable for the said compensation, shall be deducted from the amount required to be paid into court, and, if and in so far as they have not been so repaid, shall be ordered by the county court to be paid to the Minister out of the money paid into court, and the person liable for the said compensation shall, as respects the amount of the said payments, be deemed to have discharged his liability for compensation.

(2) A certificate issued by the Minister of Pensions stating that—

- (a) a person of the name and description specified in the certificate is a person to whom the said section three or the said section four of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, as so amended, applies; and
- (b) the said Minister has made such provisional payments as aforesaid of the amount specified in the certificate to or in respect of the dependants of that person; and
- (c) the person liable for the said compensation has repaid to the Minister the said payments to such extent (if any) as may be so specified,

shall be conclusive evidence of the matter referred to in paragraph (a) hereof and shall be sufficient evidence of the matters referred to in paragraphs (b) and (c) hereof, until the contrary is proved.

10. This Act may be cited as the Workmen's Compensation Act, 1943, and the provisions of this Act except sections two and four thereof shall be construed as one with the Workmen's Compensation Act, 1925, and the Workmen's Compensation Acts, 1925 to 1941, and the said provisions of this Act may be cited together as the Workmen's Compensation Acts, 1925 to 1943; and the Coal Mines Acts, 1887 to 1937, and section four of this Act may be cited together as the Coal Mines Acts, 1887 to 1943.

Short title,
citation and
construction.

SCHEDULE.

Amendments of section forty-seven of the Workmen's Compensation Act, 1925, and section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

Provisions to
be amended.

Amendment.

S. 47 of the Workmen's Compensation Act, 1925.

- Subsection (1) - After the words "silica dust or asbestos dust" there shall be inserted the words "or other dust"; in paragraph (a) of that subsection for the words "the disease known as 'silicosis' (that is to say, fibrosis of the lungs due to silica dust) or from fibrosis of the lungs due to asbestos dust or from either of those diseases" there shall be substituted the words "pneumoconiosis or from pneumoconiosis", and in paragraph (b) of that subsection for the words "silicosis, or from fibrosis of the lungs due to asbestos dust or from either of those diseases" there shall be substituted the words "pneumoconiosis or from pneumoconiosis".
- Subsection (2) - For the words "silicosis or fibrosis of the lungs due to asbestos dust, or from either of those diseases" there shall be substituted the words "pneumoconiosis or to pneumoconiosis".
- Subsection (3) - In paragraph (e) thereof, after the words "asbestos dust", where they first occur, there shall be inserted the words "or to other dust"; and for the words "silicosis or fibrosis of the lungs due to asbestos dust, or from either of those diseases" there shall be substituted the words "pneumoconiosis or from pneumoconiosis".

After subsection (3) the following subsection shall be inserted:—

“(3A) Different schemes may be made under this section with respect to different forms of pneumoconiosis as well as with respect to different industries or processes or groups of industries or processes.”

S.2 of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

- Subsection (1) - In paragraph (d) thereof, after the words "asbestos dust" in both places where they occur there shall be inserted the words "or other dust".



CHAPTER 7.

An Act to make the Secretary of State for Scotland a Commissioner of Crown Lands. [4th February 1943.]

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

1. The Secretary of State for Scotland for the time being shall, by virtue of his office, be a Commissioner of Crown Lands under the Crown Lands Act, 1851, in addition to the Minister of Agriculture and Fisheries and the Commissioners whom His Majesty has power to appoint under that Act, and any reference to those Commissioners in the Crown Lands Acts, 1829 to 1936, and in any other Act, shall be construed accordingly, but nothing in those Acts shall authorise the payment of a salary to the said Secretary of State in his capacity of Commissioner of Crown Lands, or render him incapable of being elected or of sitting or voting as a member of the House of Commons.

Secretary of State for Scotland to be additional Commissioner of Crown Lands.
14 & 15 Vict. c. 42.

2.—(1) This Act may be cited as the Crown Lands Act, 1943.

(2) This Act shall be construed as one with the Crown Lands Acts, 1829 to 1936, and this Act and those Acts may be cited together as the Crown Lands Acts, 1829 to 1943.

Short title, citation and construction.

CHAPTER 8.

An Act to extend to members of police forces who are punished by reduction in rank or in rate of pay the rights of appeal granted by the Police (Appeals) Act, 1927. [11th March 1943.]

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

1. The Police (Appeals) Act, 1927, shall have effect subject to the following amendments that is to say :—

(a) in the title, for the words " dismissed or required to resign " there shall be substituted the words " punished by dismissal, by being required to resign, by reduction in rank, or by reduction in rate of pay " ;

Extension of right of appeal to Secretary of State.
17 & 18 Geo. 5. c. 19.

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- (b) in subsection (1) of section one, for the words "dismissed or required to resign as an alternative to dismissal" there shall be substituted the words "punished by dismissal, by being required to resign as an alternative to dismissal, by reduction in rank, or by reduction in rate of pay";
- (c) in paragraph (c) of subsection (2) of section two, after the word "punishment," where that word occurs for the second time, there shall be inserted the words "(whether more or less severe)";
- (d) in subsection (4) of the said section two, after the word "force" there shall be inserted the words "or in his rank", and after the word "served" there shall be inserted the words "in the force or in that rank, as the case may be,";
- (e) in Part II of the Schedule, for the words "dismissed or required to resign" there shall be substituted the word "punished".

Short title,
citation and
saving.

2.—(1) This Act may be cited as the Police (Appeals) Act, 1943, and this Act and the Police (Appeals) Act, 1927, may be cited together as the Police (Appeals) Acts, 1927 and 1943.

(2) Nothing in this Act shall be construed as affecting any punishment awarded before the passing of this Act.

CHAPTER 9.

An Act to make provision as to trust property held by
or on behalf of certain universities and colleges or for
purposes connected with those universities and colleges.
[11th March 1943.]

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

Universities
and colleges
to which the
Act applies.

1.—(1) This Act shall apply to the Universities of Oxford and Cambridge and to the colleges in those universities, and to the College of St. Mary of Winchester, near Winchester, and the expressions "university" and "college" shall be construed accordingly.

(2) For the purposes of this Act, the Cathedral or House of Christ Church in Oxford, Keble College, St. Peter's Hall, Somerville College, Lady Margaret Hall, St. Hugh's College and St.

Hilda's College, shall be deemed to be colleges in the University of Oxford, and Selwyn College, Girton College and Newnham College shall be deemed to be colleges in the University of Cambridge.

2.—(1) A university or college may make a scheme providing, in relation to that university or college, as the case may be, for the following matters :—

Schemes for administering university and college trusts.

- (a) for the application of the scheme to such trusts as may be specified therein, being trusts which are administered by the university or college or which are administered by other trustees for purposes connected with the university or college and are included in the scheme with the consent of those trustees ;
- (b) for enabling all the property held by the university or college on any trust to which the scheme applies, with such exceptions as may be specified in the scheme, to be administered by the university or college as a single fund (hereafter referred to as " the Fund ") ;
- (c) for enabling the trustees of any trust to which the scheme applies which is not administered by the university or college to transfer to the university or college all the property comprised in the trust, with such exceptions as may be specified in the scheme, and for its administration as part of the Fund ;
- (d) for enabling the Minister of Agriculture and Fisheries to transfer to the university or college any property held by him on behalf of the university or college on any trust to which the scheme applies, and for its administration as part of the Fund ;
- (e) for valuing the Fund and determining the shares of the various trusts therein ;
- (f) for distributing the income of the Fund in accordance with the said shares, and for enabling, in the case of any trust, advances of capital to be made out of the Fund, up to an amount not exceeding the share of that trust, for any purpose for which capital is authorised by the terms of the trust to be advanced ;
- (g) for authorising, in such circumstances as may be specified in the scheme, a part of the income for any year to be placed to a reserve account for the purpose of eliminating or reducing fluctuations of income ;
- (h) for conferring upon the university or college powers of investment with respect to property comprised in the Fund, including powers to invest in the purchase of land ;

- (j) for enabling the scheme to be extended to trusts administered by or for purposes connected with the university or college, being trusts created after the coming into operation of the scheme or excluded from the scheme for other reasons, unless the terms of the trust expressly provide to the contrary or (in the case of trusts not administered by the university or college) the consent of the trustees is withheld ;
- (k) for any incidental, consequential and supplementary matters for which the university or college considers it expedient to provide.

15 & 16 Geo. 5.
c. 24.

(2) Any power conferred by any such scheme on a university or college to purchase land shall not be exercised without the consent of the Minister of Agriculture and Fisheries, and sections thirty-eight and thirty-nine of the Universities and College Estates Act, 1925, shall apply to any such consent.

(3) The Universities and College Estates Act, 1925, shall, in the case of a scheme made under this section by a university or by a college to which that Act applies, apply to property comprised in the Fund established by the scheme, subject to the modification that so much of the said Act as requires money arising from any sale or exchange of land or other transaction affecting land to be paid to the Minister of Agriculture and Fisheries shall not apply in relation to such property as aforesaid ; and any scheme made by a college to which the said Act does not apply may apply any of the provisions of the said Act to property comprised in the Fund established by that scheme, subject to the modification aforesaid.

(4) A university or college may make different schemes under this section in relation to different classes of trusts.

Submission
and approval
of schemes.

3.—(1) A scheme made under the last foregoing section shall not come into operation until it has been submitted to His Majesty in Council for approval, and has been approved by Order in Council.

(2) Before any such scheme is submitted to His Majesty in Council, a copy thereof shall be laid before each House of Parliament for a period of forty days, and if either House within that period resolves that the scheme shall not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of a new scheme.

(3) In reckoning for the purposes of the last foregoing subsection the period of forty days therein mentioned, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) A scheme approved under this section shall have effect notwithstanding any instrument (including an Act of Parliament) relating to any trust to which the scheme applies.

(5) A scheme approved under this section may be varied or or revoked by a subsequent scheme made and approved in like manner and subject to the like conditions.

4. It is hereby declared, for the removal of doubts, that, where any college in a university is required by a statute of the university to make contributions for university purposes in respect of income arising from any property held on trust by or on behalf of the college or for purposes connected with the college, the amount of the contributions may be charged on the trust property.

Power to charge certain contributions on trust funds.

5. This Act may be cited as the Universities and Colleges (Trusts) Act, 1943.

Short title.

CHAPTER 10.

An Act to continue the House of Commons Disqualification (Temporary Provisions) Act, 1941.
[11th March 1943.]

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

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

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

2. This Act may be cited as the House of Commons Disqualification (Temporary Provisions) Act, 1943; and the House of Commons Disqualification (Temporary Provisions) Act, 1941, the Ministers of the Crown and House of Commons Disqualification Act, 1942, and this Act, may be cited together as the House of Commons Disqualification (Temporary Provisions) Acts, 1941 to 1943.

Short title and citation.

CHAPTER 11.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-three and one thousand nine hundred and forty-four. [25th March 1943.]

Most Gracious Sovereign,

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

Issue of
£12,001,057
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1943.

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

Issue of
£208,773,300
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1944.

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

Power for
the Treasury
to borrow.

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

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

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding three pounds per

centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

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

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

4. This Act may be cited as the Consolidated Fund (No. 2) Short title. Act, 1943.

CHAPTER 12.

An Act to amend subsection (1) of section four of the War Damage Act, 1941, and to make consequential amendments; and to supply certain omissions from the provisions enacted by that Act and the War Damage (Amendment) Act, 1942, as to rentcharges.

[25th March 1943.]

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

1.—(1) Where the question whether a payment in respect of any war damage under Part I of the War Damage Act, 1941 (in this Act referred to as "the principal Act") is to be a payment of cost of works or a value payment falls to be determined under subsection (1) of section four of, or under paragraph 2 of the Third Schedule to, that Act, the question shall be determined by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine, and accordingly the provisions of that Act and of the War Damage (Amendment) Act, 1942 (in this Act referred to as "the amending Act") specified in the Schedule to this Act shall be amended as therein provided.

(2) The preceding subsection and the Schedule to this Act shall have effect wherever the said question falls to be determined as aforesaid after the passing of this Act, whether the war damage in question occurred before or after the passing of this Act, and, in a case in which the said question has been determined before the passing of this Act, the Commission may review their determination and, if satisfied that it would have been different if it had been taken after the passing of this Act, they may if they think fit, after consultation with the persons appearing to them to be interested, alter their determination.

(3) Any increase attributable to the provisions of this section or of the Schedule to this Act in the sums payable out of moneys provided by Parliament under section fifty-four of the principal Act shall be defrayed out of moneys so provided.

Minor
amendments
as to
rentcharges.

2.—(1) At the end of sub-paragraph (11) of paragraph 5 of the First Schedule to the amending Act (which requires that, in ascertaining the annual value of land available for meeting a rentcharge, the amount of any prior rentcharge should be deducted) the following proviso shall be inserted, that is to say—

“ Provided that, in ascertaining the available annual value of the charged land in a hereditament, no deduction shall be made from the annual value thereof in respect of any such amount as aforesaid, in so far as the owner of the rentcharge in question is liable for the payment of that amount as between himself and the owner of the proprietary interest out of which that rentcharge was created in that land.”

(2) In paragraph (a) of subsection (4) of section thirty-nine of the principal Act (which relates to a value payment or a share of such a payment which apart from that paragraph would be payable to the owner of, or to any other person in right of, a proprietary interest held for charitable or ecclesiastical purposes), after the words “ or to any other person in right of that interest ” there shall be inserted the words “ including any person entitled in respect of a rentcharge, feuduty or ground annual created out of, or payable by the owner of, that interest.”

(3) In subsection (24) of section ninety-six of the principal Act, for the words “ a proprietary interest that was subject immediately before the occurrence of the war damage to a trust ”, there shall be substituted the words “ a proprietary interest, or a feuduty or ground annual payable by the owner of such an interest, and such interest, feuduty or ground annual was, at the date by reference to which the disposal of the value payment is to be regulated, subject to a trust ”, and at the end of the subsection there shall be inserted the words “ or for the discharge of the feuduty or ground annual, as the case may be.”

(4) The principal Act shall have effect as if it had been originally enacted with the amendments made therein by this section, and it and the amending Act shall have effect as if the latter Act had been originally enacted with the amendment made therein by this section.

Short title
and citation.

3.—(1) This Act may be cited as the War Damage (Amendment) Act, 1943.

(2) The principal Act, the amending Act and this Act shall be construed as one and may be cited together as the War Damage Acts, 1941 to 1943.

SCHEDULE.

Amendments consequential on section one of this Act.

1. The following subsection shall be substituted for subsection (1) of section four of the principal Act and paragraph 4 of the First Schedule to the amending Act :—

“(1) Subject as provided by subsection (2) of this section, the question whether a payment under this Part of this Act is to be a payment of cost of works or a value payment shall be determined as follows, that is to say—

(a) In the case of a developed hereditament, the payment shall be a payment of cost of works unless the damage involves total loss, that is to say, is such that the proper cost (as defined in subsection (3) of section three of this Act, with the substitution for the reference therein to the time when works are executed of a reference to the thirty-first day of March, nineteen hundred and thirty-nine) of such works as would be required for reinstating the hereditament in the form in which it existed immediately before the occurrence of the damage would be likely to be more than the difference between the amounts respectively which the fee simple in the hereditament might have been expected to realise—

(i) on a sale thereof in the state in which it would be after the execution of those works, and

(ii) on a sale thereof as a site and with the damage not made good,

being in each case a sale made on the said thirty-first day of March, and being in each case a sale in the open market with vacant possession, subject to any right or restriction such as is mentioned in subsection (5) of section three of this Act to which the hereditament was subject at the time immediately after the occurrence of the damage, but free from any other incumbrance (or, in the case of a hereditament in Scotland, from any ground annual or other incumbrance and any liability to pay feuduty) and without regard to any liability of the hereditament to become subject after that time to any restriction by virtue of any enactment :

Provided that, in the case of hereditaments consisting of or comprising premises of a kind not normally the subject of sales in the open market, provision may be made by regulations made by the Treasury for substituting in this paragraph, for the references to the amounts respectively therein mentioned, references to values ascertained by reference to such matters as may be specified in the regulations.

(b) In the case of a hereditament not being a developed hereditament, the payment shall be a payment of cost of works in a case only in which the permissible amount of that payment (ascertained by reference to proper cost as defined in subsection (3) of section three of this Act with the substitution aforesaid) would be likely to be less than the amount of a value payment in respect of the damage."

2. In paragraph (b) of subsection (2) of section six of the principal Act (which confers a right of appeal to a referee), the following words shall be substituted for the words from the beginning of the paragraph to the word "Act", namely, "as to the amount which the fee simple in a hereditament might have been expected to realise in the circumstances specified in paragraph (a) of subsection (1) of section four of this Act or as to the value of a hereditament the value of which is to be ascertained under the regulations therein mentioned".

3. Paragraph 2 of the Third Schedule to the principal Act shall be amended by substituting the following words for the words from the beginning of that paragraph to the beginning of the proviso thereto and for the sub-paragraph inserted at the end of that paragraph by the Fourth Schedule to the amending Act, that is to say—

"Where a developed hereditament, being or including a developed hereditament which has already sustained (whether on a single occasion or on two or more occasions) war damage not being such that a value payment is to be made in respect thereof, sustains on a subsequent occasion war damage such that, on a determination taken in relation to all the war damage under paragraph (a) of subsection (1) of section four of this Act (with the substitution for the reference therein to the time immediately before the occurrence of the damage of a reference to the time immediately before the earliest occasion, and for the references therein to the time immediately after the occurrence of the damage of references to the time immediately after the said subsequent occasion) a value payment would fall to be made, the Commission may determine that a single value payment shall be made in respect of all the war damage as if it had all occurred on the earliest occasion, to the exclusion of any other payment in respect of any of it."

4. In sub-paragraph (1) of paragraph 2 of the First Schedule to the amending Act (which relates to the valuation of licensed premises) after the words "the value of the premises or of any interest therein" there shall be inserted the words "or the amount which the premises or any interest therein might have been expected to realise".

CHAPTER 13.

An Act to extend the powers of the Treasury to raise money under section one of the National Loans Act, 1939. [22nd April 1943.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards making good the supply granted to Your Majesty for the service of the year ending the thirty-first day of March, nineteen hundred and forty-four, have resolved that money be raised in manner provided by this Act; and do therefore most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The power of the Treasury to raise money under section one of the National Loans Act, 1939, shall include power to raise any money required for raising any supply granted to His Majesty for the service of the year ending the thirty-first day of March, nineteen hundred and forty-four, and in addition a sum not exceeding two hundred and fifty million pounds.

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

2. This Act may be cited as the National Loans Act, 1943, and shall be construed as one with the National Loans Acts, 1939 to 1942, and those Acts and this Act may be cited together as the National Loans Acts, 1939 to 1943.

Short title, construction and citation.

CHAPTER 14.

British Nationality and Status of Aliens Act, 1943.

ARRANGEMENT OF SECTIONS.

British Nationality of Certain Persons born abroad.

Section.

1. British nationality by registration.
2. British nationality of persons born in foreign countries where His Majesty exercises jurisdiction.
3. British nationality of posthumous children.

Naturalization of Aliens.

4. Special power to grant certificates of naturalization to French nationals serving in His Majesty's forces.
5. Special certificates of imperial naturalization granted in Dominions.

Loss of British Nationality.

Section.

6. Requirements as to assertion of nationality by persons having British nationality by registration.
7. Provisions as to declarations of alienage.

Miscellaneous and General.

8. Amendments of section nineteen of principal Act.
9. Special provisions as to registration of births in time of war.
10. Interpretation and construction.
11. Short title, citation and repeals.

SCHEDULE.—Provisions of British Nationality and Status of Aliens Act, 1914, repealed.

An Act to amend the law relating to the nationality of children born abroad of British fathers; to make special provision for the naturalization of persons rendering service in connection with the present war; to restrict the making of declarations of alienage in time of war; and to extend the power to make regulations under section nineteen of the British Nationality and Status of Aliens Act 1914. [22nd April 1943.]

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

British Nationality of Certain Persons born abroad.

British
nationality by
registration.
4 & 5 Geo. 5.
c. 17.

1.—(1) Sub-paragraph (v) of paragraph (b) of subsection (1) of section one of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as "the principal Act"), shall cease to have effect.

(2) A person born outside His Majesty's dominions whose father was at the time of the birth a British subject shall be deemed to be and always to have been a natural-born British subject—

- (a) in the case of a person born after or within one year before the commencement of this Act, if his birth is registered at a consulate of His Majesty within one year after its occurrence;
- (b) in the case of any person, whether born before or after the commencement of this Act, if his birth is at any time registered at such a consulate with the permission of the Secretary of State or the Secretary of State directs that although registered without his permission it shall be deemed to have been registered with his permission.

2.—(1) Any person born, whether before or after the commencement of this Act, in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty was at the time of that person's birth exercising jurisdiction over British subjects, shall, if at the time of his birth his father was a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been, a natural-born British subject.

British nationality of persons born in foreign countries where His Majesty exercises jurisdiction.

(2) For the purposes of sub-paragraph (i) of paragraph (b) of subsection (1) of section one of the principal Act, any such person as aforesaid shall be deemed to have been born within His Majesty's allegiance.

3. Any person born after the death of his father, whether before or after the commencement of this Act, shall, if his father died a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been, a natural-born British subject in any case in which he would have been a natural-born British subject if his father had survived and remained a British subject until after the birth.

British nationality of posthumous children.

Naturalization of Aliens.

4. If at any time during the present war period an application for a certificate of naturalization is made to the Secretary of State by any person appearing to him to be or to have been at any time during that period a French national, then if the Secretary of State is satisfied that the applicant—

Special power to grant certificates of naturalization to French nationals serving in His Majesty's forces.

(a) is, or has at any time during that period been, a member of His Majesty's forces; and

(b) is a proper person to be naturalized as a British subject,

the Secretary of State may grant to the applicant a certificate of naturalization under section two of the principal Act notwithstanding that the requirements of subsection (1) of that section are not complied with.

5. A certificate of naturalization granted in accordance with any law in force in any Dominion, being a law providing for the naturalization of persons in consideration of service rendered at any time during the present war period in connection with the prosecution of the war, shall have the same effect as a certificate of naturalization granted by the Secretary of State under Part II of the said Act and shall be deemed for the purposes of that Act to be a certificate of naturalization granted thereunder.

Special certificates of imperial naturalization granted in Dominions.

Loss of British Nationality.

Requirements
as to assertion
of nationality
by persons
having British
nationality by
registration.

6.—(1) Subject to the provisions of this section, a person whose British nationality depends upon the fact that his birth was registered at a consulate of His Majesty shall, if his birth was so registered before he attained the age of twenty-one years, cease to be a British subject at the expiration of one year after he attains that age unless within that period he asserts his British nationality by a declaration of retention of British nationality registered in accordance with regulations made under the principal Act :

Provided that if such a declaration is made by any person after the expiration of that period with the permission of the Secretary of State, that person shall be deemed not to have ceased to be a British subject.

(2) If any such person as aforesaid has at any time during the present war period been a member of His Majesty's forces, that person shall not cease by virtue of the foregoing subsection to be a British subject or, if he has, by virtue of that subsection or of any enactment repealed by this Act, previously ceased to be a British subject, shall be deemed never to have so ceased.

(3) If any such person as is mentioned in subsection (1) of this section satisfies the Secretary of State that he was not a member of His Majesty's forces during the present war period by reason only of his having been otherwise engaged on work of national importance or of his having been prevented from becoming a member of those forces by causes outside his control, the Secretary of State may direct that the last foregoing subsection shall apply to him as if he had been a member of those forces.

Provisions as
to declarations
of alienage.

7. A declaration of alienage made after the commencement of this Act under any provision of the principal Act shall be of no effect until it has been registered in accordance with regulations made under the principal Act, and, in the case of a declaration made during any war in which His Majesty may be engaged, unless it is so registered with the permission of the Secretary of State.

Miscellaneous and General.

Amendments
of section
nineteen of
principal Act.

8. Regulations may be made under section nineteen of the principal Act—

- (a) for any purpose for which it appears to the Secretary of State to be expedient to make such regulations in consequence of the provisions of this Act :
- (b) for enabling the births and deaths of British subjects born or dying in any country in which His Majesty has

for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any Power which, by arrangement with His Majesty, has undertaken to represent His interests in that country or by a person authorised in that behalf by the Secretary of State :

- (c) for securing that any declaration made, registration effected, or permission, consent, or direction given, whether before or after the commencement of this Act, in accordance with any provision of any law in force in any Dominion, may, for the purposes of this Act and the principal Act have the like effect as a declaration, registration, permission, consent, or direction, made, effected, or given, in accordance with any corresponding provision of those Acts respectively or of the regulations made thereunder.

9. If during any war in which His Majesty may be engaged the birth of any person is registered in accordance with regulations made under the principal Act by a person serving in the diplomatic, consular or other foreign service of a foreign Power, or by a person authorised in that behalf by the Secretary of State, the birth of that person shall be deemed for the purposes of section one of this Act to have been registered at a consulate of His Majesty.

Special provisions as to registration of births in time of war.

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

Interpretation and construction.

“ Consulate of His Majesty ” means the office of a consular officer of His Majesty where a register of births is kept, or, in the case of any territory where there is no such office and there is a resident or administrator appointed by a Government of His Majesty, or any other representative of His Majesty, the office of such resident, administrator or representative :

“ Dominion ” means a Dominion specified in the First Schedule to the principal Act :

“ The present war period ” means the period beginning with the third day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint.

(2) Subsection (1) of section eight of the principal Act (which extends to British Possessions the provisions of that Act as to the grant and revocation of certificates of naturalization, subject to the modifications therein mentioned), and sections twenty, twenty-two, and twenty-three, and subsection (1) of section

twenty-six of that Act (which relate to proof of documents and other supplemental matters) shall have effect as if the references therein to that Act included references to this Act.

Short title,
citation
and repeals.

11.—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1943, and this Act and the British Nationality and Status of Aliens Acts, 1914 to 1933, may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1943.

(2) The provisions of the principal Act set out in the first column of the Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

SCHEDULE.

Section 11.

PROVISIONS OF BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914, REPEALED.

<i>Section.</i>	<i>Extent of Repeal.</i>
Section one	In subsection (1) the words from "or (v) his birth" to "nineteen hundred and twenty-two", and the words from "Provided that" to the end of the subsection.
Section twenty-seven ...	In subsection (1) the words from "The expression 'British consulate'" to the end of the subsection.

CHAPTER 15.

Army and Air Force (Annual) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

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

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

3. Amendment of s. 39A of Air Force Act.
 4. Inclusion in Army Act of special provisions relating to aircraft, &c.
 5. Amendment of s. 47 of Army Act.
 6. Temporary release of persons detained in military and air force prisons and detention barracks.
 7. Application of Army Act and Air Force Act to women's forces.
 8. Amendment of s. 183 of Army Act.
 9. Amendment of s. 187C of Army Act and s. 187C of Air Force Act.
 10. Amendment of s. 190 of Army Act.
 11. Amendment of s. 190 of Air Force Act.
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An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force.
[22nd April 1943.]

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

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

And whereas under the Air Force (Constitution) Act, 1917, ^{7 & 8 Geo. 5.} His Majesty is entitled to raise and maintain the air force, and ^{c. 51.} it is judged necessary that the whole number of such force should consist of such number as His Majesty may deem necessary :

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

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

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

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

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

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

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1943.

Army Act and Air Force Act to be in force for specified times.

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

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

22 & 23
Geo. 5. c. 22.

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

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

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

Amendment of s. 39A of Air Force Act.

3.—(1) In subsection (2) of section thirty-nine A of the Air Force Act (which relates to special offences in relation to aircraft, etc.), after the words " Air Council " there shall be inserted the words " or the Army Council ".

(2) At the end of the said section the following subsection shall be added:—

“(3) The following provisions shall have effect as respects powers of command in aircraft:—

- (a) every person subject to this Act, whatever his rank, shall, while he is in an aircraft, be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety thereof, of the captain of the aircraft, whether the latter is subject to this Act or not;
- (b) if the aircraft is a glider aircraft and is being towed by another aircraft, the captain of the glider aircraft, being a person subject to this Act, shall, so long as his aircraft is being towed, be under the command (as respects all the matters aforesaid) of the captain of the towing aircraft, whether the latter is subject to this Act or not;
- (c) any person subject to this Act who disobeys any lawful command given as respects any of the matters aforesaid by a person under whose command he is placed by virtue of this subsection shall, on conviction by court-martial, be liable to suffer penal servitude or such less punishment as is in this Act mentioned.”

(3) Subsection (3) of section nine of the Air Force Act shall cease to have effect.

4. After section thirty-nine of the Army Act the following section shall be inserted:—

“Damage to aircraft, flying offences, &c

39A.—(1) Every person subject to military law who commits any of the following offences, that is to say,

Inclusion in Army Act of special provisions in relation to aircraft, &c.

- (a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His Majesty’s aircraft or aircraft material; or
- (b) is guilty of any act or neglect likely to cause such damage, destruction, or loss; or
- (c) is guilty of any act or neglect (whether wilful or otherwise) which causes damage to or destruction of any public property by fire; or
- (d) without lawful authority disposes of any of His Majesty’s aircraft or aircraft material; or

- (e) is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or
- (f) during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft,

shall, on conviction by court-martial, be liable, if he has acted wilfully or with wilful neglect, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment, or such less punishment as is in this Act mentioned.

(2) Every person subject to military law who commits any of the following offences, that is to say,—

- (a) signs any certificate in relation to an aircraft or aircraft material without ensuring the accuracy thereof; or
- (b) being the pilot of one of His Majesty's aircraft, flies it at a height less than such height as may be prescribed by any regulation issued under the authority of the Army Council or the Air Council, except—
 - (i) while taking off or alighting; or
 - (ii) in such other circumstances as may be so prescribed; or
- (c) being the pilot of one of His Majesty's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

(3) The following provisions shall have effect as respects powers of command in aircraft:—

- (a) every person subject to military law, whatever his rank, shall, while he is in an aircraft, be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety thereof, of the captain of the aircraft, whether the latter is subject to military law or not;

- (b) if the aircraft is a glider aircraft and is being towed by another aircraft, the captain of the glider aircraft, being a person subject to military law, shall, so long as his aircraft is being towed, be under the command (as respects all the matters aforesaid) of the captain of the towing aircraft, whether the latter is subject to military law or not;
- (c) any person subject to military law who disobeys any lawful command given as respects any of the matters aforesaid by a person under whose command he is placed by virtue of this subsection shall, on conviction by court-martial, be liable to suffer penal servitude or such less punishment as is in this Act mentioned."

5. For the proviso to subsection (1) of section forty-seven of the Army Act (which gives power to deal summarily with charges against officers and warrant officers) there shall be substituted the following proviso—

Amendment
of s. 47 of
Army Act.

" Provided that—

- (a) in such cases or classes of cases and subject to such restrictions as the Army Council may direct, the powers exercisable under this section by a major-general appointed for the purpose may be exercised by a brigadier appointed in like manner;
- (b) no charge against a field officer shall be dealt with summarily under this section except by a general or air officer authorised to convene a general court-martial or an officer not under the rank of lieutenant-general."

6.—(1) Section one hundred and thirty-two of the Army Act (which provides for the establishment and regulation of military prisons and detention barracks) shall be amended as follows:—

Temporary
release of
persons
detained
in military
and air force
prisons and
detention
barracks.

- (a) at the end of paragraph (d) of subsection (2) there shall be added the words " and

(e) for the temporary release, in such cases, for such periods and subject to such conditions as may be prescribed by the rules, of such prisoners or soldiers ";

- (b) after the said subsection (2) the following subsection shall be inserted—

" (2A) Where any person has been temporarily released from a military prison or detention barrack in accordance with rules made under this section, the currency of any sentence which he may be serving shall be suspended for a period

beginning with and including the day after that on which he was released and ending with and including the day on which he returns to the prison or detention barrack or is otherwise taken into custody under this subsection, and, if any such person fails to comply with any of the conditions subject to which he was released or to return at the expiration of the period for which he was released, he may be arrested without warrant by any constable or taken into military custody, and may be kept in custody, whether civil or military, until he is taken back to the prison or detention barrack, and, unless proceedings are taken against him for an offence under section twelve or section fifteen of this Act, he shall be liable to such punishment as may be prescribed by the rules, which may include forfeiture of all ordinary pay for every day during which he was at large after the expiration of the said period."

(2) The reference in the last foregoing subsection to section one hundred and thirty-two of the Army Act shall be deemed to include a reference to the corresponding section of the Air Force Act, and in the application of that subsection to the Air Force Act, the references therein to soldiers, a military prison and military custody shall be construed as references to airmen, an air-force prison and air-force custody, respectively.

Application of
Army Act
and Air Force
Act to
women's
forces.

7.—(1) After section one hundred and seventy-six of the Army Act, the following section shall be inserted:—

"Applica-
tion of
Army Act
to women's
forces.

176A. The Army Act shall apply, in such manner, to such extent and subject to such adaptations and modifications as may be specified in instructions of the Army Council, in relation to women who—

- (a) are employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as officers; or
- (b) are enrolled in Queen Alexandra's Imperial Military Nursing Service or the reserve thereof; or
- (c) are enrolled in the Territorial Army Nursing Service or the reserve thereof; or
- (d) are enrolled in the Auxiliary Territorial Service;

not being, in any of the said cases, women whose enrolment or other undertaking to serve was for part-time service only or for service without remuneration."

(2) After section one hundred and seventy-six of the Air Force Act, the following section shall be inserted:—

“ Applica-
tion of
Air Force
Act to
women’s
forces.

176A. The Air Force Act shall apply, in such manner, to such extent and subject to such adaptations and modifications as may be specified in instructions of the Air Council, in relation to women who—

- (a) are employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as officers; or
- (b) are enrolled in Princess Mary’s Royal Air Force Nursing Service or the reserve thereof; or
- (c) are enrolled in the Women’s Auxiliary Air Force;

not being, in any of the said cases, women whose enrolment or other undertaking to serve was for part-time service only or for service without remuneration.”

(3) Regulation six of the Defence (Women’s Forces) Regulations, 1941, shall cease to have effect:

Provided that any instructions issued under the said Regulation by the Army Council or the Air Council which are in force when this section comes into operation shall continue in force (without prejudice to the power of revocation or amendment thereof) and shall have effect as if they had been issued under the section inserted in the Army Act or the Air Force Act, as the case may be, by this section.

8. In paragraph (2) of section one hundred and eighty-three of the Army Act (which specifies the authorities who have power to reduce a non-commissioned officer to the ranks or to a lower grade) for the words “ or brigadier ” there shall be substituted the words “ brigadier or colonel ”.

Amendment
of s. 183 of
Army Act.

9. Section one hundred and eighty-seven C of the Army Act (which provides for the extra-territorial operation of the military law of certain Dominions) and section one hundred and eighty-seven C of the Air Force Act (which contains corresponding provisions relating to air force law) shall cease to apply to the Commonwealth of Australia and accordingly shall have effect subject to the following amendments:—

Amendment
of s. 187c of
Army Act
and s. 187c
of Air Force
Act.

- (a) for the words “ a Dominion to which this subsection applies ” there shall be substituted the words “ the Dominion of New Zealand ”; and
- (b) the words “ The Dominions to which this subsection applies are the Commonwealth of Australia and the Dominion of New Zealand ” shall be omitted.

Amendment
of s. 190 of
Army Act.

10.—(1) In sub-paragraph (a) of paragraph (34) of section one hundred and ninety of the Army Act the words “ and Northern Ireland ” and the word “ and ” at the end of that sub-paragraph shall be omitted, and at the end of the said paragraph there shall be inserted the words “ and

14 & 15 Vict.
c. 93.

(c) as regards Northern Ireland, means the Petty Sessions (Ireland) Act, 1851, and any Act (including an Act of the Parliament of Northern Ireland) amending that Act.”

(2) In sub-paragraph (a) of paragraph (35) of the said section one hundred and ninety the words “ and Northern Ireland ” and the word “ and ” at the end of sub-paragraph (b) of the said paragraph shall be omitted, and after the said sub-paragraph (b) there shall be inserted the words—

“ (c) as regards Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935; and ”.

(3) After paragraph (41) of the said section one hundred and ninety there shall be added the following paragraphs:—

“ (42) The expression ‘ aircraft ’ includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying:

(43) The expression “ aircraft material ” includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any components and accessories of aircraft, and petrol and any other substance used for providing motive power for aircraft, and lubricating oil ”.

Amendment
of s. 190 of
Air Force Act.

11.—(1) In paragraph (4) of section one hundred and ninety of the Air Force Act (which paragraph defines the expression “ officer ”), the word “ and ” at the end of sub-paragraph (c) shall be omitted, and at the end of sub-paragraph (d) there shall be inserted the words “ and (e) any officer of His Majesty’s Indian Air Force ”.

(2) In sub-paragraph (a) of paragraph (34) of the said section one hundred and ninety the words “ and Northern Ireland ” and the word “ and ” at the end of that sub-paragraph shall be omitted, and at the end of the said paragraph there shall be inserted the words “ and

(c) as regards Northern Ireland, means the Petty Sessions (Ireland) Act, 1851, and any Act (including an Act of the Parliament of Northern Ireland) amending that Act.”

(3) In sub-paragraph (a) of paragraph (35) of the said section one hundred and ninety the words " and Northern Ireland " and the word " and " at the end of sub-paragraph (b) of the said paragraph shall be omitted, and after the said sub-paragraph (b) there shall be inserted the words—

“ (c) as regards Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935; and ”,

and the sub-paragraph at present numbered “ (c) ” shall be re-numbered “ (d) ”.

(4) In paragraph (42) of the said section one hundred and ninety after the word “ airships ” there shall be inserted the word “ gliders ”.

CHAPTER 16.

Agriculture (Miscellaneous Provisions) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Increase of Exchequer contributions towards purchases of lime.
2. Repeal of time limit for Exchequer grants towards land drainage expenditure.
3. Extension of definition of agricultural land for certain drainage purposes.
4. Extension of powers as to drainage schemes.
5. Recovery of expenses of certain drainage works from Catchment Boards.
6. Acquisition of land for drainage works.
7. Travelling expenses of members of drainage boards.
8. Increase of drainage rates on land where land has been improved.
9. Recovery from tenants of interest on expenditure incurred in executing works for supply of water.
10. Amendment of provisions relating to dams and sluices.
11. Improvement of common lands.
12. Extension of time for recovering certain expenses.
13. Extension of s. 23 of Agriculture (Miscellaneous War Provisions) Act, 1940.
14. Extension of s. 26 of Agriculture (Miscellaneous War Provisions) Act, 1940.
15. Relief to tenants from liabilities and loss of compensation resulting from directions under Defence Regulations.
16. Power of Minister to buy certain land by agreement.
17. Control of artificial insemination.
18. Amendment of Corn Returns Act, 1882.
19. Application to Scotland.
20. Definition of agricultural land in Scotland for certain purposes.

Section.

21. Compensation for drainage work by tenants in Scotland in pursuance of Defence Regulations.
22. Application to Northern Ireland.
23. Interpretation.
24. Short title.

SCHEDULES :

First Schedule.—Recovery from Catchment Boards of Expenses of Certain Drainage Works.

Second Schedule.—Adaptations and Modifications of the Lands Clauses Acts.

Third Schedule.—Amendments of Corn Returns Act, 1882.

An Act to amend the law relating to agriculture, agricultural land and the drainage of land, and to amend the Corn Returns Act, 1882. [22nd April 1943.]

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

Increase of Exchequer contributions towards purchases of lime.

1 Edw. 8 & 1 Geo. 6. c. 70.

1.—(1) Subsection (1) of section one of the Agriculture Act, 1937 (which authorises Exchequer contributions towards purchases of lime of an amount not exceeding one half of the cost), shall have effect as if for the words "one half" there were substituted the words "three quarters" :

Provided that a contribution of an amount exceeding the amount which would have been payable apart from this section shall not be made except in such classes of case as may be approved by the Treasury.

(2) This section shall be deemed to have come into operation on the seventeenth day of May, nineteen hundred and forty-two.

Repeal of time limit for Exchequer grants towards land drainage expenditure.

4 & 5 Geo. 6. c. 50.

2. Subsection (3) of section fifteen of the Agriculture Act, 1937, as amended by section two of the Agriculture (Miscellaneous Provisions) Act, 1941 (which prohibits the making of grants towards any expenditure incurred by a drainage authority after the thirty-first day of July, nineteen hundred and forty-four), is hereby repealed.

Extension of definition of agricultural land for certain drainage purposes.

3 & 4 Geo. 6. c. 14.

3.—(1) For the purposes of Part III of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which relates to land drainage), any land as respects which directions have been given under Defence Regulations with respect to the cultivation, management or use of the land for agricultural purposes, shall be deemed to be agricultural land.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the grants that are authorised to be made by the Minister under section fourteen or section fifteen of the said Act, as amended by any subsequent enactment, or under section fifty-five of the Land Drainage Act, 1930, or section fifteen of the Agriculture Act, 1937, ^{20 & 21 Geo. 5.} as those sections apply for the purposes of section sixteen of the said Agriculture (Miscellaneous War Provisions) Act, 1940. c. 44.

4.—(1) Where a scheme for the drainage of any land has been approved under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment, or under the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, the Catchment Board or other drainage board by whom the scheme was prepared (hereafter in this section referred to as “the board”) may, without any further request from the Committee, vary the scheme so as to provide for all or any of the following matters— Extension of powers as to drainage schemes.

- (a) the execution of additional works, and the alteration of works already executed under the scheme prior to the variation thereof ;
- (b) the alteration of the area of the scheme ;
- (c) the re-apportionment among the owners of land comprised in the area as altered of the net cost (within the meaning of the said section) of the scheme :

Provided that the board shall not vary any such scheme—

- (i) unless they are of opinion that the cost of preparing the variation and carrying out the scheme as varied, together with the cost of preparing the original scheme and carrying it out (so far as it has been or will be carried out before the variation takes effect) will not exceed an amount equal to ten pounds for each acre of land comprised in the area of the scheme as varied ; or
- (ii) so as to provide for the execution of additional works or comprise additional land, unless the works or land could have been provided for or comprised in the scheme as originally approved and any necessary consent has been obtained.

(2) The following provisions shall have effect in relation to the variation of any such scheme as aforesaid under the last foregoing subsection :—

- (a) the board shall submit the proposed variation of the scheme to the Minister for his approval, and he may approve it either without modification or with any modifications which he considers expedient ;

- (b) if the variation of the scheme is not approved by the Minister, no further proceedings shall be taken thereon by the board ;
- (c) if the variation of the scheme is approved by the Minister, the board shall as soon as may be serve on the owners of land comprised in the area of the scheme as varied a notice stating that the variation has been approved, and every such notice shall contain a copy of the scheme as varied.

(3) Where any such scheme as aforesaid has been varied under the foregoing provisions of this section, the scheme as so varied shall have effect in substitution for the scheme as originally approved and the provisions of the said section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment and of the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, shall apply accordingly :

Provided that—

- (a) any works executed under the scheme as originally approved shall be deemed for the purposes of the said provisions to have been executed under the scheme as varied, and any expenditure incurred in executing those works shall be deemed to be expenditure in carrying out the scheme as varied ;
- (b) any reference in the said provisions to expenditure incurred in preparing the scheme shall be construed as including a reference to the expenditure incurred in preparing the original scheme and the variation thereof, and the expression " net cost " shall be construed accordingly.

(4) Any increase which is ascribable to the foregoing provisions of this section in any grant payable under subsection (7) of the said section fourteen as so amended, or under section fifteen of the Agriculture Act, 1937, shall be paid out of moneys provided by Parliament.

(5) The power of the Minister under subsection (7) of the said section fourteen as so amended, to make grants towards expenditure incurred by Catchment Boards in preparing and carrying out schemes approved by him under that section shall include power to make out of moneys provided by Parliament grants, of such amounts and subject to such conditions as may be approved by the Treasury, towards expenditure incurred by Catchment Boards in preparing under that section schemes or variations thereof which are not submitted to the Minister or are not approved by him.

(6) The power of the Minister under section fifteen of the Agriculture Act, 1937, to make grants towards expenditure incurred by certain drainage authorities in carrying out drainage schemes shall include power to make out of moneys provided by Parliament grants, of such amounts and subject to such conditions as may be approved by the Treasury, towards expenditure incurred by drainage boards other than Catchment Boards in preparing schemes under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, or in preparing variations under this section of any such schemes, including schemes and variations which are not submitted to the Minister or are not approved by him.

(7) Where any scheme has been approved under section fourteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by or under any enactment, or under the said section fourteen as set out in the First Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941, the board may make a contribution towards the expenditure incurred in preparing and carrying out the scheme.

(8) At the end of paragraph (b) of subsection (9) of the said section fourteen as so amended and at the end of the corresponding provision of the said section fourteen as set out in the said First Schedule there shall be added the words "and the amount of any contribution made by the board or any other person towards that expenditure."

(9) Where any sum is payable to a Catchment Board under subsection (4) of the said section fourteen as so amended or to any other drainage board under the corresponding provision of the said section fourteen as set out in the said First Schedule, a complaint made for the purpose of recovering that sum summarily as a civil debt under subsection (5) of the said section fourteen as so amended or under the corresponding provision of the said section as so set out may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts, be made at any time within twelve months from the date when the sum became recoverable.

(10) A demand made in writing on any owner of land by a Catchment Board under subsection (4) of the said section fourteen as so amended or by any other drainage board under the corresponding provision of the said section as so set out may be served in any manner specified in section seventy-five of the Land Drainage Act, 1930, in relation to notices required or authorised to be served under or by virtue of that Act, and, if it is served by delivering the demand or a copy thereof to some person on the land or by fixing the demand or a copy thereof on some conspicuous part of the land, the demand may be addressed to the owner of the land by the description of "owner."

(11) Where the landlord of an agricultural holding has become liable to pay any sum in respect of the holding, either to a Catchment Board under subsection (4) of the said section fourteen as so amended, or to any other drainage board under the corresponding provision of the said section as so set out, or to the Minister under the Third Schedule of the Agriculture (Miscellaneous Provisions) Act, 1941, as applied by section six of that Act, the following provisions shall have effect, that is to say:—

13 & 14 Geo. 5.
c. 9.

- (a) if the landlord and tenant agree, or in default of such an agreement the landlord proves to the satisfaction of an arbitrator appointed under the Agricultural Holdings Act, 1923, that any works in respect of which the said sum is payable were rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of a water course imposed on him by virtue of the contract of tenancy, the landlord shall be entitled to recover from the tenant or any assignee or successor of the tenant interest on such amount as may be agreed between the landlord and the tenant or, in default of such agreement, determined by the said arbitrator, to be such part of the said sum as was attributable to the execution of those works;
- (b) the interest shall be payable at such rate as may, in default of such agreement, be fixed by the Treasury, and shall be payable as from the date on which the landlord became liable in respect of the said sum, and shall be payable at the same times and be recoverable in the same manner as the rent payable under the tenancy;
- (c) where the landlord has elected to pay any such sum as aforesaid by instalments, the whole of that sum shall, for the purposes of this subsection, be deemed to have become payable at the date when it would have been payable but for the election;
- (d) for the purposes of any arbitration under this subsection, a certificate by the Catchment Board or other drainage board or the Minister, as the case may be, that such part of the said sum as may be specified in the certificate was attributable to the execution of works so specified shall be conclusive evidence of that fact.

This subsection shall not apply in any case where the arbitrator has made an award, or an agreement has been made between the landlord and tenant, before the passing of this Act under subsection (6) of the said section fourteen as so amended, or under the corresponding provision of the said section as so set out, or under subsection (2) of the said section six, as the case may be, but save as aforesaid shall apply, in substitution for the said provisions, in all cases where any such sum has become payable

by the landlord of an agricultural holding whether before or after the passing of this Act.

5. Subsection (1) of section six of the Agriculture (Miscellaneous Provisions) Act, 1941 (which enables the expenses of certain drainage works to be recovered from drainage boards other than Catchment Boards or from the owners of the land improved by the works), shall not apply to any work executed on or in connection with the main river of any catchment area, but expenses reasonably incurred in connection with any such work may be recovered from the Catchment Board of the said catchment area, and in that case the provisions of the First Schedule to this Act shall apply.

Recovery of expenses of certain drainage works from Catchment Boards.

6.—(1) Where it appears to the Minister that it is necessary for him to acquire any land for the purpose of executing drainage works thereon, he may acquire the land either by agreement or compulsorily and, for the purposes of the acquisition thereof, the Lands Clauses Acts shall be incorporated with this Act, subject, however, to the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the adaptations and modifications set out in the Second Schedule to this Act :

Acquisition of land for drainage works.

9 & 10 Geo. 5.
c. 57.

Provided that no land shall be acquired under this section unless the contract for the acquisition thereof is made, or, as the case may be, the notice to treat is served, while the Emergency Powers (Defence) Act, 1939, is in force.

2 & 3 Geo. 6.
c. 62.

(2) Nothing in this section shall authorise the acquisition of any land which is, or forms part of, a metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or which is subject, or might be made subject, to regulation, under an order or scheme made in pursuance of the Inclosure Acts, 1845 to 1882, or under any local Act or otherwise, or which is or forms part of any town or village green, or of any area dedicated or appropriated as a public park, garden or pleasure ground, or for use for the purpose of public recreation, or of any land the fee simple absolute in possession of which belongs to, and is held inalienably by, the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907, whether subject to any tenancy or not.

29 & 30 Vict.
c. 122.

7 Edw. 7.
c cxxxvi.

(3) The expenses of the Minister in acquiring land under this section shall be defrayed out of moneys provided by Parliament.

7. Sub-paragraph (b) of paragraph 12 of Part II of the First Schedule to the Land Drainage Act, 1930, and sub-paragraph (b) of paragraph 12 of Part II of the Third Schedule to the said Act (which relate to the repayment of travelling expenses incurred by members of a Catchment Board and of a drainage board other than a Catchment Board respectively in attending meetings of the board) shall each have effect as if at the end thereof there

Travelling expenses of members of drainage boards.

were added the words " or a committee or sub-committee thereof, or in travelling by the directions of the board or a committee or sub-committee thereof for the purpose of carrying out any inspection necessary for the discharge of the functions of the board, committee or sub-committee."

Increase of drainage rates on land where land has been improved.

8 & 9 Geo. 5.
c. 40.

8.—(1) Where the annual value of any hereditament for the purpose of drainage rates under the Land Drainage Act, 1930, would apart from this provision be the gross annual value as determined for the purpose of income tax under Schedule A of the Income Tax Act, 1918, and the Minister, on the advice of the Committee, certifies that the annual value of the hereditament has, since the last determination of the said gross annual value, increased by reason of—

- (a) any drainage works, improvements of roads and ways or works of reclamation executed by the Committee in the exercise of powers conferred by Defence Regulations ;
- (b) any drainage works executed in pursuance of a scheme submitted to the Minister by a drainage authority and approved by him ; or
- (c) the execution of any scheme in respect of which the Minister has made a grant under section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 ;

3 & 4 Geo. 6.
c. 50.

then, for the purpose of any such drainage rate in respect of any period commencing after the issue of the certificate, the annual value of the hereditament shall, instead of being the gross annual value aforesaid, be such value as may be determined by the drainage board for the drainage district in which the hereditament is situated :

Provided that if, after a certificate has been issued under this section in respect of any hereditament, a fresh determination of the gross annual value of the hereditament is made for the purpose of income tax under Schedule A, this section shall, for the purpose of any drainage rate in respect of any period commencing after that determination, cease to apply to that hereditament.

(2) Where a drainage board have determined the annual value of any hereditament under this section, they shall serve (in accordance with section seventy-five of the Land Drainage Act, 1930) a notice of their determination upon both the owner and the occupier of the hereditament, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice, appeal against the determination to a court of summary jurisdiction, whose decision shall be final.

9.—(1) Where the landlord of any agricultural holding has, in pursuance of directions given by the Committee under Defence Regulations or of a scheme approved by the Committee for the purposes of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by any subsequent enactment, executed any works for the supply of water to the holding, he may recover from the tenant of the holding, or any assignee or successor of the tenant, interest on the net cost of the works at such rate as, in default of agreement by the landlord and the tenant, may be fixed by the Treasury; and the interest shall be payable as from the date on which a demand in writing specifying the net cost of the works has been served by the landlord on the tenant after the completion of the works, and shall be payable at the same time and be recoverable in the same manner as the rent payable under the tenancy:

Recovery from tenants of interest on expenditure incurred in executing works for supply of water.

Provided that, in the case of works for the supply of water to the holding and to other land, the tenant of the holding shall only be liable to pay interest on such part of the net cost of the works as may be apportioned to his holding by agreement between the landlord and the tenant or, in default of such agreement, by arbitration, and the interest shall in that case be payable as from the date on which the share of the net cost was so apportioned.

(2) For the purposes of this section, the expression "net cost" means, in relation to any works, such expenditure as is certified by the Minister to have been reasonably incurred by the landlord in executing the works and in preparing any scheme or plan therefor less the amount of any grant made by the Minister towards that expenditure.

10.—(1) Subsection (2) of section sixteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which requires drainage boards to pay compensation in respect of the exercise of certain powers relating to dams) shall not apply to the exercise of any power to repair or maintain a dam, and accordingly for the words "by reason of the exercise by the board of any powers conferred on them under this section" there shall be substituted the words "by reason of the alteration or removal of any dam by the board in the exercise of any powers conferred on them under this section."

Amendment of provisions relating to dams and sluices.

(2) Where any dam is repaired or maintained by a drainage board in the exercise of any powers conferred on them under the said section, the expenses thereby reasonably incurred may, if a notice in writing requiring payment thereof and specifying the sum claimed is served on the owner of the dam by the board within one year from the completion of the work, be recovered by the board from that owner at the expiration of three months from the date of the service of the notice and shall, without

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prejudice to any other mode of recovery, be recoverable by the board summarily as a civil debt :

Provided that an owner from whom any sum is so recoverable may, by notice in writing served on the board within the said three months, elect to pay the said sum together with the interest thereon from the said date by such number of equal annual instalments, not exceeding five, as may be specified in the notice, so however that—

- (a) the first instalment shall be payable within one year from the said date ; and
- (b) the rate of interest shall, in default of agreement between the owner and the board, be fixed by the Treasury.

(3) Where the landlord of an agricultural holding has become liable to pay any sum under the last foregoing subsection in respect of the repair or maintenance of a dam, the following provisions shall have effect, that is to say :—

- (a) if the landlord and tenant agree, or in default of such agreement the landlord proves to the satisfaction of an arbitrator appointed under the Agricultural Holdings Act, 1923, that any of the works in respect of which the sum is payable were rendered necessary by the neglect of the tenant to comply with any obligation relating to the maintenance or repair of the dam imposed on him by virtue of the contract of tenancy, the landlord shall be entitled to recover from the tenant or any assignee or successor of the tenant interest on such amount as may be agreed between the landlord and the tenant, or in default of such agreement determined by the said arbitrator, to be such part of the said sum as was attributable to the execution of those works ;
- (b) the interest shall be payable at such rate as may, in default of such agreement, be fixed by the Treasury, and shall be payable as from the date on which the landlord became liable in respect of the said sum, and shall be payable at the same times and be recoverable in the same manner as the rent payable under the tenancy ;
- (c) where the landlord has elected to pay any such sum as aforesaid by instalments, the whole of that sum shall, for the purposes of this subsection, be deemed to have become payable at the date when it would have been payable but for the election ;
- (d) for the purposes of any arbitration under this subsection, a certificate by the drainage board that such part of the said sum as may be specified in the certificate was attributable to the execution of works so specified shall be conclusive evidence of that fact.

(4) Section seventeen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which empowers drainage boards to control the use of sluices) shall have effect subject to the following amendments :—

- (a) in subsection (1) after the words “ by notice in writing served on the occupier or person in control of any dam within their district ” there shall be inserted the words “ or, if in the opinion of the board immediate action is necessary to meet an emergency, by direction given to that occupier or person ”, after the words “ as may be specified in the notice ” there shall be inserted the words “ or as may be so directed ” and the words in proviso (a) to that subsection “ unless it is stated in the notice that in the opinion of the board immediate action is necessary to meet an emergency ” shall be omitted ;
- (b) in subsection (2) after the words “ notice served ” there shall be inserted the words “ or direction given,” and after the words “ the person on whom it is served ” there shall be inserted the words “ or to whom it is given ”.

11.—(1) Where work for the improvement of any land subject to common rights of pasture has been done by the Minister or the Committee in the exercise of powers conferred by or under Defence Regulations, whether or not possession of the land has been taken in the exercise of the said powers, the expenses reasonably incurred in connection with the work may, in accordance with the provisions of this section, be recovered from the persons who are enjoying (subject to any restriction imposed on the exercise of the said powers) any rights of pasture over the land, whether common rights or other rights, and those expenses may be recovered from the said persons in such proportions as appear to the Minister to be just having regard to the extent to which the said rights are respectively enjoyed by them. Improvement
of common
lands.

(2) No sum shall be recoverable from any such person under this section unless a notice in writing requiring payment thereof is served on that person by the Minister within one year from the completion of the work in question, and the notice shall specify the sum which the person on whom it is served is required to pay, and the said sum shall be recoverable at the expiration of three months from the date of the service thereof, and shall, without prejudice to any other mode of recovery, be recoverable by the Minister summarily as a civil debt.

(3) Nothing in this section shall apply to land of which possession has been taken by the Minister or the Committee in the exercise of the powers aforesaid for the purpose of cultivating the land as arable land.

Extension of time for recovering certain expenses.

12. A complaint made for the purpose of recovering any sum under section six of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940 (which provides for the recovery of expenses incurred in making good certain defaults under Defence Regulations) may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts, be made at any time within twelve months from the time when the matter of the complaint arose.

Extension of s. 23 of Agriculture (Miscellaneous War Provisions) Act, 1940.

13. The power conferred by subsection (2) of section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, on the Minister or the Committee to continue in possession of land either by himself or themselves or by any person with whom such contracts have been made as are mentioned in that section, shall include power to do or authorise the doing of any work on that land incidental to the occupation thereof for agricultural purposes.

Extension of s. 26 of Agriculture (Miscellaneous War Provisions) Act, 1940.

14.—(1) Where subsection (1) of section twenty-six of the Agriculture (Miscellaneous War Provisions) Act, 1940, applies to any contract of tenancy, the said subsection shall continue to apply to that contract, notwithstanding that the term thereof has been extended, whether before or after the passing of this Act, so as to exceed a period of four years but not a period of eight years.

(2) Where any contract of tenancy to which the said subsection (1) applied has terminated, whether before or after the passing of this Act but before the end of the war period, and a new contract of tenancy of that land has been made for a term not exceeding four years beginning immediately after the termination of the first mentioned contract of tenancy, the said subsection (1) shall apply to the new contract of tenancy as if the references in paragraphs (a) and (b) thereof to the term created by the contract were construed as references to the term created by the first contract to which the said subsection applied.

(3) The reference in subsection (2) of the said section twenty-six to subsection (1) of that section shall be construed as a reference to that subsection as extended by the foregoing provisions of this section.

Relief to tenants from liabilities and loss of compensation resulting from directions under Defence Regulations.

15.—(1) Where the occupier of any agricultural land has, in pursuance of directions given under Defence Regulations, ploughed up any land consisting of permanent pasture, and is thereby under any obligation or liability arising by virtue of any contract of tenancy or instrument affecting the land, any custom of the country or any rule of law relating to waste, to sow it again at his own expense or pay any sum by way of increased rent, damages or penalty or suffer any forfeiture by reason of the ploughing up of the land or of the failure to sow it again,

the said obligation or liability and any guarantee given with respect thereto shall be extinguished ; and for the purposes of any provision of any contract of tenancy or instrument aforesaid, any custom of the country or any provision of the Agricultural Holdings Act, 1923, the land shall thereafter be deemed to be arable land and to have been arable land at all material times :

Provided that no tenant of agricultural land shall be entitled to claim an away-going crop, or compensation from the landlord assessed on the basis of an away-going crop, in respect of a greater acreage of land than that which would have been permissible under the contract of tenancy or custom of the country if this subsection had not passed.

(2) Where any directions under Defence Regulations have been given to the tenant of an agricultural holding affecting the cultivation, management or use of the holding during the last twelve months of the tenancy, the tenant shall, on the termination of his tenancy, be entitled, in respect of any growing crops sown, or tillages or manuring carried out, for the purpose of complying with the directions, otherwise than in accordance with the contract of tenancy or custom of the country, or to an extent exceeding that provided by the contract of tenancy or custom, to compensation from the landlord assessed in like manner as in the case of crops sown (other than away-going crops) or tillages or manuring carried out in accordance with the said contract or custom.

(3) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding has made thereon any improvement consisting of the removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation, the following provisions shall have effect :—

- (a) any such improvement shall be deemed to be an improvement comprised in Part I of the First Schedule to the Agricultural Holdings Act, 1923, whether made in respect of arable land or otherwise ;
- (b) compensation shall be payable under the said Act in respect of any such improvement, notwithstanding that the tenant has not obtained the consent of the landlord in accordance with section two of the said Act or that the improvement was begun within such a period or at such a time as is mentioned in section eight of the said Act ;
- (c) in assessing the amount of any compensation payable in respect of any such improvement, if it is shown to the satisfaction of the person assessing the compensation that the improvement consisted of, or was wholly or in part the result of, or incidental to, operations in respect of which any grant has been or is to be made to the

tenant out of moneys provided by Parliament, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced to such extent as that person considers appropriate.

(4) Subsections (1) and (3) of this section shall not apply to land comprised in any contract of tenancy to which subsection (1) of section twenty-six of the Agriculture (Miscellaneous War Provisions) Act, 1940, applies, or to any land comprised in a contract of tenancy to which subsection (2) of that section applies, except so far as may be directed by the arbitrator mentioned in that subsection.

(5) This section shall, in relation to any land with respect to which any directions have been given under Defence Regulations before the passing of this Act, be deemed to have had effect as from the date of the directions, and any sum paid before the passing of this Act by the occupier of the land in respect of any liability extinguished by this section shall be recoverable :

Provided that this section, except the provisions of subsection (1) thereof relating to the extinguishing of obligations, liabilities and guarantees, shall not apply to any tenancy which has terminated before the passing of this Act.

Power of
Minister to
buy certain
land by
agreement

16.—(1) Where it appears to the Minister that, for the purpose of securing the satisfactory development and re-sale of any land acquired by him under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, it is expedient for him to acquire other land which, immediately before the acquisition of the first mentioned land, was in the same ownership as that land but could not be compulsorily acquired under the said section, he may acquire by agreement that other land ; and, for the purposes of the acquisition thereof, the Land Clauses Acts shall be incorporated with this Act, subject, however, to the adaptations and modifications set out in paragraphs 1, 2 and 5 of the Second Schedule to this Act.

(2) Subsections (5) and (6) of the said section nine shall apply in relation to the acquisition of land under this section as they apply in relation to the acquisition of land under that section.

(3) For the purposes of section ten of the Agriculture (Miscellaneous Provisions) Act, 1941, any land acquired under this section for the purpose of securing the satisfactory development and re-sale of land acquired under the said section nine shall be deemed to have been acquired under the said section nine together with the land actually so acquired, and accordingly an offer shall, subject to the provisions of the said section ten, be made under that section in respect of the whole of the land in question.

(4) The expenses of the Minister in acquiring land under this section shall be defrayed out of moneys provided by Parliament.

(5) In this section the expression "ownership" means ownership in fee simple, whether or not subject to any mortgage or tenancy, and includes ownership as a tenant for life or in any other fiduciary capacity.

17.—(1) The Minister may make regulations for controlling, in the case of animals to which the regulations apply, the practice of artificial insemination and, in particular, for prohibiting, subject to such exemptions as may be specified in the regulations, the distribution and sale of the semen of any such animal, except under the authority of a licence issued by the Minister and for the time being in force. Control of artificial insemination.

(2) Regulations made under this section may apply to all or any of the following animals, that is to say, cattle, sheep, goats, swine, horses, domestic fowls, turkeys, geese and ducks.

(3) No person shall import or bring into Great Britain the semen of any animal to which regulations made under this section for the time being apply, except under the authority of a licence issued by the Minister and for the time being in force :

Provided that, where it is shown to the satisfaction of the Commissioners of Customs and Excise that any such semen is being imported or brought solely with a view to the re-exportation thereof after transit through Great Britain or by way of transshipment, the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the semen, allow the semen to be imported or brought as if this subsection did not apply thereto.

(4) No person shall export from or take out of Great Britain the semen of any such animal as is mentioned in subsection (2) of this section, except under the authority of a licence issued by the Minister and for the time being in force.

(5) A licence issued under this section may at any time be revoked by the Minister, and may be issued subject to such conditions as may be specified therein.

(6) Any officer of Customs and Excise may seize any semen with respect to which he has reason to believe that an offence against subsection (3) or subsection (4) of this section has been committed and may detain it pending the determination of any proceedings instituted under this section in respect of the offence or until the Minister is satisfied that no such proceedings are likely to be instituted and any semen so detained shall be detained at the owner's risk in such place and manner as the Minister may direct and, if such proceedings as aforesaid result in a conviction, shall be destroyed or otherwise disposed of as the Minister may direct.

(7) Any person authorised in writing in that behalf by the Minister may, on producing his authority, enter at all reasonable times—

- (a) any premises occupied by the holder of a licence issued under this section and used for or in connection with any of the purposes authorised by the licence ;
- (b) any premises where animals are kept to which regulations made under this section for the time being apply and which have been artificially inseminated ;
- (c) any premises on which, or in connection with which, he has reasonable grounds for suspecting that an offence under this section is being or has been committed ;

and may inspect the premises and any animals or articles thereon and carry out such tests or other investigations as he thinks fit in order to ascertain whether the provisions of this section and of the regulations made under this section, and the conditions subject to which any licence is issued under this section, are being complied with, and may, for the purposes of any such test or investigation, require the occupier of the premises to give such information as it is in his power to give.

(8) If any person contravenes or fails to comply with any provision of this section or of any regulations made under this section or with any condition subject to which any licence is issued under this section, or obstructs any person in the exercise of the powers conferred on him by this section, or refuses to give to any such person any information which he is required to give, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds and, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months either in lieu of or in addition to such a fine.

(9) All regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall henceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

56 & 57 Vict.
c. 66.

(10) Section one of the Rules Publication Act, 1893, shall not apply to any regulations made under this section.

(11) The expenses incurred by the Minister in exercising his powers under this section or under any order made thereunder shall be defrayed out of moneys provided by Parliament.

18.—(1) The Corn Returns Act, 1882, as amended by the Corn Amendment of Sales Act, 1921, shall have effect subject to the amendments set out in the Third Schedule to this Act, being amendments made for the purpose of—

Corn Returns Act, 1882.
45 & 46 Vict.
c. 37.
11 & 12 Geo. 5.
c. 35.

- (a) removing the limits as to the number of towns to which the said Act is applicable ;
- (b) abolishing the office of inspector of corn returns ; and
- (c) providing for certain other matters of minor importance.

(2) This section shall not come into operation until the first day of May, nineteen hundred and forty-three.

19. This Act shall apply to Scotland subject to the following modifications :—

Application to Scotland.

- (a) for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State ; for any reference to the Agricultural Holdings Act, 1923, there shall be substituted a reference to the Agricultural Holdings (Scotland) Acts, 1923 and 1931 ; for any reference to the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907, there shall be substituted a reference to the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated under the National Trust for Scotland Order Confirmation Act, 1935 ; the expression “ agricultural holding ” means a holding as defined by section forty-nine of the Agricultural Holdings (Scotland) Act, 1923 ; the expression “ the Committee ” means the Agricultural Executive Committee referred to in subsection (1) of section thirty-one of the Agriculture (Miscellaneous War Provisions) Act, 1940 ; the expressions “ fee simple ” and “ fee simple absolute in possession ” mean the estate or interest of the proprietor of the *dominium utile*, or in the case of land not held on feudal tenure, the estate or interest of the owner ; for any reference to a contract of tenancy there shall be substituted a reference to a lease ; for any reference to a mortgage there shall be substituted a reference to a heritable security ; and for any reference to a tenant for life, there shall be substituted a reference to a liferenter ;
- (b) section nine shall have effect as if the words “ for the purposes of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, as amended by any subsequent enactment ” were omitted.
- (c) subsection (2) of section eleven shall have effect as if the word “ summarily ” were omitted therefrom ;

26 Geo. 5 &
1 Edw. 8.
c. ii.
13 & 14 Geo. 5.
c. 10.

(d) section fifteen shall have effect as if—

(i) in subsection (1) the proviso were omitted ;

(ii) for subsection (2) the following subsection were substituted—

“ (2) Where any directions under Defence Regulations have been given to the tenant of an agricultural holding affecting during the last twelve months of the tenancy the cultivation, management, or use of the holding, the tenant shall on the termination of his tenancy be entitled in respect of any tillages or manuring carried out for the purpose of complying with the directions otherwise than in accordance with the lease or the custom of the country or to an extent exceeding that provided by the lease or custom to such sum by way of compensation as fairly represents the value thereof or, as the case may be, of the excess part thereof to an incoming tenant ; and any growing crops sown, as a result of compliance with directions given under Defence Regulations, otherwise than in accordance with the lease or the custom of the country or to an extent exceeding that provided by the lease or custom shall pass to and become the property of the landlord, and the landlord shall pay to the tenant in respect thereof such compensation for the tenant's services and expenses in laying down the crop or, as the case may be, the excess part thereof, as may be determined by arbitration.”

(iii) for subsection (3) the following subsection were substituted :—

“ (3) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding has made thereon any improvement consisting of the removal of tree roots, boulders or stones or other like obstacles to cultivation, the improvement shall, whether made in arable land or otherwise, be deemed to be an improvement comprised in Part III of the First Schedule to the Small Landholders and Agricultural Holdings (Scotland) Act, 1931 ; ” and

(iv) in subsection (4) for the reference to the arbitrator therein mentioned there were substituted a reference to the Scottish Land Court.

(e) paragraph 2 of the Second Schedule shall have effect with the substitution, for the sections of the Lands Clauses Consolidation Act, 1845 therein mentioned, of sections eighty-three to eighty-nine, one hundred and twenty to one hundred and twenty-seven, and one hundred and forty-two and one hundred and forty-three of the Lands Clauses Consolidation (Scotland) Act, 1845. 8 & 9 Vict.
c. 19.

20.—(1) Subsection (1) of section seven of the Land Drainage (Scotland) Act, 1941, shall be amended by the insertion at the end of the definition of "agricultural land" of the words "and any land which can be made fit to be used for any such purpose by the execution of drainage works whether on that land or on other land". Definition of agricultural land in Scotland for certain purposes.
4 & 5 Geo. 6.
c. 13.

(2) For the purposes of section twenty-nine of the Agriculture (Miscellaneous Provisions) Act, 1940, the expression "agricultural land" shall have the like meaning as in section seven of the Land Drainage (Scotland) Act 1941 as amended by the last foregoing subsection.

(3) There shall be paid out of moneys provided by Parliament any increase attributable to the passing of this section in the expense incurred by the Secretary of State under the aforesaid Act of 1941 or under the said section twenty-nine or in the grants authorised to be made by the Secretary of State under that section.

21.—(1) Where, for the purpose of complying with any directions under Defence Regulations, a tenant of an agricultural holding in Scotland has, whether before or after the passing of this Act, made thereon any improvement consisting of drainage (not being an improvement which he was required to make by the terms of the tenancy), he shall have the like right to compensation for the improvement as if it had been executed by him in accordance with the provisions of section three of the Agricultural Holdings (Scotland) Act, 1923, as amended by the Small Landholders and Agricultural Holdings (Scotland) Act, 1931. Compensation for drainage work by tenants in Scotland in pursuance of Defence Regulations.

(2) In assessing the amount of any compensation payable to a tenant by virtue of this section in respect of any improvement, if it is shown to the satisfaction of the person assessing the compensation that the improvement consisted of, or was wholly or in part the result of, or incidental to, operations in respect of which any grant has been or is to be made to the tenant out of moneys provided by Parliament, the grant shall be taken into account as if it had been a benefit allowed to the tenant in consideration of his executing the improvement, and the compensation shall be reduced to such extent as that person considers appropriate.

Application to
Northern
Ireland.

22. Sections one, twelve and thirteen of this Act shall extend to Northern Ireland but the remainder of this Act shall not extend to Northern Ireland, and, in the application of the said section twelve to Northern Ireland, for the reference to the Summary Jurisdiction Acts, there shall be substituted a reference to the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act, whether past or future.

14 & 15 Vict.
c. 93.

Interpreta-
tion.

23. In this Act the following expressions have the meanings hereby respectively assigned to them :—

“ agricultural holding ” means a holding as defined by section fifty-seven of the Agricultural Holdings Act, 1923, and the expressions “ landlord ” and “ tenant ”, in relation to an agricultural holding, have the same meanings as in the said Act ;

“ the Committee ” means the War Agricultural Executive Committee as defined by section thirty of the Agriculture (Miscellaneous War Provisions) Act, 1940 ;

“ Defence Regulations ” means Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 ;

“ drainage ”, “ drainage authority ”, “ drainage board ” and “ drainage district ” have the same meanings as in the Land Drainage Act, 1930 ;

“ the Minister ” means the Minister of Agriculture and Fisheries.

Short title.

24. This Act may be cited as the Agriculture (Miscellaneous Provisions) Act, 1943.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

RECOVERY FROM CATCHMENT BOARDS OF EXPENSES OF CERTAIN DRAINAGE WORKS.

1. The Minister shall serve on the Catchment Board, within one year from the completion of the work, a notice specifying the amount of the expenses which the Board is required to pay, and the said expenses shall become recoverable as a debt due to His Majesty at the expiration of one year from the date of the service of the notice and shall, without prejudice to any other mode of recovery, be recoverable by the Minister summarily as a civil debt.

2. The Catchment Board may, by notice in writing served on the Minister at any time within one year from the date of the service by the Minister under the foregoing paragraph, elect to pay the said expenses, together with interest thereon from the date on which the expenses would otherwise have become recoverable from the Board, by such number of equal annual instalments, not exceeding five, as may be specified in the notice :

1ST SCH.
—cont.

Provided that—

- (a) the first instalment shall be payable within one year from the last-mentioned date ; and
- (b) the rate of interest shall, in default of agreement between the Board and the Minister, be fixed by the Treasury.

3. Where the Catchment Board do not exercise the powers conferred on them by paragraph 2 of this Schedule they may borrow money under section forty-six of the Land Drainage Act, 1930, for the purpose of defraying the said expenses as if those expenses were expenses incurred by them under that Act.

SECOND SCHEDULE.

Sections 6 and
16.

ADAPTATIONS AND MODIFICATIONS OF THE LANDS CLAUSES ACTS

1. This Act shall be deemed to be the Special Act, references to the promoters of the undertaking shall be construed as references to the Minister, and the undertaking shall be deemed to be the use of the land for the purpose for which it is required.

2. The following provisions of the Lands Clauses Consolidation Act, 1845, that is to say— 8 & 9 Vict.
c. 18.

- (a) sections eighty-four to ninety-one (which relate to entry upon the land acquired) ;
- (b) sections one hundred and twenty-seven to one hundred and thirty-three (which relate to the sale of superfluous land and deficiencies of land-tax and rates) ; and
- (c) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the Special Act),

shall not apply.

3. In determining the amount of compensation payable in respect of the acquisition of any land compulsorily acquired, such reduction, if any, shall be made as is necessary in order to off-set any appreciation in the value of the land which is directly or indirectly ascribable to the war.

4. Where possession of any land compulsorily acquired was, before the date of the notice to treat, taken by the Minister or the Committee under Defence Regulations and remained in such possession at that date, the following provisions shall have effect :—

- (a) in determining the amount of compensation payable in respect of the acquisition of the land, the value of the land shall

2ND SCH.
—*cont.*

be taken to be the price which a willing seller would, at the date of the notice to treat, have been likely to obtain in the open market for the land if it had remained in the condition in which it was at the time when possession was taken as aforesaid ;

2 & 3 Geo. 6.
c. 75.

- (b) such adjustment shall be made in the said compensation as may be just, having regard to any payment of, or right to, compensation under the Compensation (Defence) Act, 1939, in respect of the taking of possession of the land as aforesaid, and any such adjustment may, if the arbitrator thinks fit, take the form of a direction that the compensation payable to any person on the acquisition of the land shall be wholly or partly conditional on his relinquishing any such right, to such extent as is specified in the direction.

5. Where the land acquired is glebe land or other land belonging to an ecclesiastical benefice, sums agreed upon or awarded by way of compensation shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

Section 18.

THIRD SCHEDULE.

AMENDMENTS OF CORN RETURNS ACT, 1882.

<u>Provision amended.</u>	<u>Amendments.</u>
Section four ...	... For the words "such towns, not less than one hundred and fifty and not more than two hundred in number, as may be from time to time fixed by Her Majesty in Council" there shall be substituted the words "such towns as may from time to time be prescribed".
Section five ...	... For the words "on the last market day in the week in that town, or on such other day as may be from time to time fixed by Her Majesty in Council, make to the inspector of corn returns for that town, at the place fixed, as in this Act mentioned" there shall be substituted the words "at such times and in such manner as may be prescribed make to the Minister of Agriculture and Fisheries", and for the words "an inspector of corn returns delivers to" there shall be substituted the words "the Minister of Agriculture and Fisheries serves, whether by post or otherwise, on".

<u>Provision amended.</u>	<u>Amendments.</u>
Section seven	... The section shall cease to have effect.
Section eight	... For the words "weekly summary of quantities and prices" there shall be substituted the words "returns made in pursuance of this Act".
Section nine	... For the words "the summaries sent by the inspectors of corn returns," there shall be substituted the words "the returns made", the words "for the whole of the towns and for each town from which a summary is obtained" shall be omitted, for the words "the summaries of the inspectors of corn returns" there shall be substituted the words "the returns made in pursuance of this Act", and for the words "the said summaries" there shall be substituted the words "the said returns".
Section eleven	... The words "to an inspector of corn returns" shall be omitted.
Section twelve	... The words "to an inspector of corn returns" shall be omitted.
Section thirteen	... The section shall cease to have effect.
Section fourteen	... For the words "respecting the execution of this Act and the duties of inspectors of corn returns" there shall be substituted the words "with respect to the matters to be prescribed and generally with respect to the execution of this Act", the words "all the inspectors or" shall be omitted, and the last two paragraphs of the section shall be omitted.
Section fifteen	... The words "the Commissioners of Inland Revenue or" shall be omitted.
Section sixteen	... Paragraphs (1) and (3) shall be omitted.

3RD SCH.
—cont.

CHAPTER 17.

Nurses Act, 1943.

ARRANGEMENT OF SECTIONS.

PART I.

ENROLMENT OF ASSISTANT NURSES.

Section.	
1.	Roll of assistant nurses.
2.	Rules.
3.	The Assistant Nurses Committee.
4.	Fees.
5.	Appeal against removal from roll, and against refusal to approve institution.
6.	Restriction on use of title of nurse and assistant nurse and penalties for misuse of certificates and falsification.

PART II.

AGENCIES FOR THE SUPPLY OF NURSES.

Section.

7. Conduct of agencies for supply of nurses.
8. Licensing of agencies.
9. Enforcement.
10. Penalties.
11. Delegation of powers by county council to council of county district.
12. Application of Part II and of existing enactments.
13. Supplemental.

PART III.

MISCELLANEOUS AND GENERAL.

14. Power to prescribe qualifications of teachers of nurses.
15. Penalty for false representation that another is a registered or enrolled nurse.
16. Procedure as to rules and regulations.
17. Amendment of s. 2 (3) of principal Act.
18. List of certain nurses not registered or enrolled.
19. Application of fees, and expenses of Council.
20. Interpretation.
21. Short title, citation and extent.

SCHEDULES :

First Schedule.—Constitution and Proceedings of Assistant Nurses Committee.

Second Schedule.—List of Nurses not Registered or Enrolled.

An Act to provide for the enrolment of assistant nurses for the sick, to restrict the use of the name or title of nurse, to regulate agencies for the supply of nurses for the sick and to amend the Nurses Registration Act, 1919. [22nd April 1943.]

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

PART I.

ENROLMENT OF ASSISTANT NURSES.

Roll of
assistant
nurses.

1.—(1) It shall be the duty of the General Nursing Council for England and Wales (in this Act referred to as "the Council") to form and keep a roll of assistant nurses subject to and in accordance with the provisions of this Act.

(2) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly enrolled shall be evidence in all courts of law of the fact stated in the certificate.

2.—(1) The Council shall make rules for the following purposes—

PART I.
—cont.

Rules.

- (a) for regulating the formation, maintenance and publication of the roll ;
 - (b) for regulating the conditions of admission to the roll ;
 - (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the roll, and any matters ancillary to or connected with any such examinations ;
 - (d) for prescribing the causes for which, the conditions under which and the manner in which persons may be removed from the roll, the procedure for the restoration to the roll of persons who have been removed therefrom, and the fee to be payable on such restoration ;
 - (e) generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Part of this Act into effect (including provision with respect to the issue of certificates to persons enrolled and with respect to the uniform or badge which may be worn by persons enrolled), and for prescribing anything which under this Part of this Act is to be prescribed.
- (2) Rules under this section shall contain provisions—
- (a) requiring as a condition of the admission of any person to the roll that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in nursing ; and
 - (b) requiring that the prescribed training shall be carried out either in an institution approved by the Council in that behalf or in the service of the Admiralty, the Army Council or the Air Council ; and
 - (c) enabling persons who, within the period of two years after the date on which the rules to be made under the provisions of this paragraph first come into operation, make an application in that behalf (in this Act referred to as “an existing assistant nurse’s application”), to be admitted to the roll on producing evidence to the satisfaction of the Council that they are of good character, are of the prescribed age, are persons who were for at least the prescribed period before the seventeenth day of March, nineteen hundred and forty-three, bona fide engaged in practice as nurses under conditions which appear to the Council to be satisfactory for the purposes of this provision and have such knowledge and experience of nursing as to justify their enrolment.

E

PART I.
—cont.

(3) If provision is made by Parliament, or by the Parliament of Northern Ireland, for the establishment of a roll of assistant nurses in Scotland or Northern Ireland, the Council—

- (a) shall make rules under this section enabling persons enrolled as assistant nurses in Scotland or Northern Ireland, as the case may be, to obtain admission to the roll established under this Part of this Act ;
- (b) shall, with a view to securing a uniform standard of qualification in all parts of the United Kingdom, consult with the body responsible for keeping the roll in Scotland or, as the case may be, in Northern Ireland before making any rules or, as the case may be, any further rules, under this section with respect to the conditions of admission to the roll.

The Assistant
Nurses
Committee.

3.—(1) There shall be a Committee of the Council, to be called the Assistant Nurses Committee (in this Act referred to as “ the Committee ”), constituted in accordance with the provisions contained in the First Schedule to this Act.

(2) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Committee and any other matter may be referred by the Council to the Committee ; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee :

Provided that the following matters, that is to say—

- (a) any question whether any person shall be removed from or restored to the roll, and any matter arising out of any such question ; and
- (b) any other matter referred to the Committee in so far as the Council expressly authorise the Committee to deal with it,

shall be finally dealt with by the Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

(3) The Council may pay to members of the Committee sums (to be calculated in accordance with directions to be given by the Minister) in respect of their travelling expenses and by way of subsistence allowance.

Fees.

4.—(1) There shall be paid to the Council in respect of every application to be examined or to be enrolled under this Act, and in respect of the retention in any year of the name of any person on the roll, such fees respectively as the Council may, with the approval of the Minister, from time to time determine :

Provided that—

PART I.
—*cont.*

- (a) in the case of an existing assistant nurse's application, the amount of the fee payable on the application shall be such sum, not exceeding one guinea, as the Council, with such approval as aforesaid, may determine ; and
- (b) the amount of the fee payable in respect of the retention in any year of the name of any person on the roll shall not exceed two shillings and sixpence.

(2) It is hereby declared that the power conferred on the Council by subsection (2) of section five of the principal Act to charge fees for certificates and documents issued, and services performed, by them extends to certificates, documents and services issued and performed under this Part of this Act.

5.—(1) Any person aggrieved by the removal of his name from the roll may, within three months after the date on which notice is given to him by the Committee that his name has been so removed, appeal against the removal to the High Court, and on any such appeal, the High Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and the order of the High Court shall be final. Appeal against removal from roll, and against refusal to approve institution.

(2) Any person aggrieved by the refusal of the Council to approve any institution for the purposes of the rules under this Act relating to training may appeal against the refusal to the Minister and the Minister, after considering the matter, shall give such directions thereon as he thinks proper, and the Council shall comply with any directions so given.

6.—(1) As from such date as the Minister may by order direct, any person who, not being a duly registered nurse under the principal Act or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and in the case of a second or any subsequent offence, fifty pounds : Restriction on use of title of nurse and assistant nurse and penalties for misuse of certificates and falsification.

Provided that (without prejudice to the provisions of section eight of the principal Act)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse ;
- (b) the Minister may by regulations authorise the use, either generally or by specified classes of persons or in specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations ;

PART I.
—cont.

- (c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him ;
- (d) proceedings for an offence under this subsection shall not be instituted except with the consent of the Minister.
- (2) Any person who—
- (a) not being a person duly enrolled, takes or uses any name, title, addition, description, uniform or badge, implying that he is enrolled or is recognised by law as enrolled ; or
- (b) at any time with intent to deceive makes use of any certificate of enrolment issued to him or to any other person,

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(3) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the roll, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to a fine not exceeding one hundred pounds.

PART II.

AGENCIES FOR THE SUPPLY OF NURSES.

Conduct of
agencies for
supply of
nurses.

7.—(1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—

- (a) registered nurses ;
- (b) enrolled assistant nurses ;
- (c) certified midwives ;
- (d) such other classes of persons as may be prescribed.

(2) A person carrying on an agency for the supply of nurses shall, at the prescribed time and in the prescribed manner, give to every person to whom he supplies a nurse, midwife or other person a statement in writing in the prescribed form as to the qualifications of the person supplied.

(3) No person shall carry on an agency for the supply of nurses unless the selection of the person to be supplied for each particular case is made by or under the supervision of a registered nurse or a registered medical practitioner.

(4) A person carrying on an agency for the supply of nurses shall keep such records in relation thereto as may be prescribed.

Licensing of
agencies.

8.—(1) No person shall carry on an agency for the supply of nurses on any premises in the area of any licensing authority unless he is the holder of a licence from that authority authorising him so to do on those premises.

In this Part of this Act, the expression "licensing authority" means, in relation to the City of London, the Common Council, in relation to the remainder of the administrative county of London, the London County Council, and in relation to any other county or any county borough, the council of that county or borough.

(2) Subject to the provisions of this section, if any person who desires to carry on an agency for the supply of nurses in the area of any licensing authority makes an application in that behalf to that authority in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to that authority such fee as may be prescribed, the authority shall grant him a licence accordingly, subject, however, to such conditions as they may think fit for securing the proper conduct of the agency, including conditions as to the fees to be charged by the person carrying on the agency, whether to the nurses or other persons supplied, or to the persons to whom they are supplied.

(3) Any such application may be refused, and any such licence which has been granted may be revoked, on any of the following grounds, that is to say—

- (a) that the applicant or, as the case may be, the holder of the licence is an individual under the age of twenty-one years or is unsuitable to hold such a licence ;
- (b) that the premises are unsuitable ;
- (c) that the agency has been or is being improperly conducted ; or
- (d) that offences against this Part of this Act have been committed in connection with the carrying on of the agency.

(4) An applicant for or holder of any such licence who is aggrieved by the refusal of the licensing authority to grant such a licence, or by the revocation by the licensing authority of the licence, or by any conditions attached to the licence, may, within twenty-one days from the receipt by him of notice of the refusal or of the revocation or of the grant of the licence subject to the conditions, appeal to a court of summary jurisdiction, who may make such order as they think just ; and the authority shall, if required by him in writing so to do, send or deliver to him within seven days of the receipt of the requirement particulars in writing of the ground for the refusal, the revocation or the attachment of the conditions, as the case may be.

(5) An application under this Part of this Act for the grant of a licence in respect of an agency in respect of which a licence is in force at the time of the application shall not be refused and a licence under this Part of this Act shall not be revoked by a licensing authority unless the holder has been given an opportunity of being heard by the licensing authority or a committee thereof.

PART II.
—*cont.*

(6) Every licensing authority shall in each year cause an annual meeting (either of the authority themselves or, if under any powers enabling them in that behalf, they have delegated their powers under this section to a committee, of that committee) to be held for the purpose of considering applications for licences under this Part of this Act, and every licence granted under this Part of this Act shall (unless revoked) be valid until the thirty-first day of December in the year next following that in which the licence is granted and no longer :

Provided that nothing in this subsection shall be construed as preventing the consideration of applications otherwise than at any such annual meeting.

(7) On the death of the holder of a licence under this Part of this Act, the licence shall enure for the benefit of his personal representatives, and references in this Part of this Act to the holder of such a licence shall be construed accordingly.

Enforcement.

9.—(1) It shall be the duty of the licensing authority to enforce the provisions of this Part of this Act.

(2) Any registered nurse or other officer duly authorised in that behalf by the licensing authority may at all reasonable times on producing, if so required, some duly authenticated document showing his authority—

(a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used, or which that officer has reasonable cause to believe are used, for the purposes of or in connection with an agency for the supply of nurses ; and

(b) inspect those premises and the records kept in connection with any such agency as aforesaid carried on at those premises,

and no person shall obstruct any such officer in the execution of his duty.

Penalties.

10.—(1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section seven of this Act or without a licence under this Part of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds and, if he continues so to do after conviction, he shall be guilty of a further offence and shall be liable on summary conviction in respect thereof to a fine not exceeding five pounds for each day on which he so continues so to carry on the agency.

(2) Any person who carries on an agency for the supply of nurses otherwise than in accordance with the conditions of his licence shall be liable on summary conviction to a fine not exceeding five pounds and, if the contravention in respect of which he was so convicted is continued after the conviction, shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding two pounds for each day on which the contravention is so continued.

(3) Any person carrying on an agency for the supply of nurses who, in carrying on that agency, supplies any person in contravention of the provisions of subsection (1) of section seven of this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) Any person who—

- (a) makes or causes to be made or knowingly allows to be made any entry in a record required to be kept under this Act, which he knows to be false in a material particular, or for purposes connected with this Act produces or furnishes, or causes or knowingly allows to be produced or furnished any record or information which he knows to be false in a material particular; or
- (b) for the purpose of obtaining a licence under this Part of this Act makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

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

(5) Any person who commits any contravention of this Part of this Act for which no special penalty is thereby provided shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) Where the person carrying on an agency for the supply of nurses is convicted under this Part of this Act of an offence committed in the carrying on of that agency on any premises, the court may (in lieu of or in addition to imposing any other penalty) make an order revoking the licence (if any) under this Part of this Act authorising the carrying on of that agency on those premises.

(7) Where any offence against this Part of this Act by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

11.—(1) A county council may, on the application of the council of any county district within the county, by agreement delegate to the council of that district, either with or without restrictions or conditions, any of the functions of the county council under the provisions of this Part of this Act. Delegation of powers by county council to council of county district.

(2) If the council of a county district who have made an application under the preceding subsection are aggrieved by the refusal of the county council to delegate functions, or by any conditions or restrictions which the county council propose to

PART II.
—cont.

impose, the council of the county district may make a representation to the Minister, and the Minister, after consultation with the county council, may by order direct the county council to delegate to the council of the county district, either with or without restrictions or conditions, such functions under this Part of this Act as the Minister thinks proper, and the county council shall comply with any direction so given.

The Minister may at any time by order revoke an order previously made by him under this subsection.

(3) Where any functions of a county council are delegated under this section to the council of a county district, that council shall, as regards the functions so delegated, be deemed to be the licensing authority.

(4) Any expenses incurred by the council of a county district in the discharge of functions delegated to them under this section shall, up to an amount not exceeding such sums as may be fixed by the county council or on an appeal by the Minister, be repaid to the council of the county district by the county council.

(5) Any fees received under this Part of this Act by the council of a county district shall, as the county council may direct, either be paid to that council or be applied in reduction of the sum to be repaid under this section by that council to the council of the county district.

Application
of Part II
and of existing
enactments.

12.—(1) The foregoing provisions of this Part of this Act shall not apply to any agency for the supply of nurses carried on in connection with any hospital maintained or controlled by a Government department or local authority or combination of local authorities, or by any body constituted by special Act of Parliament or incorporated by Royal Charter.

7 Edw. 7. c. 53.

(2) The provisions of section eighty-five of the Public Health Acts Amendment Act, 1907, and any provisions relating to employment agencies or servants registries contained in any local Act shall not apply to an agency for the supply of nurses, but this subsection shall not be taken as exempting from any such provisions any other business carried on in conjunction with an agency for the supply of nurses.

Supplemental.

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

“agency for the supply of nurses” means the business (whether or not carried on for gain and whether or not carried on in conjunction with another business) of supplying persons to act as nurses, or of supplying persons to act as nurses and persons to act as midwives ;

“certified midwife” means a person certified under the Midwives Acts, 1902 to 1936, and includes any person

who, by virtue of an order made under Defence Regulations, is for the time being deemed, for the purposes of subsection (1) of section one of the Midwives Act, 1936, to be a certified midwife.

PART II.
—cont.

26 Geo. 5. &
1 Edw. 8. c. 40.

(2) The Minister may make regulations for prescribing anything which under this Part of this Act is to be prescribed.

(3) The expenses incurred under this Part of this Act by the Common Council of the City of London shall be defrayed out of the general rate.

(4) This Part of this Act shall come into force on such date as the Minister may by order appoint, and different dates may be appointed for different purposes and for different provisions thereof and for different areas.

PART III.

MISCELLANEOUS AND GENERAL.

14. The power of the Council to make rules under section three of the principal Act shall extend to the making of rules providing for the giving of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.

Power to
prescribe
qualifications
of teachers
of nurses.

15. Any person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

Penalty for
false repre-
sentation that
another is a
registered or-
enrolled nurse.

16.—(1) Rules made by the Council under section three of the principal Act or under Part I of this Act shall not come into operation unless and until they are approved by the Minister.

Procedure
as to rules
and
regulations.

(2) Every such rule so approved, and every regulation made under this Act by the Minister, shall be laid before each House of Parliament forthwith, and, if, within the next forty days, either House of Parliament resolves that the rule or regulation shall be annulled, the rule or regulation shall thereupon cease to have effect, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new rule or regulation.

In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

PART III.
—*cont.*

(3) Subsections (3) and (4) of section three of the principal Act are hereby repealed, except as respects rules made before the passing of this Act.

Amendment
of s. 2 (3) of
principal Act.

17. Subsection (3) of section two of the principal Act (which provides that a certificate under the seal of the Council duly authenticated stating that a person is, or was at any date, or is not, or was not at any date, duly registered under that Act shall be conclusive evidence in all courts of law of the fact stated in the certificate) shall have effect with the omission of the word "conclusive".

List of certain
nurses not
registered or
enrolled.

18.—(1) The Council shall form and keep a list, subject to and in accordance with the provisions of the Second Schedule to this Act, of such persons as are mentioned in the next succeeding subsection, and the provisions of that Schedule shall have effect in relation to the list.

(2) The said persons are any persons, not being registered nurses or enrolled assistant nurses, who, within two years from the passing of this Act, apply, on a form provided for the purpose by the Council, for admission to the list, who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of July, nineteen hundred and twenty-five, a course of training in nursing in the institution, and who satisfy the Council that they are of good character and have adequate knowledge and experience of nursing.

(3) Any person who—

- (a) being a person whose name is included in any part of the list, says or does anything implying that his name is included in some other part thereof; or
- (b) at any time with intent to deceive makes use of any certificate issued to him or to any other person as a person included in the list,

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or subsequent offence, fifty pounds.

(4) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the list, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to a fine not exceeding one hundred pounds.

Application of
fees, and
expenses of
Council.

19. Any sums received by the Council by way of fees under this Act shall be dealt with by the Council as if they had been received by way of fees under the principal Act, and any expenses incurred by the Council in carrying Parts I and III of this Act into effect (including expenses in connection with examinations or prosecutions and any travelling expenses or subsistence

allowances duly allowed to members of the Committee) shall be defrayed out of fees received by the Council. PART III.
—cont.

20. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively :—

- “ the roll ” means the roll of assistant nurses established under Part I of this Act, and “ enrol ” and “ enrolment ” shall be construed accordingly ;
- “ the principal Act ” means the Nurses Registration Act, 1919 ; 9 & 10 Geo. 5.
c. 94.
- “ nurse ” means a nurse for the sick and “ nursing ” shall be construed accordingly ;
- “ register ” means the register of nurses established under the principal Act, and “ registered ” shall be construed accordingly ;
- “ children’s nurse ” means a person whose avocation is that of caring for children ;
- “ the Minister ” means the Minister of Health.

21.—(1) This Act may be cited as the Nurses Act, 1943, and this Act and the principal Act may be cited together as the Nurses Acts, 1919 and 1943. Short title,
citation and
extent.

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

SCHEDULES.

FIRST SCHEDULE.

Section 3.

CONSTITUTION AND PROCEEDINGS OF ASSISTANT NURSES COMMITTEE.

1. The Committee shall consist of six persons appointed by the Council and five representatives of assistant nurses.

The persons appointed by the Council shall be members of the Council, but at least one of them shall not be a registered nurse.

2. On the first constitution of the Committee the five representatives of assistant nurses shall be appointed by the Minister after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of assistant nurses.

3. The first members of the Committee shall hold office for three years from the first constitution of the Committee or such longer period as the Minister may from time to time determine.

4. After the expiration of the term of office of the first members of the Committee, four of the five representatives of assistant nurses

1ST SCH.
—cont.

shall be such persons, being registered nurses or enrolled assistant nurses, as may be elected in accordance with the prescribed scheme and in the prescribed manner by persons enrolled on the date of the election, and the remaining representative of assistant nurses shall be appointed by the Minister.

5. Any members of the Committee other than the first members thereof shall hold office for a term of five years.

6. If the place of a member of the Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled, if the member was appointed by the Council, by the Council, and, if the member represented assistant nurses, by the Minister.

Any person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

7. Any person ceasing to be a member of the Committee shall be eligible for re-appointment or re-election.

8. The powers of the Committee may be exercised notwithstanding any vacancy in their number.

9. The chairman of the Committee shall be such one of the members of the Committee, being a member appointed by the Council, as may be selected by the Committee.

10. The quorum of the Committee shall be four.

11. The Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

Section 18.

SECOND SCHEDULE.

LIST OF NURSES NOT REGISTERED OR ENROLLED.

1. Every person admitted to the list shall be granted a certificate of admission thereto by the Council.

2. A certificate under the seal of the Council duly authenticated stating that any person is or was at any date, or is not or was not at any date, included in the list shall be evidence in all courts of law of the fact stated in the certificate.

3. The list shall be printed and published as an appendix to the register, and shall (except for such modifications as may be necessary in the form of any documents) be kept in respect of the following matters in the same way as the register, that is to say—

- (a) the parts into which it is divided ;
- (b) the payment and amount of any fees on an application for admission or for any certificate issued by the Council ;
- (c) the procedure, and the payment and amount of any fees, for the retention or re-inclusion of a name in the list ;
- (d) the circumstances in which a name may be removed from the list and the procedure for the removal,

and the removal of any name from the list shall be subject to the same right of appeal as in the case of the register.

4. If provision is made by Parliament, or by the Parliament of Northern Ireland, for the establishment of a similar list in Scotland or Northern Ireland, any person included in any part of that list shall be entitled to be admitted to the corresponding part of the list under this Act on production of similar evidence and payment of the same fees as are required in the case of a nurse registered in Scotland or Northern Ireland who seeks admission to the register.

2ND SCH.
—cont.

5. In this Schedule references to the list shall, unless the context otherwise requires, include references to a part of the list.

CHAPTER 18.

An Act to amend the Evidence and Powers of Attorney Act, 1940, to provide for the proof of notarial acts of certain foreign, diplomatic and consular representatives, and for purposes connected therewith.

[22nd April 1943.]

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

1. The Evidence and Powers of Attorney Act, 1940 (hereafter in this Act referred to as the "principal Act") shall have effect as if after subsection (2) of section one of that Act (which enables provision to be made for empowering officers of His Majesty's naval, military and air forces and members of the diplomatic, consular or other foreign service of a foreign Power to administer oaths and take affidavits in time of war) the following subsection were inserted—

Authority to administer oaths in certain countries.
3 & 4 Geo. 6. c. 28.

"(2A) If the Lord Chancellor is satisfied that in any country or place outside the United Kingdom conditions are such that adequate provision for the administration of oaths and the taking of affidavits cannot be made by means of orders conferring powers upon persons of the descriptions specified in the foregoing provisions of this section, he may by order provide for empowering other persons having such qualifications as may be specified in the order, or acting in any such capacity as may be so specified, to administer oaths and take affidavits in that country or place for all or any of the purposes aforesaid."

2. Rules of court made in pursuance of section three of the principal Act (which requires the deposit or registration of certain instruments creating powers of attorney executed outside the United Kingdom during the present war) may make provision, in such cases and subject to such conditions as may be specified in the rules, for the deposit or registration of photographic copies of powers of attorney.

such instruments and of any affidavits of due execution required in connection therewith, instead of the originals.

Offences.

3.—(1) If any person in any oath or affidavit taken or made in pursuance of section one of the principal Act in any place outside the United Kingdom for the purposes of any proceeding or matter in any part of the United Kingdom, makes any statement which, if the oath or affidavit had been taken or made in that part, would constitute the offence of perjury, he shall be guilty of the like offence as if the oath or affidavit had been so taken or made.

3 & 4 Geo. 5.
c. 27.

(2) Where any document made outside the United Kingdom, or any copy of such a document, is transmitted to any part of the United Kingdom for deposit or registration under section three of the principal Act, any act done in relation thereto which, if it had been done in that part, would constitute, in England or Northern Ireland, an offence against the Forgery Act, 1913, or, in Scotland, the crime of uttering a forged document, shall be deemed to have been so done, and for the purpose of this subsection and of section six of the said Act (which relates to the uttering of forged documents) any copy so transmitted of a forged document shall be deemed itself to be a forged document.

(3) In any proceedings in respect of an offence committed outside the United Kingdom in connection with any affidavit or other document of which a photographic copy is transmitted to any part of the United Kingdom the copy may be used in evidence without proof of the destruction of the original as if such proof had been given.

(4) A person charged with an offence under this section may be proceeded against, indicted, tried and punished in any county or place where he is apprehended or is in custody as if the offence had been committed in that county or place, and for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that county or place.

Evidence of
notarial acts
done by
certain foreign
diplomatic
and consular
representa-
tives.
52 & 53 Vict.
c. 10.

4. The Secretary of State may by order direct that so much of subsection (2) of section six of the Commissioners for Oaths Act, 1889, as relates to the proof of notarial acts done in foreign countries and places by British diplomatic and consular officers shall apply in relation to notarial acts done by such persons as may be specified in the order, being persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with His Majesty, has undertaken to represent His interests in any country or place in which His Majesty has for the time being no diplomatic or consular representatives appointed on the advice of His Government in the United Kingdom.

5.—(1) References in this Act to the principal Act shall, except where the context otherwise requires, be construed as references to that Act as amended by this Act. Construction,
short title and
citation.

(2) This Act may be cited as the Evidence and Powers of Attorney Act, 1943, and this Act and the principal Act may be cited together as the Evidence and Powers of Attorney Acts, 1940 and 1943.

CHAPTER 19.

Courts (Emergency Powers) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Restriction on execution and other remedies.
2. Modified application of Act to contracts made after commencement of war.
3. Special provisions as to leases.
4. Special provisions as to mortgages.
5. Title of goods let under hire purchase agreement.
6. Power of court to take account of other liabilities.
7. Procedure.
8. Transitional provisions.
9. Interpretation.
10. Act not to extend to Scotland.
11. Application to Northern Ireland.
12. Extension of Act to Isle of Man.
13. Savings.
14. Short title, repeal and duration of Act.

SCHEDULES :

- First Schedule.—Transitional provisions.
Second Schedule.—Enactments repealed.

An Act to consolidate the Courts (Emergency Powers) Acts, 1939 to 1942, and certain enactments relating to the possession of mortgaged land.

[22nd April 1943.]

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

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

Provided that nothing in this subsection shall apply to—

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

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

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

- (i) the levying of distress ;
- (ii) the taking of possession of any property ;
- (iii) the appointment of a receiver of any property ;
- (iv) re-entry upon any land ;
- (v) the realisation of any security ;
- (vi) the forfeiture of any deposit ; or
- (vii) the serving of a demand under paragraph (1) of

section one hundred and sixty-nine of the Companies Act, 1929 ; or

(b) to institute any proceedings for foreclosure or for sale in lieu of foreclosure, or take any step in any such proceedings instituted before the commencement of the Courts (Emergency Powers) Act, 1939, or institute any proceedings for the recovery of possession of mortgaged property :

Provided that nothing in this subsection shall affect—

- (a) any right or power of pawnbrokers to deal with pledges ; or
- (b) the institution or prosecution of any proceedings for the appointment by the court of a receiver of any property.

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

(4) If, on any application for such leave as is required under this section for the exercise of any of the rights and remedies mentioned

19 & 20 Geo. 5.
c. 23.

2 & 3 Geo. 6.
c. 67.

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

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

(6) His Majesty may by Order in Council direct that, in relation to the exercise of any right or power of any person or class of persons having any goods in their custody as bailees to sell the goods by reason of any default in payment of a debt, the restriction imposed by subsection (2) of this section either shall not apply or shall apply subject to such limitations as may be specified in the Order; and any such Order in Council shall have effect notwithstanding anything inconsistent therewith contained in any Act other than this Act.

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

2.—(1) In the case of any judgment or order—

- (a) for the recovery of a debt which has become due by virtue of a contract made after the commencement of the Courts (*Emergency Powers*) Act, 1939; or
- (b) for the recovery of possession of land in default of payment of rent, being land held on a lease or tenancy entered into after the commencement of the said Act; or
- (c) for the delivery of any property other than mortgaged property by reason of a default under any contract made after the commencement of the said Act in the payment of money;

Modified application of Act to contracts made after commencement of war.

the foregoing section shall only apply if the appropriate court so directs, on being satisfied by the defendant that he is unable immediately to satisfy the judgment or order, or to pay the rent or money, by reason of circumstances directly or indirectly

attributable to any war in which His Majesty may be engaged, being circumstances which arose after the contract, lease or tenancy was made or entered into.

(2) Where a direction is given under the last foregoing subsection, the powers of the court shall thereupon be exercisable as if an application for leave to execute the judgment or order had been made under the foregoing section.

(3) Where an application is made by any person under the foregoing section for leave to exercise or take any of the remedies or proceedings mentioned in subsection (2) of that section (other than those mentioned in the proviso to that subsection) which are available to him in consequence of any default in the payment of a debt or the performance of an obligation, being a debt or obligation arising by virtue of a contract made after the commencement of the Courts (Emergency Powers) Act, 1939, the appropriate court shall not, subject to the provisions of this Act relating to mortgaged dwelling-houses, exercise its powers under subsection (4) of that section unless it is satisfied that the circumstances referred to in that subsection arose after the contract was made.

Special provisions as to leases.

3.—(1) Where an application is made by the lessor 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 this Act, being a right or remedy arising in consequence of a default in the payment of rent or mesne profits, 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; 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 refuses leave under section one of this Act 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) In relation to any application under this 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 that section and subsection (1) of section six 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.

(4) On any application under this Act for leave to enforce a judgment or order for the recovery in default of payment of rent of possession of land held in distinct parcels under one lease by two or more lessees, the court may (notwithstanding that a single rent was reserved by the lease and the proviso for re-entry in default of payment of the rent was not severable) order that the application shall be dealt with as if those parcels had been held under distinct leases and applications were being made for leave to enforce separate judgments or orders in relation thereto, and may make such consequential provision as seems just for the apportionment of the arrears of rent, for the relief of any lessee from forfeiture of the parcel held by him and for the adjustment of the rights and obligations under the lease of the parties to the application.

4.—(1) Where an application is made by the 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) and (2) of section one of this Act, being a right or remedy arising in consequence of a default in the payment of any 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 any mortgage money falling due after the date of the hearing of the application ; 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. Special provisions as to mortgages.

(2) 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 subsection (2) of section one of this 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, being circumstances which, if the mortgage was entered into after the commencement of the Courts (Emergency Powers) Act, 1939, arose after it was entered into, 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.

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 this subsection to be a person serving in the armed forces of His Majesty or mainly dependent on a person so serving.

(3) Where an application is made by the mortgagee of any property for leave to exercise against the property any of the rights or remedies mentioned in subsection (2) of section one of this Act, being a right or remedy arising by virtue of a default in the payment of any mortgage money or a breach of any mortgage obligation, the appropriate court may, for the purposes of this Act, treat any person appearing to the court to be affected by the exercise of the right or remedy as if he were the person liable to pay the mortgage money or to perform the mortgage obligation or, as the context may require, as if he were the mortgagor, and may grant relief accordingly.

(4) The last foregoing subsection shall not be taken as requiring all the persons so affected to be made parties to the application, and rules made under this Act shall make provision for the persons who are to be made parties to any such application, and may provide that, in such cases as may be prescribed by the rules, and in particular in cases where the mortgagor has died and no person has taken out representation in respect of the property, the application may be made *ex parte*.

(5) Where any land is the subject of a mortgage, the mortgagee shall not be entitled to obtain possession of the land, whether by virtue of his estate or interest as mortgagee or of any attornment or other provision contained in the mortgage or in any agreement collateral thereto, unless default has been made in payment of any mortgage money, or there has been a breach on the part of the mortgagor, or of some person concurring in the making of the mortgage, of any mortgage obligation.

(6) For the purposes of the last foregoing subsection, default shall not be deemed to have been made in payment of any mortgage money, unless a written demand for payment has been served on the person liable, and a period of three months has elapsed since the service of the demand :

Provided that this subsection shall not apply where the mortgage money is repayable by instalments.

Title of goods
let under hire
purchase
agreement.

5. Where the appropriate court refuses leave under subsection (4) of section one of this 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.

6.—(1) On any application for leave to exercise any of the rights or remedies mentioned in subsections (1), (2) and (3) of section one of this Act, the appropriate court—

Power of court to take account of other liabilities.

- (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 or indirectly 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 subsection (1) of section three or subsection (1) of section four 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 this 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.

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

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

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

8. This Act shall have effect subject to the transitional provisions set out in the First Schedule to this Act.

Transitional provisions.

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

Interpretation.

“ armed forces of His Majesty ” does not include the Home Guard ;

“ costs ” includes all charges and possession money payable to a sheriff in respect of interpleader proceedings taken by him ;

“ 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 ;

“ mortgage ” includes any charge, and the expressions “ mortgagor ” and “ mortgagee ” shall be construed accordingly ;

“ mortgage money ” includes any part thereof and any interest thereon ;

“ mortgage obligation ” means any obligation arising under or by virtue of the mortgage, other than an obligation to pay the mortgage money.

(2) For the purposes of this Act—

(a) a contract shall be deemed to have been made before the commencement of the Courts (Emergency Powers) Act, 1939, if an offer made before the day of the commencement thereof so as to be binding on a contracting party if accepted within a specified period expiring on or after that day, is accepted by the contracting party at any time within that period ; and

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

(3) References in this Act to judgments or orders for the recovery of possession of land include references to any judgment or order the effect of which is to enable a person to obtain possession of land, and in particular includes, in relation to a mortgagee, a judgment or order for the delivery of possession of land.

10. This Act shall not extend to Scotland.

Act not to extend to Scotland.

Application to Northern Ireland.

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

(a) for the reference to paragraph (1) of section one hundred and sixty-nine of the Companies Act, 1929, there shall be substituted a reference to paragraph (1) of section one hundred and sixty of the Companies Act (Northern Ireland), 1932 ;

- (b) for references to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, there shall be substituted references 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 ;
- (c) for references to the Lord Chancellor there shall be substituted references to the Lord Chief Justice of Northern Ireland, and subsection (3) of section seven shall not apply ;
- (d) 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 ;
- (e) for the reference to a sheriff there shall be substituted a reference to an under-sheriff.

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

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

13.—(1) Nothing in this Act shall affect any Order in Council, order, or rule made, instrument issued or thing done under any enactment repealed by this Act, but any such Order in Council, rule, instrument or thing shall, if in force at the commencement of this Act, continue in force, and so far as it could have been made, issued or done under this Act shall have effect as if made, issued or done under this Act.

(2) References in any document to any enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(3) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889.

14.—(1) This Act may be cited as the Courts (Emergency Powers) Act, 1943.

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

(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Courts (Emergency Powers) Act, 1939, came to an end.

Section 8.

SCHEDULES.FIRST SCHEDULE.

TRANSITIONAL PROVISIONS.

1. Nothing in subsection (2) of section one of this Act shall affect—

- (a) any power of sale of a mortgagee of land or an interest in land who was in possession of the mortgaged property at the commencement of the Courts (Emergency Powers) Act, 1939, or who before the commencement of that Act appointed a receiver who at the commencement of that Act was in possession, or in receipt of the rents and profits, of the mortgaged property; or
- (b) any power of sale of a mortgagee in possession of property other than land or some interest in land, where the power of sale arose and notice of the intended sale was given before the commencement of the said Act.

3 & 4 Geo. 6.
c. 37.

2. Subsection (2) of section three of this Act shall not apply in any case where the appropriate court, before the passing of the Courts (Emergency Powers) Amendment Act, 1940, refused leave under section one of the Courts (Emergency Powers) Act, 1939, to enforce a judgment or order for the recovery of possession of any premises, other than a dwelling house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, applied, in default of payment of rent, or gave such leave subject to restrictions and conditions, and if in any such case 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.

Where relief is granted under this paragraph 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.

3.—(1) Subsection (5) of section four of this Act shall not apply where—

2 & 3 Geo. 6.
c. 108.

- (a) the mortgagee obtained possession of the mortgaged land before the passing of the Possession of Mortgaged Land (Emergency Provisions) Act, 1939 ;
- (b) the mortgage was entered into on or after the third day of September, nineteen hundred and thirty-nine, and the mortgagee obtained possession of the land before the passing of the Liabilities (War-Time Adjustment) Act, 1941 ;

4 & 5 Geo. 6.
c. 24.

but save as aforesaid shall apply in relation to proceedings commenced before the passing of the said respective Acts.

(2) Where an order or judgment for the recovery of possession of land by a mortgagee thereof was made or given before the passing of

SCH. I.
—cont.

the Possession of Mortgaged Land (Emergency Provisions) Act, 1939, then, unless the contrary appears, there shall be deemed to have been a default in the payment of money and the order or judgment shall be deemed to have been made or given by reason of that default.

(3) Where, in the case of a mortgage entered into on or after the third day of September, nineteen hundred and thirty-nine, an order or judgment for the recovery of possession of the land by the mortgagee was made or given before the passing of the Liabilities (War-Time Adjustment) Act, 1941, and the defendant satisfies the court that at the date of the order or judgment there was a default in the payment of any mortgage money, the order or judgment shall be deemed to have been made or given by reason of that default.

(4) The court by which any such order or judgment as is referred to in either of the last two foregoing sub-paragraphs was made or given may, on the application of any party to the proceedings, rescind or vary it in such manner as appears to be just in view of the provisions of this Act.

4.—(1) Subsection (3) of section four of this Act shall not apply to any application where the leave of the court was given unconditionally before the passing of the Courts (Emergency Powers) Amendment Act, 1942. 5 & 6 Geo. 6.
c. 36.

(2) Subsection (2) of section one of this Act shall not apply to any proceedings for the recovery of possession of mortgaged land by a mortgagee thereof instituted before the passing of the Courts (Emergency Powers) Amendment Act, 1942, and subsection (3) of that section shall apply to the enforcement of any judgment or order for the recovery of possession of mortgaged land made in such proceedings, and section four of this Act shall apply to any application for leave to enforce such a judgment or order.

SECOND SCHEDULE

Section 14.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 67.	The Courts (Emergency Powers) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 108.	The Possession of Mortgaged Land (Emergency Provisions) Act, 1939.	The whole Act.
3 & 4 Geo. 6. c. 37.	The Courts (Emergency Powers) Amendment Act, 1940.	The whole Act.
4 & 5 Geo. 6. c. 24.	The Liabilities (War-Time Adjustment) Act, 1941.	Part II.
5 & 6 Geo. 6. c. 36.	The Courts (Emergency Powers) Amendment Act, 1942.	The whole Act.

CHAPTER 20.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-four.
[3rd June 1943.]

Most Gracious Sovereign,

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

Issue of
£1,000,000,000
out of the Con-
solidated Fund
for the service
of the year ending
31st March 1944.

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

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

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

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

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

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

3. This Act may be cited as the Consolidated Fund (No. 3) Short title Act, 1943.

CHAPTER 21.

War Damage Act, 1943.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.

1. Provision to be made with respect to war damage to land and to goods.
2. Definition of "war damage".
3. The War Damage Commission.
4. Assignment of proceedings arising under this Act to special judges.

PART I.

LAND : PAYMENTS IN RESPECT OF WAR DAMAGE AND CONTRIBUTIONS TOWARDS EXPENSE OF MAKING PAYMENTS.

Payments in respect of damage to land : nature, amount and recipients generally.

5. Hereditaments that are to be units for payments in respect of damage to land.
6. Nature of payments in respect of damage to land.
7. Cases in which payments of cost of works and value payments respectively are to be made.
8. Amount of payment of cost of works.
9. Recipient of payment of cost of works and of temporary works payment.
10. Amount of value payment.
11. Power to increase amount of value payments.
12. Recipient of value payment.

Payments in respect of damage to land : nature, amount and recipients in certain special cases.

13. Payment where partial damage to land is not made good.
14. Payment where partially damaged land is compulsorily acquired.
15. Payment where making good total loss is expedient for benefit of other land.
16. Payment where there is repeated damage to the same hereditament.
17. Amount of value payment in respect of damage to requisitioned land.
18. Payment where damaged land of exceptional site value is in lease at time of damage.
19. Commission not to be required to entertain claims for payments of under five pounds.

Payments in respect to damage to land : provisions for securing the public interest in the making of payments.

20. Provisions for securing conformity with planning requirements, &c.
21. Wages and conditions of employment for works the subject of payments.

Payments in respect of damage to land : time for payment, assignment and transmission.

Section.

22. Time for making payments in respect of damage to land.
23. Assignment and transmission of payments in respect of damage to land.

Value payments and payments under s. 18 : rights as to mortgages and rent-charges and in certain special circumstances.

24. Right of mortgagee of proprietary interest.
25. Right of owner of rentcharge created out of proprietary interest.
26. Right of owner of removable articles, &c.
27. Recipient of payment in respect of interest subject to settlement, &c.
28. Recipient of payment in respect of interest subject to Scottish Trust.
29. Right of devisee under will executed before time by reference to which recipient of payment determined.
30. Right of purchaser under contract pending at time of damage.

Payments in respect of damage to land : information and determination of questions.

31. Notification of damage and claims for payments.
32. Certain questions to be determined respectively by Commission or by a referee.
33. Payment into court.
34. Power of Commission to obtain information.
35. Power of Commission to inspect damaged premises.

Contributions : nature and amount generally.

36. Contributions towards expense of making payments.
37. Incidence of contributions.
38. Time by reference to which liability for instalments determined.

Contributions : contributory properties and amount of contributions.

39. Contributory properties.
40. Contributory value.
41. Alteration during relevant part of risk period in area or condition of properties.
42. Rate of contribution.
43. Lower rate of contribution for certain properties.
44. Provisions affecting amount of contribution in respect of requisitioned land.

Contributions : persons liable to pay instalments.

45. Direct contributor.
46. Liability for instalments in case of shooting, fishing, and other rights.
47. Recovery of instalments from mortgagees in possession.

Contributions : ultimate incidence of liability as between landlords and tenants.

48. Rights over against landlords and tenants.
49. Reversionary tenancies.
50. Proportion appropriate to a tenancy.

Contributions : ultimate incidence of liability as between mortgagors and mortgagees.

51. Rights over against mortgagors
52. Properties and mortgages to which s. 51 applies.

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- 53. Successive mortgages.
- 54. Collateral security.
- 55. Miscellaneous provisions relating to s. 51.
- 56. Rights over against mortgagees : provisions as to Scotland and Northern Ireland.

Contributions : general provisions as to indemnities.

- 57. Time for payment of indemnities.
- 58. Deduction of indemnities from rent and mortgage payments.
- 59. Indemnities recoverable and payable notwithstanding agreements to contrary.

Contributions : Collection.

- 60. Commissioners of Inland Revenue to collect contributions.
- 61. Provisions as to recovery of contribution where value payment made.
- 62. Power to pay contribution in advance.

Contributions : suspension or remission of instalments in certain cases.

- 63. Suspension of collection where value payment likely to be made.
- 64. Suspension of collection where property rendered unfit by war damage.
- 65. Remission of instalments on properties affected under Housing Acts by clearance or compulsory purchase, or demolition, orders.

Contributions : miscellaneous provisions.

- 66. Contributions to be treated as capital outgoings.
- 67. Limitation of liability of trustees, &c., in respect of contributions.
- 68. Rights enforceable notwithstanding transmission of interest.

Payments in respect of damage to land, and contributions : special provisions affecting certain classes of land.

- 69. Land held for certain charitable purposes : payments and contributions.
- 70. Land occupied for purposes of certain undertakings : payments and contributions.
- 71. Highways : payments and contributions.

Payments in respect of damage to land, and contributions : special provisions affecting certain persons.

- 72. The Crown, and Government departments : payments and contributions.
- 73. Crown lands : payments and contributions.
- 74. Local authorities, &c. : exclusion from payments of grant-aided air-raid shelters.
- 75. Local authorities : payments and contributions in respect of certain transferred schools.
- 76. Ecclesiastical corporations : expenses of making good war damage, and contributions.
- 77. National Trust : exclusion from payments and contributions as regards certain land.
- 78. Foreign States and Sovereigns, &c. : exclusion from contributions.

Payments in respect of damage to land, and contributions : financial provisions.

Section.

- 79. Payments to be made out of moneys provided by Parliament and contributions to be paid into Exchequer.
- 80. Increase or reduction of contributions.
- 81. Annual statement of receipts and payments under Part I.
- 82. Expenses of Commissioners of Inland Revenue and of Public Works Loan Commissioners.

PART II.

GOODS : INSURANCE AGAINST WAR DAMAGE.

The insurance schemes.

- 83. Insurance schemes.
- 84. Goods insurable under the schemes.
- 85. Time for payment of losses under the schemes.

Special provisions as to business scheme.

- 86. Insurance under business scheme to be compulsory.
- 87. Power of Board of Trade to obtain information.

Special provisions as to private chattels scheme.

- 88. Graduated premiums under private chattels scheme.
- 89. Limitation of indemnity provided under private chattels scheme.
- 90. Rights under insurance of goods on members of household or servants.
- 91. Power to refuse applications for insurance under private chattels scheme.

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- 92. Goods pertaining to places of worship.
- 93. Seagoing ships, while laid up.
- 94. Growing trees owned otherwise than in course of business.

Power to make payments otherwise than under policies.

- 95. Payments otherwise than under policies.

General provisions relating to Part II.

- 96. Premiums to be treated as capital outgoings.
- 97. Minimum sum for payments under policies.
- 98. Restriction of assignments.
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- 100. Expenses and receipts of Board of Trade.
- 101. Employment of agents by Board of Trade.
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GENERAL PROVISIONS.

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- 103. Definition of "land."
- 104. Definition of "goods."
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- 106. Provisions as to movable property falling within definition of "land."
- 107. Meaning of "owner" in relation to fixtures falling within definition of "goods."

Disposal of salvage.

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108. Disposal of salvage, and payment of proceeds into Exchequer.

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109. Adjustments as regards payments under the Compensation (Defence) Act.
 110. Adjustments as regards certain other payments in respect of war damage.
 111. Set-off of certain payments against certain loans.

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112. Punishment for giving false information.
 113. Certain expenses not to be a deduction for income tax, national defence contribution or excess profits tax.
 114. Protection of holders of short tenancies and licensees against liability for contributions and premiums.
 115. Payments to be subject to conditions in case of non-residents.
 116. Amendments by Defence Regulations.
 117. Information as to Schedule A assessments and rating valuations.
 118. Restriction on disclosure of information.
 119. Liability to repair chancels, &c., not to extend to war damage.
 120. Prohibition of war damage insurance business and schemes.
 121. Provisions as to regulations and orders.
 122. Exercise of functions of Board of Trade.
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 124. Application to Scotland.
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Second Schedule.—Provisions as to certain valuations required in connection with payments under Part I.

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Fourth Schedule.—Provisions as to rentcharges, feuduties and ground annuals.

Fifth Schedule.—Provisions as to appeals and references to a referee.

Sixth Schedule.—Provisions as to setting off payments in respect of works, &c., for essential purposes against loans made in respect thereof.

Seventh Schedule.—Transitional provisions.

Eighth Schedule.—Enactments repealed.

An Act to consolidate the War Damage Act, 1941, the War Damage (Amendment) Act, 1942, and the War Damage (Amendment) Act, 1943 (other than provisions thereof for amending the War Risks Insurance Act, 1939). [3rd June 1943.]

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

PRELIMINARY.

Provision to be made with respect to war damage to land and to goods.

1.—(1) There shall be made, subject to and in accordance with the provisions of Part I of this Act,—

- (a) payments by the War Damage Commission out of moneys provided by Parliament in respect of war damage to land occurring during the risk period, that is to say, the period beginning with the third day of September, nineteen hundred and thirty-nine, and continuing until such date as may be specified as the date for the termination of the risk period in an order made by the Treasury and approved by a resolution of the Commons House of Parliament ; and
- (b) contributions by persons interested in land towards the expense of making such payments.

(2) The Board of Trade may, subject to and in accordance with the provisions of Part II of this Act, operate insurance schemes whereby the Board undertake the liability of insuring persons against war damage to goods, and may, to the extent provided by the said provisions, make payments in respect of war damage to goods otherwise than under the schemes.

Definition of " war damage ".

2.—(1) In this Act the expression " war damage " means—

- (a) damage occurring (whether accidentally or not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy ;
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid ;

(c) accidental damage occurring as the direct result—

PRELIMINARY
—cont.

(i) of any precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by the enemy ; or

(ii) of precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action,

being, in either case, measures involving a substantial degree of risk to property :

Provided that the measures mentioned in paragraph (c) of this subsection do not include the imposing of restrictions on the display of lights or measures taken for training purposes.

(2) For the purposes of the provisions of this Act relating to payments in respect of war damage under Part I thereof, the War Damage Commission may, with the consent of the Treasury, treat as damage of the kind mentioned in paragraph (b) of the preceding subsection any physical change in land, whether or not being such as to cause depreciation in the value thereof, which is the direct result of measures taken under proper authority to meet the circumstances created by damage occurring as mentioned in paragraph (a) of the preceding subsection.

(3) For the purposes of this section, such action against the enemy as is referred to in paragraph (a) of subsection (1) thereof—

(a) shall, in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base ;

(b) includes naval, military or air reconnaissances and patrols.

(4) References in the subsequent provisions of this Act to the occurrence of war damage shall be construed as references to the taking of the action or measures specified in this section from which that damage results.

3.—(1) For the purposes of this Act, there shall be constituted a Commission, to be called the War Damage Commission (hereinafter referred to as "the Commission"), consisting of persons appointed by the Treasury in accordance with the First Schedule to this Act, which shall be charged with the duty of executing the provisions of Part I of this Act relating to the making of payments in respect of war damage to land, and shall exercise such other functions as are conferred upon them by this Act.

The War
Damage
Commission.

PRELIMINARY
—cont.

(2) The Commission shall, as respects such matters as may be specified in regulations made by the Treasury, exercise their functions under this Act (including any discretionary power exercisable by them) subject to and in accordance with the provisions of regulations so made :

Provided that any regulations made for the purposes of this subsection shall be of a general character, and nothing in this subsection shall be construed as authorising the making of any regulations requiring the Commission to exercise any of their functions in a manner inconsistent with the provisions of this Act.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Commission.

Assignment of
proceedings
arising under
this Act to
special judges.

4.—(1) The Lord Chancellor may nominate such number of judges of the High Court as appears to him to be expedient as nominated judges for the purposes of this Act.

(2) Subject to rules of court, and to any power of transfer from one judge to another, any proceedings in the High Court for the enforcement of any right conferred by this Act shall, so far as is practicable, be heard and determined by one or more, as the case may require, of the nominated judges ; and if in any proceedings in the High Court an issue arises which involves the determination of the construction or effect of this Act, the court or a judge thereof may, in accordance with and subject to rules of court, direct that the proceedings be heard and determined as aforesaid.

(3) This section shall not extend to Scotland.

(4) In its application to Northern Ireland this section shall have effect with the substitution, for the references in subsection (1) thereof to the Lord Chancellor and to the High Court, of references to the Lord Chief Justice of Northern Ireland and to the Supreme Court.

PART I.

LAND : PAYMENTS IN RESPECT OF WAR DAMAGE AND CONTRIBUTIONS TOWARDS EXPENSE OF MAKING PAYMENTS.

Payments in respect of damage to land : nature, amount and recipients generally.

Hereditaments that are to be units for payments in respect of damage to land.

5.—(1) For the purposes of the provisions of this Part of this Act relating to payments in respect of war damage, land sustaining war damage shall, subject to the provisions of the next succeeding subsection, be dealt with in such units as the Commission may determine, and land which is to constitute a unit for those purposes is in this Act referred to as a " hereditament."

(2) Hereditaments shall be of two kinds consisting respectively of—

PART I.
—cont.

- (a) buildings (excluding buildings the use of which is accessory to the use of other land and which would not be readily marketable apart from that other land) or parts of such buildings, and the sites of such buildings or of parts thereof ; and
- (b) land other than as aforesaid :

Provided that there shall be included in a hereditament that comprises a building falling within paragraph (a) of this subsection, or a part of such a building, any land (including a building) which, though not falling within that paragraph, might be expected ordinarily to be occupied with the first-mentioned building or part and is so situated that war damage thereto, if not made good, would be likely to affect substantially the value of the first-mentioned building or part.

A hereditament that comprises a building falling within paragraph (a) of this subsection, or a part of such a building, is in this Act referred to as a " developed hereditament " .

6.—(1) Subject to the provisions of this Part of this Act, a payment to be made thereunder shall be of one or other of the following kinds, that is to say,—

Nature of
payments
in respect of
damageto land.

- (a) a payment of cost of works, being a payment of an amount determined by reference to the cost of works executed for making good the damage, as provided by section eight of this Act ; or
- (b) a value payment, being a payment of an amount determined by reference to the depreciation in the value of the hereditament caused by the damage, as provided by section ten of this Act.

(2) Where either a payment of cost of works or a value payment is made in respect of war damage to a hereditament, there shall be made, in addition to that payment, a payment (in this Act referred to as a " temporary works payment ") of an amount equal to the proper cost of any works reasonably executed for temporarily meeting the circumstances created by the damage, being—

- (a) where a payment of cost of works is made, works, other than those taken into account in computing the amount of that payment, executed between the occurrence of the damage and the time when it is made good ;
- (b) where a value payment is made, works executed between the occurrence of the damage and the time when the Commission's determination to make that payment,

PART I.
—cont.

and not a payment of cost of works, has been notified to all persons having an interest in the hereditament who have made a request in writing to the Commission to be notified thereof, or, if no such request has been made, the time of the Commission's determination.

Cases in which payments of cost of works and value payments respectively are to be made.

7.—(1) Subject to the provisions of section twenty of this Act for securing the public interest in the making of payments under this Part of this Act, and subject also to the provisions of sections thirteen to fifteen of this Act, the question whether a payment to be made under this Part of this Act in respect of any war damage is to be a payment of cost of works or a value payment shall be determined as follows, that is to say,—

- (a) in the case of a developed hereditament, the payment shall be a payment of cost of works unless the war damage involves total loss ;
- (b) in the case of a hereditament not being a developed hereditament, the payment shall be a value payment unless the permissible amount of a payment of cost of works, determined by reference to proper cost ascertained as at the thirty-first day of March, nineteen hundred and thirty-nine, would be likely to be less than the amount of a value payment in respect of the damage.

(2) War damage to a developed hereditament shall be deemed to involve total loss if, and only if, it is such that the proper cost, ascertained as at the thirty-first day of March, nineteen hundred and thirty-nine, of such works as would be required for reinstating the hereditament in the form in which it existed immediately before the occurrence of the damage would be likely to be more than the difference between the amounts respectively, ascertained by reference to prices current at that day, which the fee simple in the hereditament might have been expected to realise—

- (a) on a sale thereof in the state in which it would be after the execution of those works, and
- (b) on a sale thereof as a site and with the damage not made good,

being in each case a sale such as is specified in paragraph 1 of the Second Schedule to this Act made on that day :

Provided that, in the case of hereditaments consisting of or comprising premises of a kind not normally the subject of sales in the open market, provision may be made by regulations made by the Treasury for substituting in this subsection, for the references to the amounts respectively therein mentioned, references to values ascertained by reference to such matters as may be specified in the regulations.

(3) Paragraph 4 of the Second Schedule to this Act shall have effect in relation to the determination of amounts and values for the purposes of the last preceding subsection in the case of licensed premises.

8.—(1) Subject to the provisions of this Part of this Act, the amount of a payment of cost of works shall be computed as provided by subsections (2) to (4) of this section. Amount of payment of cost of works.

(2) If the war damage is made good by reinstating the hereditament in the form in which it existed immediately before the occurrence of the damage, the amount of the payment shall be an amount equal to the proper cost of the works executed for the making good thereof :

Provided that if the reinstatement of any part of the hereditament could have been omitted without detracting from the value of the hereditament, or the omission thereof would have increased its value, the amount of the payment shall be reduced to what it would have been if that part had not been reinstated.

In this Part of this Act the expression " the permissible amount " means, in relation to a payment of cost of works, the amount that is payable by virtue of this subsection or that would have been payable if this subsection had had effect in relation to the payment.

(3) If the war damage is made good by works which include alterations or additions to the hereditament, the amount of the payment shall be an amount equal to so much of the proper cost of the works executed for the making good of the damage as falls within the permissible amount.

(4) The preceding provisions of this section shall have effect subject to the provisions of the Third Schedule to this Act as to deductions in respect of the value of materials, of failure to take steps to minimise war damage, of physical changes not directly attributable to war damage occurring between the occurrence and the making good of war damage, and of the cost of works which contribute to the making good of war damage occurring on two or more occasions.

9. The right to receive a payment of cost of works, or a temporary works payment, shall vest in the person by whom the cost of executing the works is incurred, or, if such cost is incurred partly by one person and partly by another, the payment shall be apportioned between them in such manner as may be determined by agreement between them, or in default of agreement by the Commission, and the right to receive the share of the payment apportioned to each of them shall vest in him. Recipient of payment of cost of works and of temporary works payment.

PART I.
—cont.
Amount
of value
payment.

10.—(1) Subject to the provisions of this Part of this Act, the amount of a value payment shall be an amount equal to the amount of the depreciation in the value of the hereditament caused by the war damage, that is to say, the amount by which the value of the hereditament in the state in which it was immediately after the occurrence of the damage is less than its value in the state in which it was immediately before the occurrence of the damage.

(2) For the purpose of computing the amount of a value payment, the value of a hereditament in any state shall be ascertained by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine, and shall be taken to be the amount which, if the hereditament had been on that day in that state, it might have been expected to realise on such a sale as is specified in paragraph 2 of the Second Schedule to this Act made on that day:

Provided that, in the case of hereditaments consisting of or comprising premises of a kind not normally the subject of sales in the open market, provision may be made by regulations made by the Treasury for ascertaining the said value by reference to such matters as may be specified in regulations so made.

(3) Paragraph 4 of the Second Schedule to this Act shall have effect in relation to the determination of values for the purposes of the last preceding subsection in the case of licensed premises.

(4) The preceding provisions of this section shall have effect subject to the provisions of the Third Schedule to this Act as to deductions in respect of the value of materials, and of failure to take steps to minimise damage.

(5) Interest at the rate of two and a half per cent. per annum shall accrue on a value payment from the time of the occurrence of the war damage, and shall be payable when that payment is discharged.

Power to
increase
amount of
value pay-
ments.
4 & 5 Geo. 6.
c. 12.

11.—(1) If, when the discharge of value payments generally or in substantial volume has become permissible, it appears to the Commission that, having regard to any circumstances arising since the passing of the War Damage Act, 1941, the amounts of any such payments computed on the basis of a valuation made by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine, are inadequate, the Commission shall make a report to the Treasury stating that they are of that opinion, the circumstances to which they have had regard in forming it, and the deductions which they draw therefrom; and, on receipt from the Commission of any such report, the Treasury shall consider the report, and shall have power by order to direct that the amounts of value payments shall, either in all cases or in such classes of cases as may be specified in the

order, be increased by a sum equal to such proportion of the amount computed as provided by this Act as may be specified in the order.

PART I.
—cont.

(2) The Treasury shall publish in such manner as they think fit any report made to them under this section as soon as may be after they have made an order in pursuance thereof or have determined to make no order thereon.

(3) An order under this section as to any value payments shall have effect in relation to any such payment whether made before or after the coming into force of the order.

(4) An order under this section may be varied or revoked by any subsequent order made by the Treasury :

Provided that no person shall be liable in consequence of an order made by virtue of this subsection to repay any sum paid to him before the coming into force thereof.

(5) An order under this section may make provision for any such modification of the provisions of this Act relating to the discharge of value payments, or to the computation of the interest thereon, as may appear to the Treasury to be requisite in consequence of the making of the order.

(6) An order made under this section shall be of no effect until it has been approved by a resolution of the Commons House of Parliament.

12.—(1) The right to receive a value payment shall vest, in accordance with the following provisions of this section. Recipient of value payment.

(2) The time by reference to which the vesting of the right to receive a value payment is to be regulated (in this Act referred to in relation to such a payment as "the material time") shall, subject to the provisions of the two next succeeding sections and of subsection (5) of section twenty of this Act, be the time immediately before the occurrence of the war damage, and—

(a) if at the material time the only proprietary interest subsisting in the hereditament was a fee simple in the whole of the hereditament, or only one proprietary interest which was depreciated in value by reason of the war damage was subsisting therein, the right to receive the payment and the interest thereon shall vest in the person who was at the material time the owner of that proprietary interest, subject to the provisions of sections twenty-four to thirty of this Act as to the rights of mortgagees and of owners of certain rentcharges and of other persons in certain special circumstances ;

(b) in any other case, the payment shall be apportioned between the several proprietary interests subsisting in the hereditament or in any part thereof at the material

PART I.
—cont.

time which were depreciated in value by reason of the war damage in shares proportionate to the extent to which they were respectively so depreciated, and a right to receive the share of the payment apportioned to each of those proprietary interests and a like share of the interest on the payment shall vest in the person who was at the material time the owner of that proprietary interest, subject as aforesaid.

(3) For the purposes of this Act, a proprietary interest shall be taken to be depreciated by war damage if, and to the extent to which, the latter of the two following amounts is less than the former, that is to say,—

- (a) the amount that an interest similar to that proprietary interest subsisting in the hereditament on the thirty-first day of March, nineteen hundred and thirty-nine, might have been expected to realise on a sale thereof in the open market made on that day if the hereditament had been on that day in the state in which it was immediately before the occurrence of the damage, and
- (b) the amount that such an interest so subsisting might have been expected to realise on such a sale if the hereditament had been on that day in the state by reference to which, as regards its state after damage, the depreciation in the value of the hereditament is determined for the purpose of computing the amount of the value payment,

on the assumption, in each case, that that interest had been subsisting on that day with the like incidents as the proprietary interest in question had at the material time, subject, so far as relevant, to the provisions of paragraph 3 of the Second Schedule to this Act relating to the operation of the Landlord and Tenant (War Damage) Acts, 1939 and 1941, and other matters.

(4) Paragraph 4 of the Second Schedule to this Act shall have effect in relation to the determination of amounts for the purposes of the last preceding subsection in the case of licensed premises.

(5) In this Act references to so much of a value payment or of the interest thereon as is attributable to a proprietary interest shall be construed, where no apportionment of the payment is required, as references to the whole of the payment or of the interest thereon, as the case may be, and, where an apportionment is required, as references to the whole of the share thereof apportioned under this section to that proprietary interest.

Payments in respect of damage to land: nature, amount and recipients in certain special cases.

13.—(1) Where the appropriate payment in respect of war damage to a hereditament would apart from this provision be a payment of cost of works, if the Commission are satisfied that it is

Payment where partial damage to land is not made good.

the wish of all the owners of proprietary interests for the time being subsisting in the hereditament and of rentcharges (if any) to which it is subject and of any mortgagee of any such interest or rentcharge, or of any of the persons aforesaid whose wish ought in the opinion of the Commission to prevail, that the damage or any part of it should not be made good, or if they are satisfied that the circumstances are such that the damage or any part of it will not in fact be made good, they may, notwithstanding any previous determination of the kind of payment to be made in respect of the damage to the hereditament, make a payment or payments in respect thereof as follows and of such amounts respectively, not exceeding the following, as they may think fit, that is to say—

- (a) in respect of the damage so far as made good, a payment of cost of works of an amount equal to so much of the proper cost of the works executed for the making good thereof as falls within the permissible amount; and
- (b) in respect of the damage so far as not made good, a value payment of an amount computed in other respects as provided by section ten of this Act, subject to the modification that, if any works the subject of a payment under this section have been executed, the depreciation in the value of the hereditament shall be determined by reference, as regards its state after damage, to the state in which it would have been immediately after the execution of all those works if they could have been and had been executed immediately after the occurrence of the damage.

(2) In the case of a value payment made in exercise of the power conferred by this section in respect of war damage in respect of which a payment of cost of works would have been payable if the kind of payment to be made in respect thereof had fallen to be determined under section seven of this Act apart from any other provision, the material time shall, subject to the provisions of paragraph 2 of the Seventh Schedule to this Act, be the date of the determination of the Commission to exercise that power.

14.—(1) Where the appropriate payment in respect of war damage to a hereditament would apart from this provision be a payment of cost of works, if land constituting or forming part of the hereditament, or an interest in such land, is acquired compulsorily by virtue of any enactment, whether passed before or after the passing of this Act, or is acquired by agreement by a person authorised by virtue of any such enactment to acquire it compulsorily, then, notwithstanding any previous determination of the kind of payment to be made in respect of the damage to the hereditament,—

Payment where partially damaged land is compulsorily acquired.

- (a) the Commission shall make a payment or payments in respect thereof as follows, that is to say, in respect of

PART I.
—cont.

the damage so far as made good before the date of the acquisition, a payment of cost of works, and, in respect of the damage so far as not made good before that date, a value payment, of the amounts respectively mentioned in paragraphs (a) and (b) of subsection (1) of the last preceding section ; but

(b) no payment of costs of works shall be made by reference to the cost of any works executed on or after the date of the acquisition, and compensation for the acquisition shall be determined accordingly.

(2) In the case of a value payment made by virtue of this section in respect of war damage in respect of which a payment of cost of works would have been payable if the kind of payment to be made in respect thereof had fallen to be determined under section seven of this Act apart from any other provision, the material time shall, subject to the provisions of paragraph 2 of the Seventh Schedule to this Act, be the date of the acquisition.

(3) In relation to any such acquisition as aforesaid references in this Part of this Act to the date of the acquisition shall be construed as references to the earliest date after the occurrence of the damage on which any such action as the following is taken, namely, the service of a notice to treat for the acquisition of or of an interest in land constituting or forming part of the hereditament, the taking of any other action by virtue of which the acquisition of or of an interest in such land becomes obligatory, or the making of an agreement for the acquisition of or of an interest in such land without any such notice having been served or any other such action having been taken.

Payment where making good total loss is expedient for benefit of other land.

15. Where the appropriate payment in respect of war damage to a hereditament would apart from this provision be a value payment, if it appears to the Commission to be expedient so to do having regard to the effect that the making good of the damage would have in relation to the value of another hereditament, they may make in respect of the damage either—

(a) a payment of cost of works ; or

(b) payments as specified in paragraphs (a) and (b) respectively of subsection (1) of section thirteen of this Act, but limited as respects the payment to be made under the said paragraph (a) to works appearing to the Commission to be expedient having regard to their effect on the value of that other hereditament.

Payment where there is repeated damage to the same hereditament.

16.—(1) Where a developed hereditament, being or including a developed hereditament which has already sustained (whether on a single occasion or on two or more occasions) war damage not being such that a value payment is to be made in respect thereof, sustains on a subsequent occasion war damage such that a value payment would fall to be made if a determination were taken

in relation to all the war damage under paragraph (a) of subsection (1) and subsection (2) of section seven of this Act, with the substitution for the reference in the said subsection (2) to the form in which the hereditament existed immediately before the occurrence of the damage of a reference to the form in which it existed immediately before the earliest occasion, the Commission may determine that a single value payment shall be made in respect of all the war damage as if it had all occurred on the earliest occasion, to the exclusion of any other payment in respect of any of it :

Provided that—

- (a) subsection (2) of section six of this Act shall have effect both in relation to such temporary works as are therein mentioned, and also in relation to any works appearing to the Commission to have been reasonably executed for making good any of the damage sustained on an occasion earlier than the said subsequent occasion notwithstanding that they may not have been of a temporary character ;
- (b) any payment of cost of works, or any part of any such payment, made in respect of any of the damage shall not be recoverable, but shall be taken into account in determining the amount, if any, to be paid under the preceding proviso ;
- (c) if the value of the hereditament in the state in which it was immediately after the damage sustained on the said subsequent occasion is less by any amount that it would otherwise have been by reason of any physical change therein not directly attributable to war damage (other than ordinary wear and tear) occurring between the earliest occasion and the said subsequent occasion, the amount of the single value payment shall be reduced by that amount ;
- (d) the interest on the single value payment shall accrue from the said subsequent occasion ; and
- (e) the material time shall be the time immediately before the occurrence of the war damage sustained on the said subsequent occasion.

(2) Where a value payment is to be made in respect of war damage sustained (whether on a single occasion or on two or more occasions) by a developed hereditament, any war damage sustained by the hereditament on a subsequent occasion shall be taken into account in determining the amount of that payment as if that damage had occurred on the earliest occasion, and no separate payment shall be made in respect thereof.

(3) The Commission may determine that war damage sustained by a hereditament other than a developed hereditament on any two or more occasions shall be taken into account together for the

PART I.
—cont.

purposes of this Part of this Act as if it had all occurred on the earliest occasion, and shall be the subject of a single value payment or payment of cost of works accordingly :

Provided that, where the single payment in respect of that damage is a value payment, the provisos to subsection (1) of this section shall have effect in relation thereto as they have effect in relation to a single value payment to be made under that subsection, with the substitution, for each reference therein to the subsequent occasion therein mentioned, of a reference to such one of the occasions of damage taken into account under this subsection as the Commission may determine.

(4) Subject as aforesaid the references in sections seven, eight and ten of this Act to war damage shall be construed as references to war damage occurring on a single occasion, and accordingly the nature and amount of the payment to be made in respect of war damage occurring on each of two or more occasions shall, subject as aforesaid, be determined separately.

(5) In this section references to war damage sustained, or occurring, on any occasion include references to war damage that results subsequently from the taking on that occasion of such action or measures as are specified in section two of this Act.

Amount of value payment in respect of damage to requisitioned land.

17. Where a hereditament wholly comprised within requisitioned land sustains, during the period of requisition, war damage such that a value payment becomes payable, the amount of the payment shall be computed as if in section ten of this Act and paragraph 2 of the Second Schedule thereto there had been substituted, for references to the state in which the hereditament was immediately before the occurrence of the damage, references to the state in which it was immediately before the beginning of the period of requisition.

Payment where damaged land of exceptional site value is in lease at time of damage.

18.—(1) Where a developed hereditament sustains war damage in respect of which the appropriate payment would be a value payment, but, owing to the value as a vacant site of land comprised in the hereditament, the value of the hereditament in the state in which it was immediately after the occurrence of the damage is no less than its value in the state in which it was immediately before the occurrence of the damage, if a tenancy being a proprietary interest was then subsisting in the hereditament and the Commission are satisfied that the time which it then had to run was sufficiently short to render it probable that the hereditament would have remained in its existing form during that time apart from war damage, they may, if they think fit, make in respect of the tenancy a payment of such kind and amount as appears to them to be reasonable in view of the value thereof.

(2) Interest at the rate of two and a half per cent. per annum shall accrue on a payment under this section from the time of the

occurrence of the war damage, and shall be payable when that payment is discharged.

(3) Subject to the provisions of sections twenty-four and twenty-seven to thirty to this Act, the right to receive a payment under this section and the interest thereon shall vest in the person who was the owner of the tenancy in respect of which the payment is made immediately before the occurrence of the war damage (in this Part of this Act referred to in relation to such a payment as "the material time").

(4) This section shall not extend to Scotland.

19.—(1) Notwithstanding anything in the preceding provisions of this Part of this Act, the Commission shall not be required to entertain a claim by any person for a payment in respect of war damage to a hereditament, being damage in respect of which a payment of cost of works is the appropriate payment, if the total cost of executing works on the hereditament in relation to such war damage which was incurred by him and which would apart from this provision be the subject either of a payment of cost of works or of a temporary works payment is less than five pounds :

Commission not to be required to entertain claims for payments of under five pounds.

Provided that, in the case of a person who has incurred such cost as aforesaid in relation to war damage sustained by the same hereditament on two or more occasions, or in executing works on two or more developed hereditaments in the same locality, the whole of such cost shall be taken into account together for the purposes of this subsection.

In this subsection the expression "locality" means, in relation to England, the area of a local authority for the purposes of Part II of the Housing Act, 1936, in relation to Scotland a county or burgh, and in relation to Northern Ireland the district of a local authority for the purposes of Part II of the Housing Act (Northern Ireland), 1939.

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

(2) Notwithstanding anything in the preceding provisions of this Part of this Act, the Commission shall not be required to entertain a claim for a payment in respect of war damage to a hereditament not being a developed hereditament, being damage in respect of which the appropriate payment is a value payment, if the total amount of the depreciation in the value of the hereditament caused by the war damage, and of the cost of executing works on the hereditament in relation to such war damage which apart from this provision would be the subject of a temporary works payment, is less than five pounds :

Provided that, in the case of such a hereditament which sustains war damage on two or more occasions, the said depreciation and cost attributable to the war damage occurring on those occasions respectively shall be taken into account together for the purposes of this subsection, and, if the hereditament also sustains war damage in respect of which a payment of cost of works is the appropriate payment, the amount of that payment shall be included in the said total for those purposes.

PART I.
—cont.*Payments in respect of damage to land: provisions for securing the public interest in the making of payments.*

Provisions for securing conformity with planning requirements, &c.

20.—(1) The Treasury shall give directions to be observed by the Commission for securing that the provisions of this Part of this Act relating to the making of payments in respect of war damage shall be executed in conformity with the public interest as respects town and country planning, the provision of housing accommodation, the development of industries and services and of agriculture, the preservation of amenities, the consumption of supplies of building materials for the time being available, the building requirements of persons engaged in work of public importance, and such other matters as may be prescribed.

(2) For the purpose of giving effect to any such directions, the Commission may, by notice published in the London, Edinburgh and Belfast Gazettes or such of them as may be appropriate in the case of the notice in question, and in such other manner as they think best for informing persons likely to be affected, specify any particular area or class of hereditaments or of works, and impose on any person who proposes to execute works (other than temporary works) for making good war damage to hereditaments in the specified area or to hereditaments of the specified class, or who proposes to execute for making good war damage any works of the specified class, an obligation to inform the Commission of the proposal and to furnish to them such particulars of the proposed works as they may require, and the Commission shall have power, where such a notice has been published,—

(a) to impose, as a condition of the right to receive so much of any payment of cost of works as would be payable in respect of any such works executed after the publication of the notice, requirements as to the nature of the works, the materials to be used therefor or the time for the execution thereof, or any other requirements relating thereto; or

(b) if the Commission are satisfied that the directions given by the Treasury require that the damage should not be made good, to make a value payment in respect thereof in lieu of any payment of cost of works that would otherwise have been appropriate.

(3) For the purpose of giving effect to any such directions, the Commission shall have power, whether such a notice as aforesaid has been published or not,—

(a) to require any person to whom a sum representing a value payment in respect of war damage to a developed hereditament, or a payment under section eighteen of this Act, or any part of such a payment, is to be paid to enter into an undertaking with the Commission to observe conditions as to the application of that sum,

PART I.
—cont.

or of any part thereof, to the construction, alteration or acquisition of a building to be used in substitution for the building comprised in the damaged hereditament, so however that the power conferred by this paragraph shall not, except in relation to a sum paid during the period while the Emergency Powers (Defence) Act, 1939, ^{2 & 3 Geo. 6.} continues in force, extend to the imposition of any ^{c. 62.} condition as to the location of any substituted building ;

- (b) where war damage in respect of which a value payment would otherwise be appropriate is made good in the public interest, to make in respect thereof a payment of cost of works, or payments as specified in paragraphs (a) and (b) respectively of subsection (1) of section thirteen of this Act but limited as respects the payment to be made under the said paragraph (a) to works executed in the public interest ;
- (c) to make an addition to a payment of cost of works in consideration of the omission, by agreement between the Commission and the owners of proprietary interests in the hereditament and of rentcharges (if any) to which it is subject and any mortgagee of any such interest or rentcharge, of any works for the making good of the damage the cost of which would otherwise have been payable, so however that the amount of the payment with the addition thereto shall not exceed the amount permissible by virtue of subsection (2) of section eight of this Act.

(4) In determining whether, and the manner in which, any of the powers conferred upon the Commission by this section is to be exercised in cases in which it appears to them that an exercise of the power would be likely to affect the exercise by a local or public authority of any of their functions, the Commission shall afford to the authority, or, where the matter in question is one in which a number of such authorities are concerned, to such representative body as appears to the Commission to be appropriate, an opportunity of making representations to them, and the Commission shall consider any representation made to them by any such authority or body with respect to the exercise by the Commission of any of the said powers, and any such authority shall at the request of the Commission furnish them with any information in the possession of the authority which the Commission may reasonably require in connection with the exercise by them of any of the said powers.

(5) Where a value payment is made in exercise of the power conferred by paragraph (b) of subsection (2) of this section—

- (a) subsection (2) of section six of this Act shall have effect in relation to any works appearing to the Commission

PART I.
—cont.

to have been reasonably executed before the publication of the notice referred to in subsection (2) of this section, notwithstanding that they may not have been of a temporary character; and

- (b) the material time shall, subject to the provisions of paragraph 2 of the Seventh Schedule to this Act, be the date of the determination of the Commission to exercise that power.

(6) If default is made in the observance of an undertaking entered into for the purposes of paragraph (a) of subsection (3) of this section, the amount paid shall be recoverable as money had and received to the use of His Majesty, and the right to receive the sum in question, or, if the condition related to a part only thereof, the right to receive that part, shall be forfeited.

15 & 16 Geo. 5.
c. 22.

(7) The provisions of the Land Charges Act, 1925, shall apply to a notice published under subsection (2) of this section specifying a particular area (in this subsection referred to as "the specified area") as if the notice were a local land charge, and the notice shall be registered accordingly by the proper officer of the council of any county borough or county district the area of which comprises the specified area or any part thereof, or, if the specified area or any part thereof is comprised in the City of London or any other part of the administrative county of London, by the proper officer of the Common Council or of the London County Council, as the case may be.

It shall be the duty of the Commission, as soon as may be after they have published any such notice as aforesaid, to inform the proper officer of any such council as aforesaid, the area of which comprises the specified area or any part thereof, of that fact, and to furnish to him any information relating to the notice requisite for enabling him to discharge his functions under this subsection.

(8) Where a notice has been published under subsection (2) of this section, the Commission may by a subsequent notice published under that subsection release the obligation imposed by the earlier notice either as regards the whole or as regards a part of the area or class of hereditaments or class of works, as the case may be, specified therein.

Wages and
conditions of
employment
for works
the subject of
payments.

21.—(1) The Commission may specify requirements as to contracts for the execution of works, the cost of which may be the subject of a payment of cost of works or the execution of which may be the subject of an undertaking entered into for the purposes of paragraph (a) of subsection (3) of the last preceding section, and requirements as to the engagement of employees by persons undertaking directly the execution of such works, for securing that the wages and conditions of employment of persons employed in the execution thereof are regulated in like

manner as those of persons employed in the execution of works under contracts made by Government departments.

PART I.
—cont.

(2) Such requirements as aforesaid shall be observed, as a condition of the right to receive the payment of cost of works or as a term of the undertaking, as the case may be, in such cases as the Commission may specify generally by notice published in such manner as they think best for informing persons likely to be affected, and in any other cases in which the Commission require observance thereof by notice given or sent to the owner of every proprietary interest in the land on which the works are executed subsisting at the date when the notice is given.

Payments in respect of damage to land: time for payment, assignment and transmission.

22.—(1) The times when payments may be made under this Part of this Act shall, except in such cases as may be determined by the Commission in accordance with directions given to them by the Treasury, be the following, that is to say,—

Time for making payments in respect of damage to land.

- (a) in the case of payments of cost of works and of temporary works payments, the time of the completion of the works or, where payment is to be made by instalments, of the relevant parts thereof, or the expiration of such period thereafter as may be reasonably requisite for enabling the Commission to ascertain whether they have been duly completed and what was the proper cost thereof;
- (b) in the case of value payments and of payments under section eighteen of this Act, such time or times as may be specified in regulations made by the Treasury either generally or as respects payments to be made in different circumstances.

(2) Notwithstanding anything in the preceding subsection, where the Commission are satisfied that a person who will in due course become entitled to receive a sum representing a value payment or a payment under section eighteen of this Act or a payment of cost of works, or any part of such a payment (not being a person so entitled in a fiduciary capacity only or in the capacity of a mortgagee), or a beneficiary or borrower to whom a person so entitled in such a capacity as aforesaid will be liable to account, is at a time before the payment can be made in need of funds required—

- (a) where he or his family was maintaining a residence in the damaged hereditament immediately before the damage occurred, in order to secure housing accommodation for himself or his family, or
- (b) where he was then carrying on a trade or business therein, in order to secure premises for the carrying on of a trade or business,

PART I.
—cont.

the Commission may pay to him, on account and in part satisfaction of that sum, any amount or amounts not together exceeding such amount as they are satisfied will fall within that sum and not together exceeding eight hundred pounds, or, in the case of a person as to whom the requirements both of paragraph (a) and of paragraph (b) of this subsection are satisfied, eight hundred pounds for each of the purposes therein mentioned.

(3) The aggregate of any payments made under the last preceding subsection by reference to the needs of such a beneficiary or borrower as is therein mentioned shall not exceed such amount as the Commission are satisfied, after such consultation with other persons concerned as they think requisite, can be paid without prejudice to the rights of any other person concerned, and any payment thereunder may be made either to the beneficiary or borrower himself or to any other person, as may appear to the Commission to be requisite in order to give effect to the purposes of that subsection and to the rights of all persons concerned.

(4) Any payment under subsection (2) of this section may be made subject to any conditions which the Commission think requisite for the purposes aforesaid, and, if any conditions imposed under this subsection are not complied with, the payment shall be recoverable as money had and received to the use of His Majesty.

(5) Where any payment is made under subsection (2) of this section on account of a sum carrying interest, interest on the amount of the payment made shall cease to accrue, and, where the payment is made on account of a part of a value payment, there shall, on the discharge of the value payment, be brought into hotchpot and accounted for accordingly, in addition to the amount of the payment made, an amount equal to any interest which would have accrued on the amount of it after the date on which it is made if it had not been made.

Assignment and transmission of payments in respect of damage to land.

23. The right to receive a payment under this Part of this Act in respect of war damage, or a part of such a payment, shall be transmissible by assignment or by operation of law as a personal right, but an assignment in whole or in part of any such payment or part, made either before or after the passing of this Act, whether absolutely or by way of charge, other than an assignment which does not affect any beneficial interest in that payment or part, or in any part thereof, shall be of no effect until it has been approved in writing by the Commission.

Value payments and payments under s. 18: rights as to mortgages and rentcharges and in certain special circumstances.

Right of mortgagee of proprietary interest.

24.—(1) Where a value payment is to be made and at the material time a proprietary interest in the hereditament was subject to a mortgage, the right to receive so much of the payment

and of the interest thereon as is attributable to that proprietary interest shall vest in the mortgagee, and the mortgagee shall be liable to account therefor as if so much of the payment and of the interest thereon as he is entitled to receive had been respectively proceeds of sale of that proprietary interest arising under a power of sale exercised by the mortgagee at the material time and interest on such proceeds, except that the mortgagee shall not be entitled to credit for any costs incurred by him in connection with the claiming, ascertainment, apportionment or making of the payment :

Provided that—

- (a) if at the time when the payment is made the debt secured by a mortgage (other than any part thereof representing costs for which the mortgagee would not be entitled to credit) has been paid in full, the payment shall be disposed of as if the proprietary interest had not been subject to that mortgage ;
- (b) if the proprietary interest was subject to two or more successive mortgages, this subsection shall have effect with the substitution for references to the mortgagee of references to the first mortgagee, or, if the preceding paragraph has effect in relation to his mortgage, to the second mortgagee, and so on ; and
- (c) in any case this subsection shall have effect, as regards any mortgage, subject to any agreement between the mortgagee and the person who apart from that mortgage would have been entitled to receive so much of the payment as is attributable to the proprietary interest.

(2) Where a payment is to be made under section eighteen of this Act and at the material time the tenancy in respect of which it is to be made was subject to a mortgage, the preceding subsection shall have effect in relation to the payment, and to the interest thereon, as if the payment had been a share attributable to the tenancy of a value payment.

25.—(1) Where a value payment is to be made and at the material time there was subsisting a rentcharge created out of a proprietary interest (being either the fee simple or a tenancy granted for a term of a hundred years or more) in any land in the hereditament, or in any such land together with other land, and the person who was the owner of the rentcharge at the material time shows that the following conditions are satisfied, namely,—

- (a) that the amount of the rentcharge so far as attributable to land in the hereditament then subject thereto (in this Act referred to as " the charged land in the hereditament ") exceeded the available annual value of that land as depreciated by the war damage ; and

PART I.
—cont.

- (b) that at the time when the question whether this condition is satisfied falls to be determined no building sufficient to make good the excess has been carried out, or, having regard to all the circumstances (including any undertaking required under paragraph (a) of subsection (3) of section twenty of this Act), is likely to be carried out within a reasonable period after the time when the discharge of the value payment becomes permissible ;

a right to receive a part of the value payment shall vest in the person who was the owner of the rentcharge at the material time, and, where the said right is exercised, effect shall be given thereto out of so much of the value payment as is attributable to the proprietary interest out of which the rentcharge was created in the charged land in the hereditament.

- (2) Where the said right is exercised—

- (a) the part of the value payment to be paid in respect of the rentcharge shall be an amount equal to the capital equivalent of the excess mentioned in the preceding subsection, so however that, if the amount of the rentcharge so far as attributable to the charged land in the hereditament was at the material time greater by any sum than the available annual value of that land apart from any war damage, the part of the value payment to be paid in respect of the rentcharge shall be computed as if the said excess had been reduced by that sum ; and

- (b) so much of the rentcharge as is equal to the said excess shall be extinguished on the date on which the part of the value payment to be paid in respect of the rentcharge is paid, and, as between the persons interested in the charged land in the hereditament on the one hand and in any other land subject to the rentcharge on the other hand, the proper share of the persons interested in the charged land in the hereditament of the liability for the residue of the rentcharge in respect of any period after the extinguishment shall be treated as being an amount per annum equal to the available annual value of the charged land in the hereditament as depreciated by the war damage.

- (3) Where the said right is exercised—

- (a) if the right to receive so much of the value payment as is attributable to the proprietary interest out of which the rentcharge was created in the charged land in the hereditament is vested under the last preceding section in a mortgagee of that interest, then, if the mortgage had priority to the rentcharge, effect shall be given to the right conferred by this section on the owner of the

rentcharge out of any sums to which the owner of that proprietary interest would otherwise have been entitled under the provisions of that section as to mortgagees accounting, or, if the rentcharge had priority to the mortgage, the sum payable to the mortgagee shall be reduced by the amount required for giving effect to the right so conferred ;

- (b) if the rentcharge was itself subject to a mortgage at the material time, the last preceding section shall have effect in relation to the part of the value payment to be paid in respect of the rentcharge as it has effect in relation to so much of a value payment as is attributable to a mortgaged proprietary interest, with the substitution for references therein to such an interest of references to the rentcharge.

(4) Regulations may be made by the Treasury as to the exercise of the right conferred by this section on the owner of a rentcharge and the manner in which effect is to be given to the said right where exercised, and in particular, but without prejudice to the generality of the power conferred by this subsection, regulations so made may make provision as to the matters aforesaid in cases in which the charged land in a hereditament is a part only of the hereditament, or was in divided ownership at the material time, or in which a proprietary interest or rentcharge was subject to a mortgage at that time.

The provisions of section thirty-one of this Act which have effect in relation to regulations made under that section shall have effect in relation to regulations made under this section.

(5) As regards cases in which the title to a rentcharge, or to land subject thereto, is registered under the Land Registration Act, 1925, such provision may, without prejudice to the generality of section one hundred and forty-four of that Act, be made by rules under that section as may be expedient in consequence of the provisions of this section, and in particular for securing (by the imposition of conditions as to the exercise of the said right thereby conferred or otherwise) that the extinguishment of any of a rentcharge by virtue of this section shall not take effect without notice thereof being entered on the register.

(6) The provisions of Part I of the Fourth Schedule to this Act shall have effect with respect to the ascertainment for the purposes of this section of—

- (a) the capital equivalent of the excess mentioned in subsection (1) thereof ;
- (b) the annual value of the charged land in a hereditament as depreciated by war damage ;

PART I.
—cont.

- (c) the annual value of any land apart from any war damage ;
- (d) the available annual value of the charged land in a hereditament ;
- (e) the amount of a rentcharge attributable to any land.

(7) In this Act the expression " rentcharge " means a rentcharge (including a fee farm rent) subsisting at law or capable of subsisting at law, and not being an interest or charge arising under a settlement within the meaning of the Settled Land Act, 1925, and means, where an apportionment of a rentcharge binding on the owner thereof has been made, each of the apportioned parts and not the entire rentcharge.

(8) In the application of this Act to Scotland, there shall be substituted, for references to a rentcharge, references to a feuduty and to a ground annual ; and this section shall have effect in its application to Scotland subject to the modifications specified in Part II of the Fourth Schedule to this Act.

(9) This section shall have effect in its application to Northern Ireland subject to the modifications specified in Part III of the Fourth Schedule to this Act.

Right of
owner of
removable
articles, &c.

26. Where a value payment is to be made and at the material time a person had a right to remove from the hereditament an article comprised therein to which he would have been entitled on removing it, or there is on the hereditament a building or work, not being such an article as aforesaid, which a person had a right to remove so as to be entitled on removing it to it or to the materials of it, or which a person not having a proprietary interest in the hereditament had placed thereon and could have been required to remove, and either—

- (a) there was subsisting in the article or in the building or work, as the case may be, a proprietary interest owned otherwise than by that person or owned by him otherwise than in a capacity in which he had a right to remove it as aforesaid (being an interest against which his right to remove it, or, in the case of a building or work, the right to require him to remove it, was exercisable) ; or
- (b) the article or the building or work, as the case may be, was included in a mortgage of a proprietary interest in the hereditament, and that person's right to remove it, or, in the case of a building or work, the right to require him to remove it, was exercisable against the mortgagee ;

then, for the purposes of section twelve of this Act, the article or the building or work, as the case may be, shall be dealt with as a separate part of the hereditament, and

- (i) in a case falling within paragraph (a) of this section, the provisions of this Act as to the vesting and devolution of the right to receive a value payment or a part of such a

- payment shall have effect as if the proprietary interest mentioned in that paragraph had been owned by the person who had the right or obligation to remove the article, building or work, or owned by him in the capacity in which he had the right or obligation to remove it ; and
- (ii) in a case falling within paragraph (b) of this section, section twenty-four of this Act shall not have effect in relation to so much of the value payment as is attributable to the proprietary interest mentioned in that paragraph in the article, building or work.

PART I.
—cont.

27.—(1) Where at the time which is in relation to a value payment, or a payment under section eighteen of this Act, the material time an interest in the hereditament is subject to a settlement or is otherwise held in such manner that the owner of the interest would not be competent to give an effective discharge for the proceeds of a sale thereof, the right to receive so much of the value payment as is attributable to, or to be paid in respect of, that interest, or to receive any payment under the said section eighteen in respect of that interest, shall vest and devolve as if, for the references in this Part of this Act to the owner of a proprietary interest, rentcharge, or tenancy, as the person in whom a right to receive a payment or any part of a payment is to vest, there had been substituted references to the person competent to give an effective discharge for the proceeds of a sale of the proprietary interest, rentcharge or tenancy.

Recipient of
payment in
respect of
interest
subject to
settlement,
&c.

(2) This section shall not extend to Scotland.

28. So much of a value payment as is attributable to, or to be paid in respect of, a proprietary interest, or a feuduty or ground annual payable by the owner of such an interest, which was at the material time subject to a trust within the meaning of the Trusts (Scotland) Act, 1921, or to an entail or to a life-rent, shall be held and applied in like manner as if the proprietary interest had been acquired under compulsory powers and the value payment or the relevant part of it, as the case may be, were the purchase money or compensation for that interest, or for the discharge of the feuduty or ground annual, as the case may be.

Recipient of
payment in
respect of
interest
subject to
Scottish trust.
11 & 12 Geo. 5.
c. 58.

29. A devise or bequest of an interest in, or in the proceeds of sale of, land which sustains war damage in respect of which a value payment is made, or in, or in the proceeds of sale of, a tenancy in respect of which a payment is made under section eighteen of this Act, contained in a testamentary disposition executed before the material time, shall, in the absence of any contrary intention expressed therein or in any other testamentary disposition made by the testator, have effect as if it had included a bequest of any such payment, or of any part of any such payment, to which the testator might become entitled in respect of that interest.

Right of
devisee
under will
executed
before time
by reference
to which
recipient of
payment
determined.

PART I.
—cont.

Right of purchaser under contract pending at time of damage.

30. Where a hereditament sustains war damage at a time when an interest therein is the subject of a contract of sale or of a notice to treat served under an enactment authorising the compulsory acquisition thereof, any sum representing so much of any value payment or payment under section eighteen of this Act in respect of the damage as is attributable to, or to be paid in respect of, that interest, being a sum the right to the receipt of which vests in the vendor, shall, unless the contract is rescinded or the notice ceases to have effect, be held by him upon trust for the purchaser :

Provided that any lien upon that interest to which the vendor is entitled by virtue of the contract shall extend to any such sum.

Payments in respect of damage to land : information and determination of questions.

Notification of damage and claims for payments.

31.—(1) Regulations may be made by the Treasury—

(a) as to the notification of the occurrence of war damage to land, and of particulars of such damage and of the land affected thereby ; and

(b) as to the making of claims for payments under this Part of this Act, and the information to be furnished for the purpose of the investigation thereof and of the determination and ascertainment of the nature and the amount of the payment to be made in respect of any war damage and of the person entitled to receive the payment or any part thereof, and as to the manner in which such information is to be verified.

(2) Regulations made under this section may specify limits of time for the giving of such notification as aforesaid, for the making of such claims as aforesaid, or for the observance of the requirements of the regulations as to any other matter :

Provided that the Commission shall have power in their discretion to extend any limit of time so specified in particular cases.

(3) Regulations made under this section may provide for rendering the right to receive a payment under this Part of this Act, or any part of such a payment, conditional on the requirements of the regulations having been duly observed :

Provided that the Commission shall have power to waive any of the said requirements in particular cases, and to make payments under this Part of this Act notwithstanding that any of them have not been observed.

(4) The power to make regulations as to the matters specified in the preceding provisions of this section shall include power to make regulations as to any of those matters in relation to war damage sustained before the coming into force of the regulations, and provision shall be made by the regulations for securing, so far as may be, that action taken before the coming into force

of the regulations in relation to any of those matters shall not be required to be repeated after the coming into force thereof.

PART I.
—cont.

32.—(1) Subject to the provisions of subsections (2) and (3) of this section, any question arising in giving effect to the provisions of sections six to eight, ten, or thirteen to fifteen of this Act (other than provisions relating to the vesting of the right to receive a payment in respect of war damage), or of paragraphs 1 and 2 of the Second Schedule thereto, or of paragraph 1 of the Third Schedule thereto, shall be determined by the Commission.

Certain questions to be determined respectively by Commission or by a referee.

(2) An appeal shall lie from a determination of the Commission—

(a) for the purposes of section seven of this Act, as to the amount which the fee simple in a hereditament might have been expected to realise on a sale thereof in the state in which it would be after the execution of works or as a site, or as to the value of a hereditament the value of which is to be ascertained under the regulations mentioned in that section, at the instance of any person interested in the determination of the question whether the damage to the hereditament involves total loss, either as being, or having been, or claiming under a person who was, the owner of a proprietary interest therein or of a rentcharge charged thereon or a mortgagee of any such interest or rentcharge, or as being or claiming under a person who has incurred cost which would be the subject of the payment of cost of works if it were made; or

(b) for the purposes of section ten of this Act, as to the value of a hereditament in respect of which a value payment is to be made, at the instance of the person who is entitled to receive the payment in question or any part thereof or who would be so entitled but for the subsistence of a mortgage;

to one of the panel of referees appointed under Part I of the Finance (1909-10) Act, 1910.

(3) If any person is aggrieved by a determination of the Commission of any question which is under this section to be determined by them, other than a determination from which an appeal lies under subsection (2) of this section, he may appeal therefrom on any question of law to the High Court.

10 Edw. 7. &
1 Geo. 5. c. 8.

Provision may be made by rules of court for regulating appeals under this subsection, and those rules shall provide for limiting the time within which such an appeal may be brought, for the determination thereof in a summary manner, and for requiring notice thereof to be given to the Commission, and may provide for the hearing and determination of any such appeal by a single judge, and the Commission shall be entitled to appear and be heard on any such appeal.

PART I.
—cont.

(4) Any question as to whether, or as to the extent to which, a proprietary interest in a hereditament is to be taken by virtue of subsection (3) of section twelve of this Act to be depreciated by war damage shall be determined by agreement between the owners of proprietary interests in the hereditament and of rentcharges (if any) charged thereon, together with any mortgagee of any such interest or rentcharge, or, in default of agreement, by reference to one of the panel of referees aforesaid.

(5) Any question as to whether the conditions mentioned in subsection (1) of section twenty-five of this Act are satisfied in relation to a rentcharge, or as to the amount of the excess mentioned in that subsection, or of the part of a value payment to be paid in respect of a rentcharge, shall be determined by agreement between the owner of the rentcharge and of the proprietary interest out of which it was created in the charged land in the hereditament, together with any mortgagee of either of those interests, or, in default of agreement, by reference to one of the panel of referees aforesaid.

(6) The provisions of the Fifth Schedule to this Act shall have effect in relation to any appeal or reference to a referee under this section.

(7) In the application of this section to Northern Ireland, the reference in subsection (2) thereof to the Finance (1909-10) Act, 1910, shall be construed as a reference to that Act as it applies to Northern Ireland.

Payment
into Court.

33.—(1) If the right to receive a sum representing a payment under this Part of this Act in respect of war damage, or a part of such a payment, is claimed by two or more persons adversely to each other, or the Commission are unable to ascertain in whom such a right is vested, or if it appears to the Commission to be expedient for them so to do in order to safeguard the rights of persons beneficially interested in any such sum or for any other special reason, they may make payment thereof to the proper officer of the Supreme Court, or, if the amount thereof does not exceed five hundred pounds, of the county court, in accordance with rules of court.

(2) In its application to Scotland, this section shall have effect with the substitution, for references to payment to the proper officer of the Supreme Court and of the county court, of references to consignment subject to the orders of the Court of Session and of the sheriff court respectively.

Power of
Commission
to obtain
information.

34.—(1) Where for the purpose of the determination or ascertainment by the Commission of the nature or amount of a payment to be made under this Part of this Act, or of the identity of the person entitled to receive such a payment or a part of such a payment, or of the determination by the Commission of any other question falling by virtue of this Part of this Act to be determined

by them, or for the purpose of facilitating the determination by agreement of any question arising thereunder, it is requisite to ascertain the proprietary interests subsisting in a hereditament or the identity or address of the owner of any such interest, or of a mortgagee of any such interest, or any other fact relevant for any such purpose, the Commission, either on an application in that behalf being made by any person appearing to them to be interested or of their own motion, may require any person who is or has been in occupation of, or who receives or has received rent in respect of, the hereditament in question or any part thereof, to inform them of the name and address of any other person to whom that person pays or has paid rent in respect thereof or of any part thereof, and may require any such person, or any other person appearing to them to be capable of giving to them information relevant for any such purpose as aforesaid, to give them any such information that is in his possession and to produce for their inspection any documents relevant for any such purpose as aforesaid that are in his custody or under his control.

(2) Any person who fails to furnish or produce any information or document which he is required under this section to furnish or produce shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and also to a fine not exceeding ten pounds for every day on which the failure continues.

(3) Any person who, being required under this section to furnish any information, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or who, being required under this section to produce any document, with intent to deceive produces any document which he knows to be false in a material particular, shall be guilty of an offence and, unless indicted therefor, liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Any proceedings under the Summary Jurisdiction Acts in respect of an offence against this subsection may be commenced at any time before the expiration of six months after the discovery of the offence by the Commission.

35.—(1) A member of the Commission or any person authorised in writing by the Commission may, on producing, if so required, his authority, or in the case of a member of the Commission sufficient documentary evidence of his identity, enter at all reasonable hours any premises on which war damage has occurred or on which he has reasonable ground for believing war damage to have occurred, for the purpose of obtaining information as to the nature and extent of the damage, as to the state in which the

Power of
Commission
to inspect
damaged
premises.

PART I.
—cont.

premises were immediately before, or immediately after, the occurrence of the damage, as to any works executed for the purpose of making good the damage or for temporarily meeting the circumstances created thereby, as to any articles which formed part of the premises and become available as materials in consequence of the damage, as to whether any conditions imposed by the Commission under this Part of this Act have been observed, or as to any other matter as to which information may be reasonably required by the Commission for the purpose of the exercise of any of their functions :

Provided that if the premises are occupied, admission thereto shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a member of the Commission or a person authorised by them in the exercise of powers conferred on him by this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Contributions : nature and amount generally.

Contributions
towards
expense of
making
payments.

36.—(1) The contributions to be made towards the expense of making payments under this Part of this Act in respect of war damage shall, subject to the provisions of this Part of this Act, be made in respect of the properties, being units for the purposes of Schedule A or for rating valuations, which are specified in section thirty-nine of this Act ; and a property in respect of which such a contribution is to be made is in this Act referred to as a " contributory property ".

(2) The said contributions shall be made by the payment of five instalments, falling due on the first day of July in the year nineteen hundred and forty-one and each of the four following years.

(3) The amount of an instalment shall, subject to the provisions of this Part of this Act, be computed as mentioned in sections forty to forty-three of this Act by reference to the assessment of the contributory property for the purposes of Schedule A or the annual value of the property shown in a valuation list in force for rating purposes ; and the value by reference to which an instalment is computed is in this Act referred to as the " contributory value " of the property.

Incidence of
contributions.

37.—(1) An instalment of contribution shall, subject to the provisions of this Part of this Act, be payable by the person having such an interest in the property as is specified in section forty-five of this Act ; and the person liable under that section to pay an instalment of contribution is in this Act referred to as the " direct contributor ".

(2) Subject to the provisions of this Part of this Act, the direct contributor shall, in such cases and to such extent as is mentioned in sections forty-eight to fifty of this Act, be entitled to be indemnified against a part of the instalment by his landlord or tenant, and a landlord or tenant giving an indemnity shall, in such cases and to such extent as aforesaid, be entitled to be indemnified against a part of the instalment by his landlord or tenant, and so on.

(3) Subject to the provisions of this Part of this Act, the direct contributor, and a landlord or tenant giving an indemnity (in this Act referred to as an "indirect contributor"), shall, in such cases and to such extent as is mentioned in sections fifty-one to fifty-six of this Act, be entitled to be indemnified by a mortgagee against a part of the difference between the instalment or indemnity which he is obliged to pay or give and the aggregate of any indemnities from indirect contributors which he is entitled to receive (which difference is in this Act referred to as the "net liability" of the direct or indirect contributor).

38.—(1) In so far as this Act expressly so provides, liability in respect of the instalments of contributions falling due in any year shall be determined by reference—

(a) to circumstances prevailing on the first day of January in that year (in this Act referred to as "the relevant date");

(b) to assessments for the purposes of Schedule A and rating valuations in force, and to the condition and use of land prevailing, in the relevant part of the risk period.

(2) In this Part of this Act the expression "the relevant part of the risk period" means, in relation to an instalment of contribution falling due in any year, so much of the risk period as has expired at the end of the relevant date, or, if the relevant date falls after the end of the risk period, the whole of the risk period.

Contributions: contributory properties and amount of contributions.

39.—(1) The following properties shall, subject to the provisions of this Part of this Act, be contributory properties, that is to say, every property—

(a) the full annual value of which was ascertained for the purposes of an assessment under Schedule A in force at any time during the relevant part of the risk period; or

(b) which, not being a property to which paragraph (a) of this subsection applies, was at any time during the relevant part of the risk period the subject of a valuation shown in a valuation list for the time being in force under the Rating and Valuation Acts, 1925 to 1940, or the Rating and Valuation (Metropolis) Acts, 1869 to 1940.

Time by
reference
to which
liability
for instal-
ments
determined

Contributory
properties.

PART I
—cont.

(2) A property shall not be treated for the purposes of this Part of this Act as a contributory property—

- (a) if paragraph (a) or (b) of subsection (1) of this section applies to the property by reason only of the use of any land for the exhibition of advertisements, or for the erection of any hoarding, frame, post, wall or structure used for the exhibition of advertisements ; or
- (b) if the property consisted of a fishery ; or
- (c) if the property consisted of any corn-rent or other rent-charge issuing out of land :

Provided that nothing in paragraph (b) of this subsection shall affect any liability in respect of a property consisting of or including such fishing rights as are mentioned in section six of the Rating Act, 1874.

37 & 38 Vict.
c. 54.

(3) The last preceding subsection shall have effect, in its application to Scotland, as if for the reference in paragraph (b) thereof to a fishery there were substituted a reference to salmon, oyster or mussel fishings, and as if paragraph (c) thereof and the proviso thereto were omitted.

(4) Subsection (2) of this section shall have effect, in the application thereof to Northern Ireland, as if the proviso thereto were omitted.

Contributory
value.

40.—(1) The contributory value of a contributory property shall, subject to the provisions of this Part of this Act,—

- (a) in the case of a property to which paragraph (a) of subsection (1) of the last preceding section applies, be the amount of the net assessment for the purposes of Schedule A on the first day during the relevant part of the risk period on which an assessment for those purposes was in force ;
- (b) in the case of a property to which paragraph (b) of the said subsection (1) applies, be the net annual value shown in the valuation list during the relevant part of the risk period, or, where that value varies, the first such value :

Provided that the references in paragraph (b) of this subsection to the net annual value shall, where the net annual value and the rateable value are not separately shown, be taken to be references to the rateable value, except in the case of properties which were in the relevant part of the risk period industrial hereditaments in the occupation of the Crown, where the said references shall be taken to be references to such multiple of the rateable value as the Treasury may determine to be the net annual value.

(2) Where apart from the provisions of this subsection the contributory value of any contributory property would, under either paragraph (a) or paragraph (b) of the preceding subsection, be computed by reference to an amount corresponding to the value of the property for any period less than a full year, it shall be computed as if the said amount were increased so as to bear to the actual amount thereof the same proportion as a full year bears to the said period.

(3) In this section the expression "net assessment" means the full annual value as ascertained for the purposes of an assessment under Schedule A, less any sums on which relief was allowed under Rules 1, 4 and 7 of No. V of Schedule A or subsection (6) of section thirteen of the Tithe Act, 1936, and less any sums on which relief would have been allowable in respect of an annuity under section four of the Tithe Act, 1918, or of payments in respect of the redemption or reduction of an annuity under the Tithe Act, 1936, if relief in respect of so much of such an annuity or of such payments as represents interest were in all cases given by reduction of an assessment under Schedule A in lieu of being given by a right of deduction of tax. ^{26 Geo. 5. & 1 Edw. 8. c. 43. 8 & 9 Geo. 5. c 54.}

(4) For the purposes of this Part of this Act, an assessment under Schedule A shall be treated as having been in force, and a valuation shown in a valuation list shall be treated as having been shown in the list, during the period as respects which the assessment or valuation has effect.

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

- (a) the expression "net assessment" means the full annual value as ascertained for the purposes of an assessment under Schedule A, less any such sums as are mentioned in subsection (3) of this section and also less the amount of the stipend payable in respect of the property during the year for which such assessment was in force ;
- (b) for any reference to the net annual value of a property shown in a valuation list there shall be substituted a reference to the gross annual value of a property entered in a valuation roll less any sums on which relief would have been allowed under Rules 1, 4 and 7 of No. V of Schedule A if an assessment based on such value had been made under Schedule A, and less the amount of the stipend payable in respect of the property during the year for which such valuation roll was in force ;
- (c) the proviso to subsection (1) shall not have effect.

(6) In the application of this section to Northern Ireland, the proviso to subsection (1) shall not have effect.

PART I.
—*cont.*
Alteration
during relevant
part of risk
period in area
or condition
of properties.

41.—(1) Where, by reason of an alteration in the areas of any units of land as respects which annual values are ascertained for the purposes of Schedule A, assessments for those purposes which have been in force at any time during the relevant part of the risk period cease to be in force and are replaced by other assessments for those purposes in force at any such time as aforesaid, the replaced assessments shall be disregarded for the purposes of this Part of this Act.

(2) Where, by reason of any alteration in the condition of a unit of land the annual value of which is ascertained for the purposes of Schedule A, an assessment for those purposes in respect of that unit which has been in force at any time during the relevant part of the risk period ceases to be in force and is replaced by another assessment for those purposes in force at any such time as aforesaid, then—

- (a) if the amount of the new assessment is less than the amount of the assessment replaced, the new assessment ;
- (b) in any other case, the assessment replaced,

shall be disregarded for the purposes of this Part of this Act :

Provided that where the alteration is caused, otherwise than by war damage, by the destruction or demolition of buildings or works, or parts thereof, comprised in the unit of land, then, as respects an instalment of contribution falling due in any year (being a year subsequent to the year nineteen hundred and forty-one) the relevant date in which falls after the new assessment is first in force, the assessment replaced, and not the new assessment, shall be disregarded for the purposes of this Part of this Act notwithstanding that the amount of the new assessment is less than that of the assessment replaced.

(3) In relation to instalments of contributions falling due in any year, references in this Part of this Act to an interest at the relevant date in that year in a contributory property shall be construed as references to an interest in the site of the property together with any buildings or works thereon at that date, and references to an interest in part of a contributory property shall be construed as references to an interest in any part of the site, buildings or works.

In this subsection the references to the site of a property include references to the space occupied by the property, and the references to buildings or works on the site include references to buildings or works occupying the whole or any part of that space.

Rate of
contribution.

42. Subject to the provisions of the next following section, the amount of an instalment of contribution in respect of a contributory property shall be two shillings in every pound of the contributory value of the property.

43.—(1) In the case of a contributory property to which this section applies, the amount of an instalment of contribution shall be sixpence in every pound of the contributory value of the property.

PART I.
—cont.
Lower rate
of contribution
for certain
properties.

(2) The contributory properties to which this section applies are, subject to the following provisions of this section, any contributory property—

- (a) which consisted throughout the relevant part of the risk period of agricultural land or agricultural buildings ; or
- (b) which consisted throughout the relevant part of the risk period of land used mainly or exclusively for the purpose of open air games, open air racing or open air recreation ; or
- (c) which in the opinion of the Minister of Agriculture and Fisheries consisted throughout the relevant part of the risk period of waste land or land valuable only for the purpose of taking fish, game or other animals fit for human consumption, or land whose value for other purposes is small in comparison with its value for the said purpose ; or
- (d) which falls as to part thereof within any of the preceding paragraphs and as to the remainder thereof within any other of those paragraphs ; or
- (e) which, not being a property which consisted solely of buildings or works and the site thereof, consisted throughout the relevant part of the risk period of land used for the purposes of an aerodrome, flying school or landing ground, or consisted during some of the relevant part of the risk period of land used for those purposes and during the remainder of the relevant part of the risk period of such land as is described in paragraphs (a), (b) and (c) of this subsection ; or
- (f) which consisted of such rights as are mentioned in section six of the Rating Act, 1874 (which relates to shooting, fishing and other rights) or of any other incorporeal rights :

Provided that nothing in paragraph (f) of this subsection shall be construed as affecting the amount of an instalment in respect of a property which was the subject of a valuation for rating purposes by virtue of the occupation of land.

(3) Where—

- (a) a property falling within paragraph (b) of the last preceding subsection comprised, at the beginning of the risk period, buildings or works the cost of which amounted to five thousand pounds or more ; or

PART I
—cont.

(b) a property falling within paragraph (c) of that subsection comprised a dwelling-house; or

(c) a property falling within paragraph (e) of that subsection comprised buildings or works,

the buildings or works and the site thereof, or the dwelling-house and its offices (if any) and the site thereof, as the case may be, on the one hand, and the remainder of the property on the other hand, shall be treated as separate properties and the contributory values of each ascertained by apportioning what would have been the contributory value of the whole property; and the buildings or works, or dwelling-house and offices, and the site thereof shall not be treated as a contributory property to which this section applies.

(4) Any apportionment under the last preceding subsection shall be made by the Commissioners of Inland Revenue, but any person who is aggrieved by any such apportionment may appeal to the Special Commissioners.

(5) Where the normal use or occupation of any land is such that it would fall within paragraph (a), paragraph (b) or paragraph (e) of subsection (2) of this section, then, if and so long as it is temporarily diverted from such use or occupation by reason of circumstances arising from war, the land shall be deemed for the purposes of this section to be used or occupied as it is normally used or occupied.

(6) In the application of this section to Scotland, paragraph (f) of, and the proviso to, subsection (2) shall not have effect; but a contributory property in Scotland which consisted of shootings or of fishings (other than salmon, oyster or mussel fishings) or of any other incorporeal rights shall be a property to which this section applies.

(7) In the application of this section to Northern Ireland, for the reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Ministry of Agriculture for Northern Ireland.

Provisions
affecting
amount of
contribution
in respect of
requisitioned
land.

44.—(1) In relation to requisitioned land the provisions of this Part of this Act relating to the recovery and the ultimate incidence of instalments of contributions shall have effect—

(a) as if throughout the period of requisition the land had continued to be in the form in which it was immediately before the beginning of the period of requisition and to be used or occupied for the purposes for which it was used or occupied immediately before that time;

(b) where—

(i) the full annual value of the requisitioned land was ascertained (either separately or together with

other land) for the purposes of an assessment under Schedule A in force immediately before that time, or

(ii) the requisitioned land was (either separately or together with other land) the subject of a valuation shown in a valuation list in force immediately before that time under the Rating and Valuation Acts, 1925 to 1940, or the Rating and Valuation (Metropolis) Acts, 1869 to 1940,

as if that assessment, or, as the case may be, the net annual value (or, where the proviso to subsection (1) of section forty of this Act has effect, the rateable value) shown in that valuation list immediately before that time, had continued in force throughout the period of requisition ;

- (c) where the assessment or value related also to other land, as if the requisitioned land were a separate contributory property having a contributory value of such amount as the Commissioners of Inland Revenue may determine to be just, having regard to the amount of the assessment or value and the relative values of the requisitioned land and the other land.

Any person who is aggrieved by a determination of the Commissioners of Inland Revenue under paragraph (c) of this subsection may appeal to the Special Commissioners.

(2) Nothing in subsection (1) of this section shall affect any liability of any person under this Part of this Act in respect of any land other than the requisitioned land.

(3) In the application of this section to Scotland, for any reference in subsection (1) to a net annual value there shall be substituted a reference to a gross annual value.

Contributions : persons liable to pay instalments.

45.—(1) The direct contributor for an instalment of contribution falling due in any year in respect of any contributory property shall,—

- (a) if there is at the relevant date a proprietary interest subsisting in the whole of the property and only one such interest so subsisting, be the owner at that date of that interest ;
- (b) if there is then more than one such interest so subsisting, be the owner at that date of that one of those interests which as against the owners of the remainder of those interests carries the right to possession of the whole of the property.

PART I.
—cont.

(2) If, in the case of any contributory property comprising land, there is at the relevant date in any year no proprietary interest subsisting in the whole of the property, the instalment in respect of the property falling due in that year shall be apportioned among such parts of the property, and in such proportions, as the Commissioners of Inland Revenue may determine, and the provisions of this Part of this Act relating to the recovery and the ultimate incidence of instalments of contributions shall apply in relation to the parts of the property in question, and in relation to the parts of the instalment apportioned thereto respectively, as if each of those parts were a separate contributory property and as if the apportioned part of the instalment were an instalment in respect thereof.

Any person who is aggrieved by any apportionment made by the Commissioners of Inland Revenue under this subsection may appeal to the Special Commissioners.

Liability for
instalments in
case of
shooting,
fishing, and
other rights

46.—(1) An instalment of contribution falling due in any year in respect of a contributory property consisting of such rights over any land as are mentioned in section six of the Rating Act, 1874, or of any other incorporeal rights over any land shall, subject to the provisions of this section, in all cases be paid by the direct contributor for the instalment of contribution falling due in that year in respect of the contributory property comprising the land, and the provisions of this Part of this Act relating to the recovery and the ultimate incidence of instalments of contributions shall apply as if the instalment in respect of the rights formed part of the instalment in respect of the land :

Provided that where the land is comprised in more than one contributory property—

- (a) if the same person is not the direct contributor for all the contributory properties comprising the land, the Commissioners of Inland Revenue, in consultation with the rating authority for the area in which those properties are situated, shall apportion to each property or group of properties having a separate direct contributor such part of the instalment in respect of the rights as, having regard to the contributory values of the properties, they may determine ;
- (b) the said Commissioners, in consultation with the authority aforesaid, shall, on the application of any person interested as, or as a mortgagee of, a direct or indirect contributor for any of the properties, certify the part of the instalment in respect of the rights which, having regard to the contributory values of the properties, is apportionable to the property in question,

and the provisions of this subsection, other than the proviso thereto, shall apply as if the part of the instalment in

respect of the rights apportioned, or certified to be apportionable, to any of the properties were an instalment in respect of such rights as aforesaid over land wholly comprised in that property.

PART I.
—cont

(2) Where a direct contributor for a contributory property comprising land who would be under a liability under the preceding subsection to pay an instalment, or an apportioned part of an instalment, in respect of any such rights over the land as are mentioned in that subsection proves that the contributory value of the property took into account the value of all or any of the rights, or fell to be computed by reference to an assessment or valuation in force at a time when the rights were not subsisting, the Commissioners of Inland Revenue shall give to the contributor such relief, by reducing or discharging the said liability, as appears to them just having regard to the extent to which the rights were taken into account as aforesaid or, as the case may be, to the fact that the contributory value of the property fell to be computed as aforesaid.

(3) Where a direct contributor for a contributory property who would be under a liability under subsection (1) of this section to pay an instalment, or an apportioned part of an instalment, in respect of any such rights over any land as are mentioned in section six of the Rating Act, 1874, proves that the fee simple in the contributory property comprising the rights was severed from the fee simple in the contributory property comprising the land, the liability in respect of the rights shall be discharged.

(4) Subject to the provisions of the two last preceding subsections, an instalment of contribution in respect of a contributory property consisting of such rights as aforesaid shall be payable notwithstanding that at the relevant date the rights no longer subsist, or, in the case of such rights as are mentioned in section six of the Rating Act, 1874, are no longer severed from the occupation of the land.

(5) Nothing in the preceding provisions of this section shall be construed as affecting any liability for an instalment of contribution in respect of a property which was the subject of a valuation for rating purposes by virtue of the occupation of land.

(6) In the application of this section to Scotland, for any reference to rights mentioned in section six of the Rating Act, 1874, there shall be substituted a reference to shooting or fishings other than salmon, oyster or mussel fishings; and subsection (3) and the last preceding subsection shall not have effect.

(7) In the application of this section to Northern Ireland, for the reference in paragraph (a) of the proviso to subsection (1) to the rating authority for the area there shall be substituted a reference to the Commissioner of Valuation.

PART I.

—cont.

Recovery of instalments from mortgagees in possession.

47. Where at the relevant date in any year—

- (a) a proprietary interest subsisting in the whole of any contributory property, being the only such interest then so subsisting ; or
- (b) if there is then subsisting in the whole of the property more than one such interest, that one of them which as against the owners of the remainder of those interests carries the immediate right to possession of the whole of the property,

is subject to a mortgage, and under the mortgage the mortgagee is in possession of the property or the mortgagee or a receiver is in receipt of the whole of the rents and profits incident to the mortgaged interest, the instalment of contribution falling due in that year in respect of the property shall be payable by the mortgagee, and—

- (i) the mortgagee shall be entitled to the like rights against any landlord or tenant of the mortgagor, and against any other mortgagee of the interest, as the mortgagor would have had if the instalment had been payable by him and had been paid when it is in fact paid by the mortgagee, and
- (ii) the amount of the instalment, reduced by the aggregate of any amounts which the mortgagee is entitled to recover by virtue of paragraph (i) of this section and of any amount which the mortgagor would have been entitled by virtue of this Act to recover from the mortgagee if the instalment had been payable by the mortgagor, shall be treated, except for the purpose of computing what amount, if any, the mortgagor would have been entitled to recover as aforesaid in respect of the instalment in question, as an addition to the capital sum secured by the mortgage.

Contributions : ultimate incidence of liability as between landlords and tenants.

Rights over against landlords and tenants.

48.—(1) A direct or indirect contributor for an instalment of contribution shall, in the cases and to the extent specified in this and the next following section, be entitled, subject to the provisions of this Part of this Act, to an indemnity in respect of the instalment from a landlord or tenant of his calculated by reference to the proportion of the instalment appropriate to his, or the tenant's, tenancy, as determined in accordance with section fifty of this Act.

(2) Where a direct contributor for the instalment of contribution in respect of any property falling due in any year is at the relevant date in that year a tenant of the property under a tenancy

which has less than a hundred years to run, he shall be entitled to be indemnified by his landlord against—

PART I.
—cont.

- (a) the proportion of the amount of the instalment appropriate, as at that date, to the tenancy; or
- (b) the amount by which the amount of the instalment exceeds any indemnity to which he is entitled under subsection (4) of this section,

whichever is the less.

(3) Where a person who as landlord of any land is under a liability, under the last preceding subsection or under this subsection, to indemnify his tenant in respect of an instalment of contribution is at the relevant date himself a tenant of the whole or any part of that land under a tenancy which has less than a hundred years to run, he shall be entitled to be indemnified by his landlord—

- (a) if he is a tenant of the whole of the land, against his said liability;
- (b) if he is a tenant of a part of the land, against the fraction of his said liability attributable to that part of the land,

up to an amount not exceeding the proportion of the amount of the instalment appropriate, as at that date, to his tenancy, or, if the land of which the said person is tenant comprises a part only of the contributory property, up to an amount not exceeding the said proportion of the fraction of the instalment attributable to that part of the property.

(4) Where a direct contributor for the instalment of contribution in respect of any property falling due in any year has at the relevant date in that year a tenant of part of the property, and the tenancy is a proprietary interest, the direct contributor shall be entitled to be indemnified by that tenant against so much of the fraction of the instalment attributable to that part of the property as is equal to the difference between the amount of that fraction and the proportion thereof appropriate, as at that date, to that tenancy.

(5) Where a person who as tenant of any land is under a liability, under the last preceding subsection or under this subsection, to indemnify his landlord in respect of an instalment of contribution has at the relevant date a tenant of the whole or any part of that land whose tenancy is a proprietary interest, that person shall be entitled to be indemnified by that tenant—

- (a) if the tenancy last referred to is a tenancy of the whole of the land, against his said liability;
- (b) if that tenancy is a tenancy of a part only of the land, against the fraction of his said liability attributable to that part of the land.

PART I.
—cont.

up to an amount not exceeding the difference between the amount of the fraction of the instalment attributable to the part of the property subject to the tenancy and the proportion of that fraction appropriate, as at that date, to that tenancy.

(6) For the purposes of this section, the fraction of the instalment in respect of any property attributable to any part of the property, or the fraction attributable to any part of any land of the liability of any person in respect of an instalment which he incurs as landlord or tenant of the land, shall be taken to be an amount which bears to the whole amount of the instalment or liability the same proportion as the annual value of the part of the property or land bears to the annual value of the whole of the property or land.

Reversionary
tenancies.

49.—(1) Subsections (2) to (6) of the last preceding section shall not apply in relation to a tenancy of which the term has at the relevant date not yet commenced (in this section referred to as a “reversionary tenancy”); but where the interest in a contributory property or part thereof of a direct or indirect contributor for the instalment of contribution in respect of a property falling due in any year is at the relevant date in that year immediately subject to a reversionary tenancy, being a proprietary interest, the contributor shall be entitled to be indemnified by the tenant under the reversionary tenancy against his aggregate liability in respect of the instalment, reduced by the aggregate of the indemnities which he is entitled to receive in respect of the instalment from a landlord or from a tenant not being a tenant under a reversionary tenancy, up to an amount not exceeding the difference between—

- (a) the instalment less the proportion thereof appropriate to a tenancy of the land comprised in, and at the rent reserved in respect of, the reversionary tenancy and having still to run at the relevant date a period equal to the period between the relevant date and the date on which the term of the reversionary tenancy is to end; and
- (b) the instalment less the proportion thereof appropriate to a tenancy of the land and at the rent aforesaid, and having still to run at the relevant date a period equal to the period between the relevant date and the date on which the term of the reversionary tenancy is to commence.

(2) If the reversionary tenancy extends to a part only of the land subject to the interest of the contributor in the contributory property, the reference in subsection (1) of this section to the aggregate liability of the contributor, reduced as mentioned in that subsection, shall be construed as a reference to the amount which bears to his aggregate liability, reduced as aforesaid, the

same proportion as the annual value of the part of the land bears to the annual value of the whole land.

PART I.
—cont.

(3) If the reversionary tenancy extends to a part only of the contributory property, the references in paragraphs (a) and (b) of subsection (1) of this section to the instalment shall be construed as references to an amount which bears to the whole amount of the instalment the same proportion as the annual value of that part bears to the annual value of the whole property.

(4) If the rent reserved in respect of the reversionary tenancy is not constant throughout the term, the references in subsection (1) of this section to that rent shall be construed as references to a yearly rent equal to the aggregate of the rent reserved over the whole of the term divided by the number of years in the term.

(5) If the period between the relevant date and the date on which the term of the reversionary tenancy is to end is a hundred years or more, the proportion mentioned in paragraph (a) of subsection (1) of this section shall be taken to be nil.

(6) In the application of this section to Scotland, for the reference in subsection (1) to a reversionary tenancy, being a proprietary interest, there shall be substituted a reference to a reversionary tenancy, being a tenancy under a lease the stipulated duration of which is more than twenty-one years or, in the case of minerals, more than thirty-one years, from the date of entry.

50.—(1) The proportion appropriate, as at any date, to a tenancy shall, for the purposes of the two last preceding sections, be determined as follows. Proportion appropriate to a tenancy.

(2) There shall be ascertained the period which at that date the tenancy has still to run.

(3) There shall also be ascertained the proportion which the rent reserved for the period in which the relevant date falls, or, if that period is other than a year, the annual equivalent thereof, bears—

- (a) where the land comprised in the tenancy is the contributory property in question, to the contributory value thereof;
- (b) where the land comprised in the tenancy forms part of the contributory property in question, or comprises the contributory property in question or a part thereof and also other land, to an amount which bears to the contributory value of the property the same proportion as the annual value of the land comprised in the tenancy bears to the annual value of the contributory property:

Provided that where it is shown that the rent is greater by any amount than it would otherwise have been by reason of the landlord undertaking to bear any tenant's rates, or rendering

PART I.
—cont.

or providing, or procuring to be rendered or provided, any services or goods, the said proportion shall be calculated as if the rent were reduced by the said amount.

(4) The proportion appropriate to the tenancy is the percentage in the Table set out at the end of this section appearing opposite the entry in the first column which includes the period ascertained in accordance with subsection (2) of this section, under the heading which includes the proportion ascertained in accordance with subsection (3) of this section.

(5) In considering for the purposes of this and the two last preceding sections the length of time which any tenancy, other than such a tenancy as is mentioned in paragraph (a) or (b) of the next succeeding subsection, has still to run at any date, it shall be assumed that the tenant exercises all options to renew the tenancy which are available to him at that date or fall to become available to him thereafter, and does not exercise any similar power to determine the tenancy, and that the landlord exercises any power to determine the tenancy which is available to him at that date or becomes available to him thereafter.

(6) For the purposes of this and the two last preceding sections—

(a) a tenancy which by virtue of subsection (6) of section one hundred and forty-nine of the Law of Property Act, 1925 (which relates to leases for lives and similar tenancies) takes effect as a tenancy for a term of ninety years determinable in the manner provided by that subsection shall be treated as having, at any date, twenty or more, but less than twenty-five, years to run; and

(b) a tenancy granted for any term, but subject to a power to determine the tenancy on or after the happening of any event, shall be treated as having still to run, at any date, a period of twenty or more, but less than twenty-five, years:

Provided that where at that date less than twenty years of the term is unexpired, the tenancy shall be treated as having then still to run a period equal to so much of the term as is then unexpired.

(7) In the case of a tenancy in respect of which no rent is reserved, the proportion appropriate to the tenancy shall be determined on the footing that the proportion ascertained in accordance with subsection (3) of this section is less than one-quarter.

(8) In relation to a tenancy in respect of which a rent is reserved other than a money rent, the reference in subsection (3) of this section to the rent or the annual equivalent thereof shall be

construed as a reference to the money value of the rent or the annual equivalent thereof.

PART I.
—cont

TABLE.
Appropriate Proportions.

Period of tenancy still to run at relevant date.	Proportion of Rent to Value.			
	(a)	(b)	(c)	(d)
	Three-quarters or more.	One-half or more, but less than three-quarters.	One-quarter or more, but less than one-half.	Less than one-quarter.
(1) Less than 5 years —	97½ per cent.	95 per cent.	90 per cent.	85 per cent.
(2) 5 or more, but less than 10 years —	95 per cent.	87½ per cent.	80 per cent.	70 per cent.
(3) 10 or more, but less than 15, years —	95 per cent.	80 per cent.	70 per cent.	55 per cent.
(4) 15 or more, but less than 20, years —	92½ per cent.	75 per cent.	60 per cent.	45 per cent.
(5) 20 or more, but less than 25, years —	92½ per cent.	72½ per cent.	55 per cent.	35 per cent.
(6) 25 or more, but less than 30, years —	90 per cent.	70 per cent.	50 per cent.	27½ per cent.
(7) 30 or more, but less than 40, years —	90 per cent.	67½ per cent.	45 per cent.	20 per cent.
(8) 40 or more, but less than 50, years —	87½ per cent.	65 per cent.	42½ per cent.	15 per cent.
(9) 50 or more, but less than 100, years —	87½ per cent.	62½ per cent.	40 per cent.	10 per cent.

Contributions: ultimate incidence of liability as between mortgagors and mortgagees.

51. Where the interest of a direct or indirect contributor in respect of a contributory property to which this section applies is at the relevant date subject to a mortgage to which this section applies, and the amount secured by the mortgage at the relevant date is more than one-third of the price of acquisition of that interest, the contributor shall, subject to the provisions of this Part of this Act, be entitled to be indemnified by the mortgagee to the following extent, that is to say,—

Rights over
against
mortgagees.

- (a) if the amount secured by the mortgage at the relevant date does not exceed one-half of the said price, against one-sixth of his net liability ;
- (b) if the said amount exceeds one-half, but does not exceed two-thirds, of the said price, against one-third of his net liability ;

PART I.
—*cont.*

(c) if the said amount exceeds two-thirds, but does not exceed three-quarters, of the said price, against one-half of his net liability ;

(d) if the said amount exceeds three-quarters of the said price, against two-thirds of his net liability.

Properties and mortgages to which s. 51 applies.

52.—(1) The last preceding section applies to a contributory property the contributory value of which does not exceed one hundred and fifty pounds and which consists of or comprises premises used or suitable for use for residential purposes, and to a contributory property the contributory value of which does not exceed five hundred pounds and which consists solely or mainly of agricultural land or agricultural buildings or of such land and such buildings :

Provided that the said section does not apply to a contributory property by virtue of its comprising premises used for residential purposes if their use for those purposes is connected with, and subsidiary to, the use for other purposes of those premises or of some other part of the property.

(2) The last preceding section applies to a mortgage of the interest of a direct or indirect contributor which was created to secure a capital sum (whether with or without interest) on the occasion of, and in connection with, the acquisition of that interest by the contributor or a predecessor in title of his, or on the occasion of, and in connection with, the execution of any works of construction or improvement for the benefit of the contributory property, or was substituted for a mortgage so created :

Provided that the said section does not apply to a mortgage which was created on the occasion of, and in connection with, the acquisition by a person of an interest in, or on the occasion of, and in connection with, the execution of any such works as aforesaid for the benefit of, more than one contributory property, or was substituted for a mortgage so created.

(3) Where—

(a) the whole or parts of different storeys of a house or building are occupied by two or more persons in different apartments or tenements and the house or building comprises more than one contributory property, but each of the contributory properties is used or suitable for use for residential purposes and has a contributory value not exceeding thirty-five pounds ; or

b) land which is farmed as a single unit or consists only of land so farmed together with other land either normally farmed therewith or, if it consists of or comprises buildings, intended to form part of the unit, comprises more than one contributory property, but the aggregate of the contributory values does not exceed five hundred pounds,

the house or building or, as the case may be, the land shall be deemed for the purposes of this and the last preceding section to be a single contributory property to which that section applies.

PART I.
—cont.

(4) For the purposes of the proviso to subsection (2) of this section, so much of subsection (1) of section forty-four of this Act as provides for treating a contributory property of which part is requisitioned land as more than one contributory property shall be disregarded.

53. In relation to a second or subsequent mortgage of an interest, section fifty-one of this Act shall have effect as if— Successive mortgages.

- (a) for the references to the price of acquisition of the interest there were substituted references to that price reduced by the aggregate of the amounts secured by all prior mortgages of the interest, whether mortgages to which the said section fifty-one applies or not ;
- (b) for the references to the net liability of the contributor there were substituted references to his net liability reduced by the aggregate of the gross amounts of any indemnities to which he is entitled under the said section fifty-one in respect of prior mortgages of the interest.

54. Where the interest of a direct or indirect contributor is at the relevant date not the only security for the amount secured by a mortgage, section fifty-one of this Act and the last preceding section shall have effect as if for the references to the amount secured by the mortgage there were substituted references to the sum which bears to that amount the same proportion as the price of acquisition of the interest, or, if the mortgage is a second or subsequent mortgage, that price reduced as mentioned in paragraph (a) of the last preceding section bears to the aggregate of that price, or that price reduced as aforesaid, as the case may be, and the value of all the other property (whether real or personal) which is at the relevant date a security for the amount secured by the mortgage. Collateral security.

55.—(1) Where—

- (a) a mortgage was created on the occasion of, and in connection with, the execution of works of construction or improvement for the benefit of a contributory property, or was substituted for a mortgage so created ; or
- (b) a mortgage was created on the occasion of, and in connection with, the acquisition of an interest at any time before the first day of January, nineteen hundred and thirty-two, or was substituted for a mortgage so created, and (in either case) the value of the interest is at the relevant date less than four fifths of the price of acquisition of the interest ; or

Miscellaneous provisions relating to s. 51.

PART I.
—cont.

- (c) a mortgage was created on the occasion of, and in connection with, the acquisition of an interest, or was substituted for a mortgage so created, and at the time of the acquisition of the interest the person acquiring the interest was entitled to a tenancy which on the acquisition merged in the interest acquired,

the four last preceding sections shall have effect in relation to that property or interest as if any reference to the price of acquisition of the interest were a reference to the value of the interest, and any reference to that price reduced by the aggregate of amounts secured by prior mortgages were a reference to the value of the interest, free from any mortgage, reduced as aforesaid.

(2) Where a claim for indemnification under section fifty-one of this Act is made by a direct or indirect contributor in respect of a contributory property to which that section applies, as being a property which consists of or comprises premises used, or suitable for use, for residential purposes, and a dispute arises as to the value of the interest of the contributor or of any other property which is a security for the amount secured on that interest, then, if a request in that behalf is made to the Commissioners of Inland Revenue by the contributor and the mortgagee, the Commissioners may certify the value of the interest or other property in question, and the determination of the Commissioners shall be final and conclusive for the purposes of the said section fifty-one as between the contributor and the mortgagee.

(3) For the purposes of this section and of the four last preceding sections—

(a) the price of acquisition of an interest shall be taken to be the amount of any capital sum paid as consideration for the acquisition in question ;

(b) the amount secured by a mortgage at any date shall be taken to be the capital sum secured thereby, together with any costs or arrears of interest so secured ;

(c) the value of any property (including the interest of a direct or indirect contributor) which is subject to a mortgage to which the said section applies or is a security for the amount thereby secured shall be taken to be the value which that property would have had in the open market at the end of March, nineteen hundred and thirty-nine, if it had then been subsisting with the like incidents in all respects as it had on the relevant date, other than its being subject to that mortgage or a security for that amount ;

(d) a mortgage created in connection with the payment to the mortgagee under another mortgage of sums secured by that other mortgage shall be deemed to have been

substituted for that other mortgage, as well where the payment was made before the creation of the first mentioned mortgage as where it was made at the same time as or after the creation thereof, and a mortgage shall be deemed to have been substituted for another mortgage if it was substituted for a mortgage which itself was substituted therefor.

PART I.
—cont.

56.—(1) The five last preceding sections shall have effect, in their application to Scotland and Northern Ireland, subject to the following provisions of this section.

Rights over
against
mortgagees :
provisions as
to Scotland
and Northern
Ireland.

(2) Paragraph (a) of subsection (3) of section fifty-two shall not apply.

(3) Section fifty-one shall apply, in addition to any contributory properties specified in section fifty-two, to any tenement in Scotland comprising dwelling houses the contributory value of none of which exceeds thirty-five pounds, and any such tenement shall for the purposes of the said sections fifty-one and fifty-two be deemed to be a single contributory property whether or not any of its component parts are separately assessed to Schedule A or separately entered in the valuation roll.

In relation to a dwelling house comprised in such a tenement as aforesaid and forming part only of a contributory property, the reference in this subsection to the contributory value of the dwelling house shall be construed—

(a) where the dwelling house is separately entered in the valuation roll, as a reference to an amount which bears to the contributory value of the contributory property of which the dwelling house forms part the same proportion as the rateable value of the dwelling house bears to the aggregate of the rateable values of all the parts of the contributory property ;

(b) in any other case, as a reference to an amount which bears to the contributory value of the contributory property the same proportion as the annual value of the dwelling house bears to the annual value of the contributory property.

(4) Where a house or building in Northern Ireland let in different apartments or tenements, and occupied by two or more persons severally, comprises more than one contributory property, but each of the contributory properties is used or suitable for use for residential purposes and has a contributory value not exceeding thirty-five pounds, the house or building shall be deemed for the purposes of the said sections fifty-one and fifty-two to be a single contributory property to which the said section fifty-one applies.

PART I.
—cont.

(5) Where the interest of a direct or indirect contributor in respect of a contributory property in Scotland to which the said section fifty-one applies is at the relevant date subject to two or more heritable securities to which the said section applies, and which rank *pari passu*, those heritable securities shall for the purposes of sections fifty-one to fifty-five of this Act be treated as one heritable security, and the amount of any indemnity to or in which the creditors in such heritable securities may be entitled or liable shall be divided among them in proportion to the respective amounts secured by their securities.

(6) In relation to a contributory property in Northern Ireland which is subject to a charge created in respect of the repayment of an advance under the Acts relating to land purchase in Northern Ireland, the five last preceding sections shall have effect subject to the following modifications:—

- (a) any reference to the amount secured by the mortgage shall be construed as a reference to the amount (determined in accordance with the Irish Land (Finance) Rules, 1910, made by the Treasury under section forty-six of the Irish Land Act, 1903) which is required to redeem the outstanding instalments of the purchase annuity payable in respect of the advance;
- (b) any reference to the mortgagee shall be construed as a reference to the Ministry of Finance for Northern Ireland;
- (c) paragraph (b) of subsection (3) of section fifty-five shall not have effect.

3 Edw. 7.
c. 37.

Contributions: general provisions as to indemnities.

Time for
payment of
indemnities.

57. A right to indemnity conferred by this Part of this Act shall not be enforceable until the discharge of the liability in respect of which the right arises:

Provided that on the discharge of part of the liability the said right shall be enforceable as respects a proportionate part of the amount of the indemnity.

Deduction of
indemnities
from rent and
mortgage
payments.

58.—(1) Where a direct or indirect contributor in respect of a contributory property who is a tenant of the property or whose interest therein is subject to a mortgage is entitled to an indemnity under this Part of this Act from any person as being at the relevant date his landlord or mortgagee, he may, without prejudice to any other method of recovery, deduct the amount of the indemnity from any instalment of rent or any payment (whether of interest or capital) under the mortgage, as the case may be, falling due to the said person on or after the date on which the contributor became entitled to recover the said amount.

PART I.
—cont.

(2) Where, in accordance with subsection (1) of this section, any person makes a deduction from any instalment of rent or payment under a mortgage, so much of the instalment or payment as is represented by the deduction shall be treated as having been actually paid and the said person shall be acquitted and discharged thereof accordingly.

59. The provisions of this Part of this Act relating to the payment and recovery of indemnities in respect of the liability of a direct or indirect contributor for an instalment of contribution shall have effect notwithstanding any agreement to the contrary, whether made before or after the instalment became due. Indemnities payable and recoverable notwithstanding agreements to contrary.

Contributions: collection.

60.—(1) An instalment of contribution under this Part of this Act shall be assessed and collected by the Commissioners of Inland Revenue. Commissioners of Inland Revenue to collect contributions.

(2) The said Commissioners may make regulations with respect to the assessment and collection of instalments, and any such regulations may in particular apply with modifications any of the enactments relating to the assessment and collection of income tax (including enactments relating to the assessment and collection of tax in the case of incapacitated persons, deceased persons and persons not resident in the United Kingdom and in the case of property under the direction and control of a receiver appointed by the court, and including the provisions of Part II of the First Schedule to the Finance Act, 1941, and the provisions of the enactments relating to income tax ancillary thereto) and provide for the assessment and collection of instalments by officers appointed by the Commissioners for that purpose. 4 & 5 Geo. 6.
c. 30.

Regulations applying the said provisions of the Finance Act, 1941, and the said ancillary provisions may apply those provisions in relation to any class of property.

(3) Any appeal to the Special Commissioners under this Part of this Act shall be brought and heard in accordance with the provisions of regulations made by the Commissioners of Inland Revenue under this section.

(4) Any person authorised in that behalf by the said Commissioners may, for the purposes of assessing or collecting contributions under this Part of this Act, give notice to any person who is entitled to any rent or other annual payment in respect of any land, or is in receipt of any rent or other annual payment belonging to any other person, or is in possession of, or entitled to the possession of, any land, requiring him to deliver within the time limited by the notice, and in such form as may be prescribed by the said Commissioners, such particulars relating to the land and to the interests of persons therein as may be prescribed by those Commissioners.

PART I.
—cont.

(5) Any person who fails to comply with the requirements of a notice given under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(6) Any person who, being required under this section to furnish any information, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and, unless indicted therefor, liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Any proceedings under the Summary Jurisdiction Acts in respect of an offence against this subsection may be commenced at any time before the expiration of six months after the first discovery of the offence by the Commissioners of Inland Revenue.

Provisions as
to recovery
of contribu-
tion where
value
payment
made.

61.—(1) Where a value payment is made in respect of war damage to a hereditament, the amount of the payment shall be reduced by so much of any contribution in respect of any property comprised wholly within that hereditament as has not been paid, and no person shall be under any liability to the Commissioners of Inland Revenue in respect of so much of the contribution as has not been paid, or, save as provided by subsection (2) of this section, to give any indemnity in respect thereof :

Provided that this subsection shall not have effect where the value payment is made by virtue of section thirteen, fourteen, fifteen or twenty of this Act.

(2) Where the preceding subsection has effect in the case of a contributory property to which section fifty-one of this Act applies, and a proprietary interest in the hereditament was subject, at the material time, to a mortgage to which that section applies and in right of which on the discharge of the value payment the mortgagee receives so much thereof as is attributable to that interest, the owner of that interest shall be entitled to the like indemnity from the mortgagee against the reduction of the sum so received which results from the operation of the preceding subsection as he would have been entitled to have from the mortgagee if the amount of that reduction had been a net liability of his as a contributor for an instalment discharged at the date of the discharge of the value payment, and that date had been the relevant date.

Power to pay
contribution
in advance.

62.—(1) Any person may pay in advance to the Commissioners of Inland Revenue any sum on account of so much of the contribution as is still outstanding in respect of any property, and the sum paid, together with the proper interest thereon, shall be applied in or towards the discharge of the instalment next falling

due after the payment, and, in so far as the said sum and interest exceed the amount of that instalment, the balance, together with the proper interest thereon, shall be applied in or towards the discharge of the next instalment, and so on.

(2) Where by the making of a payment in advance under this section an instalment of contribution is discharged in whole or in part, the provisions of this Part of this Act relating to the ultimate incidence of instalments of contributions shall apply as if the instalment or the part thereof discharged, as the case may be, had been paid by the person by whom it would have been payable, and at the time when it would have become due, if the payment in advance had not been made :

Provided that—

(a) where by the making of a payment as aforesaid part only of an instalment of contribution is discharged, nothing in this subsection shall affect the liability of any person in respect of the remainder of the instalment ; and

(b) this subsection shall not apply in the case of a payment in advance under this section made before the first day of June, nineteen hundred and forty-two, but where the amount of any instalment is reduced by reason of any payment in advance so made the provisions of this Part of this Act relating to the ultimate incidence of instalments of contributions shall apply in relation thereto as if the reduced amount were the whole of the instalment.

(3) For the purposes of this section—

(a) the proper interest on any sum paid under this section is an amount equal to one halfpenny for each complete pound of the sum paid for each complete month in the period beginning with the date of the payment and ending with the day before the date of the instalment next falling due ;

(b) the proper interest on the balance remaining after the discharge of any instalment is an amount equal to one halfpenny for each complete pound of the balance for each complete month in the period beginning with the date on which that instalment fell due and ending with the day before the date of the instalment next falling due.

(4) So much of the contribution in respect of a property as would apart from any payment in advance, have been recoverable by deduction from a value payment in accordance with the last preceding section and consists of instalments which have not become due at the time when the value payment is made shall be treated for the purposes of this section as one instalment then becoming due.

PART I.
—cont.

(5) Notwithstanding anything in any enactment, the full amount of any interest allowed under this section shall be allowed without deduction of income tax; but the person to whom the interest is allowed shall be assessed and charged to income tax under Case III of Schedule D on the full amount of the interest.

*Contributions: suspension or remission of instalments
in certain cases.*

Suspension of
collection
where value
payment
likely to be
made.

63. Where the Commissioners of Inland Revenue receive notice from the Commission that it is likely that a value payment will fall to be made, otherwise than by virtue of section thirteen, fourteen, fifteen or twenty of this Act, in respect of war damage to a hereditament, the Commissioners shall take no steps to recover the whole or any part of any instalment of contribution falling due in respect of any property comprised wholly within that hereditament unless and until they receive notice from the Commission that a value payment will not be made, otherwise than as aforesaid, in respect of the hereditament.

Suspension of
collection
where
property
rendered unfit
by war
damage.

64.—(1) Where the Commissioners of Inland Revenue are satisfied that a property is unfit by reason of war damage, they shall take no steps to recover the whole or any part of any instalment of contribution falling due in respect thereof (notwithstanding that they may have received notice that a value payment will not be made in respect of a hereditament comprising it) unless and until they are satisfied that it has been rendered fit.

(2) In this section the expression "unfit" means unfit for the purpose for which the property was used or adapted for use immediately before the occurrence of the war damage in question, and unfit also for any other purpose substantial in relation to that purpose; and the expression "fit" means fit for any such purpose.

In considering whether a property is at any time unfit or fit for any purpose, regard shall be had to all relevant circumstances, and in particular to the class of occupier likely to use similar properties which are not unfit for that purpose, and to the standard of accommodation available at that time.

Remission of
instalments on
properties
affected under
Housing Acts
by clearance
or compulsory
purchase, or
demolition,
orders.

65.—(1) Where as respects the year nineteen hundred and forty-two or any subsequent year the Commissioners of Inland Revenue are satisfied that the following conditions are fulfilled in the case of any contributory property which consists of a house or building and the site thereof, that is to say,—

- (a) that at the beginning of that year the house or building was subject to a clearance order made under the Housing Act, 1936, which had been confirmed by the Minister of Health, to a compulsory purchase order which had

been so confirmed made under that Act and relating to land comprised in a clearance area, or made in accordance with subsection (3) of section thirty-six of that Act, or to a demolition order made under that Act which had become operative; and

- (b) that the house or building has not been occupied in whole or in part at any time during that year,

the Commissioners of Inland Revenue shall take no steps to recover any instalment of contribution falling due in respect of the property in that year unless and until they are satisfied that the condition specified in paragraph (b) of this subsection has ceased to be fulfilled or that the order has been quashed.

(2) Any reference in this section to a house or building includes a reference to any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(3) The reference in paragraph (a) of subsection (1) of this section to a house or building subject to a compulsory purchase order confirmed by the Minister of Health includes a reference to a house or building belonging to a local authority to which by virtue of section twenty-eight of the Housing Act, 1936, the provisions of that Act apply as if it had been purchased by the authority as being land comprised in a clearance area.

(4) In the application of this section to Scotland, for the references to the Housing Act, 1936, and to orders confirmed by the Minister of Health there shall be respectively substituted references to the Housing (Scotland) Act, 1930, and to orders confirmed by the Secretary of State: 20 & 21 Geo. 5.
c. 40.

Provided that for references to section twenty-eight and to subsection (3) of section thirty-six of the first mentioned Act there shall be respectively substituted references to section sixty-one and subsection (2) of section seventeen of the Housing (Scotland) Act, 1935. 25 & 26 Geo. 5.
c. 41.

(5) In the application of this section to Northern Ireland, for the references to the Housing Act, 1936, and the Minister of Health there shall be substituted respectively references to Part II of the Planning and Housing Act (Northern Ireland), 1931, and to the Ministry of Home Affairs for Northern Ireland, and the references to a compulsory purchase order shall not apply.

Contributions : miscellaneous provisions.

66.—(1) Contributions made and indemnities given under this Part of this Act shall be treated for all purposes as outgoings of a capital nature. Contributions
to be treated
as capital
outgoings.

- (2) The purposes—

(a) authorised for the application of capital moneys by section seventy-three of the Settled Land Act, 1925, 15 & 16 Geo. 5.
c. 18.

PART I.

—cont.

15 & 16 Geo. 5.
c. 24.

by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale, and by section twenty-six of the Universities and College Estates Act, 1925; and

- (b) authorised by section seventy-one of the Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage,

shall include the discharge of any liability as, or as a mortgagee of, a direct or indirect contributor.

(3) A provision contained in any will, settlement or other instrument (including an enactment), whether executed or coming into operation before or after the passing of this Act, to the effect that outgoings (by whatever word described) are to be discharged out of income, or by a person entitled to income or to a right of possession or residence in the capacity of a beneficiary under a trust, shall not have effect in relation to any instalment of contribution or indemnity in respect of any instalment of contribution, except in a case in which an intention that it should have effect in relation thereto, or in relation to a class of outgoings within which the contribution or indemnity falls, appears from terms of the instrument other than the generality of the reference therein to outgoings.

(4) In the application of this Act to Scotland, payment of contributions in respect of any contributory property by an heir of entail shall be deemed to be expenditure on improvements within the meaning of the Entail Acts.

(5) In the application of this Act to Northern Ireland, the following provisions shall have effect in substitution for the provisions of subsection (2) of this section, that is to say, that notwithstanding the provisions of any instrument, capital money arising under the Settled Land Act, 1882, may be applied in or towards the discharge of any liability as, or as a mortgagee of, a direct or indirect contributor.

45 & 46 Vict.
c. 38.Limitation of
liability of
trustees, &c.,
in respect of
contributions.

67.—(1) Where, in proceedings taken against any person for the enforcement of a personal liability as, or as a mortgagee of, a direct or indirect contributor for an instalment of contribution becoming due in any year, the said person proves that the proprietary interest or, as the case may be, the mortgage of such an interest by virtue of which he incurred the liability was at the relevant date in that year vested in him as a trustee, and that his rights of indemnification out of the trust estate are, otherwise than by negligence or default on his part, insufficient to provide for his reimbursement in respect of the liability, the court may give such directions for the limitation or release of the liability as the court thinks just and equitable.

In this subsection any reference to a trustee includes a reference to a personal representative, and any reference to the trust estate shall be construed accordingly.

PART I.
—cont.

(2) Where at the relevant date in any year a proprietary interest, or a mortgage of such an interest, in a contributory property is vested in any person as the trustee of the property of a bankrupt, any sum paid by that person in discharge of his liability as, or as a mortgagee of, a direct or indirect contributor for the instalment of contribution falling due in that year in respect of the contributory property shall be treated as part of the costs of administration of the property of the bankrupt.

68. Where by the provisions of this Part of this Act a right (whether present or future) is conferred against or on any person on or against the Commissioners of Inland Revenue or any other person, and is so conferred by virtue of the first-mentioned person being at any date the owner of any interest, or the landlord, tenant or mortgagee of any such owner, the right shall be enforceable notwithstanding that the first-mentioned person has, since that date and whether before, on or after the first day of July next following, died or otherwise ceased to be the owner, or the landlord, tenant or mortgagee of the owner, of the interest in question.

Rights enforceable notwithstanding transmission of interest.

Payments in respect of damage to land, and contributions : special provisions affecting certain classes of land.

69.—(1) The following provisions of this section shall have effect as respects land held and used as therein mentioned for charitable purposes to which this section applies, that is to say, charitable purposes of any of the following kinds,—

Land held for certain charitable purposes : payments and contributions.

- (a) the relief of poverty,
- (b) the making of provision for the cure or mitigation or prevention of, or for the care of persons suffering from or subject to, any disease or infirmity or disability affecting human beings (including the care of women before, during, and after childbirth),
- (c) the advancement of religion,
- (d) the advancement of education, learning, science or research,

or for ecclesiastical purposes.

(2) Where at the relevant date in any year the following conditions are satisfied as respects any land which constitutes or forms part of a contributory property, that is to say,—

- (a) that a proprietary interest in the land is held for charitable purposes to which this section applies, or for ecclesiastical purposes, and for such purposes only ; and
- (b) that the land, as distinct from rents and profits thereof, is used in any manner (including use in a manner

PART I.
—cont.

involving the beneficial occupation of the land by any person) for or in connection with the carrying out of the purposes for which that interest is held, and not otherwise,

the Commissioners of Inland Revenue shall give such relief, by repayment or otherwise, to the owner of the said proprietary interest as is necessary to reduce his net liability in respect of that interest to nil

Provided that if the purposes for which the said interest is held are the advancement of education, learning, science or research only, or if they include such purposes and the use of the land is solely or mainly for or in connection with the carrying out of such purposes, the relief to be given under this subsection shall be such as to reduce the said net liability to one-third of its amount.

(3) No relief given under this section shall affect the existence or amount of any liability under this Part of this Act of any person other than the owner of the proprietary interest in question; and where the owner is relieved from the payment of part of an instalment, indemnities shall be payable by other persons as if he had paid the whole of the instalment at the time when he paid the part of which he was not relieved.

(4) Where immediately before the occurrence of war damage to a hereditament the conditions specified in paragraphs (a) and (b) of subsection (2) of this section are satisfied as respects land which constitutes or forms part of the hereditament—

(a) if apart from this provision a value payment would be payable in respect of the damage, so much of the payment and of the interest thereon as is attributable to the proprietary interest held for charitable or ecclesiastical purposes shall not be paid, but the Commission may if they think fit make in lieu thereof a payment of such amount, to such person and subject to such conditions, as they may in their discretion determine after consultation with such persons or bodies (including, in the case of an interest in respect of which there is a one-third net liability for contribution, the owner thereof) as appear to them to be appropriate having regard to the nature of the purposes for which that interest is held ;

(b) if apart from this provision a payment of cost of works would be payable in respect of the damage, the Commission may in their discretion after such consultation as aforesaid, and, if the proprietary interest held for charitable or ecclesiastical purposes was not the only proprietary interest in the hereditament, after consultation with the owners of the other proprietary interests

therein, determine either to make the payment, or to make in lieu thereof, or of any part thereof, a payment of such amount, to such person and subject to such conditions as they may determine, or not to make any payment in respect of the damage ;

- (c) in respect of the cost of any works reasonably executed for temporarily meeting the circumstances created by the damage as to which, in consequence of the preceding provisions of this subsection, the provisions of subsection (2) of section six of this Act do not have effect, the Commission may make to the person by whom such cost is incurred such payment as appears to them to be requisite in order to confer upon him the like benefit as he would have had under the provisions of that subsection.

(5) If and so long as land normally used as mentioned in paragraph (b) of subsection (2) of this section is temporarily diverted from such use by reason of circumstances arising from war, the land shall be deemed for the purposes of this section to be used as it is normally used.

(6) A proprietary interest held—

- (a) by a body having power to levy a rate or to issue a precept to a rating authority, or to issue a certificate or other document requiring payment from a county or town council in Scotland, for purposes for which it has that power ;
- (b) by a Government department, for purposes for which public moneys may be applied ; or
- (c) by any person, if the expense of executing repairs on the land is defrayed wholly out of moneys being either moneys raised by rates or public moneys,

shall not be treated for the purposes of this section as held for charitable or ecclesiastical purposes.

(7) Any question arising in giving effect to the provisions of this section as to whether the conditions specified in paragraphs (a) and (b) of subsection (2) of this section are satisfied as respects any land at any time, or as to whether, or as to the extent to which, a proprietary interest is held for, or land is used for or in connection with, the purposes of the advancement of education, learning, science or research, shall be determined by the Commission :

Provided that the provisions of subsection (3) of section thirty-two of this Act as to appeals to the High Court on questions of law shall have effect in relation to a determination of the Commission under this subsection as they have effect in relation to a determination of the Commission under that section.

PART I.
—cont.

(8) If any conditions subject to which any sum is paid by the Commission under this section are not complied with, the sum paid shall be recoverable as money had and received to the use of His Majesty.

Land occupied
for purposes
of certain
undertakings:
payments and
contributions.

70.—(1) If at the relevant date in any year any contributory property is occupied mainly or exclusively for the purpose of the carrying on of an undertaking to which this section applies, no instalment of contribution shall be payable for that year in respect of that property.

(2) Such contributions towards the expense of making payments in respect of war damage shall be made in respect of properties to which subsection (1) of this section applies as Parliament may hereafter determine.

(3) If immediately before the occurrence of war damage to a hereditament the hereditament is occupied mainly or exclusively for the purpose of the carrying on of an undertaking to which this section applies, no payment shall be made in respect of the damage under the preceding provisions of this Part of this Act, but—

(a) such payments shall be made in respect of war damage to hereditaments as respects which this subsection has effect as Parliament may hereafter determine; and

(b) the Commission may make to the persons carrying on the undertakings in question payments towards the cost of works certified by the appropriate department to be urgently required for meeting the circumstances created by war damage to hereditaments in respect of which this subsection has effect, and any payments so made shall be taken as made in part satisfaction of the payments to be made as mentioned in paragraph (a) of this subsection.

(4) The undertakings to which this section applies are—

(a) public utility undertakings;

(b) except in so far as Parliament may hereafter determine, any undertaking of such a character that the valuation for rating purposes of hereditaments in which the undertaking is carried on is made by reference to the accounts, receipts, profits or output of the undertaking;

(c) any other undertaking to which Parliament may hereafter determine that this section shall apply.

(5) In this section the expression “public utility undertaking” means any of the following undertakings the carrying on of which is authorised by any enactment, scheme or order, that is to say any railway, light railway, tramway, trolley-vehicle, canal, inland navigation, dock, harbour, quay, pier, lighthouse, gas, electricity, hydraulic power, sewerage, sewage disposal, refuse

disposal or water undertaking in the United Kingdom, and the undertaking of any drainage authority, except that any undertaking carried on by undertakers who carry on a railway undertaking being a public utility undertaking shall be deemed for the purposes of this section to be part of their railway undertaking.

(6) In this section, the expression “ appropriate department ” means—

- (a) in relation to any railway, light railway, tramway, trolley-vehicle, canal, inland navigation, dock, harbour, quay, pier or lighthouse undertaking, the Minister of War Transport ;
- (b) in relation to any gas or hydraulic power undertaking, and in relation to any mining or quarrying undertaking, the Minister of Fuel and Power ;
- (c) in relation to any electricity undertaking, the Electricity Commissioners ;
- (d) in relation to any sewerage, sewage disposal, refuse disposal or water undertaking, the Minister of Health ;
- (e) in relation to the undertaking of a drainage authority, the Minister of Agriculture and Fisheries ;
- (f) in relation to any other undertaking, such Government department as the Treasury may determine ;

and the expression “ drainage authority ” has the same meaning as in the Land Drainage Act, 1930.

20 & 21 Geo. 5.
c. 44.

(7) In the application of this section to Scotland, the reference in paragraph (a) of the last preceding subsection to the Minister of War Transport shall be construed, in relation to a harbour, quay or pier undertaking to which Part III of the Harbours, Piers and Ferries (Scotland) Act, 1937, applies, as a reference to the Secretary of State.

1 Edw. 8 &
1 Geo. 6. c. 28.

(8) In this section, in its application to Northern Ireland, the expression “ appropriate department ” means—

- (a) in relation to any railway, light railway, tramway, trolley-vehicle, sewerage, sewage disposal, refuse disposal or water undertaking, or any drainage authority, the Ministry of Home Affairs for Northern Ireland ;
- (b) in relation to any canal, inland navigation, dock, harbour, quay, pier, gas, hydraulic power or electricity undertaking and in relation to any mining or quarrying undertaking, the Ministry of Commerce for Northern Ireland ;
- (c) in relation to any lighthouse undertaking, the Minister of War Transport ;
- (d) in relation to any other undertaking, such Government department as the Ministry of Finance for Northern Ireland may determine ;

PART I.
—cont.

and the expression "drainage authority" means a county council acting as a drainage authority under the Drainage Acts (Northern Ireland), 1925 to 1942.

Highways:
payments and
contributions.

71.—(1) No payment shall be made under the preceding provisions of this Part of this Act in respect of war damage to a highway maintainable at the public expense.

(2) Payments shall be made by the Commission to highway authorities in accordance with, and subject to the provisions of, a scheme made by the Treasury, after consultation with such associations of local authorities as appear to them to be concerned, in respect of war damage to such highways as aforesaid occurring during the risk period, and contributions towards the expense of making such payments shall be made by the councils of counties and county boroughs at such rates and in such manner as may be provided by the scheme.

The contributions aforesaid shall be expenses for general county purposes as well in the case of the London County Council as of the councils of other counties.

(3) The contributions aforesaid shall be payable by five interim annual instalments, becoming due in the year nineteen hundred and forty-one and each of the four subsequent years, and a final instalment.

(4) The provision to be made by the scheme in relation to the contributions aforesaid shall be such as to secure, as nearly as may be, by reference to estimates of the relevant amounts—

(a) that the aggregate of the contributions shall bear to the payments made under subsection (2) of this section the same proportion as the net receipts of the Exchequer under the provisions of this Part of this Act (calculated in accordance with paragraphs (a), (b) and (c) of subsection (5) of section eighty of this Act) bear to the payments in respect of war damage made under the provisions of this Part of this Act (calculated as aforesaid); and

(b) that each interim instalment, and the final instalment, to be paid by the council of any county or county borough shall bear to the aggregate of the corresponding interim instalments, or of the final instalments, as the case may be, to be paid by all such councils, such proportion as may be prescribed by the scheme.

(5) The scheme may provide for the payment by the Minister of War Transport, with the approval of the Treasury, to the councils of counties and county boroughs in Great Britain of grants in respect of the contributions to be made by them under this section not exceeding in the aggregate in the case of any council one half of the contributions to be made by that council.

Any grants paid by the Minister of War Transport under any provision made by the scheme under this subsection shall be defrayed out of the Road Fund.

(6) The scheme may provide for the making by the Commission to highway authorities of payments in respect of war damage to roads, not being highways maintainable at the public expense, in cases in which works for the making good of war damage thereto are executed by such authorities ; and where a payment has been, or is to be, made under the scheme in respect of any such works, the cost thereof shall not be the subject of a payment under the preceding provisions of this Part of this Act.

(7) Nothing in the three last preceding subsections shall be construed as limiting the generality of the power conferred on the Treasury by virtue of subsection (2) of this section to make by the scheme such provision as to the payments and contributions therein mentioned as appear to them to be requisite.

(8) A scheme made under this section may be amended by a subsequent scheme made thereunder.

(9) A scheme made under this section shall be embodied in an order which shall be laid before the Commons House of Parliament as soon as may be after it is made and shall be of no effect until it has been approved by a resolution of that House.

(10) The fact that works have been executed on a road by a highway authority as mentioned in subsection (6) of this section, or that a payment in respect of such works has been made under the scheme, shall not be treated as relevant for the purposes of the determination of any question arising as to whether the road is maintainable at the public expense.

(11) In this section—

the expression “ highway authority ” does not include the Minister of War Transport ;

the expression “ highway maintainable at the public expense ” means a highway repairable by the inhabitants at large or by a highway authority, and includes any bridge, viaduct or tunnel carrying a highway, and any pedestrian subway or pipe subway, being a bridge, viaduct, tunnel or subway which is repairable by the council of a county, county borough, metropolitan borough or county district, by the Common Council of the City of London, by the mayor and commonalty and citizens of the City of London acting as trustees of the Bridge House Estates, or by the inhabitants of any locality ;

the expression “ road ” includes a footway and a bridle path, and includes any bridge or viaduct carrying a road ;

PART I.
—cont.

- the expression "bridge" and "viaduct" respectively include the approaches thereto and the abutments thereof, and any works connected with, or ancillary to, the bridge or viaduct ;
- the expression "tunnel" includes the approaches thereto and the abutments of such approaches, and any lifts or other works connected with, or ancillary to, the tunnel ;
- the expression "pedestrian subway" includes the stairways thereof, the approaches thereto, any public convenience constructed therein, and any works connected with or ancillary to the subway ;
- the expression "pipe subway" means any passage or covered way under a road constructed or adapted for the reception of, and affording convenient access to, any mains, pipes, tubes, cables, wires or apparatus, and includes any works connected with or ancillary to the subway.

(12) For the purposes of this section—

- (a) any embankment, embankment wall or retaining wall supporting a highway, and the sides of, and any retaining wall supporting, any cutting enclosing a highway ; and
- (b) a place of refuge in a highway, a lamp, lamp post, or other materials or apparatus affixed on or near a highway for the purpose of illuminating it, and a traffic sign (as defined by subsection (9) of section forty-eight of the Road Traffic Act, 1930) placed on or near a highway either by a highway authority or in accordance with the provisions of a scheme under section eighteen of the Road Traffic Act, 1934 ;

20 & 21 Geo. 5.
c. 43.24 & 25 Geo. 5.
c. 50.

shall be deemed to form part of the highway.

(13) For the purposes of this section, the London County Council shall be deemed to be a highway authority as respects any highway repairable by the Council and as respects any bridge, viaduct, tunnel or subway repairable by the Council, whether the highway thereon or therein is or is not repairable by the Council.

(14) References in this section to councils of counties shall be construed as including references to the Council of the Isles of Scilly, but contributions made under this section by the said Council shall be general expenses.

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

- (a) for any reference to a county borough there shall be substituted a reference to a large burgh within the meaning of the Local Government (Scotland) Act, 1929 ;

19 & 20 Geo. 5.
c. 25.

- (b) for any reference to a county district there shall be substituted a reference to a small burgh within the meaning of the said Act ; and
- (c) for the purpose of any contribution payable thereunder a small burgh within the meaning of the said Act shall be deemed to be included within the county in which it is situated.
- (16) In the application of this section to Northern Ireland—
- (a) the expression “ highway maintainable at the public expense ” means a road or street maintainable at the cost of the council of a county, county borough or urban district, and includes any bridge, viaduct or tunnel carrying a road or street, and any pedestrian subway or pipe subway, being a bridge, viaduct, tunnel or subway which is maintainable at the cost of such a council ;
- (b) the expression “ highway authority ” means the council of a county, county borough or urban district ;
- (c) the expression “ expenses for general county purposes ” means county at large charges ; and
- (d) for the reference to a traffic sign there shall be substituted a reference to any sign post or other device provided by a highway authority for the guidance or direction of persons using a road or street.

Payments in respect of damage to land, and contributions : special provisions affecting certain persons.

72.—(1) Instalments of contributions and indemnities in respect thereof shall be paid and given by and to the Crown in respect of any proprietary interest belonging to His Majesty in right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a Government department or held in trust for His Majesty for the purposes of a Government department, as if that interest had belonged to a subject of the realm : The Crown, and Government departments; payments and contributions.

Provided that this subsection shall not apply in relation to an instalment or indemnity in respect of a contributory property (other than a property, or a property of a class, designated for the purposes of this subsection by the Treasury) if at the relevant date every proprietary interest in the property belonged to His Majesty in right of the Crown, or belonged to a Government department or was held in trust for His Majesty for the purposes of a Government department.

(2) No payment shall be made under this Part of this Act in respect of war damage occurring to a hereditament (not being a hereditament, or a hereditament of a class, designated for the purposes of this subsection by the Treasury) if immediately

PART I.
—cont.

before the occurrence of the damage every proprietary interest in the hereditament belonged or was held as mentioned in the proviso to the preceding subsection.

(3) The purposes authorised by section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, for the application of moneys arising by any such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is therein mentioned shall include the discharge of any liability as a direct or indirect contributor.

26 & 27 Vict.
c. 49.

(4) The purposes authorised by section eight of the Duchy of Cornwall Management Act, 1863, as amended by section one of the Act of the thirty-first and thirty-second years of Queen Victoria, chapter thirty-five, for the advancement of parts of such gross sums as are therein mentioned shall include the discharge of any liability as a direct or indirect contributor.

28 & 29 Vict.
c. 89.
55 & 56 Vict.
c. 34.

(5) Any expenses incurred by the Admiralty in discharging any liability as a direct or indirect contributor arising in respect of lands vested in them by virtue of the Greenwich Hospital Act, 1865, or the Naval Knights of Windsor (Dissolution) Act, 1892, or as mortgagees of a direct or indirect contributor arising by reason of an exercise of the powers conferred on them by section forty of the said Act of 1865, may be defrayed out of cash standing to the credit of the Greenwich Hospital capital account ; and for that purpose the Admiralty may from time to time convert into money any securities for the time being held by them for the benefit of Greenwich Hospital, and all money produced by any such conversion shall be paid into the Bank of England to the cash account of His Majesty's Paymaster General who shall carry it to the Greenwich Hospital capital account.

(6) A department of the Government of Northern Ireland shall be under the same liabilities as mortgagee of a direct or indirect contributor as a subject of the realm.

Crown lands :
payments and
contributions.

73.—(1) The Treasury may, by any general or special directions given by them, authorise the Commissioners of Crown Lands to charge as a principal sum to the account of the capital of the land revenues of the Crown the costs, charges and expenses incurred by them in the execution, on and for the benefit of lands under their management, of works for any of the following purposes, or in any operation incident to or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes, that is to say :—

- (a) the repair of war damage ;
- (b) the reconstruction of buildings or works which have sustained war damage ;
- (c) the construction of buildings or works in substitution for buildings or works which have sustained war damage, whether on the same site or on a different site.

(2) The Treasury may, by any general or special directions given by them, authorise the said Commissioners to enter into and carry into effect arrangements for the payment by them of, or for the making by them of advances in respect of, any costs, charges or expenses incurred as aforesaid by other persons, and to charge as aforesaid payments and advances made pursuant to the arrangements.

(3) The Treasury may, if they think fit, direct that any sum paid out of capital in accordance with any such authorisation as aforesaid shall be repaid out of the income of the land revenues of the Crown within such time and by such number of instalments of such amounts respectively as may be specified in the directions :

Provided that, where the said Commissioners are entitled to a payment under this Act in respect of the war damage in question, this subsection shall have effect only as respects the excess (if any) of the sums so paid out of capital over the amount of that payment (excluding any part of it which represents interest).

(4) Any expenses incurred by the said Commissioners in discharging any liability as a direct or indirect contributor may, with the approval of the Treasury, be charged as a principal sum to the account of the capital of the land revenues of the Crown ; but any sum so charged in pursuance of this subsection shall, if the Treasury so direct, be repaid out of the income of the said revenues within such time and by such number of instalments of such amounts respectively as may be specified in the directions.

- 74.—(1) Works executed by a local authority for making good war damage to an air-raid shelter (in this section referred to as “ a shelter ”), shall not be the subject of a payment of cost of works or of a temporary works payment—
- (a) if the shelter is a building or structure erected by a local authority as a shelter, in respect of the erection whereof a grant was payable to the local authority either under the Air Raid Precautions Act, 1937, or by the Minister of Home Security out of moneys provided by Parliament (otherwise than under section twenty-two of the Civil Defence Act, 1939) ; or
- (b) if the shelter is comprised in a building and there were executed by a local authority works (being works in respect of the execution whereof a grant was payable as aforesaid) for the purpose of the provision of the shelter, so far as regards works the purpose of the execution whereof is the provision of a shelter.

Local
authorities,
&c. : exclusion
from payments
of grant-aided
air-raid
shelters.
1 & 2 Geo. 6.
c. 6.
2 & 3 Geo. 6.
c. 31.

(2) Works executed by a local authority for making good war damage to a shelter shall not be the subject of a payment of cost of works or of a temporary works payment if the shelter is a building

PART I.
—cont.

or structure which was erected by any person wholly or mainly with materials provided on behalf of His Majesty under the Air Raid Precautions Act, 1937, free of charge.

(3) No value payment shall be made in respect of a hereditament consisting of any such building or structure as is mentioned in paragraph (a) of subsection (1) of this section or in subsection (2) thereof, or which consists of a building or structure erected, wholly at the expense of the Board of Education, for the purpose of affording air raid shelter to pupils attending a school or educational institution, and so much (if any) of the value of a hereditament as is attributable to its comprising or being in the vicinity of—

- (a) a building or structure as to which the conditions specified in paragraph (a) or (b) of the said subsection (1) or in the said subsection (2) are satisfied ; or
- (b) a building or structure erected, wholly at the expense of the Board of Education, for the purpose aforesaid ; or
- (c) a shelter comprised in a building, being a shelter the works necessary for the provision whereof were executed wholly at the expense of the Board of Education,

shall be disregarded.

(4) Any question arising in giving effect to the provisions of this section shall be determined by the Commission :

Provided that the provisions of subsection (3) of section thirty-two of this Act as to appeals to the High Court on questions of law shall have effect in relation to a determination of the Commission under this subsection as they have effect in relation to a determination of the Commission under that section.

(5) In this section—

the expressions “ air raid shelter ” and “ an air raid shelter ” have the same meanings as in the Civil Defence Act, 1939 ;

the expression “ local authority ” means the Common Council of the City of London, the council of a metropolitan borough, the council of a county, county borough or county district, or the Council of the Isles of Scilly.

(6) In its application to Northern Ireland, this section shall have effect with the substitution—

- (a) for references to the Air Raid Precautions Act, 1937, to the Civil Defence Act, 1939, and to section twenty-two of that Act, of references respectively to the Air Raid Precautions Act (Northern Ireland), 1938, to the Civil Defence Act (Northern Ireland), 1939, and to section twenty of the last mentioned Act ;

- (b) for references to the Minister of Home Security and to the Board of Education, of references respectively to the Ministry of Public Security for Northern Ireland and to the Ministry of Education for Northern Ireland ;
- (c) for the reference to Parliament, of a reference to the Parliament of Northern Ireland ; and
- (d) for the reference to materials provided on behalf of His Majesty, of a reference to materials provided on behalf of the Crown or of any Government department.

PART I.
—cont.

75.—(1) Where an elementary school has been transferred to the local education authority for elementary education under section thirty-eight of the Education Act, 1921, or under section twenty-three of the Elementary Education Act, 1870, and section twenty-five of and the Second Schedule to the Education Act, 1902, or the authority has an interest in the premises of such a school under a lease granted whether by virtue of a scheme made under the Charitable Trusts Acts, 1853 to 1925, or otherwise, the Board of Education may, with the consent of the authority and of the trustees of the school, by order made as respects the whole or any part of the premises of the school direct that the provisions of this Part of this Act relating to the recovery and ultimate incidence of instalments of contributions, and to payments in respect of war damage thereunder, shall apply as if the premises of the school, or the part thereof to which the order relates, as the case may be, were vested in the authority for all the interest therein belonging to the trustees or otherwise held in trust for the school.

Local authorities :
payments and
contributions
in respect of
certain
transferred
schools.
11 & 12 Geo. 5.
c. 51.
33 & 34 Vict.
c. 75.
2 Edw. 7. c. 42.

(2) In relation to a case where the transfer or lease affects part only of the premises of the school, subsection (1) of this section shall apply as if the references to the premises of the school were references to that part of the premises.

(3) An order made under subsection (1) of this section may, with the consent of the authority and of the trustees, be revoked by an order of the Board of Education either as respects the whole or as respects any part of the land affected by the order revoked ; and an order under the said subsection (1) shall cease to have effect on the termination of the rights of the authority under the transfer or the interest of the authority under the lease :

Provided that the revocation of the order, whether in whole or in part, or its ceasing to have effect, shall not affect any liability in respect of an instalment of contribution falling due in a year the relevant date in which fell before the time when the order was revoked or ceased to have effect, or any right to payment in respect of war damage occurring before that time.

(4) An order made under subsection (1) of this section shall apply as well in relation to an instalment of contribution falling due in a year the relevant date in which fell between the transfer,

PART I.
—cont.

or the commencement of the interest of the authority, as the case may be, and the date of the making of the order but not discharged at that date as in relation to an instalment of contribution falling due in a year the relevant date in which falls after that date.

(5) An order made under this section shall, unless the contrary is shown, be presumed to have been made with the consent of the authority and trustees concerned.

(6) In this section the expression "premises," in relation to a school, has the same meaning as in the Fourth Schedule to the Education Act, 1921; and where successive interests are granted to an authority without any interval between the termination of one and the commencement of the next, the successive interests shall be treated for the purposes of this section as one interest commencing at the commencement of the earliest interest.

(7) In the application of this section to Northern Ireland—

(a) for the references to an elementary school, to transfer under the enactments mentioned in subsection (1) of this section, to the local education authority for elementary education, and to the Board of Education there shall respectively be substituted references to a public elementary school, to transfer under section fourteen of, and the Second Schedule to, the Education Act (Northern Ireland), 1923, to the education authority within the meaning of that Act, and to the Ministry of Education for Northern Ireland; and

(b) the expression "premises," in relation to a school, includes the teacher's residence (if any) and any land or buildings held in connection with the school.

Ecclesiastical
corporations:
expenses of
making good
war damage,
and
contributions.

76.—(1) Where war damage occurs to any land, and any interest in the land belongs to an ecclesiastical corporation, the Ecclesiastical Commissioners or Queen Anne's Bounty may apply money or securities held by them respectively for the corporation in discharging the cost of any works executed as a matter of urgency for meeting the circumstances created by the damage.

(2) Where a proprietary interest in any contributory property belongs to an ecclesiastical corporation—

(a) the Ecclesiastical Commissioners or Queen Anne's Bounty may apply any money or securities held by them respectively for the corporation in discharging any liability as a direct or indirect contributor for an instalment of contribution on that property;

(b) if the interest belongs to a benefice as defined by section forty-seven of the Tithe Act, 1936, Queen Anne's Bounty may make grants out of their corporate funds for or towards the discharge of any such liability as aforesaid;

- (c) the purposes for which a loan under the Clergy Residences Repair Act, 1776, or the Acts or Measures amending that Act may be made by Queen Anne's Bounty shall include the discharge of any such liability as aforesaid. PART I.
—cont.
17 Geo. 3. c. 53.

77.—(1) The provisions of subsections (2) to (5) of this section shall have effect where the following conditions are satisfied as respects the whole or part of a contributory property at the relevant date in any year, or as respects the whole or part of a hereditament immediately before the occurrence of war damage to the hereditament, that is to say, that the fee simple absolute in possession therein belongs either—

National Trust :
exclusion from
payments and
contributions
as regards
certain land.

(a) to the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907 ; or 7 Edw. 7.
c. cxxxvi.

(b) to the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated under the National Trust for Scotland Order Confirmation Act, 1935 ; 26 Geo. 5 &
1 Edw. 8. c. ii.

and is held inalienably by them, and that no tenancy which is a proprietary interest is subsisting therein.

(2) Where the said conditions are satisfied as respects the whole of a contributory property, no instalment of contribution shall be payable in respect of the property for the year in which the relevant date falls.

(3) Where the said conditions are satisfied as respects part of a contributory property, the instalment of contribution in respect of the property falling due in the year in which the relevant date falls shall be apportioned between that part and the rest of the property in such proportions as the Commissioners of Inland Revenue may determine, and—

(a) the provisions of the last preceding subsection shall have effect as if that part were a separate contributory property ; and

(b) the provisions of this Part of this Act relating to the recovery and the ultimate incidence of instalments of contributions shall have effect as if the rest of the property were a separate contributory property and as if the part of the instalment apportioned thereto were an instalment in respect thereof.

Any person who is aggrieved by an apportionment made by the Commissioners of Inland Revenue under this subsection may appeal to the Special Commissioners.

(4) Where the said conditions are satisfied as respects the whole of a hereditament, no payment shall be made under this Part of this Act in respect of the damage thereto.

PART I
—cont.

(5) Where the said conditions are satisfied as respects part of a hereditament, any value payment in respect of the damage shall be reduced by such amount as the Commission may determine to be attributable to the damage to that part and the remainder of the value payment shall be paid as if it were a value payment in respect of damage to a separate hereditament consisting of the remainder of the hereditament.

Foreign States
and
Sovereigns,
&c.: exclusion
from
contributions.

4 & 5^rGeo. 6.
c. 7.

22 & 23^rGeo. 5.
c. 4.

78.—(1) No claim for any instalment of contribution in respect of any contributory property or for any indemnity in respect of any such instalment shall be maintained by or against a foreign State, the Sovereign of a foreign State, the envoy of a foreign State accredited to His Majesty, a member of the retinue of such an envoy, a person to whom immunities and privileges are for the time being extended under section one or two of the Diplomatic Privileges (Extension) Act, 1941, the High Commissioner for a Dominion (as defined for the purposes of the Statute of Westminster, 1931), India or Southern Rhodesia, or the Agent-General for a state or province forming part of a Dominion (as so defined).

(2) Where at the relevant date in any year any such State or person as aforesaid is the owner of a proprietary interest in the whole or any part of any contributory property, and but for its or his special character as such it or he would have been both—

- (a) under a liability as a direct or indirect contributor in respect of that property for the instalment of contribution falling due in that year; and
- (b) entitled by virtue of this Part of this Act to any indemnity from any landlord or tenant in respect of the said instalment,

the Commissioners of Inland Revenue or other person to whom it or he would have been under that liability shall be entitled to the same rights against that landlord or tenant (and that landlord or tenant against his landlord or tenant, and so on) as the State or person (or, as the case may be, the landlord or tenant) would have been entitled to if the State or person had not been entitled to any special treatment in respect of the instalment by reason of its or his special character as such and had discharged its or his liability as a direct, or, as the case may be, an indirect, contributor as soon as the liability became enforceable.

(3) Where at the relevant date in any year any such State or person as aforesaid is the owner of a proprietary interest in the whole or any part of a contributory property, and under the preceding provisions of this section the amount of the indemnities which any other person having a proprietary interest in the property or any part thereof is entitled to claim in respect of the instalment of contribution falling due in that year is reduced by reason of the special character as such of the State or person

aforesaid, the Commissioners of Inland Revenue shall give to that other person such relief, whether by repayment or otherwise, as will make good the amount of the reduction.

PART I.
—cont.

References in this Part of this Act to any indemnity to which any person is, or would have been, entitled in respect of an instalment of contribution shall be construed as including a reference to any relief to which he is, or would have been, entitled under this subsection.

(4) Where a proprietary interest in the whole or any part of a contributory property is held upon trust for the benefit of any such State or person as aforesaid only, the preceding provisions of this section shall have effect in relation to that interest and (so far as regards that interest) in relation to the person by whom it is so held as they have effect in relation to a proprietary interest in the ownership of such a State or person and to such a State or person.

Payments in respect of damage to land, and contributions : financial provisions.

79.—(1) Payments by the Commission in respect of war damage, and payments of interest on value payments and on payments to be made under section eighteen of this Act, shall be made out of moneys provided by Parliament.

Payments to be made out of moneys provided by Parliament and contributions to be paid into Exchequer.

(2) All sums received by the Commissioners of Inland Revenue under this Part of this Act shall be paid into the Exchequer.

80.—(1) The Treasury may from time to time (whether during or after the expiration of, the risk period) make estimates of the expected net receipts of the Exchequer under this Part of this Act on the one hand and the expected payments under this Part of this Act on the other hand.

Increase or reduction of contributions.

(2) If on any such estimate it appears that the said expected net receipts fall short of half of the said expected payments, the Treasury may (whether or not any previous order has been made under this section) by order—

- (a) increase the number of instalments ;
- (b) increase the proportion which each remaining instalment is to bear to the contributory value ; or
- (c) increase both that number and that proportion,

to such extent as will in their opinion make good the deficiency :

Provided that an order increasing the said proportion shall be so made as to secure that the proportion in the case of contributory properties to which section forty-three of this Act applies is always one-quarter of the proportion in the case of other contributory properties.

PART I.
—cont.

(3) An order under this section shall be of no effect until it has been approved by a resolution of the Commons House of Parliament.

(4) If on such an estimate as aforesaid the said expected net receipts exceed the said expected payments, such provision shall be made for the reduction of the receipts as Parliament may determine.

(5) In estimating net receipts and payments under this section—

- (a) there shall be left out of account contributions and payments made in accordance with section sixty-nine, seventy or seventy-one of this Act ;
- (b) any sums which, in accordance with any of the provisions of this Act, are discharged by a credit in account in lieu of being paid by the Commission, shall be included among the payments ;
- (c) where a value payment is reduced by any amount in respect of instalments of contribution, the net receipts shall be calculated as if that amount had been actually received, and the payments shall be computed as if the reduction in the value payment had not been made.

Annual statement of receipts and payments under Part I.

81. The Treasury shall, in relation to each financial year, cause to be prepared statements of payments made by the Commission, and of sums recovered by the Commissioners of Inland Revenue, under this Part of this Act during that year, and shall on or before the thirtieth day of November next following the expiration of that year lay copies thereof before both Houses of Parliament.

Expenses of Commissioners of Inland Revenue and of Public Works Loan Commissioners.

82. All expenses incurred for the purposes of this Act by the Commissioners of Inland Revenue, and any expenses incurred by the Public Works Loan Commissioners in discharging any liability as mortgagees of a direct or indirect contributor, shall be defrayed out of moneys provided by Parliament.

PART II.

GOODS : INSURANCE AGAINST WAR DAMAGE.

The insurance schemes.

Insurance schemes.

83.—(1) The Board of Trade may operate two insurance schemes (in this Part of this Act referred to as "the schemes"), that is to say—

- (a) a scheme, in this Part of this Act referred to as "the business scheme", whereby the Board undertake the

liability of insuring persons carrying on business against war damage to the goods specified in the next succeeding section as being goods which, in relation to those persons respectively, are insurable under the business scheme ;

PART II.
—cont.

- (b) a scheme, in this Part of this Act referred to as “ the private chattels scheme ”, whereby the Board undertake the liability of insuring any persons (whether carrying on business or not) against war damage to the goods specified in the said section as being goods which, in relation to those persons respectively, are insurable under the private chattels scheme.

(2) Each of the schemes shall be such as to secure that, subject to the provisions of this Act,—

- (a) the extent and nature of the indemnity provided by the Board of Trade as insurers under the scheme, and the cases in which and the conditions subject to which that indemnity is provided, are determined by a policy of insurance issued in the prescribed form by a person acting on behalf of the Board ;
- (b) there are payable under the policy such premiums as may be prescribed,

and different forms of policy and different premiums may be prescribed in relation to different classes of cases, and any prescribed form of policy may be such as to incorporate by reference provisions set out in the order prescribing the form :

Provided that the Board of Trade shall have power, with the consent of the Treasury, in any case where it appears to the Board to be just and equitable so to do, to refund the whole or any part of any sum paid to them by any person by way of premium under either of the schemes, or to remit payment of any part of any sum so payable by any person.

(3) The War Damage Commission shall exercise such functions for the purposes of this Part of this Act as the Board of Trade may, with the approval of the Treasury, direct.

(4) Stamp duty shall not be chargeable in respect of any policy of insurance issued in pursuance of either of the schemes.

84.—(1) Subject to the provisions of subsection (4) of this section, the goods insurable under the business scheme in relation to any person carrying on business are all goods situated in the United Kingdom—

Goods insurable under the schemes.

- (a) which are in his possession (whether he owns them or not) and are held or used by him wholly or mainly for the purposes of that business ; or

PART II.
—cont.

- (b) which, though not in his possession, are owned by him in the course of that business ; or
- (c) which are the subject of a mortgage in his favour which he holds in the course of that business.

(2) For the purposes of this Part of this Act, the carrying on of any activity by a corporation or unincorporated body of persons shall be deemed to be the carrying on of a business :

Provided that goods which would, apart from this proviso, be insurable under the business scheme in relation to a corporation sole or a body of persons who are trustees, and would be so insurable by virtue only of this subsection, shall, in such cases as may be prescribed, be deemed not to be insurable in relation to the corporation or body of persons under the business scheme.

(3) Subject to the provisions of the next following subsection, the goods insurable under the private chattels scheme in relation to any person are all goods situated in the United Kingdom which are not, in relation to him, insurable under the business scheme and are either—

- (a) owned by him or in his possession ; or
- (b) owned by, or in the possession of, a member of his household ordinarily resident with him or a domestic servant of his :

Provided that no goods shall be insurable in relation to any person under the private chattels scheme as being goods owned by, or in the possession of, such a member or servant as aforesaid unless they are insurable under the private chattels scheme in relation to that member or servant.

(4) The following goods shall not, in relation to any person, be insurable under either of the schemes :—

- (a) any goods as respects which that person is, or could be, insured under Part II of the War Risks Insurance Act, 1939 ;
- (b) any ship other than a vessel used solely in docks, ports, estuaries, rivers or other inland waters or inland waterways ;
- (c) the machinery, tackle and furniture of any ship other than such a vessel as aforesaid, so long as the machinery, tackle or furniture is in the ship ;
- (d) any goods which are for the time being insured or re-insured by the Minister of War Transport under Part I of the said Act ; or
- (e) any goods in the possession of, or held at the disposal of, a Government department or any other person on behalf of His Majesty, so long as the owner of the goods is entitled, and, in the case of goods being a vehicle or

aircraft, is entitled otherwise than by virtue of the Compensation (Defence) Act, 1939, to be indemnified by the Crown against war damage to the goods.

PART II.
—cont.
2 & 3 Geo. 6.
c. 75.

For the purposes of this subsection, a vessel shall be deemed to be used solely in the manner specified in paragraph (b) thereof notwithstanding that it may be used otherwise on any special occasion, or so long as any use to which it is put otherwise than in the manner specified in the said paragraph (b) is incidental only to its being used in the said manner.

(5) For the purposes of this section, where any goods are consigned from a port in the United Kingdom to any other such port in a vessel which in its transit between those ports is not due to call at any port outside the United Kingdom, the goods shall at all times during the transit be deemed to be situated in the United Kingdom.

85.—(1) Subject to the provisions of subsection (2) of this section, the times at which payments by the Board of Trade under either of the schemes may be made in any class of cases shall be such times as may be specified in regulations made by the Treasury, either generally or in relation to that class of cases.

Time for
payment of
losses under
the
schemes.

(2) Notwithstanding anything in subsection (1) of this section—

(a) the Board of Trade may make the whole or any part of any particular payment under either of the schemes in respect of the destruction of or damage to any goods at an earlier date than would be allowable under subsection (1) of this section if they are satisfied either that the replacement or repair of the goods destroyed or damaged is expedient in the public interest or that it is expedient that the payment, or that part thereof, should be made to avoid undue hardship; and

(b) the Board of Trade may make a payment under either of the schemes at an earlier date than would be allowable under subsection (1) of this section if the amount claimed does not exceed such sum as may be prescribed in relation to the scheme in question and they are satisfied that the total sum claimable under the policy in question in respect of all war damage which in their opinion should be included in the same claim does not exceed the said prescribed sum.

(3) Where the whole or any part of a payment in respect of the destruction of or damage to any goods is made on an earlier date than would be allowable under subsection (1) of this section, and is so made by virtue of paragraph (a) of the last preceding subsection, the Board of Trade may impose conditions restricting

PART II.
—cont.

the manner in which the sum paid may be applied in the replacement or repair of the goods destroyed or damaged, and if in the application as aforesaid of the whole or any part of the sum paid any conditions imposed under this subsection are not complied with, the sum or the part thereof in question shall be recoverable as money had and received to the use of His Majesty.

(4) Without prejudice to the power of the Board of Trade to impose conditions under the last preceding subsection, where the whole or any part of a payment in respect of the destruction of or damage to any goods is made on an earlier date than would be allowable under subsection (1) of this section, and is so made by virtue of the Board of Trade being satisfied that the replacement or repair of the goods is expedient in the public interest, the Board may impose conditions requiring that the sum paid shall be applied in or towards the replacement or repair of the goods, or shall be so applied within such time as the Board may specify, and if any such condition is not complied with the sum paid shall be recoverable as money had and received to the use of His Majesty.

(5) Except in so far as a payment in respect of war damage under either of the schemes is, by virtue of the provisions of subsection (2) of this section, made at an earlier date than would be allowable under subsection (1) of this section, interest at the rate of two and a half per cent. per annum shall accrue on the payment from the time of the occurrence of that damage, and shall be payable when the payment is made.

Special provisions as to business scheme.

Insurance
under
business
scheme to
be com-
pulsory.

86.—(1) Subject to the provisions of this subsection, where, after such date as may be prescribed, any person carries on in the United Kingdom any business, not being a farming business, then if at any time, in respect of any goods which are insurable in relation to him under the business scheme and are so insurable by virtue of the carrying on by him in the United Kingdom of any business not being a farming business, there is not in force a policy of insurance issued in accordance with that scheme whereby he is insured, in respect of all such goods, for a sum not less than the value thereof for the time being, he shall be guilty of an offence under this section :

Provided that—

- (a) nothing in this subsection shall require any person to be insured under the business scheme if and so long as the value of all goods which are for the time being insurable in relation to him under the business scheme, excluding goods of a description for the time being prescribed under paragraph (c) of this proviso, and are

so insurable by virtue of the carrying on by him in the United Kingdom of any business not being a farming business, does not exceed such sums as may be prescribed ;

- (b) the Board of Trade may by order exempt any classes of persons from the provisions of this subsection ;
- (c) this subsection shall not operate so as to require any person to be insured under the business scheme in respect of goods of such descriptions as may be prescribed.

(2) Subject to the provisions of this subsection, where, after such date as may be prescribed, any person carries on any farming business in the United Kingdom, then if at any time, in respect of any goods which are insurable in relation to him under the business scheme by virtue of the carrying on by him of that business, there is not in force a policy of insurance issued in accordance with that scheme whereby he is insured in respect of such goods for an amount not less than such sum as is hereinafter mentioned, he shall be guilty of an offence under this section :

Provided that—

- (a) nothing in this subsection shall require any person to be insured under the business scheme so long as the net assessment of the farm for the purposes of Schedule A for the time being in force does not exceed such amount as may be prescribed ;
- (b) the Board of Trade may by order exempt any classes of persons from the provisions of this subsection.

(3) Where by virtue of the proviso to subsection (1) or the proviso to subsection (2) of this section any person is exempted, either generally or as respects any description of goods, from the obligation to insure under the business scheme, any goods insurable in relation to him under that scheme as respects which he is so exempted may, in such circumstances and to such extent as may be prescribed and so long as he is so exempted as respects those goods, be treated for the purposes of the private chattels scheme as if they were insurable in relation to him under that scheme.

- (4) The sum referred to in subsection (2) of this section is—
 - (a) subject to the next succeeding paragraph, that multiple of ten pounds which is nearest to the prescribed multiple of the net assessment of the farm for the purposes of Schedule A for the time being in force ;
 - (b) where the prescribed multiple of the said net assessment is a multiple of five pounds but not a multiple of ten pounds, the amount of the said prescribed multiple reduced by five pounds.

PART II.
--cont.

(5) In relation to a person carrying on a farming business who is a tenant of the whole or any part of the farm, subsections (2) and (4) of this section shall have effect as if for any reference to the net assessment of the farm for the purposes of Schedule A for the time being in force there were substituted a reference—

- (a) where the person in question is a tenant of the whole of the farm, to the annual rent for the time being payable in respect of the farm ;
- (b) where he is a tenant of part of the farm, to the aggregate of the annual rent for the time being payable in respect of that part of the farm and the net assessment of the remainder of the farm for the purposes of Schedule A for the time being in force.

(6) Where, under the prescribed form of policy, the maximum amount recoverable in respect of any goods is, irrespective of the sum insured, less than the value of those goods, subsection (1) of this section shall have effect in relation to those goods as if that maximum amount were their value.

(7) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding fifty pounds for every day on which the contravention continues.

(8) Proceedings for an offence under this section shall not, in England or Northern Ireland, be instituted except by or with the consent of the Board of Trade.

(9) In this section—

- the expression "farming business" means a business carried on by any person wholly or mainly in connection with the occupation by him of agricultural land ;
- the expression "the farm," in relation to any farming business, means the aggregate of the agricultural land occupied in connection with the carrying on of the business, together with any agricultural buildings occupied with the land ; and
- the expression "net assessment" means the full annual value as ascertained for the purposes of an assessment under Schedule A, less any sums on which relief was allowed under Rules 1, 4 and 7 of No. V of Schedule A or subsection (6) of section thirteen of the Tithe Act, 1936, and less any sums on which relief would have been allowable in respect of an annuity under section four of the Tithe Act, 1918, or of payments in respect of the redemption or reduction of an annuity under the Tithe Act, 1936, if relief in respect of so much of such an

annuity or such payments as represents interest were in all cases given by reduction of an assessment under Schedule A in lieu of being given by a right of deduction of tax.

PART II.
—cont.

(10) In the application of this section to Scotland, the expression " net assessment " means the full annual value as ascertained for the purposes of an assessment under Schedule A, less any such sums as are mentioned in the definition of " net assessment " in subsection (9) of this section and also less the amount of the stipend payable in respect of the farm during the year for which such assessment was in force.

(11) In the application of this section to Northern Ireland, for any reference in subsection (2) or (4) to the net assessment of the farm for the purposes of Schedule A there shall be substituted a reference to the net annual value of the farm, and subsection (5) shall not have effect.

87.—(1) Any person authorised in that behalf by the Board of Trade may at all reasonable times, on producing sufficient documentary evidence of his authority, enter any premises occupied by any person carrying on any business in the United Kingdom for the purpose of that business and may inspect the premises and request any person found therein who is for the time being in charge thereof, or in control of the business carried on therein, to produce to him and allow him to examine such accounts, books and other documents and to furnish to him such information as he may reasonably require for the purposes of ascertaining whether or not, and, if so, to what extent, the person carrying on the business is insured under the business scheme in respect of goods which are insurable under that scheme in relation to him in connection with that business, and of ascertaining the value of any goods so insurable and the maximum amount which would be recoverable in respect of any such goods under a policy issued under that scheme if those goods were all totally destroyed.

Power of
Board of
Trade to
obtain in-
formation.

(2) Where—

- (a) under paragraph (a) of subsection (2) of section eighty-five of this Act a payment in respect of the destruction of or damage to any goods has been made under either of the schemes at an earlier date than would be allowable under subsection (1) of that section, and the Board of Trade have imposed conditions as to the application of the sum paid; and
- (b) a person authorised by the Board of Trade for the purposes of this subsection has reason to believe that there are on any premises any goods acquired with the proceeds of the payment to replace the goods destroyed, or any

PART II.
—cont.

goods repaired out of the proceeds of the payment, or, where the conditions require the replacement or repair of the goods, whether within a specified time or not, that if goods have been acquired or repaired as aforesaid they would be on any premises,

the powers conferred by the preceding subsection shall be exercisable by that person in relation to those premises for the purpose of ascertaining whether or not the said conditions have been complied with as they are exercisable by a person authorised in that behalf by the Board of Trade in relation to such premises, and for such purposes, as are mentioned in that subsection.

(3) If any person wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with a request made thereunder, he shall, in respect of each occasion on which any such obstruction or failure takes place, be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(4) If any person in purporting to comply with his obligations under this section knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

Any proceedings under the Summary Jurisdiction Acts in respect of an offence against this subsection may be commenced at any time before the expiration of six months after the first discovery of the offence by the Board of Trade.

(5) Where in any proceedings in respect of a contravention of the last preceding section in relation to any business it is proved in relation to that business—

- (a) that a demand for the production of a policy of insurance issued in accordance with the business scheme insuring the person carrying on the business was duly made under this section and was not complied with; and
- (b) that the person making the demand was not satisfied that there was such a policy in existence,

it shall be presumed, except in so far as the contrary is proved, that the said section was being contravened in relation to that business at the time when the demand was made and continued to be contravened in relation to that business at all times thereafter.

(6) Proceedings for an offence against this section shall not, in England or Northern Ireland, be instituted except by or with the consent of the Board of Trade.

*Special provisions as to private chattels scheme.*PART II.
—cont.

88. The premiums prescribed for insurance under the private chattels scheme may be such as to secure that the rate of premium varies in such manner as may be prescribed for any prescribed increase in the amount insured by any person.

Graduated
premiums under
private chattels
scheme.

89. Without prejudice to the generality of the power of the Board of Trade to determine the extent and nature of the indemnity provided under the private chattels scheme—

Limitation of
indemnity
provided
under private
chattels
scheme.

- (a) any prescribed form of policy under that scheme shall contain provisions securing that no indemnity shall be given in excess of such sum as may be specified in the policy; and
- (b) the indemnity provided by any prescribed form of policy under the private chattels scheme in respect of the destruction of or damage to goods of any description specified in the policy shall be limited in such manner as may be so specified.

90. A person may recover on an insurance effected by him under and in accordance with the private chattels scheme on goods owned by or in the possession of a member of his household or a domestic servant of his notwithstanding that he has himself no insurable interest in the goods, but where a person recovers as aforesaid in respect of any such goods in which he has no insurable interest, he shall hold the net amount recovered on trust for the member or servant in question.

Rights
under
insurance
on goods of
members of
household
or servants.

91. The Board of Trade may, if they think fit, refuse any application for the issue of a policy under the private chattels scheme.

Power to refuse
applications
for insurance
under private
chattels scheme.*Special provisions as to certain goods.*

92. Where—

- (a) war damage has occurred to goods pertaining to a church, chapel or certified place of meeting for religious worship of any denomination, being goods in respect of which a policy has been issued under the business scheme; and
- (b) a representative body of that denomination, whether central or not, has made application to the Board of Trade, either as respects that policy or as respects any class of policies comprising that policy, that any payment thereunder in respect of the goods should, in lieu of being made to the person insured, be made to a body of persons specified in the application,

Goods
pertaining to
places of
worship.

the Board of Trade may, if they think fit and after consultation with the person insured under the policy and any other persons

PART II.
—cont.

appearing to the Board to be interested, give effect to the application.

Sea-going
ships, while
laid up.

93.—(1) Where a ship falling within paragraph (b) of subsection (4) of section eighty-four of this Act is or has been laid up for any period, the Board of Trade may, if they think fit, as respects any period while the ship is or was laid up as respects which the Board are satisfied that the laying up of the ship during that period is or was not contrary to the national interest, disregard the operation of the said paragraph (b) in relation to the ship, and the operation of paragraph (c) of the said subsection (4) in relation to the machinery, tackle and furniture of the ship, both for the purposes of the schemes and for the purposes of section ninety-five of this Act:

Provided that nothing in this subsection shall impose on any person any obligation to be insured.

5 & 6 Geo. 6.
c. 28.

(2) Where the Board of Trade have before the passing of the War Damage (Amendment) Act, 1942, issued any policy of insurance against war damage in respect of a ship, or the machinery, tackle and furniture of a ship, in relation to which the Board are authorised by this section to disregard the operation of the said paragraph (b) or (c), the Board may make payments in accordance with the terms of the policy.

Growing
trees owned
otherwise
than in
course of
business.

94.—(1) The Board of Trade may undertake the liability of insuring, under the business scheme, persons owning growing trees which are goods within the meaning of this Act, but which are owned by them otherwise than in the course of a business, against war damage to such trees owned by them, in like manner as if the trees had been owned by them in the course of a farming business.

(2) In this section the expression "farming business" has the same meaning as in section eighty-six of this Act.

Power to make payments otherwise than under policies.

Payments
otherwise
than under
policies.

95.—(1) The Board of Trade, acting in accordance with regulations made by the Treasury, may make payments to a person in respect of war damage to goods which, when the damage occurred, were insurable in relation to him under either of the schemes, or would have been so insurable if the scheme in question had then been in force, whether or not that person was insured under either of the schemes.

(2) In so far as they relate—

- (a) to payments to a person in respect of war damage to goods insurable in relation to him under the business scheme, being damage occurring after the coming into operation of that scheme; or
- (b) to payments in respect of war damage to a ship, or the machinery, tackle or furniture thereof, authorised by section ninety-three of this Act,

regulations under this section may be made so as to have effect as from such date, whether before or after the passing of the War Damage (Amendment) Act, 1942, as may be specified in the regulations.

PART II.
—cont.

(3) Regulations made under this section may provide for applying the provisions of section ninety-two of this Act to payments made under this section in respect of such goods as are mentioned in that section ; and such regulations, in so far as they so provide, may be made so as to have effect as from such date, whether before or after the passing of the War Damage (Amendment) Act, 1942, as may be specified in the regulations.

General provisions relating to Part II.

96.—(1) Premiums paid under policies issued under either of the schemes operated under this Part of this Act shall be treated for all purposes as outgoings of a capital nature.

Premiums to
be treated
as capital
outgoings.

(2) A provision contained in any will, settlement or other instrument (including an enactment), whether executed or coming into operation before or after the passing of this Act, to the effect that outgoings (by whatever word described) are to be discharged out of income, or by a person entitled to income or to a right of possession or residence in the capacity of a beneficiary under a trust, shall not have effect in relation to any such premium as aforesaid, except in a case in which an intention that it should have effect in relation thereto, or in relation to a class of outgoings within which the premium falls, appears from terms of the instrument other than the generality of the reference therein to outgoings.

97. No payment under either of the schemes shall be made in respect of war damage to goods insurable under the scheme in question which appears to the Board of Trade to have occurred on any occasion if the amount recoverable under the scheme in respect of the damage is less than two pounds.

Minimum sum
for payments
under policies.

98. An assignment, whether absolute or by way of charge, of the right to a payment under either of the schemes or of any part of such a payment, other than an assignment which does not affect any beneficial interest in such a payment or in any part of such a payment, shall be of no effect until it has been approved in writing by the Board of Trade.

Restriction of
assignments

99. With respect to each of the schemes, the Board of Trade shall prepare, in such form and manner as the Treasury may direct, a statement of the sums received, and of the payments made, by the Board in each financial year, and shall, on or before the thirtieth day of November next following the expiration of that year lay copies thereof before both Houses of Parliament :

Annual
statement of
receipts
and
payments
under
Part II.

PART II.
—cont.

Provided that if the Treasury certify that in the interest of the defence of the realm or the efficient prosecution of any war in which His Majesty may be engaged it is inexpedient that copies of the statements for any year should be laid before Parliament, those copies shall not, so long as the certificate remains in force, be so laid.

Expenses and receipts of Board of Trade.

100. All expenses incurred for the purposes of this Act by the Board of Trade shall be defrayed out of money provided by Parliament, and all sums received by the Board of Trade under this Act shall be paid into the Exchequer.

Employment of agents by Board of Trade.

101.—(1) The Board of Trade may employ or authorise the employment of persons to act as their agents for any of the purposes of the schemes and may pay the persons so employed such remuneration (if any) as the Board may, with the approval of the Treasury, determine, and such expenses incurred by the said persons as the Board and the Treasury may approve shall be defrayed by the Board.

34 & 35 Vict. c. xxi.

(2) The objects of the body incorporated by Lloyd's Act, 1871, shall include the carrying on of business as agents of the Board of Trade for any of the said purposes.

Orders of Board of Trade for purposes of Part II.

102.—(1) The Board of Trade may by order prescribe anything which is by this Part of this Act required or authorised to be prescribed.

(2) Any power conferred by this Part of this Act to prescribe a sum includes power to prescribe different sums in relation to different classes of cases, and, in the exercise of any power so conferred to prescribe any class of persons or description of goods, the persons or goods may be described by reference to any circumstances whatsoever.

PART III.

GENERAL PROVISIONS.

Definition of "land," "goods" and "owner."

Definition of "land."

103.—(1) In this Act, unless the context otherwise requires, the expression "land" has the meaning assigned to it by the following provisions of this section.

(2) The said expression means land in the United Kingdom.

(3) The said expression includes any buildings or works situated on, over or under land, other than plant or machinery excluded by subsection (6) of this section :

Provided that the said expression does not include any works used mainly or exclusively for the exhibition of advertisements and comprised in any property as respects which subsection (2) of section thirty-nine of this Act has effect by virtue of paragraph (a) of that subsection.

(4) The said expression includes anything which, on a valuation for rating purposes for the time being in force made by reference to the accounts, receipts, profits or output of an undertaking, was treated as the subject of an occupation enjoyed by the person carrying on the undertaking.

PART III.
—cont.

(5) The said expression includes, in relation to land not comprised in a hereditament for rating purposes which is the subject of such a valuation as is mentioned in the last preceding subsection, such plant and machinery as would, if the land were a hereditament to which section twenty-four of the Rating and Valuation Act, 1925, applied, be by virtue of the provisions of that section and of the Plant and Machinery (Valuation for Rating) Order, 1927, deemed for the purposes mentioned in subsection (1) of the said section twenty-four to be a part of the land, or, where the land is a hereditament to which the said section twenty-four applies, such plant and machinery as is so deemed for those purposes to be a part of the land. 15 & 16 Geo. 5.
c. 90.

(6) The said expression does not include any plant or machinery other than such as is included by virtue of subsection (4) or subsection (5) of this section.

(7) The said expression does not include any crop, whether grown for food or not, and does not include trees, except trees forming part of a hedge and trees whose value for shelter or amenity is greater than their value for felling or for the growing of fruit for sale.

(8) This section shall have effect, in its application to Scotland and Northern Ireland, as if the Act and Order mentioned in subsection (5) thereof applied to those countries respectively.

104. In this Act, unless the context otherwise requires, the expression "goods" includes all corporeal property neither falling (whether generally or in relation to any particular land) within the meaning assigned to the expression "land" by the last preceding section, nor deemed for the purposes of section seventy-one of this Act to form part of a highway : Definition
of "goods."

Provided that the said expression does not include money, negotiable instruments, securities for money, evidences of title to any property or right or of the discharge of any obligation, or any documents owned for the purposes of a business.

105.—(1) Subject to the provisions of this section, references in Part I of this Act to the owner of a proprietary interest or rentcharge shall be construed as references to the person in whom the legal estate in respect of the interest or rentcharge is vested, or, if the interest is a tenancy under an agreement for a lease or underlease, or a rentcharge being an equitable interest, to the person entitled to have vested in him the legal term agreed to be created or the legal estate in the rentcharge, as the case may be. Definition of
"owner" of
proprietary
interest or
rentcharge.

PART III.
—cont.

(2) Where the legal estate or the title thereto, as the case may be, in respect of a proprietary interest or rentcharge is vested in the official trustee of charity lands or other trustee on or for charitable, ecclesiastical or public trusts or purposes not entitled to act in the trust, or in the Public Trustee holding in circumstances in which he is not entitled to act in the trust, then,—

(a) in the case of a trustee on or for charitable, ecclesiastical or public trusts or purposes, the managing trustees or committee of management shall be deemed for the purposes of Part I of this Act to be the owner of the interest ;

(b) in the case of the Public Trustee, the person in receipt of the rent incident to the Public Trustee's estate, or, if there is no rent incident thereto, the person in occupation of the land, shall be deemed for those purposes to be the owner of the interest.

15 & 16 Geo. 5.
c. 23.
22 & 23 Vict.
c. 31.

(3) Where under section nine of the Administration of Estates Act, 1925, or section fifteen of the Court of Probate Act (Ireland), 1859, the estate of a person who died intestate is vested in the Probate Judge, that judge shall not be deemed for the purposes of Part I of this Act to be the owner of any proprietary interest or rentcharge comprised in the estate, but upon administration being granted the administrator shall be deemed for those purposes to have been the owner thereof as from the date of the death.

(4) In relation to requisitioned land the reference in paragraph (b) of subsection (2) of this section to rent shall be construed as including a reference to compensation payable under the Compensation (Defence) Act, 1939, or under any such agreement as is mentioned in section fifteen of that Act, and the reference in the said paragraph (b) to the person in receipt of rent shall be construed as a reference to the person who is, or, if a claim therefor had been duly made under that Act, would have been, in receipt of such compensation as aforesaid.

(5) This section shall not extend to Scotland.

Provisions as
to movable
property
falling
within
definition
of " land."

106.—(1) For the purposes of the operation of the provisions of this Act relating to payments in respect of war damage under Part I thereof as regards any chattel personal that falls within the meaning in this Act of the expression " land ", the property in the chattel shall be treated as a proprietary interest and the sole proprietary interest therein.

(2) References in sections forty-five and forty-seven of this Act to a proprietary interest subsisting in the whole of a contributory property shall be construed as references to a proprietary interest subsisting in so much of the property as is capable of being subject to a proprietary interest, and references in sections forty-eight to fifty of this Act to a tenancy of a contributory property

shall be construed as references to a tenancy of so much of the property as is capable of being subject to a tenancy.

PART III.
—cont.

(3) In the application of this section to Scotland, the expression "chattel personal" means corporeal movable.

107. Where anything falling within the meaning in this Act of the expression "goods" has been so affixed to any land as to have become part of the land, it shall be deemed for the purposes of Part II of this Act to be owned—

Meaning of "owner" in relation to fixtures falling within definition of "goods".

- (a) if there is any person who is entitled to remove it from the land and would be entitled to it if he so removed it, by that person ;
- (b) if there is no such person, by any person having the fee simple in, or a tenancy or right of occupation of, the land.

Disposal of salvage.

108.—(1) Where a hereditament has sustained war damage and, in the exercise of emergency powers, any materials that formed part of any building or other land comprised therein are removed from any land, the materials may be dealt with or disposed of in such manner as may be directed by or on behalf of the Treasury, and the proceeds of any disposal thereof shall be paid into the Exchequer.

Disposal of salvage, and payment of proceeds into Exchequer.

This subsection shall be deemed to have come into operation on the seventh day of September, nineteen hundred and forty.

(2) The references in section eighty of this Act to receipts of the Exchequer under Part I of this Act shall include references to receipts thereof under this section.

(3) The statement of payments and receipts under Part I of this Act prepared by the Treasury in relation to any year under section eighty-one of this Act shall include a statement of the proceeds of the disposal during that year of any materials disposed of in accordance with this section.

Adjustment of payments under Act and other payments and loans in respect of war damage.

109.—(1) Where any person is entitled under the Compensation (Defence) Act, 1939, to a payment in respect of war damage—

Adjustments as regards payments under the Compensation (Defence) Act.

- (a) by reason of the doing of any work on land in the exercise of emergency powers ; or
- (b) by reason of the occurrence of damage to a vehicle or aircraft requisitioned on behalf of His Majesty in the exercise of emergency powers,

no payment in respect of the damage shall be made under the provisions of this Act or under a policy issued under either of the schemes operated under Part II thereof to that person or to any person claiming under him.

PART III.
—cont.

(2) No compensation shall be payable under subsection (4) of section three of the Compensation (Defence) Act, 1939, by reference to depreciation in so far as it is the direct result of any physical change in land treated by the Commission as war damage under subsection (2) of section two of this Act :

Provided that nothing in this subsection shall affect any payment made under the said subsection (4) before the passing of the War Damage (Amendment) Act, 1942.

(3) No compensation shall be payable under the Compensation (Defence) Act, 1939, in respect of any materials dealt with or disposed of under the last preceding section.

This subsection shall be deemed to have come into operation on the seventh day of September, nineteen hundred and forty.

(4) In paragraph (c) of subsection (1) of section one of the Compensation (Defence) Act, 1939, the reference to measures taken to avoid the spreading of the consequences of damage caused by war operations shall be construed as a reference to such measures as are referred to in paragraph (b) of subsection (1) of section two of this Act ; and in paragraph (b) of subsection (1) of section two of that Act the reference to damage caused by war operations, and in paragraph (ii) of the proviso to subsection (1) of section four of that Act the reference to loss or damage arising in consequence of war operations, shall be construed as references to war damage.

This subsection shall have effect as respects work done on land, damage caused to land, and loss of or damage to vehicles or aircraft, whether done, caused or occurring, before or after the passing of the War Damage Act, 1941 :

Provided that nothing in this subsection shall be construed as affecting any payment under the Compensation (Defence) Act, 1939, made before the passing of the War Damage Act, 1941.

(5) Where a hereditament wholly comprised within requisitioned land sustains, during the period of requisition, war damage such that a value payment becomes payable, no sum shall be payable under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, in respect of damage occurring to the hereditament.

Adjustments
as regards
certain other
payments
in respect of
war damage.

110.—(1) Where war damage occurs to land or goods, and at the time when, apart from the provisions of this subsection, any payment (whether with or without interest) would be made to any person in respect thereof under Part I of this Act or under a policy issued under either of the schemes operated under Part II thereof, that person or any other person—

(a) has received (otherwise than by way of loan) in respect of the damage any sum paid on behalf of His Majesty or by a civil defence authority acting as such, not being a sum paid by virtue of the Compensation (Defence) Act, 1939, or of this Act ; or

(b) is entitled to receive (otherwise than by way of loan) in respect of the damage any sum payable on behalf of His Majesty or by a civil defence authority acting as such, not being a sum payable by virtue of either of the said Acts,

PART III.
—cont.

the payment under Part I of this Act or the policy shall be withheld or reduced, as the case may require, for the purpose of securing—

- (i) that the total amount (excluding any interest) paid in respect of the damage under the said Part I or the said policy is reduced by the aggregate of any such sums received or receivable in respect of the damage as are referred to in paragraphs (a) and (b) of this subsection ; or
- (ii) if the aggregate of those sums exceeds the total amount (excluding any interest) which, apart from the provisions of this subsection, would be payable in respect of the damage under the said Part I or the said policy, that no payment in respect of the damage is made under the said Part I or the said policy,

and any interest on the payment shall be withheld or reduced accordingly.

(2) In the preceding subsection the expression “ civil defence authority ” means a local authority on whom functions have been conferred or imposed by or under the Civil Defence Acts, 1937 and 1939, or the Civil Defence Acts (Northern Ireland), 1938 and 1939.

(3) Where war damage occurs to any land or goods in the United Kingdom and it is certified by the Secretary of State or other Minister in charge of a Government department that the damage arose out of action taken on behalf of or by agreement with the Crown, or under the direction of a person acting on behalf of or by agreement with the Crown, being action taken for purposes with which that department is concerned, no damages shall be recoverable for—

- (a) the damage to the land ; or
- (b) the damage to the goods, in so far as payment in respect thereof falls to be made under the provisions of this Act or under a policy issued under either of the schemes operated under Part II thereof,

on the ground that the damage was attributable to negligence, nuisance or breach of duty.

(4) For the purposes of the last preceding subsection,* a certificate purporting to be issued by the Secretary of State or other Minister in charge of a Government department, and to be

PART III.
—cont.

signed by him or on his behalf, shall be receivable in evidence and shall be deemed, until the contrary is proved, to be a certificate of the Secretary of State or Minister.

Set-off of
certain
payments
against
certain loans.
2 & 3 Geo. 6.
c. 73.

111.—(1) Notwithstanding anything in section nine of this Act, so much of any payment under Part I of this Act as consists of the proper cost of any works executed by a local authority under the Housing (Emergency Powers) Act, 1939, may, in lieu of being paid by the Commission, be discharged by crediting the appropriate amount to the authority in their account with the Minister of Health in respect of any money lent by him to the authority under section three of that Act.

(2) Notwithstanding anything in section nine of this Act or in any policy of insurance issued in pursuance of the business scheme operated under Part II thereof, where such a loan has been made as is mentioned in any paragraph of the Sixth Schedule to this Act in the first column thereof, any such payment as is mentioned in that paragraph in the second column thereof may be dealt with as therein provided.

Miscellaneous.

Punishment
for giving false
information.

112.—(1) If any person, for the purpose of obtaining for himself or any other person any payment in respect of war damage under this Act, or under a policy issued under either of the schemes operated under Part II thereof,—

- (a) furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or
- (b) with intent to deceive produces, furnishes, sends or otherwise makes use of any book, account or other document, which is false in a material particular; or
- (c) with intent to deceive withholds any material information,

he shall be guilty of an offence and, unless indicted therefor, liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Any proceedings under the Summary Jurisdiction Acts in respect of an offence against this section may be commenced at any time before the expiration of six months after the first discovery of the offence by the authority concerned.

Certain
expenses not to
be a deduction
for income tax,
national defence
contribution or
excess profits
tax.

113. No sum shall be deducted in computing the amount of the profits or gains of any person for any purpose of the Income Tax Acts or the profits of any person for the purposes of the national defence contribution or for the purposes of excess profits tax, and no sum shall be included in computing—

- (a) the expenses of management of any person in respect of which relief may be claimed under section thirty-three of the Income Tax Act, 1918; or

8 & 9 Geo. 5.
c. 40.

- (b) the cost to any person of maintenance, repairs, insurance and management in respect of which relief may be claimed under Rule 8 of No. V of Schedule A ; or
- (c) the cost to any person of management or supervision in respect of which relief may be claimed under section twenty-six of the Finance Act, 1922,

PART III.
—cont.

12 & 13 Geo. 5.
c. 17.

in respect of—

- (i) any payment made in or towards the discharge of any liability imposed on him under Part I of this Act as, or as a mortgagee of, a direct or indirect contributor ;
- (ii) any premium payable under a policy issued under either of the schemes operated under Part II of this Act ; or
- (iii) any expenditure on repairing or otherwise making good war damage in so far as he is entitled to a payment in respect of the damage by virtue of the provisions of this Act or by virtue of a policy issued under either of the said schemes.

114.—(1) A provision in an agreement creating a short tenancy or granting a licence by which the tenant or licensee is required to discharge outgoings, and any other provision subject to which such a tenancy or a licence is held and which apart from this section might have imposed on the tenant or licensee any liability in respect of any instalment of contribution or of any indemnity in respect of any instalment of contribution or of any premium payable under a policy issued under either of the schemes operated under Part II of this Act, shall be of no effect so far as regards any such liability, whether the provision was entered into or imposed before or after the passing of this Act.

Protection of holders of short tenancies and licensees against liability for contributions and premiums.

(2) In the application of this section to Scotland, for any reference to a short tenancy there shall be substituted a reference to a tenancy under a lease the stipulated duration of which is not more than twenty-one years or, in the case of minerals, not more than thirty-one years, from the date of entry.

115.—(1) Notwithstanding anything in Part I of this Act, any payment thereunder in respect of war damage, or any part of such a payment, which the Commission are satisfied would inure for the benefit of a person not resident in the United Kingdom at the time when the payment would fall due shall be payable only as to so much thereof, and subject to such conditions, as may be determined in accordance with regulations made by the Treasury.

Payments to be subject to conditions in case of non-residents.

(2) Without prejudice to the generality of the power of the Board of Trade to determine the extent and nature of the indemnity provided under either of the schemes operated under Part II of this Act, any prescribed form of policy under that

PART III.
—cont.

scheme shall contain provisions securing that a payment thereunder which the Board are satisfied would inure for the benefit of a person not resident in the United Kingdom at the time when the payment would fall due shall be payable only as aforesaid.

(3) Regulations made for the purposes of this section may contain such provisions (including penal provisions) as appear to the Treasury to be necessary for securing the due operation and enforcement of the regulations.

Amendments by
Defence
Regulations.

116.—(1) The purposes for which Defence Regulations may be made shall include the effecting of any amendments of Part II (excluding sections ninety-six and one hundred), or of section one hundred and seven, of this Act.

(2) Defence Regulations (whether made before or after the passing of this Act) effecting any such amendments shall not be invalid by reason that they extend the scope of compulsory insurance; and for the purposes of the Emergency Powers (Defence) Acts, 1939 and 1940, this Act shall be deemed to have been passed before the Emergency Powers (Defence) Act, 1940.

3 & 4 Geor 6.
c. 20.Information as to
Schedule A
assessments
and rating
valuations.

117.—(1) The obligation as to secrecy imposed by any enactment with regard to income tax shall not prevent the disclosure to the War Damage Commission or the Board of Trade of any such information relating to the assessment of any land for the purposes of Schedule A as may be necessary for the purposes of this Act.

(2) The rating authority for any area shall furnish the Commissioners of Inland Revenue or the Board of Trade with any such information relating to the valuation of any land or other property in their area as the Commissioners or the Board may require for the purposes of this Act.

(3) In the application of this Act to Northern Ireland, the following provisions shall have effect in substitution for the provisions of the last preceding subsection, that is to say, that the Commissioner of Valuation shall furnish the Commissioners of Inland Revenue or the Board of Trade with any such information relating to the valuation of land in Northern Ireland as the Commissioners or the Board may require for the purposes of this Act.

Restriction
on disclosure
of
information.

118.—(1) No information relating to any individual business, being information which has been obtained by, or on behalf of, any person for the purposes of his functions under this Act, shall, without the previous consent in writing of the owner for the time being of that business, be published or disclosed otherwise than in connection with the execution, or for the purposes, of this Act or any order, regulation or scheme having effect by virtue of this Act.

(2) Nothing in the preceding subsection shall apply to any disclosure of any information made for the purposes of any legal proceedings pursuant to this Act (including any appeal or reference under section thirty-two thereof and any appeal to the Special Commissioners under Part I thereof) or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report of any such proceedings as aforesaid.

PART III.
—cont.

(3) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

119.—(1) A liability to which this section applies to repair a chancel of a church or to repair any other ecclesiastical building or any part thereof shall not extend to any repairs required for making good war damage.

Liabilities to repair chancels, &c., not to extend to war damage.

(2) Where war damage occurs to a chancel of a church or to any other ecclesiastical building in respect of which such a liability exists, then, in so far as the discharge of that liability, as modified by the provisions of the preceding subsection, is, having regard to the extent of the war damage,—

(a) impracticable, or only practicable at a cost which is unreasonable in view of all the circumstances, or

(b) of no substantial advantage,

the liability shall be suspended until the war damage is made good to such an extent that the discharge thereof is practicable at a reasonable cost and is of substantial advantage.

(3) Where under the preceding provisions of this section a liability is modified or suspended, all rights and remedies arising out of the non-discharge of the liability shall be modified or suspended accordingly.

(4) The preceding provisions of this section shall be deemed to have had effect as from the third day of September, nineteen hundred and thirty-nine.

(5) Where war damage occurs to a chancel of a church or to any other ecclesiastical building in respect of which such a liability exists, or to the church of which such a chancel forms part or to premises of which such a building forms part, the Commission shall, in exercising the powers conferred on them by subsection (4) of section sixty-nine of this Act in relation to that damage, have regard to the circumstances affecting the church or those premises as a whole, and may make provision under that subsection in relation to the church or to those premises as a whole.

PART III.
—cont.

(6) This section applies to a liability arising as mentioned in section thirty-one of the Tithe Act, 1936, or in any other manner whatsoever except by virtue of a contract providing expressly for the execution of repairs required for making good war damage or by reason of a person's holding property upon trusts which authorise its application in the execution of such repairs.

Prohibition
of war
damage
insurance
businesses
and schemes.

120.—(1) Subject to the provisions of this section, no person shall, after such date as may be prescribed by order of the Board of Trade, take part in the promoting or carrying on of any business or scheme whereby persons are, or may become, entitled or eligible, either absolutely or conditionally, to or for any form of indemnification, whether total or partial, and whether by way of a money payment or not, in respect of war damage to land, or to goods which are insurable in relation to those persons respectively under Part II of the War Risks Insurance Act, 1939, or under either of the insurance schemes operated under Part II of this Act :

Provided that—

- (a) the Board of Trade may direct that the provisions of this subsection shall not apply in relation to any business or scheme specified in the direction of which the primary purpose is the provision of indemnification against losses arising otherwise than by reason of war damage to land or goods, or which operates only as respects goods which by virtue of an order of the Board of Trade under subsection (1C) of section nine of the War Risks Insurance Act, 1939, are not compulsorily insurable under Part II of that Act, or as respects goods which by virtue of an order of the Board under paragraph (b) or paragraph (c) of the proviso to subsection (1) of section eighty-six of this Act are not compulsorily insurable under the business scheme operated under Part II of this Act ;
- (b) the said provisions shall not apply in relation to any business or scheme which operates only so as to insure persons, in respect of goods insurable in relation to them under either of the schemes operated under Part II of this Act, against losses in respect of which, by reason of the provision of policies issued under the scheme in question limiting the indemnity provided thereunder, they are unable to recover under the scheme irrespective of the amount for which they are insured ;
- (c) the Board of Trade may direct that, subject to compliance with any conditions imposed by the Board, the provisions of this subsection shall not apply in relation to any scheme specified in the direction, being a scheme which

appears to the Board to be devised primarily as a scheme for affording assistance to persons who have suffered loss from war damage to their property rather than as a scheme of insurance, whether total or partial, against the occurrence of war damage to property.

PART III.
—cont.

(2) Where, in pursuance of any such business or such scheme as is mentioned in subsection (1) of this section, any fund has been constituted before the passing of the War Damage Act, 1941, for the purpose of providing any form of such indemnification as aforesaid in respect of war damage to land or goods, the persons having control of the fund may, and, if the carrying on of the business or scheme has become illegal under the said subsection (1), shall, treat the passing of that Act as an event upon the happening of which the fund became distributable, and distribute the fund among the persons and in the shares provided for by the deed or instrument regulating the application of the fund :

Provided that where the fund is distributed by virtue of this subsection—

- (a) any claim in respect of war damage outstanding against the fund shall be disregarded ;
- (b) any payment in respect of war damage made out of the fund to any person on or before the eleventh day of December nineteen hundred and forty shall not be repayable but shall be treated as having been paid in satisfaction, either wholly or as far as the amount of the payment will go, of any sum payable to that person on the distribution of the fund ; and
- (c) any such payment made out of the fund after the said date shall be recoverable by the persons having control of the fund from the person to whom it was paid.

(3) Where the persons entitled to participate in the distribution of any such fund as is mentioned in the last preceding subsection, or the shares in which persons are entitled to participate in the distribution of the fund, are, under the deed or instrument regulating the application of the fund, to be ascertained by reference to any date specified in the deed or instrument, the deed or instrument shall be construed, for the purposes of a distribution made by virtue of the last preceding subsection, as if the said date were the twenty-sixth day of March, nineteen hundred and forty-one, being the date of the passing of the War Damage Act, 1941.

(4) The Board of Trade may by order provide that where the persons having the control of funds which fall to be distributed by virtue of subsection (2) of this section have been unable to trace the persons entitled to any moneys forming part of such funds, the Board of Trade may, if satisfied that reasonable steps have

PART III.
—cont.

been taken for the purpose of tracing the persons entitled, authorise the payment of the moneys in question into an account specified in the order; and any payment into such an account authorised by the Board of Trade shall be a good discharge for the amount of the payment.

An order made under this subsection shall provide for the making of payments out of the account, in accordance with the provisions of the order, to persons claiming to be entitled to moneys paid into the account.

(5) If any person contravenes subsection (1) of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding fifty pounds for every day on which the contravention continues.

(6) Proceedings for an offence under subsection (1) of this section shall not, in England or Northern Ireland, be instituted except by or with the consent of the Board of Trade.

Provisions
as to
regulations
and orders.

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

In reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

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

(3) Any order made under this Act by the Board of Trade may be varied or revoked by a subsequent order so made and subject to the like conditions as the original order.

Exercise of
functions of
Board of
Trade.

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

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

PART III.
—cont.
Interpre-
tation.

“agricultural land” and “agricultural buildings” have in relation to England the same meanings as in the Rating and Valuation (Apportionment) Act, 1928, and in relation to Northern Ireland the same meanings as in the Valuation Acts Amendment Act (Northern Ireland), 1932, except that in each case “agricultural building” includes a farm-house occupied in connection with any agricultural land and any agricultural cottage so occupied which is on or contiguous to that land ;

18 & 19 Geo. 5.
c. 44.

“agricultural cottage” means, in relation to any land, a house used as a dwelling-house of a person who is employed in agricultural operations on that land in the service of the occupier thereof and is entitled, whether as tenant or otherwise, so to use the house only while so employed ;

“building” includes a building in an incomplete state, and in relation to such a building the expression “use” includes potential use ;

“contributory property” has the meaning assigned to it by subsection (1) of section thirty-six of this Act ;

“contributory value” has the meaning assigned to it by subsection (3) of section thirty-six of this Act ;

“Defence Regulations” means regulations made under the Emergency Powers (Defence) Act, 1939, or the Emergency Powers (Defence) Acts, 1939 and 1940 ;

“direct contributor” has the meaning assigned to it by subsection (1) of section thirty-seven of this Act ;

“emergency powers” means powers conferred by Defence Regulations, by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, or exercisable by virtue of the prerogative of the Crown ; and “exercise” includes, in relation to emergency powers, a purported exercise thereof ;

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

“family” means, in relation to any person, any one or more of the following, that is to say—

(a) his wife, son, daughter, father, mother ; and

(b) any person, whether related to him or not, who is wholly or mainly dependent upon him ;

“goods” has the meaning assigned to it by section one hundred and four of this Act ;

“indirect contributor” has the meaning assigned to it by subsection (3) of section thirty-seven of this Act ;

N

PART III.
—cont.

- “ interest ”, in relation to any land, includes a rentcharge to which it is subject ;
- “ land ” has the meaning assigned to it by section one hundred and three of this Act ;
- “ making good ” includes, in relation to war damage, demolition or clearance requisite as a preliminary to, or in the course of, the making good thereof ;
- “ material time ” has the meaning assigned to it in relation to a value payment by subsection (2) of section twelve of this Act, and in relation to a payment under section eighteen of this Act by subsection (3) of the said section eighteen ;
- “ mortgage ” does not include a floating charge, but, subject as aforesaid, includes any charge or lien on any property for securing money or money’s worth ;
- “ net liability ” has the meaning assigned to it by subsection (3) of section thirty-seven of this Act ;
- “ owner ”, in relation to a proprietary interest or rentcharge, has the meaning assigned to it by section one hundred and five of this Act ;
- “ prescribed ”—
- (a) in Part I of this Act, means prescribed by regulations made by the Treasury ; and
- (b) in Part II of this Act, means prescribed by order of the Board of Trade ;
- “ proper cost ” means, in relation to any works, such cost as is reasonable, having regard to the prices of materials and rates of remuneration for services current at the date specified in this Act as the date as at which proper cost is to be ascertained or, where no date is so specified, at the date when the works are executed, and to all other relevant circumstances, and in computing the proper cost of any works the cost of the necessary employment of an architect, engineer, surveyor, land agent, or other person in an advisory or supervisory capacity, in connection with the execution of the works, shall be treated as part of the cost of the works ;
- “ proprietary interest ” means, in relation to any hereditament or property—
- (a) the fee simple in the land comprised therein or in any part of that land ; and
- (b) any tenancy of that land or of any part thereof, other than a short tenancy ;
- “ rating authority ”—
- (a) means a rating authority under section one of the Rating and Valuation Act, 1925 ;

(b) in relation to London, has the meaning assigned to it by subsection (2) of section seven of the Rating and Valuation (Apportionment) Act, 1928 ;

(c) in relation to the Isles of Scilly, means the Council of the said Isles ;

“ relevant date ” has the meaning assigned to it by subsection (1) of section thirty-eight of this Act ;

“ relevant part of the risk period ” has the meaning assigned to it by subsection (2) of section thirty-eight of this Act ;

“ rentcharge ” has the meaning assigned to it by subsection (7) of section twenty-five of this Act ;

“ requisitioned land ” means land of which possession has been taken on behalf of His Majesty in the exercise of emergency powers during the period beginning with the twenty-fourth day of August, nineteen hundred and thirty-nine, and ending with the termination of the risk period ; and “ period of requisition ”, in relation to requisitioned land, means the period during which possession of the land under such powers taken as aforesaid continues ;

“ risk period ” has the meaning assigned to it by subsection (1) of section one of this Act ;

“ Schedule A ” and “ Schedule D ” have the same meanings as in the enactments relating to income tax ;

“ short tenancy ” means a tenancy granted for a term of seven years or less (without any right of renewal which would enable the tenant to prolong the term thereof beyond seven years), and includes—

(a) a tenancy granted for a term of more than seven years but subject to a subsisting right of the landlord to determine the tenancy at or before the expiration of seven years from the beginning of the term ;

(b) a tenancy from year to year ;

(c) a tenancy at will ;

(d) a tenancy granted for a term limited to expire, or subject to a right of the landlord to determine the tenancy, on, or at a time or within a period expiring not later than seven years after, any such occasion as the following, that is to say, the termination of any war in which His Majesty may be engaged or of hostilities in any such war or of the emergency mentioned in the Emergency Powers (Defence) Act, 1939, or any other Act of the present Parliament, the occurrence of any event likely to occur on or in connection with such termination, or any similar occasion in whatsoever words described ;

PART III.
—cont.

“Special Commissioners” has the same meaning as in the enactments relating to income tax ;

“temporary works payment” has the meaning assigned to it by subsection (2) of section six of this Act ;

“tenancy” includes a tenancy under an under-lease and a tenancy under an agreement for a lease or under-lease, but does not include an option to take a tenancy and does not include a mortgage ;

“war damage” has the meaning assigned to it by section two of this Act ;

“works” includes any structure.

(2) For the purposes of this Act, an activity shall not be deemed to be other than a business by reason only that it is of a professional nature, or that it is not carried on for gain.

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

Application
to Scotland.

124.—(1) The following provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the Minister of Health or to the Minister of Agriculture and Fisheries or to the Board of Education there shall be substituted a reference to the Secretary of State ; for any reference to the High Court there shall be substituted a reference to the Court of Session ; and for any reference to the county court there shall be substituted a reference to the sheriff.

(3) The expression “local authority” means a county or town council ; the expression “rating authority” means a county or town council charged with the duty of causing a valuation roll to be made up.

(4) The expression “proprietary interest” means, in relation to any hereditament or property, the estate or interest of the person entered or entitled to be entered in the ordinary valuation roll as the proprietor of the land comprised in the hereditament or of any part of that land :

Provided that—

(a) where the person so entered or entitled to be so entered is a lessee under a lease the stipulated duration of which is more than twenty-one years, or in the case of minerals more than thirty-one years from the date of entry, the immediate and any superior lessors shall also be deemed to be owners of proprietary interests in such land or part ;

(b) where a lessee is so entered or entitled to be entered in pursuance of the Lands Valuation (Scotland) Amendment

Act, 1895, in respect of erections or structural improvements on the subjects let, he shall be deemed to be the owner of the fee simple in such erections or structural improvements ; and

PART III.
—cont.

(c) where a lessee or a landholder within the meaning of the Small Landholders (Scotland) Acts, 1911 to 1931, has made or acquired erections or structural improvements in respect of which he is not required to be so entered by reason only that the erections or improvements fall within one of the classes specified in paragraphs (1), (2), or (3) of section four of the said Act of 1895, he shall be deemed to be the owner of the sole proprietary interest and of the fee simple in such erections or improvements.

(5) The expression “ mortgage ” in Part I of this Act means—

- (a) a heritable security within the meaning of the Con-^{14 & 15 Geo. 5.}veyancing (Scotland) Act, 1924, exclusive of a security^{c. 27.} by way of ground annual and a real burden *ad factum praestandum* but inclusive of a security constituted by *ex facie* absolute disposition ; or
- (b) an assignation in security of a lease recorded under the^{20 & 21 Vict.} Registration of Leases (Scotland) Act, 1857 ;^{c. 26.}

and the expressions “ mortgagee ” “ mortgagor ” and “ mortgaged interest ” shall be construed accordingly.

(6) The expressions “ fee simple ” and “ fee simple absolute in possession ” mean the estate or interest of the proprietor of the *dominium utile*, or, in the case of property, other than feudal property, of the owner ; the expression “ easement ” means servitude, and the expression “ under-lease ” means sub-lease.

(7) For any reference to a rentcharge there shall be substituted a reference to a feuduty and to a ground annual, and any reference to the owner of a rentcharge shall be construed accordingly.

(8) The expression “ agricultural land ” means any agricultural lands and heritages (other than buildings) within the meaning of the Rating and Valuation (Apportionment) Act, 1928, and the expression “ agricultural buildings ” means buildings occupied together with agricultural land or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon, exclusive of any dwelling-house not being either a farmhouse occupied in connection with any agricultural land or an agricultural cottage so occupied which is on or contiguous to that land.

(9) For any reference to money had and received to the use of His Majesty there shall be substituted a reference to a debt due to the Crown ; for any reference to a valuation list there shall be

PART III.
—cont.

substituted a reference to a valuation roll ; and for any reference to the Rating and Valuation Acts, 1925 to 1940, there shall be substituted a reference to the Lands Valuation (Scotland) Act, 1854.

(10) A county or town council shall have power to borrow such sums as may be necessary for the purpose of paying contributions or premiums under this Act :

Provided that such power shall not be exercised except with the consent of, and subject to such conditions as may be prescribed by,—

- (a) the Minister of War Transport as regards highways, omnibuses, tramways, trolley vehicles and garages therefor ;
- (b) the Electricity Commissioners as regards electricity undertakings ; and
- (c) the Secretary of State in any other case.

(11) Subsection (1) of section seventy-six and section one hundred and nineteen of this Act shall not apply.

Application to
Northern
Ireland.

125.—(1) The following provisions of this section shall have effect for the purpose of the application of this Act to Northern Ireland.

(2) For any reference to money had and received to the use of His Majesty there shall be substituted a reference to a debt due to the Crown.

(3) For any reference to the Rating and Valuation Acts, 1925 to 1940, there shall be substituted a reference to the Valuation Acts (Northern Ireland), 1852 to 1940.

14 & 15 Vict.
c. 93.

(4) For any reference to the Summary Jurisdiction Acts there shall be substituted a reference to the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act ; and the expression " summary conviction " means conviction subject to, and in accordance with, the said Petty Sessions (Ireland) Act, and any Act amending the same.

(5) The expression " net annual value " means the net annual value under the Valuation Acts (Northern Ireland), 1852 to 1940, and the net annual value shown in a provisional or revised valuation for the time being in force by virtue of any enactment pending the annual revision of valuation under the said Acts shall be deemed to be the net annual value shown in the valuation list.

(6) The expressions " Act " and " enactment " include respectively an Act or enactment of the Parliament of Northern Ireland ; and the expression " Government department " includes a department of the Government of Northern Ireland.

Transitional
provisions.

126. The transitional provisions set out in the Seventh Schedule to this Act shall have effect with respect to the matters therein mentioned.

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

PART III.

—cont.

Repeal,
 retrospective
 effect and
 savings.

(2) The subsequent provisions of this section shall have effect for preventing duplication of rights and liabilities under the enactments repealed by this Act on the one hand and under this Act on the other, and for saving the effect of things done or omitted before the passing of this Act in relation to the enactments repealed by this Act.

(3) This Act shall have effect, and be deemed to have had effect, as if it had come into operation at the time of the passing of the War Damage Act, 1941, and as if anything done or omitted (including any payment made, any regulation, rule, order, scheme, requirement, claim, determination, assessment, apportionment or calculation made, any direction, notice, certificate, consent, approval or undertaking given, any condition or obligation imposed, and any proceeding instituted) before the passing of this Act under, for the purposes of, in accordance with or otherwise in relation to, any enactment repealed by this Act had been done or omitted under, for the purposes of, in accordance with or otherwise in relation to, the corresponding provision of this Act, and any such thing, in so far as it has effect at the passing of this Act, shall continue to have effect notwithstanding the repeal effected by this section.

(4) No person shall be entitled or subject to any right, privilege, obligation or liability, as conferred or imposed by or by virtue of any enactment repealed by this Act, or subject to any penalty, forfeiture or punishment, in respect of any offence as being an offence against any enactment repealed by this Act, and subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall have effect subject to this provision. 52 & 53 Vict.
c. 63.

(5) Any document made or issued at any time (whether before or after the passing of this Act) which refers to any enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.

(6) Any person holding office or acting or serving under or by virtue of any enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.

(7) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals, except as mentioned in subsection (4) of this section.

128. This Act may be cited as the War Damage Act, 1943. Short title.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

CONSTITUTION AND PROCEDURE OF THE WAR DAMAGE COMMISSION.

Membership.

1. The Commission shall consist of a chairman and such number of other members as the Treasury may think expedient, to be appointed by the Treasury.

2. The appointment of a member of the Commission shall be for such term as may be determined by the Treasury before his appointment and shall be subject to such conditions as may be so determined; and a member of the Commission who ceases to hold office shall be eligible for re-appointment.

3. A person shall be disqualified for being appointed or being a member of the Commission so long as he is a member of the Commons House of Parliament.

Capacity and proceedings.

4. The Commission shall have power to act notwithstanding a vacancy among the members thereof, and at any meeting of the Commission two, or such greater number as the Commission may determine, shall be the quorum.

5. All acts done at a meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member thereof, be as valid as if the defect had not existed.

6. Subject to the preceding provisions of this Schedule, the Commission shall have power to regulate their own procedure, including the manner in which, and the officers of the Commission by whom, questions subject to determination by the Commission under this Act are to be determined and the manner in which determinations made by officers acting in any locality are to be subject to review by a deputy commissioner or other superior officer or by members of the Commission.

Officers and servants, and remuneration.

7. The Treasury may appoint a secretary to the Commission, and the Commission may appoint such deputy commissioners and other officers, and such servants, as the Treasury may determine.

8. There shall be paid out of moneys provided by Parliament to the members, officers and servants of the Commission such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

Proof of documents.

9. Every document purporting to be an instrument made or issued by the Commission and to be signed by the secretary or any person authorised to act in that behalf shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commission; and prima facie evidence of any such instrument may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the secretary.

1ST SCH.
—cont.

SECOND SCHEDULE.

Sections 7, 10,
12, 17.PROVISIONS AS TO CERTAIN VALUATIONS REQUIRED IN
CONNECTION WITH PAYMENTS UNDER PART I.

Nature and terms of the sale to be assumed on valuation for determining whether there is total loss.

1.—(1) For the purposes of subsection (2) of section seven of this Act, the sale by reference to which there is to be ascertained the amount which the fee simple in a developed hereditament might have been expected to realise on a sale thereof in the state in which it would be after the execution of works, or as a site, shall be a sale made—

- (a) in the open market;
- (b) with vacant possession;
- (c) subject to—
 - (i) any restrictive covenant, easement, quasi-easement, or other right inuring for the benefit of other land,
 - (ii) any public right of way, right of common, or other right inuring for the benefit of the public or of any section thereof, and
 - (iii) any restriction imposed by or under an enactment passed before the War Damage Act, 1941,

to which the hereditament was subject at the time immediately after the occurrence of the war damage or, in the case of an ascertainment for the purposes of subsection (1) of section sixteen of this Act in the case of a hereditament which has sustained war damage on more than one occasion, immediately after the subsequent occasion mentioned in that subsection;

- (d) free from any other incumbrance, and without regard to any liability of the hereditament to become subject after the said time to any restriction by virtue of any enactment.

(2) In the application of this paragraph to Scotland, for the words "any other incumbrance" there shall be substituted the words "any ground annual or other incumbrance and any liability to pay feuduty".

Nature and terms of the sale to be assumed on valuation for determining the amount of a value payment.

2.—(1) For the purposes of subsection (2) of section ten of this Act, the sale by reference to which the value of a hereditament,

2ND SCH.
—cont.

whether in its state immediately before the occurrence of war damage or in the state by reference to which, as regards its state after damage, the depreciation in the value of the hereditament is to be determined, shall be a sale of the fee simple in the hereditament made as specified in paragraph 1 of this Schedule, so however that the time to be referred to for the purposes of heads (c) and (d) of sub-paragraph (1) thereof shall be—

- (a) as regards the valuation of the hereditament in its former state, the time immediately before the occurrence of the war damage; and
- (b) as regards the valuation of the hereditament in its latter state, the time immediately after the occurrence of the war damage.

(2) For the said purpose the amount that the hereditament in its latter state might have been expected to realise on the said sale shall be ascertained on the assumption that it would have been possible to foresee, immediately after the taking of the action or measures from which the war damage resulted, all the war damage which is known at the time when the valuation is made to have resulted therefrom.

Valuation of proprietary interests: incidents under Landlord and Tenant (War Damage) Acts, etc.

3.—(1) In ascertaining for the purposes of subsection (3) of section twelve of this Act the amount that might have been expected to be realised on a sale of an interest subsisting in a hereditament on the thirty-first day of March, nineteen hundred and thirty-nine, with the like incidents as a proprietary interest therein had at the material time, the following provisions of this paragraph shall have effect.

(2) In ascertaining for the purposes of paragraph (a) of the said subsection (3) the amount that might have been expected to be realised on the assumption of the hereditament's being in the state in which it was immediately before the occurrence of the war damage, incidents arising under the provisions of the Landlord and Tenant (War Damage) Acts, 1939 and 1941, shall be disregarded.

(3) In ascertaining for the purposes of paragraph (b) of the said subsection (3) the amount that might have been expected to be realised on the assumption of the hereditament's being in the state in which it was after the war damage, in a case in which the material time is the time immediately before the occurrence of the war damage—

- (a) regard shall be had to what in fact happens as respects any surrender, taking effect by virtue of the Landlord and Tenant (War Damage) Act, 1939, or resulting from the provisions of subsection (2) of section two of the Landlord and Tenant (War Damage) (Amendment) Act, 1941, of any tenancy in the hereditament or in a part thereof (including the proprietary interest in question if it is a tenancy), and the amount that might have been expected to be realised on the sale shall accordingly be determined as if any such tenancy surrendered as aforesaid (including the proprietary interest in

2 & 3 Geo. 6.
c. 72.
4 & 5 Geo. 6.
c. 41.

question if it is a tenancy and is surrendered) had been for a term limited to expire on the date on which the surrender takes effect, and had been held free from any obligation as to repairs to which it was subject, but

2ND SCH.
—cont.

- (b) subject as aforesaid that amount shall be determined without regard to the provisions of the said Acts.

(4) In ascertaining for the purposes of paragraph (b) of the said subsection (3) the amount that might have been expected to be realised on the assumption of the hereditament's being in the state in which it was after the war damage, in a case in which the material time is fixed by reference to the provisions of section thirteen, fourteen or twenty of this Act, the amount that might have been expected to be realised on the sale shall be determined, as respects incidents arising under the said Acts, by reference to the incidents so arising which in fact attach to the interest, whether before or after the material time, except that where a conditional notice of retention has been served and the interests both of the landlord and of the tenant are acquired as mentioned in section fourteen of this Act, that amount shall be determined as if the notice had not been conditional.

(5) The following incidents shall be disregarded, whether the ascertainment is for the purposes of paragraph (a) or of paragraph (b) of the said subsection (3) namely—

- (a) the fact of the interest's being subject to any mortgage or floating charge or to any rentcharge ;
- (b) the fact of the interest's being affected by any restriction imposed on the hereditament by or under an enactment passed after the War Damage Act, 1941 ; and
- (c) any liability of the hereditament to become subject to any restriction by virtue of any enactment.

(6) In ascertaining for the purposes of paragraph (b) of the said subsection (3) the amount that might have been expected to be realised on the assumption of the hereditament's being in the state in which it was after the war damage, the like assumption shall be made as is required by sub-paragraph (2) of paragraph 2 of this Schedule to be made in computing the amount of the value payment.

(7) This paragraph shall, in its application to Northern Ireland, have effect with the substitution, for references to the Landlord and Tenant (War Damage) Acts, 1939 and 1941, of references to any corresponding enactments of the Parliament of Northern Ireland for the time being in force.

Provisions as to valuation of, or of an interest in, licensed premises.

4.—(1) Where war damage is sustained by premises in respect of which a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, was in force before the occurrence of the damage, any determination required for the purposes of this Act relating to the value of the premises or of an interest therein, or the amount which the premises or an interest therein might have been expected to realise, shall be made on the assumption that the validity of the licence, and

10 Edw. 7 &
1 Geo. 5 c. 24.

2ND SCH
—cont.

the prospect of renewal thereof, were, and would remain, unaffected by the damage, or by any circumstances connected therewith or any consequence thereof.

3 Edw. 7. c. 25.

(2) In the application of this paragraph to Scotland, for any reference to a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, there shall be substituted a reference to a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903.

(3) In the application of this paragraph to Northern Ireland, for any reference to a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, there shall be substituted a reference to the certificate required to enable a person to obtain the grant transfer or renewal of, and to hold, any excise licence for the sale of any intoxicating liquor.

Sections 8, 10.

THIRD SCHEDULE.

DEDUCTIONS FROM PAYMENTS UNDER PART I.

Deduction from payments in respect of value of materials.

1.—(1) The amount of a payment of cost of works shall be reduced by an amount equal to the value, ascertained in accordance with regulations made by the Treasury, of any articles which formed part of the hereditament and become available as materials in consequence, whether directly or indirectly, of the war damage, and in computing the amount of a value payment the value, ascertained as aforesaid, of any such articles shall be included in the value of the hereditament in the state in which it was after the occurrence of the war damage:

Provided that—

- (a) where any such articles are removed in exercise of emergency powers, otherwise than pursuant to a requisition, the amount of the payment shall be computed as if they had been wholly destroyed on the occurrence of the damage; and
- (b) where any such articles are requisitioned, the amount of the payment shall be computed as mentioned in the preceding proviso and then reduced by the amount of the sum payable under the Compensation (Defence) Act, 1939, or under any such agreement as is mentioned in section fifteen of that Act, in respect of the requisition, or which would have been so payable if a claim therefor had been duly made under that Act.

(2) The amount of a payment of cost of works or value payment shall be reduced by an amount equal to any value as materials of articles provided for the purpose of works the proper cost of which has been or is to be included in a temporary works payment, and which, in the case of a payment of cost of works, become available as materials on the execution of subsequent works, such value being ascertained in accordance with regulations made by the Treasury.

(3) Where both a payment of cost of works and a value payment are made under section thirteen, section fourteen, paragraph (b) of section fifteen, or paragraph (b) of subsection (3) of section twenty, of

this Act, the preceding provisions of this paragraph shall not have effect in relation to both payments to the full extent but the appropriate reduction in respect of the value of any articles shall be made in one or other of the payments, or partly in one and partly in the other, as the Commission may determine.

3RD SCH.
—cont.

Deduction from payments for failure to minimise damage.

2.—(1) If war damage to a hereditament is increased by failure on the part of the owner of, or any person interested in, a proprietary interest in the hereditament or any part thereof (including a mortgagee of such an interest) to take any steps for preserving the hereditament or that part thereof which he might reasonably have been expected to take after the happening of the event from which the damage results, the following provisions of this paragraph shall have effect.

(2) Where a value payment is to be made in respect of the war damage, both the actual depreciation in the value of the hereditament caused thereby and the depreciation that would have been caused if the damage had not been increased as aforesaid shall be determined in accordance with the provisions of sections ten and thirty-two of this Act and the difference shall be deducted from so much of the payment as is attributable to the relevant proprietary interest :

Provided that where the person in default was a mortgagee, if the mortgagee receives the amount so attributable he shall be liable to account as if it had been paid in full, but if not it shall be paid in full and an amount equal to the said difference shall be recoverable as a debt due to His Majesty from the person in default.

(3) Where a payment of cost of works is to be made in respect of the war damage, the amount by which the proper cost of the works executed for making it good is increased by reason of the failure shall be determined by the Commission and that amount shall be deducted from so much (if any) of the payment as would otherwise have been payable to the person in default, and, so far as not so deducted, shall be recoverable as a debt due to His Majesty from him.

Deduction from payments of cost of works where damage other than war damage, or repeated war damage, is sustained.

3.—(1) The amount of a payment of cost of works shall be reduced by any amount by which the proper cost of the works executed for making good the war damage is increased by reason of any physical change in the hereditament not directly attributable to war damage (other than ordinary wear and tear) occurring between the time of the occurrence of the damage and the time when it is made good.

(2) In determining the amount of separate payments of cost of works to be made in respect of war damage occurring on two or more occasions, the cost of any works which contribute to the making good both of the damage occurring on one of those occasions and of the damage occurring on another of them shall not be taken into account more than once.

FOURTH SCHEDULE.

PROVISIONS AS TO RENTCHARGES, FEUDUTIES AND GROUND
ANNUALS.

PART I.

Capital equivalent, annual value of land charged, etc.

1. The following provisions of this Part of this Schedule shall have effect for the purpose of the ascertainment of the matters mentioned in subsection (6) of section twenty-five of this Act.

2. The "capital equivalent" of the excess of the amount of the rentcharge so far as attributable to the charged land in the hereditament over the available annual value of that land as depreciated by the war damage shall be taken to be that excess multiplied by the number of years purchase which the rentcharge might have been expected to realise on a sale thereof made in the open market on the thirty-first day of March, nineteen hundred and thirty-nine, if on that day the rentcharge had been subsisting with the like incidents in all respects as it had at the material time, and the hereditament had been in the state in which it was immediately before the occurrence of the war damage thereto, and the annual value of any land outside the hereditament subject to the rentcharge had been its annual value apart from any war damage.

3. The "annual value of the charged land in the hereditament as depreciated by the war damage" shall—

- (a) if that land is coterminous with the hereditament, be taken to be five per cent. of the value of the hereditament after the war damage as ascertained for the purpose of computing the amount of the value payment ;
- (b) if that land is a part only of the hereditament, be determined by apportioning an appropriate part of the said percentage of the said value to that land.

4. The "annual value apart from any war damage" of any land shall, if that land was coterminous with land which constituted a contributory property or two or more contributory properties for the purposes of the instalments of contribution for the year in which the war damage to the hereditament occurred (or, if it occurred before the beginning of the year nineteen hundred and forty-one, for that year), be taken to be the contributory value or the sum of the contributory values of the property or properties for that year, and, if it was not, shall be determined by valuation made by reference—

- (a) primarily to the contributory value for that year of any such contributory property or properties as aforesaid which that land comprised or of which it formed part ; and
- (b) subject as aforesaid, to the rent at which that land or any part thereof might have been expected to let from year to year on the thirty-first day of March, nineteen hundred and thirty-nine, if it had been on that day in the state in which it was immediately before the occurrence of the war damage to

the hereditament, or, in the case of land outside the hereditament which had then also sustained war damage, immediately before the occurrence of that damage, and the tenant undertook to pay the usual tenant's rates and taxes and the landlord undertook to bear the costs of the repairs and insurance and other expenses, if any, necessary to maintain the land in a state to command that rent.

4TH SCH.
—cont.

5. The "available annual value" of the charged land in the hereditament as depreciated by the war damage, or apart from any war damage, shall be taken to be the annual value thereof as so depreciated, or apart from any war damage, as the case may be, less the amount, so far as attributable to any of the charged land in the hereditament, of—

- (a) any rentcharge having priority to the rentcharge in question to which the fee simple in that land was subject at the material time, or, where that rentcharge was created out of a tenancy of that land, to which either the fee simple therein or that tenancy or any superior tenancy thereof was subject at that time; and
- (b) where that rentcharge was created out of a tenancy of that land, the rent reserved by the lease for the year in which that time fell:

Provided that, in ascertaining the available annual value of the charged land in a hereditament, no deduction shall be made from the annual value thereof in respect of any such amount as aforesaid, in so far as the owner of the rentcharge in question is liable for the payment of that amount as between himself and the owner of the proprietary interest out of which that rentcharge was created in that land.

6. The "amount attributable" to any land of a rentcharge, or of rent reserved by a lease, shall, where at the material time that land was the only land subject to the rentcharge, or out of which the rent issued, be taken to be the whole amount of the rentcharge payable, or of the rent reserved, for the year in which that time fell, and, where it was not, shall be determined by apportioning or allocating to that land so much (if any) of that whole amount as may be appropriate, having regard—

- (a) primarily, to any apportionment or allocation of that rentcharge or rent which may have been made otherwise than so as to be binding on the owner of that rentcharge or on the landlord, as the case may be, before the occurrence of any war damage to any of the land subject to that rentcharge or rent; and
- (b) subject as aforesaid, to the proportion borne by the annual value apart from any war damage of that land to the annual value apart from any war damage of the other land subject to that rentcharge or rent.

PART II.

Application of rentcharge provisions to Scotland.

7. In the application of section twenty-five of this Act and of Part I of this Schedule to Scotland, for any reference therein to a rentcharge

4TH SCH.
—cont.

created out of the fee simple in any land there shall be substituted a reference to a feuduty or ground annual payable by the owner of the fee simple in such land ; references therein to the owner of a rentcharge shall be construed accordingly ; and references therein to a rentcharge created out of a tenancy shall not apply.

8. The right conferred by section twenty-five of this Act as modified by the last preceding paragraph on a superior or the creditor in a ground annual to receive a part of a value payment shall not be exercisable until—

- (a) in the case where the feuduty or ground annual is payable in respect of the charged land in the hereditament and also of other land, the part of such feuduty or ground annual attributable to the charged land in the hereditament has been allocated thereon ; and
- (b) the feuduty or ground annual or the part thereof so allocated, as the case may be, in so far as it exceeds the annual value of the charged land in the hereditament as depreciated by the war damage, has been discharged.

9. Where for the purpose of this Part of this Schedule a feuduty or ground annual is required to be allocated or a feuduty or a ground annual or a part thereof so allocated is required to be discharged, the superior or the creditor in the ground annual shall execute and record in the appropriate register of sasines—

- (a) a memorandum specifying the sum to be allocated and describing particularly or by reference the land on which it is to be allocated ; or, as the case may be,
- (b) a discharge of the feuduty or ground annual or part specifying the extent to which the same is discharged and describing particularly or by reference the land so disburdened ;

and any such allocation or discharge shall be binding on all having interest.

PART III.

Application of rentcharge provisions to Northern Ireland.

10. In its application to Northern Ireland, subsection (7) of section twenty-five of this Act shall have effect with the substitution, for the reference therein to the Settled Land Act, 1925, of a reference to the Settled Land Acts, 1882 to 1890.

11. As regard cases in which land in Northern Ireland is subject to a rentcharge, the Lord Chief Justice of Northern Ireland may by rules make such provision as may be expedient for securing, by the imposition of conditions as to the exercise of the right conferred by subsection (1) of the said section twenty-five or otherwise, that the extinguishment of any of a rentcharge by virtue of that section shall not take effect without notice thereof being registered in the proper office for the registration of deeds or titles as the case may require.

FIFTH SCHEDULE.

Section 32.

PROVISIONS AS TO APPEALS AND REFERENCES
TO A REFEREE.

1. The decision of the referee on an appeal or reference shall, subject as hereinafter provided, be final :

¶ Provided that immediately after the determination by the referee of the appeal or reference, any party thereto, if dissatisfied with the determination as being erroneous in point of law, may declare his dissatisfaction to the referee who heard the appeal or reference, and, having done so, may, within such time as may be limited by rules of court, require the referee to state and sign a case for the opinion thereon of the High Court, or, where the party making the requirement so elects and the determination of the referee is on an appeal as to a value which has been determined by the Commission not to exceed five hundred pounds, or on a reference in relation to a value payment of an amount not exceeding that amount or in relation to a rentcharge of an amount not exceeding twenty-five pounds per annum, of the county court.

2. The Reference Committees for England and Scotland constituted by section thirty-three of the Finance (1909-10) Act, 1910, shall make rules, subject to the approval of the Treasury, for regulating appeals and references in relation to which this Schedule has effect, and such rules shall in particular make provision—

- (a) as to the time within which, and the manner in which, any such appeal or reference is to be made ;
- (b) as to the manner in which the referee to whom any such appeal or reference is to be made is to be selected ;
- (c) for limiting the number of expert witnesses who may be heard at the instance of any party to one, except where the referee otherwise determines ;
- (d) for securing that, on an appeal or reference as to either of two amounts the difference between which it is material for any of the purposes of this Act to ascertain, the referee shall determine the other of those amounts also ; and
- (e) as to the form in which any decision of the referee is to be given, and as to the amendment of any such decision in pursuance of any directions which, on appeal to any court, may be given by that court.

3. A referee may order that the costs of any appeal or reference to him incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs to be paid under any such order or direct in what manner they are to be taxed, and any such order may be enforced as if it were an award on a submission within the meaning of the Arbitration Acts, 1889 to 1934.

4. In the application of this Schedule to Scotland, paragraph 3 thereof shall have effect with the substitution, for the words from "an award" to the end of the paragraph, of the words "a recorded decree arbitral".

5TH SCH.
—cont.

5. In the application of this Schedule to Northern Ireland—
- (a) paragraph 2 thereof shall have effect with the substitution, for the reference to the Reference Committees for England and Scotland, of a reference to the Reference Committee for Northern Ireland; and
- (b) paragraph 3 thereof shall have effect with the substitution for the words "submission within the meaning of the Arbitration Acts, 1889 to 1934", of the words "reference under an arbitration agreement within the meaning of the Arbitration Act (Northern Ireland), 1937".

Section 111.

SIXTH SCHEDULE.

PROVISIONS AS TO SETTING OFF PAYMENTS IN RESPECT OF WORKS, &C., FOR ESSENTIAL PURPOSES AGAINST LOANS MADE IN RESPECT THEREOF.

Nature and purpose of loan.

Mode in which payment may be dealt with.

2 & 3 Geo. 6.
c. 74.

1. Loan made under section 1 of the Essential Buildings and Plant (Repair of War Damage) Act, 1939, by the appropriate Minister to a person (whether or not being a local authority or a housing authority) who has executed works for the purpose of which the loan was made, for the execution of the works.

A payment in respect of the works may, in lieu of being paid by the Commission, be discharged by crediting the appropriate amount to the person to whom the loan was made in his account with the Minister in respect of the loan.

2. Loan made by a housing authority to a person (other than a local authority or a housing authority) who has executed works, for the execution of the works, where either—

A payment in respect of the works may, in lieu of being paid by the Commission, be discharged by crediting the appropriate amount to the authority in their account with the appropriate Minister in respect of the loan made by him, and by crediting the like amount to the person who executed the works in his account with the authority in respect of the loan made by them.

- (a) the loan was made under section 1 (3) (a) of the said Act and the appropriate Minister has made to the authority under section 1 (3) (b) thereof a loan of an equivalent amount; or
- (b) the loan was made in pursuance of a notice under section 1 (4) (i) of the said Act and the appropriate Minister has made to the authority under section 1 (4) (ii) thereof a loan of such amount as is necessary to enable the authority to comply with the notice.

Nature and purpose of loan.

3. Loan made by such an authority, to such a person and for such a purpose, as is mentioned in the last preceding paragraph, where the loan was made as therein mentioned but the Minister has not made a loan as therein mentioned.

4. Loan made under section 2 of the said Act by the appropriate Minister, for repairing or replacing plant used for the purposes of an undertaking.

5. Loan made by a Minister of the Crown out of moneys provided by Parliament to the person carrying on an undertaking, for making good war damage to a building occupied, or to plant or works used, for the purposes of the undertaking, or partly for such making good and partly for other purposes, being a loan made on the ground that immediately before the event which caused the damage, the undertaking was being carried on for purposes which, in the opinion of the said Minister, were essential to the efficient prosecution of any war in which His Majesty may be engaged.

For the purposes of this Schedule, the expression "the appropriate Minister" has the same meaning as it has for the purposes of the Essential Buildings and Plant (Repair of War Damage) Act, 1939, references to a payment in respect of any works or of any war damage shall be construed as references to so much of any payment under Part I of this Act as consists of the proper cost of those works or of works executed for making good that damage, and references to a payment in respect of any plant or of any war damage shall be construed as references to so much of any payment under the business scheme operated under Part II of this Act, or of any payment that the Board of Trade have decided to make under section ninety-five of this Act as is referable to that plant or to that damage.

In the application of this Schedule to Northern Ireland, references to the said Act and to sections 1 and 2 thereof, to the appropriate Minister, and to a housing authority, shall be construed respectively

Mode in which payment may be dealt with.

A payment in respect of the works may be paid to the authority in discharge of the loan made by them.

A payment in respect of works executed for the purpose for which the loan was made, or in respect of the plant, may, in lieu of being paid by the Commission or the Board of Trade, as the case may be, be discharged by crediting the appropriate amount to the person carrying on the undertaking in his account with the appropriate Minister.

A payment in respect of the war damage may, in lieu of being paid by the Commission or the Board of Trade, as the case may be, be discharged by crediting the appropriate amount to the person carrying on the undertaking in his account with the said Minister.

6TH SCH.
—cont.

6TH SCH.
—cont

as references to the Essential Buildings and Plant (Repair of War Damage) Act (Northern Ireland), 1939, and to sections 1 and 3 thereof, to the appropriate Ministry, and to a local authority; and for the provisions set out in the second column of this Schedule as to the mode in which such a payment as is mentioned in paragraphs 1, 2 and 4 thereof respectively may be dealt with the following provisions shall be substituted, that is to say:—

- (a) such a payment as is mentioned in paragraph 1 may be paid to the appropriate Ministry in discharge of the loan;
- (b) such a payment as is mentioned in paragraph 2 may be paid to the appropriate Ministry, which shall credit the appropriate amount to the authority in their account with that Ministry in respect of the loan made by it, and the authority shall credit the like amount to the person who executed the works in his account with the authority in respect of the loan made by them;
- (c) such a payment as is mentioned in paragraph 4 may be paid to the appropriate Ministry, which shall credit the appropriate amount to the person carrying on the undertaking in his account with that Ministry in respect of the loan.

SEVENTH SCHEDULE.

TRANSITIONAL PROVISIONS.

Saving for determinations between cost of works and value payments made before the passing of the War Damage (Amendment) Act, 1943.

1. Where the question whether a payment in respect of any war damage is to be a payment of cost of works or a value payment has been determined under subsection (1) of section four of, or paragraph 2 of the Third Schedule to, the War Damage Act, 1941, before the passing of the War Damage (Amendment) Act, 1943, and the determination had effect immediately before the passing of this Act, it shall continue to have effect notwithstanding the passing of this Act:

Provided that the Commission may review the determination and, if satisfied that it would have been different if it had been made after the passing of the said Act of 1943, they may if they think fit, after consultation with the persons appearing to them to be interested, alter their determination.

Saving for agreements, etc., made before the passing of the War Damage (Amendment) Act, 1942, in relation to value payments to be made under sections 13, 14 or 20 (2) (b).

2.—(1) In any case in which under the provisions of subsection (2) of section thirteen, or subsection (2) of section fourteen, or paragraph (b) of subsection (5) of section twenty, of this Act, the time by reference to which the vesting of the right to receive a value payment is to be

Sections 13, 14,
20, 126.

6 & 7 Geo. 6.
c. 12.

regulated would, apart from this paragraph, have been later than the time immediately before the occurrence of the war damage, if any person makes application to the Commission in that behalf and shows that, having regard to—

- (a) any agreement made during the period between the occurrence of the war damage and the passing of the War Damage (Amendment) Act, 1942, as to the disposal of any payment which might be made in respect of the damage ;
- (b) any transaction or disposition entered into or made, or contained in a will or codicil executed, during that period on the assumption that a particular kind of payment would be made in respect of the damage or that any payment to be made in respect thereof would be disposed of in a particular way ; or
- (c) any other circumstances occurring during that period,

the vesting of the right to receive the value payment by reference to that later time would involve serious injustice to him, the Commission may dispose of the payment or any part thereof as if the vesting of the said right had fallen to be regulated by reference to the time immediately before the occurrence of the war damage or otherwise as may appear to them to be just and equitable in all the circumstances.

(2) The Commission may make orders as to the costs of the parties on applications under this paragraph and as to the parties by whom such costs are to be paid, and may tax or settle the amount of the costs to be paid under any such order or direct in what manner they are to be taxed, and any such order may be enforced in like manner as an order of a referee as to costs made under the Fifth Schedule to this Act.

Payment where compulsory acquisition of partially damaged land became obligatory before the passing of the War Damage (Amendment) Act, 1942.

3.—(1) Where a notice to treat for the compulsory acquisition by virtue of an enactment passed or deemed to have been passed before the passing of the War Damage Act, 1941, of land constituting or forming part of a hereditament which had sustained war damage in respect of which a payment of cost of works would have been the appropriate payment, but which had not been fully made good, was served, or any other action by virtue of which such an acquisition became obligatory was taken, before the passing of the War Damage (Amendment) Act, 1942, and compensation for the acquisition has been or falls to be determined by reference to the value of the land in its damaged state (without regard to the prospective right of a purchaser to payment of the cost of making the damage good), the payment to be made under Part I of this Act in respect of the damage to the land acquired shall be of an amount equal to what would have been permissible for the payment of cost of works (so far as attributable to the land acquired if it is part only of the hereditament), and shall be made in the form of—

- (a) a payment of cost of works in respect of any works for making good the damage executed before the date of the notice to treat or other the date on which the acquisition became

7TH SCH.
—cont.

7TH SCH.
—cont.

obligatory, in so far as the proper cost thereof falls within the said permissible amount ; and

(b) a value payment of an amount equal to the residue of the said permissible amount, or, if no such works were so executed, to the whole thereof.

(2) In a case in which the preceding sub-paragraph has effect, subsection (2) of section six of this Act shall have effect in relation to works reasonably executed for temporarily meeting the circumstances created by the damage to the land acquired, being works, other than those taken into account under head (a) of the preceding sub-paragraph, executed between the occurrence of the damage and the date mentioned in that sub-paragraph, and in relation to such works only.

(3) Any question arising in giving effect to the preceding provisions of this paragraph shall be determined by the Commission.

(4) In a case in which sub-paragraph (1) of this paragraph has effect, it shall have effect to the exclusion of section fourteen of this Act.

Provisions as to functions transferred to new Ministers as respects period before transfer.

2 & 3 Geo. 6.
c. 77.

4. Any reference in this Act to a Minister to whom functions have before the passing of this Act been transferred by Order in Council made under the Ministers of the Crown (Emergency Appointments) Act, 1939 shall in relation to the functions transferred be construed, as respects the period before the transfer had effect, as a reference to the Minister from whom the functions were transferred.

Saving for effect of future Orders in Council under Ministers of the Crown (Emergency Appointments) Act, 1939 and of repeal of that Act.

5 & 6 Geo. 6.
c. 11.

5. Any Order in Council made after the passing of this Act under the Ministers of the Crown (Emergency Appointments) Act, 1939, and the repeal of that Act provided for by section three of the Ministers of the Crown and House of Commons Disqualification Act, 1942, shall operate in relation to this Act as if—

(a) any functions conferred by this Act on the Minister of War Transport in relation to lighthouses and in relation to other matters had been conferred by this Act on the Minister of Shipping and the Minister of Transport respectively and had been transferred to the Minister of War Transport by the Ministers of the Crown (Minister of War Transport) Order, 1941 ;

(b) any functions conferred by this Act on the Minister of Fuel and Power had been conferred by this Act on the Board of Trade and had been transferred to the said Minister by the Ministers of the Crown (Minister of Fuel and Power) Order, 1942 ;

(c) the references in subsection (11) of section seventy-one and subsection (4) of section eighty-four of this Act to the

Minister of War Transport had respectively been references to the Minister of Transport and the Minister of Shipping which had been directed by the said Order of 1941 to be construed as references to the Minister of War Transport.

7TH SCH.
—cont.

Construction of references to the risk period in regulations made before the passing of the War Damage (Amendment) Act, 1942.

6. References to the risk period in regulations made by the Treasury under the War Damage Act, 1941, before the passing of the War Damage (Amendment) Act, 1942, shall, unless the contrary intention appears, be construed as references to that period as defined by this Act.

EIGHTH SCHEDULE.

Section 127.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Geo. 6. c. 12.	The War Damage Act, 1941.	The whole Act, so far as not already repealed, except Part III, so much of section eighty-eight as relates to the War Risks Insurance Act, 1939, and subsection (1) of section one hundred and two.
5 & 6 Geo. 6. c. 28.	The War Damage (Amendment) Act, 1942.	The whole Act, except so much of section three as relates to the War Risks Insurance Act, 1939, subsection (2) of section four, section five, subsection (1) of section seven, so much of subsection (2) of section seven as relates to citation, and subsection (5) of section seven.
6 & 7 Geo. 6. c. 12.	The War Damage (Amendment) Act, 1943.	The whole Act.

CHAPTER 22.

An Act to extend the time within which applications for assistance under the Housing (Agricultural Population) (Scotland) Act, 1938, may be made to local authorities.

[3rd June 1943.]

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

Extension of time for applying for assistance under s. 4 of the Housing (Agricultural Population) (Scotland) Act, 1938, 1 & 2 Geo. 6. c. 38.

1.—(1) Subsection (3) of section four of the Housing (Agricultural Population) (Scotland) Act, 1938 (which provides amongst other things that applications for assistance must be made within five years after the passing of that Act) shall have effect as if the words "ten years" were therein substituted for the words "five years"; and section eight of the said Act (which relates to Exchequer contributions to expenses of local authorities under section four of that Act) shall have effect accordingly.

(2) Subject to the provisions of any amending scheme made after the passing of this Act by a local authority with the approval of the Secretary of State, any reference in a scheme under the Housing (Agricultural Population) (Scotland) Act, 1938, to any date in the year nineteen hundred and forty-three shall be construed as a reference to the corresponding date in the year nineteen hundred and forty-eight.

Short title, citation and construction.

2.—(1) This Act may be cited as the Housing (Agricultural Population) (Scotland) Act, 1943.

(2) This Act shall be construed as one with the Housing (Scotland) Acts, 1925 to 1938, and those Acts and this Act may be cited together as the Housing (Scotland) Acts, 1925 to 1943.

CHAPTER 23.

Railway Freight Rebates Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Suspension of coal rebates.
2. Payment to the Minister of Fuel and Power of amounts corresponding to amounts of suspended rebates.
3. Consequential adjustments as to review of rebates.
4. Disposal of certain balances in the fund and certain credits and liabilities thereof.
5. Consequential provisions.
6. Short title, construction and citation.

SCHEDULE.—Provisions as to estimating revenue, and definition of balances accruing on coal account and on agricultural account.

An Act to provide for the suspension of the rebates from railway charges in respect of certain coal, coke and patent fuel traffics allowable under the Eleventh Schedule to the Local Government Act, 1929, for the payment to the Minister of Fuel and Power out of the fund established under that Schedule of amounts corresponding to the amounts of the suspended rebates, for consequential adjustments as to review of the rates of those rebates and of the rebates so allowable in respect of certain agricultural traffics and as to the disposal of certain balances in the said fund and certain credits and liabilities thereof; and for purposes connected with the matters aforesaid.

[10th June 1943.]

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

1. The coal rebates provided for by the scheme in force under the Eleventh Schedule to the Local Government Act, 1929, shall not be allowed in respect of traffics delivered for conveyance by railway at any time during the period (in this Act referred to as "the period of suspension of coal rebates") beginning on the first day of the month next following the month in which this Act is passed and terminating on such date as the Minister of War Transport (in this Act referred to as "the Minister") may appoint, or, if before the termination thereof as aforesaid there is no longer in force any order under Regulation 69 of the Defence (General) Regulations, 1939, for the control of railway undertakings, terminating on the last day on which any such order is in force.

Suspension
of coal rebates.
19 & 20 Geo. 5.
c. 17.

2.—(1) The tribunal shall, as respects the year beginning on the first day of October, nineteen hundred and forty-two, as soon as may be after the passing of this Act, and, as respects each subsequent year beginning on a first day of October in the period of suspension of coal rebates, within the first three months of that year, estimate the amount which is under the provisions of sub-paragraph (1) of paragraph 1 of the Schedule to this Act to be taken as the amount for that year of the revenue of the fund which would have been available for coal rebates, and shall certify their estimate to the Minister.

Payment to
the Minister of
Fuel and
Power of
amounts
corresponding
to amounts of
suspended
rebates.

(2) There shall be paid to the Minister of Fuel and Power out of the fund in respect of each of the years mentioned in the preceding subsection the amount certified by the tribunal thereunder in respect of that year;

Provided that—

- (a) in the case of the year beginning on the first day of October, nineteen hundred and forty-two, the amount to be so paid shall be the amount certified in respect of that year less the amount (as estimated by the tribunal and certified to the Minister) of the coal rebates required by the scheme in respect of traffics delivered for conveyance by railway in that year before the beginning of the period of suspension of coal rebates ; and
- (b) in the case of the year in which that period terminates, an estimate shall be made and certified under subsection (1) of this section in like manner as in the case of a year falling wholly within that period, but the amount to be so paid shall be such part only of the amount certified in respect of that year as is proportionate to the part of that year elapsing before the termination of that period.

(3) The amounts to be paid to the Minister of Fuel and Power under this section shall be paid at such times and in such manner as the Treasury may direct, and shall be applied by the Minister of Fuel and Power in accordance with arrangements made by him and approved by the Treasury for any purpose connected with the production or marketing of coal.

Consequential
adjustments
as to reviews
of rebates.

3.—(1) For the purposes of each review under paragraph 10 of Part I of the said Eleventh Schedule taking place whilst this subsection remains in force, the following provision shall have effect in lieu of the proviso to sub-paragraph (1) of that paragraph, that is to say, that the tribunal shall not by any order made under that paragraph alter the rate for the time being in force of any agricultural rebates unless the tribunal is of opinion that, in the absence of the alterations, the aggregate of the agricultural rebates will, in the year in which the review takes place, exceed by more than the fixed marginal allowance, or fall short by more than that allowance of, the amount for that year (as estimated by the tribunal in accordance with the provisions of sub-paragraph (2) of paragraph 1 of the Schedule to this Act) of the revenue of the fund available for agricultural rebates.

(2) Paragraph 11 of Part I of the said Eleventh Schedule shall have effect whilst this subsection remains in force with the substitution, for references therein to rebates, of references to agricultural rebates, and, for references therein to the net revenue of the fund for any year, of references to the amount for that year (as estimated by the tribunal in accordance with the provisions of sub-paragraph (2) of paragraph 1 of the Schedule to this Act) of the revenue of the fund available for agricultural rebates.

(3) If in consequence of the approaching termination of the period of suspension of coal rebates it appears to the Minister that the rates of the rebates ought to be reviewed in relation to the circumstances as they will be after the termination of that period, he may direct that subsections (1) and (2) of this section shall cease to have effect on a specified date, and those subsections shall cease to have effect on any date so specified or on the termination of the said period, whichever is the earlier.

(4) The fact that subsection (1) or (2) of this section has ceased to have effect shall not affect the validity of any rate fixed by the tribunal in accordance with the provisions thereof whilst it remained in force, or the continuance, subject to later review, of any rate so fixed.

(5) If in consequence of the termination or approaching termination of the period of suspension of coal rebates it appears to the Minister that a further review under paragraph 10 of Part I of the said Eleventh Schedule ought to take place in any year after the review in that year required by that paragraph has taken place, he may direct that such a further review shall take place, and the provisions of that paragraph shall have effect in relation to any such further review as they have effect in relation to a review taking place as thereby required.

4.—(1) In accordance with the provisions of the Schedule to this Act, the following items shall be excluded in making the estimates required by section two of this Act and in estimating, whilst subsections (1) and (2) of the last preceding section remain in force, the revenue of the fund available for agricultural rebates, that is to say—

Disposal of certain balances in the fund and certain credits and liabilities thereof.

- (a) the sum of nine hundred and twenty-five thousand, five hundred and forty-two pounds (being the balance standing to the credit of the fund as at the thirtieth day of September, nineteen hundred and forty-two, in this section referred to as "the accrued balance");
- (b) any payment made after the said thirtieth day of September by way of adjustment under paragraph 2 of Part I of the said Eleventh Schedule, whether into the fund by the companies or to the companies out of the fund, in respect of any period before the first day of October, nineteen hundred and forty-two; and
- (c) any interest earned in respect of—
 - (i) the accrued balance, or
 - (ii) any such payment into the fund by way of adjustment as aforesaid,
 or earned in respect of any such interest as aforesaid.

(2) At reviews taking place after subsections (1) and (2) of the last preceding section have ceased to have effect, the tribunal shall,

notwithstanding anything in the said Eleventh Schedule, so fix the rebates as between different selected traffics as to secure that in the course of such number of years as the tribunal may determine the following sums shall, in the case of a sum representing a credit, be expended out of balances from time to time brought forward in the fund, or, in the case of a sum representing a debit, be made good, in such manner as to appropriate the effect of the expenditure or making good to rebates in respect of a particular group of selected traffics, or in respect of such traffics within that group as the Minister may direct, as follows, that is to say :—

- (a) to rebates in respect of traffics contained in Part II of the said Eleventh Schedule (agricultural selected traffics), a sum equal to any credit or debit balance in the fund on agricultural account attributable to the period between the first day of October, nineteen hundred and forty-two, and the beginning of the year in which the period of suspension of coal rebates terminates (as defined in sub-paragraph (2) of paragraph 2 of the Schedule to this Act) ;
- (b) to rebates in respect of traffics contained in Part III of the said Eleventh Schedule (coal, coke and patent fuel selected traffics), a sum equal to the aggregate of the accrued balance and any credit balance in the fund on coal account attributable to the period between those dates (as defined in sub-paragraph (1) of paragraph 2 of the Schedule to this Act), or equal to the difference between the accrued balance and any debit balance in the fund on coal account so attributable :

Provided that if the aggregate of any such payments out of the fund by way of adjustment as are mentioned in paragraph (b) of subsection (1) of this section exceeds by any amount the aggregate of any such payments into the fund by way of adjustment as are therein mentioned and of any such interest as is mentioned in paragraph (c) of that subsection accruing during the period of suspension of coal rebates, the accrued balance shall be treated as reduced by that amount for the purposes of this subsection.

(3) In calculating the net revenue of the fund for any year for the purposes of reviews taking place after subsections (1) and (2) of the last preceding section have ceased to have effect, any such payment out of the fund by way of adjustment as is mentioned in paragraph (b) of subsection (1) of this section shall, notwithstanding anything in subsection (4) of section two of the Railway Freight Rebates Act, 1936, be debited in determining the balance brought forward in the fund.

¹ Edw. 8. &
¹ Geo. 6. c. 2.

5.—(1) Notwithstanding anything in paragraph 5 of Part I of the said Eleventh Schedule, the sum to be paid out of the fund under sub-paragraph (1) (a) of that paragraph in respect of administrative expenses in respect of any year falling wholly or partly within the period of suspension of coal rebates shall be such sum as the tribunal may allow on application in that behalf being made by the companies, and may, if the tribunal so determine, be less than a sum equal to the percentage mentioned in that sub-paragraph, and the balance of that sum to be paid to the companies shall be apportioned between them as may be agreed by them, or, in default of agreement, as the tribunal may determine.

(2) In making any comparison for the purposes of paragraph 10 or 11 of Part I of the said Eleventh Schedule between the appropriate proportion of the net revenue of the fund for the year in which the period of suspension of coal rebates terminates and the amount of any coal rebates, the amount to be paid to the Minister of Fuel and Power under section two of this Act in respect of that year shall be brought into account as if it had been an amount representing coal rebates.

(3) In the definition in paragraph 17 of Part I of the said Eleventh Schedule of "estimated rate relief" the reference to the estimate adopted by the tribunal for the purpose of calculating rebates shall be construed, in relation to any year falling wholly or partly within the period of suspension of coal rebates, as a reference to the estimate adopted by the tribunal for the purpose of giving effect to the provisions of the Schedule to this Act in relation to that year.

(4) The amendments made by the Railway Freight Rebates Act, 1936, of paragraph 6 of Part I, and of Parts II, III, and IV, of the said Eleventh Schedule shall continue in force until the termination of the period of suspension of coal rebates, and accordingly in subsection (5) of section one of that Act a reference to the termination of that period shall be substituted for the reference to the thirty-first day of December, nineteen hundred and forty-three.

6.—(1) This Act may be cited as the Railway Freight Rebates Act, 1943. Short title,
construction
and citation.

(2) In this Act the expressions "agricultural rebates" and "coal rebates" mean respectively rebates in respect of the groups of selected traffics in Parts II and III of the said Eleventh Schedule.

(3) This Act, section one hundred and thirty-six of the Local Government Act, 1929, the said Eleventh Schedule and the Railway Freight Rebates Act, 1936, shall be construed as one; and this Act and those enactments may be cited together as the Railway Freight Rebates Enactments, 1929 to 1943.

SCHEDULE.

PROVISIONS AS TO ESTIMATING REVENUE, AND DEFINITION OF BALANCES ACCRUING ON COAL ACCOUNT AND ON AGRICULTURAL ACCOUNT.

1.—(1) For the purposes of section two of this Act, the amount for any year (in this paragraph referred to as "the relevant year") of the revenue of the fund which would have been available for coal rebates shall be taken to be the amount ascertained by deducting from the aggregate of—

- (a) four-fifths of the instalments payable by the companies into the fund under paragraph 2 of Part I of the said Eleventh Schedule in respect of the relevant year,
- (b) four-fifths of any payments by the companies by way of adjustment under the said paragraph 2 in respect of any period beginning on or after the first day of October, nineteen hundred and forty-two, paid or to be paid into the fund in the relevant year,
- (c) four-fifths of any interest accruing during the relevant year on investments of moneys of the fund, other than any such interest as is mentioned in paragraph (c) of subsection (1) of section four of this Act, and
- (d) any credit balance in the fund on coal account attributable to the period between the said first day of October and the beginning of the relevant year,

the aggregate of—

- (i) the administrative charge appropriate to coal account (that is to say, such proportion as the tribunal may determine of the sums payable under sub-paragraph (1) (a) of paragraph 5 of Part I of the said Eleventh Schedule, and under subsection (3) of section two of the Railway Freight Rebates Act, 1936) in respect of the relevant year,
- (ii) four-fifths of any payments to the companies by way of adjustment under paragraph 2 of Part I of the said Eleventh Schedule in respect of any period beginning on or after the said first day of October, paid or to be paid out of the fund in the relevant year,
- (iii) four-fifths of any interest accruing during the relevant year on sums borrowed by the Railway Clearing House in accordance with the provisions of the said Eleventh Schedule,
- (iv) four-fifths of the sums required to be paid in the relevant year in repayment of the principal of the moneys borrowed under section two of the Railway Freight Rebates Act, 1936, (including any sums required for the redemption or cancellation of stock issued under that section), and four-fifths of

the interest accruing during the relevant year on those moneys or on stock so issued, and

- (v) any debit balance in the fund on coal account attributable to the period between the said first day of October and the beginning of the relevant year.

(2) For the purposes of subsections (1) and (2) of section three of this Act, the amount for any year of the revenue of the fund available for agricultural rebates shall be taken to be an amount ascertained in like manner as is provided by sub-paragraph (1) of this paragraph in relation to the amount for that year of the revenue of the fund which would have been available for coal rebates, with the substitution for references therein to four-fifths of references to one-fifth, and for references therein to coal account of references to agricultural account.

2.—(1) References in this Act to any credit or debit balance in the fund on coal account attributable to the period between the said first day of October and the beginning of any year shall be construed as references to any amount by which the aggregate of—

- (a) four-fifths of such instalments, payments and interest as are mentioned respectively in heads (a) (b) and (c) of sub-paragraph (1) of paragraph 1 of this Schedule, being instalments payable in respect of, payments by way of adjustment paid into the fund in, or interest accruing during, any year or years or other period or periods elapsing after the thirtieth day of September, nineteen hundred and forty-two, and before the beginning of the year in question, and
- (b) the sum which, in arriving at the balance standing to the credit of the fund as at the thirtieth day of September, nineteen hundred and forty-two, was deemed to represent the amount of the coal rebates required by the scheme in respect of traffics delivered for conveyance by railway on or before that day so far as not included in the rebates in respect of which sums had been paid to the companies out of the fund under sub-paragraph (1) (c) of paragraph 5 of Part I of the said Eleventh Schedule on or before that day,

exceeds or falls short, as the case may be, of the aggregate of—

- (i) the sums paid to the companies out of the fund under the said sub-paragraph (1) (c) in respect of coal rebates at any time after the said thirtieth day of September and before the beginning of the year in question, and
- (ii) the sums payable to the Minister of Fuel and Power under section two of this Act in respect of any period or periods elapsing as aforesaid,

together with the administrative charges appropriate to coal account and four-fifths of such payments, interest and sums, as are mentioned respectively in heads (ii) (iii) and (iv) of sub-paragraph (1) of paragraph 1 of this Schedule, being charges in respect of, payments by way of adjustment paid out of the fund in, interest accruing during, or sums required to be paid in, any year or years or other period or periods elapsing as aforesaid.

(2) References in this Act to any credit or debit balance in the fund on agricultural account attributable to the period between the said first day of October and the beginning of any year shall be construed as references to any amount by which the aggregate of—

- (a) one-fifth of such instalments, payments and interest as are mentioned respectively in heads (a) (b) and (c) of sub-paragraph (1) of paragraph 1 of this Schedule, being instalments payable in respect of, payments by way of adjustment paid into the fund in, or interest accruing during, any year or years or other period or periods elapsing after the thirtieth day of September, nineteen hundred and forty-two, and before the beginning of the year in question, and
- (b) the sum which, in arriving at the balance standing to the credit of the fund as at the thirtieth day of September, nineteen hundred and forty-two, was deemed to represent the amount of the agricultural rebates required by the scheme in respect of traffics delivered for conveyance by railway on or before that day so far as not included in the rebates in respect of which sums had been paid to the companies out of the fund under sub-paragraph (1) (c) of paragraph 5 of Part I of the said Eleventh Schedule on or before that day, exceeds or falls short, as the case may be, of the aggregate of—

- (i) the sums paid to the companies out of the fund under the said sub-paragraph (1) (c) in respect of agricultural rebates at any time after the said thirtieth day of September and before the beginning of the year in question, and
- (ii) the amount (as estimated by the tribunal) of the agricultural rebates required by the scheme in respect of traffics delivered for conveyance by railway at any such time as aforesaid so far as not included in the rebates in respect of which sums have been paid to the companies as aforesaid,

together with the administrative charges appropriate to agricultural account and one-fifth of such payments, interest and sums, as are mentioned respectively in heads (ii) (iii) and (iv) of sub-paragraph (1) of paragraph 1 of this Schedule, being charges in respect of, payments by way of adjustment paid out of the fund in, interest accruing during, or sums required to be paid in, any year or years or other period or periods elapsing as aforesaid.

CHAPTER 24.

Catering Wages Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. The Catering Wages Commission and the workers to whom this Act applies.
2. General functions of the Commission.
3. Machinery for wage regulation by agreement.
4. Establishment of wages boards.
5. Abolition, or variation of jurisdiction, of wages boards.
6. General provisions as to wages boards.
7. Power to establish register.

Section.

8. Power to fix remuneration and holidays.
9. Effect and enforcement of wages regulation orders.
10. Computation of remuneration.
11. Employers to keep records.
12. Criminal liability of agent and special defence open to employer.
13. Officers.
14. Penalty for false entries in records, producing false records or giving false information.
15. Expenses.
16. Orders and regulations.
17. Application to the Crown.
18. Exclusion of workers employed in ships.
19. Interpretation.
20. Application to Scotland.
21. Short title and extent.

SCHEDULES :

First Schedule.—Constitution, officers and proceedings of the Commission.

Second Schedule.—Constitution, officers and proceedings of wages boards and of committees.

An Act to make provision for regulating the remuneration and conditions of employment of catering and other workers and, in connection therewith, for their health and welfare and the general improvement and development of the industries in which they are employed.

[10th June 1943.]

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

1.—(1) The Minister of Labour and National Service (hereafter in this Act referred to as "the Minister") shall establish a Commission, to be called the Catering Wages Commission, (hereafter in this Act referred to as "the Commission") to perform, in relation to the workers to whom this Act applies and their employers, such functions as are entrusted to the Commission by this Act.

The Catering-
Wages Com-
mission and
the workers
to whom this
Act applies.

The provisions of the First Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of the Commission.

(2) The workers to whom this Act applies are all persons employed in any undertaking, or any part of an undertaking, which consists wholly or mainly in the carrying on (whether for profit or not) of one or more of the following activities, that is to say, the supply of food or drink for immediate consumption, the provision of living accommodation for guests or lodgers or for persons employed in the undertaking and any other activity so far as it is incidental or ancillary to any such activity as aforesaid of the undertaking.

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(3) In this Act the expression "undertaking" includes any business, whether carried on by way of trade or not, and the activities of any body of persons, whether corporate or unincorporated.

(4) For the purposes of this Act, any worker who, for the purposes of any undertaking or part of an undertaking, performs any work in pursuance of an arrangement express or implied made by the worker by way of trade with the persons carrying on that undertaking shall be deemed to be employed by them in that undertaking or part.

General
functions
of the
Commission.

2.—(1) The Commission—

- (a) shall make such enquiries as they think fit or as they may be directed by the Minister to make into the existing methods of regulating the remuneration and conditions of employment of workers to whom this Act applies, and into any other matter affecting the remuneration, conditions of employment, health or welfare of such workers ;
- (b) shall make such enquiries as they think fit or as they may be directed by the Minister to make into means for meeting the requirements of the public, including in particular the requirements of visitors from overseas, and for developing the tourist traffic ;
- (c) shall make such recommendations (if any) as they think fit to any government department with respect to any matter affecting the remuneration, conditions of employment, health or welfare of such workers or with respect to any such matter as is mentioned in paragraph (b) of this subsection ;
- (d) shall report to the Minister on any matter which he has directed them to enquire into and shall annually submit to him a general report on their proceedings.

Any such general report shall include a statement as to the workers and employers whom the Commission have had under consideration in the period covered by the report and as to the conclusions they have reached with respect to them and the Minister shall as soon as may be lay every such general report before Parliament.

(2) Where any recommendation is made by the Commission under this section to a government department, that department shall forthwith take the recommendation into consideration.

Machinery
for wage
regulation by
agreement.

3.—(1) If the Commission are of opinion that there exists machinery set up by agreement between organisations representing employers and workers respectively, which is, or can by improvements which it is practicable to secure be made, adequate for

regulating the remuneration and conditions of employment of any workers to whom this Act applies, the Commission may report to the Minister accordingly and may in their report include any suggestion which they think fit to make as to the improvement of that machinery.

In considering for the purposes of this or the next succeeding section whether any machinery is adequate for regulating the remuneration and conditions of employment of any workers, the Commission shall consider not only what matters are capable of being dealt with by that machinery, but also to what extent those matters are covered by the agreements or awards arrived at or given thereunder and to what extent the practice is in accordance with those agreements or awards.

(2) Where the Commission in any such report as aforesaid suggest methods for improving any such machinery as aforesaid, the Minister shall take such steps as appear to him to be expedient and practicable to secure the improvements in question and, if the improvements are not thereby secured, he may, if he thinks fit, refer the report back to the Commission and the Commission shall thereupon reconsider it having regard to any observations made by the Minister and shall make a further report to him.

4.—(1) If the Commission are of opinion, as respects any workers to whom this Act applies and their employers, that such machinery as aforesaid for regulating those workers' remuneration and conditions of employment either does not exist or is not, and cannot by any improvement which it is practicable to secure be made, adequate for the regulation thereof, the Commission may make a recommendation to the Minister (hereafter in this Act referred to as "a wages board recommendation") for the establishment of a wages board in respect of those workers and those employers.

Establishment
of wages
boards.

The Commission shall not be prevented from making a wages board recommendation in respect of any workers and their employers by the fact that they have previously made a report in respect of some or all of them under subsection (1) of the last preceding section, or by the fact that the conditions for making such a report are fulfilled as respects some (but not all) of them.

(2) Before making a wages board recommendation, the Commission shall make all such investigations as appear to them to be necessary, and shall publish in the prescribed manner a notice stating the terms of the proposed recommendation and further stating that they will consider representations with regard thereto made to them in writing within such period, not being less than twenty-one days from the publication of the notice, as may be specified therein; and the Commission shall consider any written representations made to them within the said period and shall

make such further enquiries as they consider necessary and may then make the recommendation to the Minister either as originally proposed to be made or with such amendments as the Commission think fit having regard to any of the representations.

(3) Where the Minister receives a wages board recommendation, he may, if he thinks fit, by order provide for the establishment of a wages board in respect of such workers and such employers as may be described in the order.

The workers and the employers described in any such order shall be workers to whom this Act applies and their employers and shall be the workers and employers covered by the recommendation, with such variations, if any, as the Minister thinks fit, being variations which in his opinion do not effect important alterations in the character of the recommendation.

(4) Where the Minister receives a wages board recommendation, he may, if he thinks fit, refer it back to the Commission and the Commission shall thereupon reconsider it having regard to any observations made by the Minister and may, if they think fit, re-submit it to the Minister either without amendments or with such amendments as they think fit having regard to those observations; and where a recommendation is so re-submitted, the like proceedings may be had thereon as in the case of an original recommendation.

Abolition, or
variation of
jurisdiction, of
wages boards.

5.—(1) If the Commission are of opinion, as respects any wages board, that the board is no longer necessary or that its field of operation should be varied, they may make a recommendation to the Minister accordingly:

Provided that the provisions of subsection (2) of the last preceding section shall apply in relation to any such recommendation as they apply in relation to wages board recommendations.

(2) Where any such recommendation is to the effect that a wages board should cease to operate in relation to any workers and that another wages board should operate in relation to them, the recommendation may provide that anything done by, or to give effect to proposals made by, the first wages board shall have effect in relation to those workers as if it had been done by, or to give effect to proposals made by, the second wages board, and may make such further provision as seems expedient in connection with the transition.

(3) Where the Minister receives any such recommendation as is referred to in the preceding provisions of this section, he may, if he thinks fit, make an order for giving effect to the recommendation with such modifications, if any, as he thinks fit, being modifications which in his opinion do not effect important alterations in the character of the recommendation:

Provided that the provisions of subsection (4) of the last preceding section shall apply in relation to any such recommendation as they apply in relation to wages board recommendations.

(4) Where an order of the Minister under this section directs that a wages board shall cease to exist or shall cease to operate in relation to any particular workers, then, save as is otherwise provided by the order, anything done by, or to give effect to proposals made by, the wages board shall, except as respects things previously done or omitted to be done, cease to have effect or, as the case may be, cease to have effect in relation to the workers in relation to whom the board ceases to operate.

6.—(1) The provisions of the Second Schedule to this Act shall have effect with respect to the constitution, officers and proceedings of wages boards and as to committees appointed under subsection (2) of this section. General provisions as to wages boards.

(2) Any wages board may request the Minister to appoint a committee for any of the workers in relation to whom the board operates and the Minister shall appoint a committee accordingly, and the board may refer to it for a report and recommendations any matter relating to those workers which the board thinks it expedient so to refer.

(3) In addition to the powers conferred on it by the subsequent provisions of this Act, any wages board shall have power to consider any matter affecting the remuneration, conditions of employment, health or welfare of all or any of the workers in relation to whom the board operates or affecting the general improvement and development of that part of the industry in relation to which the board operates and may submit a report thereon.

(4) Any report made under the last preceding subsection shall be transmitted by the board to the Commission who shall consider the report and transmit it to the government department concerned with such observations as the Commission themselves may wish to make thereon, and the department shall forthwith take the report and any observations of the Commission thereon into consideration.

(5) The Commission, when they consider any report transmitted to them by a wages board under the last preceding subsection, shall consult—

(a) any other wages board ; and

(b) any joint industrial council or other body operating for the purposes of machinery approved by a report made by the Commission under section three of this Act,

which they think ought to be consulted.

Power to
establish
register.

7.—(1) Where a wages board has been established in respect of any workers, the Minister, after consulting the Commission and the wages board, may make regulations requiring all or any of the employers of any such workers to register for the purposes of this Act in the prescribed time and in the prescribed manner, giving such particulars as may be prescribed.

(2) If an employer fails to comply with any such regulations, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Power to fix
remuneration
and holidays.

8.—(1) Subject to and in accordance with the provisions of this section, any wages board shall have power to submit to the Minister proposals (hereafter in this Act referred to as "wages regulation proposals")—

- (a) for fixing the remuneration to be paid, either generally or for any particular work, by their employers to all or any of the workers in relation to whom the board operates;
- (b) for fixing the intervals for meals or rest to be allowed to all or any such workers as aforesaid by their employers;
- (c) for requiring all or any such workers as aforesaid to be allowed holidays by their employers.

The power to submit proposals for fixing remuneration shall include power to submit proposals for fixing holiday remuneration.

(2) Wages regulation proposals for requiring a worker to be allowed a holiday shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Act for that worker, shall provide for the duration of the holiday being related to the duration of the period for which the worker shall have been employed or engaged to be employed by the employer who is to allow the holiday, and, subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed; and wages regulation proposals for fixing holiday remuneration may contain provisions as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and for securing that any such remuneration which has accrued due to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(3) Before submitting any wages regulation proposals to the Minister, a wages board shall make such investigations as it thinks fit and shall give such notice of the proposals as may be prescribed, stating the place where copies of the proposals may be obtained

and the period (which shall not be less than twenty-one days from the publication of the notice) within which written representations with respect thereto may be sent to the board ; and the board shall consider any written representations made to it within that period and shall make such further enquiries as it considers necessary and may then submit the proposals to the Minister either without amendments or with such amendments as it thinks fit having regard to the representations.

(4) On receiving any wages regulation proposals, the Minister shall make an order (hereafter in this Act referred to as a "wages regulation order") giving effect to the proposals as from such date as may be specified in the order :

Provided that the Minister may, if he thinks fit, refer the proposals back to the board and the board shall thereupon reconsider them having regard to any observations made by the Minister and may, if it thinks fit, re-submit the proposals to the Minister either without amendment or with such amendments as it thinks fit having regard to those observations ; and where proposals are so re-submitted, the like proceedings shall be had thereon as in the case of original proposals.

(5) As soon as the Minister has made a wages regulation order, he shall give notice of the making thereof to the wages board and that board shall give such notice of the order and the contents thereof as may be prescribed for the purpose of informing, so far as practicable, all persons who will be thereby affected.

(6) Any wages regulation proposals and any wages regulation order for giving effect thereto may make different provision for different cases, and may also contain provision for the amendment or revocation of previous wages regulation orders.

(7) No wages regulation order shall have effect so as to prejudice any rights as to remuneration, holidays or intervals for meals or rest conferred on any worker to whom this Act applies by or under any Act other than this Act or shall affect any worker in relation to any employment if and so long as a trade board or agricultural wages board or agricultural wages committee or the Road Haulage Central Wages Board has jurisdiction in relation to his remuneration for that employment.

(8) Remuneration (including holiday remuneration) fixed by a wages regulation order is hereafter in this Act referred to as "statutory minimum remuneration".

9.—(1) If a contract between a worker to whom a wages regulation order applies and his employer provides for the payment of less remuneration than the statutory minimum remuneration, clear of all deductions, it shall have effect as if for that less remuneration there were substituted the statutory minimum remuneration.

Effect and enforcement of wages regulation orders.

remuneration clear of all deductions, and if any such contract provides for the payment of any holiday remuneration at times or subject to conditions other than those specified in the order, it shall have effect as if for those times or conditions there were substituted the times or conditions specified in the order.

(2) If an employer fails to pay to a worker to whom a wages regulation order applies remuneration not less than the statutory minimum remuneration, clear of all deductions, or fails to pay to any such worker holiday remuneration at the times and subject to the conditions specified in the order or fails to allow to any such worker the holidays or intervals for meals or rest fixed by the order, he shall be liable on summary conviction to a fine not exceeding twenty pounds for each offence.

(3) Where proceedings are brought under the last preceding subsection in respect of an offence consisting of a failure to pay remuneration not less than the statutory minimum remuneration, clear of all deductions, then, if notice of intention so to do has been served with the summons, warrant or complaint, evidence may, on the employer or any other person charged as the actual offender having been found guilty of the offence, be given of any like contravention on the part of the employer in respect of any period during the two years immediately preceding the date of the offence, and, on proof of the failure, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid during that period to the worker by way of remuneration, if the provisions of this Act had been complied with, and the amount actually so paid.

The powers given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(4) If, as respects any worker employed or desiring to be employed in such circumstances that a wages regulation order applies or will apply to him, the wages board is satisfied that he is affected by infirmity or physical incapacity which renders him incapable of earning the statutory minimum remuneration, it may, if it thinks fit, grant to him, subject to such conditions, if any, as it may determine, a permit authorising his employment at less than the statutory minimum remuneration, and while the permit is in force the remuneration authorised to be paid to him by the permit shall, if those conditions are complied with, be deemed to be the statutory minimum remuneration.

(5) Where an employer employs any worker in reliance on any document purporting to be a permit granted under the last preceding subsection authorising the employment of that worker at less than the statutory minimum remuneration, then, if at or before the commencement of the employment, the employer has notified

the wages board in question that, relying on that document, he is employing or proposing to employ that worker at a specified remuneration, the document shall, notwithstanding that it is not or is no longer a valid permit relating to that worker, be deemed (subject to the terms thereof) to be such a permit until notice to the contrary is received by the employer from the board.

10.—(1) For the purpose of determining whether the remuneration paid or agreed to be paid to a worker to whom a wages regulation order applies is less than the statutory minimum remuneration clear of all deductions, the net remuneration obtained or to be obtained by him in cash from his employer after allowing for his necessary expenditure, if any, in connection with the employment shall, subject to the provisions of this section, be deemed to be the remuneration paid or to be paid to him, and the expression “deductions” in this Act includes deductions in respect of any matter whatsoever except deductions under the Income Tax Acts, the Unemployment Insurance Acts, 1935 to 1940, the National Health Insurance Acts, 1936 to 1941, or any enactment authorising deductions to be made from the remuneration of a worker in respect of contributions to any superannuation or other provident fund, and except any deduction or payment authorised to be made under section one, section two or section three of the Truck Act, 1896.

Computation
of remunera-
tion.

59 & 60 Vict.
c. 44.

(2) Notwithstanding anything in subsection (1) of this section, wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages, being benefits or advantages provided, in connection with the employment, by the employer or by some other person under arrangements with the employer and not being benefits or advantages illegally provided, to be reckoned as payment of wages by the employer in lieu of payment in cash and defining the value at which any such benefits or advantages are to be reckoned.

(3) Where any benefits or advantages are provided, in connection with any employment, by the employer or by some other person under arrangements with the employer, then, whether or not the benefits or advantages are authorised to be reckoned as payment of wages in lieu of payment in cash, any sum paid by the worker in respect of those benefits or advantages shall be deemed for the purposes of this Act to have been deducted by the employer from his remuneration.

11.—(1) Where a wages regulation order is in force affecting any workers, the employer of any such workers shall keep such records as are necessary to show whether or not the provisions of this Act are being complied with as respects them, and the records shall be retained by the employer for two years or such longer period as may be prescribed.

Employers to
keep records.

(2) The employer of any workers to whom this Act applies shall post in the prescribed manner such notices as may be prescribed for the purpose of informing them of any wages regulation order affecting them.

(3) If an employer fails to comply with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Criminal liability of agent and special defence open to employer.

12.—(1) Where an offence for which an employer is, under this Act, liable to a fine has in fact been committed by an agent of the employer or other person, that agent or other person shall be liable to be prosecuted for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(2) Where an employer is charged with an offence under this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the employer proves that the offence was due to the act or the default of that other person, that other person may be convicted of the offence, and, if the employer further proves that he has used all due diligence to secure that this Act and any relevant regulation or order made thereunder are complied with, he shall be acquitted of the offence.

(3) Where a defendant seeks to avail himself of the provisions of subsection (2) of this section:—

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his pleas and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

Officers.

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

Every officer acting for the purposes of this Act shall be furnished by the Minister with a certificate of his appointment or authority

so to act, and when acting under this Act shall, if so required by any person affected, produce the certificate to him.

(2) An officer acting for the purposes of this Act may—

- (a) require any person whom he has reasonable cause to believe to be, or to have been, a worker to whom a wages regulation order applies, or his employer, or the agent of his employer, to give such information as it is in his power to give with respect to the worker's remuneration (including holiday remuneration), his holidays and the other conditions of his employment, and to sign a written statement setting out that information;
- (b) require the production of wages sheets of the employer of any workers to whom a wages regulation order applies or other records of the remuneration paid and the holidays and intervals for meals or rest allowed to such workers and inspect and examine them and copy any material part thereof;
- (c) at all reasonable times enter any premises or place at or in connection with which the officer has reasonable cause to believe workers to whom a wages regulation order applies to be employed or any premises which he has reasonable cause to believe to be used, by or by arrangement with the employer, to provide living accommodation for such workers:

Provided that no person shall be required under paragraph (a) of this subsection to give any information tending to criminate himself.

(3) An officer acting for the purposes of this Act may institute proceedings for any offence under this Act and may, although not of counsel or a solicitor, conduct any such proceedings.

(4) Any officer acting for the purposes of this Act who is authorised in that behalf by general or special directions of the Minister may, if it appears to him that a sum is due from an employer to a worker to whom this Act applies on account of the payment to him of remuneration less than the statutory minimum remuneration, institute on behalf of and in the name of that worker civil proceedings for the recovery of that sum and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings.

The powers given by this subsection for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(5) Any officer acting for the purposes of this Act shall furnish the Commission with any information which is in his possession

being information which the Commission require him to furnish to them for the purpose of facilitating the performance of their functions under this Act.

(6) Any person who obstructs any officer acting for the purposes of this Act in the exercise of any power conferred by this section, or refuses to comply with any requirement of such an officer made in the exercise of any such power, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for false entries in records, producing false records or giving false information.

14. If any person makes or causes to be made or knowingly allows to be made any entry in a record required to be kept under this Act, which he knows to be false in a material particular, or for purposes connected with this Act produces or furnishes, or causes or knowingly allows to be produced or furnished, any record or information which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Expenses.

15. The expenses of the Minister in carrying this Act into effect, and any expenses authorised by the Minister with the consent of the Treasury to be incurred by the Commission, a wages board or a committee appointed under this Act by the Minister, shall be defrayed out of moneys provided by Parliament.

Orders and regulations.

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

(2) Any order of the Minister made under section four or section five of this Act and any regulation made under any provision of this Act shall be laid as soon as may be before Parliament, and if either House of Parliament, within forty days after any such order or regulation has been laid before it, resolves that the order or regulation be annulled it shall thenceforth be void, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new order or regulation.

(3) In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

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Vict. c. 66.

(4) Section one of the Rules Publication Act, 1893, shall not apply to any such order or regulation as is mentioned in subsection (2) of this section.

Application to the Crown.

17. This Act shall apply in relation to civilian workers employed by or on behalf of the Crown in connection with any industrial undertaking as it applies in relation to workers employed otherwise than by or on behalf of the Crown.

18.—(1) This Act shall not apply in relation to workers employed in any ship. Exclusion of workers employed in ships.

(2) In this section the expression "ship" includes every description of vessel used in navigation.

19. In this Act the expression "wages board" means a wages board established or to be established under this Act. Interpretation.

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

(a) for subsections (2) and (3) of section twelve, there shall be substituted the following subsection—

“(2) Where an employer who is charged with an offence under this Act proves to the satisfaction of the court that he has used due diligence to secure compliance with this Act and any relevant regulation or order made thereunder, and that the offence was due to the act or the default of some other person, he shall be acquitted of the offence ;” and

(b) subsection (3) of section thirteen shall be omitted.

21.—(1) This Act may be cited as the Catering Wages Act, Short title and extent.

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

SCHEDULES.

FIRST SCHEDULE.

CONSTITUTION, OFFICERS AND PROCEEDINGS OF THE COMMISSION. Section 1.

1. The Commission shall consist of persons appointed by the Minister, being—

- (a) not more than three persons chosen as being independent persons ;
- (b) not more than two persons chosen by the Minister to represent employers ;
- (c) not more than two persons chosen by the Minister to represent employed persons.

2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Minister to be chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.

1ST SCH.
—cont.

3. The persons appointed by the Minister under sub-paragraphs (b) and (c) of the said paragraph 1 shall be equal in number and shall be appointed after such consultation as the Minister may consider necessary with such organisations representing employers and workers respectively as he thinks fit, and the said persons shall be persons who, in the opinion of the Minister, are qualified to represent the views of employers and workers respectively but are not themselves directly connected with the hotel or catering trades.

4.—(1) The Minister may appoint such number of persons as he thinks fit as assessors to be available to the Commission in connection with any investigation or enquiry that the Commission may undertake, being persons who, in the opinion of the Minister, have expert knowledge of any of the matters which fall within the jurisdiction of the Commission.

(2) An assessor shall not vote or otherwise be a party to any report or recommendation of the Commission.

5. The Minister may appoint a secretary and such officers, as he thinks fit, of the Commission.

6. There shall be paid to members of, and assessors to, the Commission such remuneration by way of fees or, in the case of the chairman of the Commission, by way of salary or fees, and such travelling and other allowances, as the Minister may, with the consent of the Treasury, determine, and all such remuneration and allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

7. The appointment of a member of the Commission shall be for such term as may be determined by the Minister before his appointment and shall be subject to such conditions as may be so determined.

8. The proceedings of the Commission shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

9. The Minister may make regulations as to the meetings and procedure of the Commission, including regulations as to the quorum, but, subject to the provisions of this Act and to any regulations so made, the Commission may regulate their procedure in such manner as they think fit.

SECOND SCHEDULE.

Section 6

CONSTITUTION, OFFICERS AND PROCEEDINGS OF WAGES BOARDS AND OF COMMITTEES.

1. A wages board shall consist of persons appointed by the Minister, being—

- (a) not more than three persons chosen as being independent persons ;
- (b) such number as the Minister thinks fit of persons who, in his opinion, represent employers in relation to whom the board is to operate ;

(c) such number as the Minister thinks fit of persons who, in his opinion, represent workers in relation to whom the board is to operate.

2. Of the persons appointed under sub-paragraph (a) of paragraph 1 of this Schedule, one shall be appointed by the Minister to act as chairman, and another may be appointed by the Minister to act as deputy chairman in the absence of the chairman.

3. Before appointing a person under sub-paragraph (b) or sub-paragraph (c) of the said paragraph 1, the Minister shall consult any organisations appearing to him to represent employers, or, as the case may be, workers, concerned, and the persons appointed under those sub-paragraphs shall be equal in number.

4. The Minister may appoint a secretary and such other officers as he thinks fit of a wages board.

5. The proceedings of a wages board shall not be invalidated by reason of any vacancy therein or by any defect in the appointment of a member.

6. In order to constitute a meeting of a wages board, at least one member appointed under sub-paragraph (a) of paragraph 1 of this Schedule and at least one-third of the whole number of members appointed under sub-paragraphs (b) and (c) thereof must be present.

7. The Minister may make regulations as to the meetings and procedure of a wages board, including the method of voting, but, subject to the provisions of this Act and to any regulations so made, a wages board may regulate its procedure in such manner as it thinks fit.

8.—(1) Any committee appointed by the Minister at the request of a wages board shall consist of—

- (a) a chairman chosen as being an independent person ;
- (b) persons who appear to the Minister to represent the employers in relation to whom the committee will operate ; and
- (c) persons who appear to the Minister to represent the workers in relation to whom the committee will operate.

(2) On any such committee, the persons appointed under paragraph (b), and the persons appointed under paragraph (c), of the last preceding sub-paragraph shall be equal in number.

9. The appointment of a member of a wages board or of any such committee as aforesaid shall be for such term as may be determined by the Minister before his appointment and shall be subject to such conditions as may be so determined.

10. There may be paid to the members of a wages board appointed under sub-paragraph (a) of paragraph 1 of this Schedule and to the chairman of any such committee as aforesaid such fees, and to any member of any such board or committee, such travelling and other allowances, as the Minister may, with the consent of the Treasury, determine, and all such fees and allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

CHAPTER 25.

An Act to extend temporarily the powers of the court under section sixty-four of the Settled Land Act, 1925, and section fifty-seven of the Trustee Act, 1925; and to amend the first-mentioned section as respects improvements. [6th July 1943.]

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

Extension of powers under 15 Geo. 5. c. 18 s. 64 and c. 19 s. 57.

1.—(1) The jurisdiction of the court under section sixty-four of the Settled Land Act, 1925 (which confers power on a tenant for life to effect under an order of the court any transaction, including an application of capital money), and, so far as regards trustees for sale of land, the jurisdiction of the court under section fifty-seven of the Trustee Act, 1925 (under which the court may make an order conferring on trustees power to effect any transaction, including an expenditure of money, and may direct in what manner money to be expended is to be paid as between capital and income) shall include power, in the circumstances specified in subsection (2) of this section, to make an order authorising any expense of action taken or proposed in or for the management of settled land or of land held on trust for sale, as the case may be, to be treated as a capital outgoing, notwithstanding that in other circumstances that expense could not properly have been so treated.

- (2) The said circumstances are that the court is satisfied—
- (a) that the action taken or proposed was or would be for the benefit of the persons entitled under the settlement, or under the trust for sale, as the case may be, generally; and either
 - (b) that the available income from all sources of a person who, as being beneficially entitled to possession or receipt of rents and profits of the land or to reside in a house comprised therein, might otherwise have been expected to bear the expense of the action taken or proposed has been so reduced by reason of circumstances arising out of war conditions as to render him unable to bear the expense thereof, or unable to bear it without undue hardship; or
 - (c) in a case in which there is no such person as aforesaid, that the income available for meeting that expense has become insufficient by reason of circumstances so arising.

(3) In determining whether to make such an order as aforesaid the court shall have regard to all the circumstances of the case, including the extent of the obligations, whether legally enforceable or not and whether or not relating to the land, of the person referred to in paragraph (b) of the last preceding subsection, the extent to which other persons entitled under the settlement or trust for sale are likely to benefit from the action taken or proposed or from the relief which would accrue to that person from the making of the order, and the extent to which the making of the order would be likely to involve a loss to any other person so entitled without his receiving any corresponding benefit.

(4) Such an order as aforesaid may be made notwithstanding that the action in question was taken, or the expense thereof discharged, before the passing of this Act or before the application for the order, and the court may direct such adjustments of accounts and such repayments to be made as may appear to the court to be requisite for giving full effect to the purposes of any such order.

(5) In this section—

the expression "management" includes all the acts referred to in subsection (2) of section one hundred and two of the Settled Land Act, 1925, and references in this section to expense of management include references to the expense of the employment of a solicitor, accountant, surveyor, or other person in an advisory or supervisory capacity; and

the expression "war conditions" includes increase in rates of taxation.

(6) No order shall be made by virtue of this section in respect of any action taken or proposed to be taken after the expiration of the Emergency Powers (Defence) Act, 1939.

2 & 3 Geo. 6.
c. 62.

2. In subsection (2) of section sixty-four of the Settled Land Amendment Act, 1925, the words "except as hereinafter mentioned", and the words "but does not include an application of capital money in payment for any improvement not authorised by this Act or by the settlement", are hereby repealed.

of 15 Geo. 5.
c. 18 s. 64.

3. This Act may be cited as the Settled Land and Trustee Short title. Acts (Court's General Powers) Act, 1943.

CHAPTER 26.

An Act to increase the maximum rate for ordinary written telegrams. [6th July 1943.]

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

Increased maximum rate for ordinary telegrams.

48 & 49 Vict. c. 58.
10 & 11 Geo. 5.
c. 40.

3 & 4 Geo. 6.
c. 25.

Short title, citation, extent and repeal.

1.—(1) A maximum rate of one shilling for the first nine words of an ordinary written telegram or for an ordinary written telegram of less than nine words (counting as words, in each case, the names and addresses of the sender and addressee of the telegram) and one penny for each additional word over nine words shall be substituted for the maximum rate specified in section two of the Telegraph Act, 1885, as amended by section two of the Post Office and Telegraph Act, 1920.

(2) Section four of the Post Office and Telegraph Act, 1940 (which provides that regulations may be made prescribing special terms and rates for certain telegrams and that a special rate so prescribed may exceed the maximum rate for telegrams provided by the Telegraph Acts, 1863 to 1926), shall have effect as if the references therein to the said Acts included references to subsection (1) of this section.

2.—(1) This Act may be cited as the Telegraph Act, 1943, and the Telegraph Acts, 1863 to 1940, and this Act may be cited together as the Telegraph Acts, 1863 to 1943.

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

(3) This Act shall extend to the Isle of Man.

(4) Section two of the Post Office and Telegraph Act, 1920, and in section seven thereof, the words "so far as it relates to the Post Office", and the words from "and so far as it relates to telegraphs" to the end of the section, are hereby repealed.

CHAPTER 27.

Pensions and Determination of Needs Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Determination of needs (unemployment assistance, supplementary pensions and blind persons).
2. Determination of needs (outdoor relief).
3. Determination of resources and needs of members of household (poor law and blind persons).
4. Supplementary pensions (widows with children and date of commencement).
5. Non-contributory old age pensions (blind persons and Isle of Man).
6. Expenditure out of moneys provided by Parliament.
7. Definition of "appointed day".
8. Application to Scotland.
9. Short title and extent.

SCHEDULES :

First Schedule.—Consequential amendments of the Eighth Schedule to the Unemployment Act, 1934, as set out with modifications in the Second Schedule to the Old Age and Widows' Pensions Act, 1940.

Second Schedule.—Amendments of Old Age Pensions Act, 1936, in relation to Isle of Man.

An Act to amend the law with respect to the treatment of capital assets and superannuation payments for the purpose of determination of needs, with respect to the relief, maintenance and assistance of members of a household under the Poor Law Acts and Blind Persons Acts and with respect to supplementary pensions, and to amend the Old Age Pensions Act, 1936, as respects the calculation of the means of blind persons and reciprocity with the Isle of Man. [6th July 1943.]

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

1.—(1) The maximum aggregate value of the money and investments treated as capital assets which are to be treated as equivalent to a specified weekly income by virtue of sub-paragraph (ii) of paragraph (d) of subsection (3) of section thirty-eight of the Unemployment Act, 1934, shall be increased from three hundred pounds to four hundred pounds, and the weekly income to which they are to be treated as equivalent shall be reduced from one shilling to sixpence for every complete twenty-five pounds; and accordingly the said sub-paragraph (ii) shall have effect as if there were substituted for the words "three hundred"

Determination of needs (unemployment assistance, supplementary pensions and blind persons).
24 & 25 Geo. 5.
c. 29.

the words "four hundred" and for the words "one shilling" the word "sixpence."

In this subsection the reference to the said sub-paragraph (ii) shall be construed as a reference to that sub-paragraph both as originally enacted, and as applied by section two of the Blind Persons Act, 1920, as amended by section two of the Blind Persons Act, 1938, and as applied by subsection (3) of section ten of the Old Age and Widows' Pensions Act, 1940.

10 & 11 Geo. 5.
c. 49.
1 & 2 Geo. 6.
c. 11.
3 & 4 Geo. 6.
c. 13.

(2) The amount of a superannuation payment to be disregarded by virtue of paragraph (f) of subsection (3) of section thirty-eight of the Unemployment Act, 1934 (as modified by the Second Schedule to the Old Age and Widows' Pensions Act, 1940) in computing the resources of any person for the purpose of determining the need and assessing the needs of an applicant for a supplementary pension shall be the first ten shillings and sixpence a week, instead of the first seven shillings and sixpence a week, of the payment :

Provided that, where the resources of any applicant include two or more such payments (whether receivable by the applicant or any other person or persons), the amount of those payments to be disregarded by virtue of the said paragraph (f) shall not be more than the first ten shillings and sixpence a week of the aggregate amount of those payments.

(3) The foregoing provisions of this section shall come into operation on the appointed day, but within one month from the passing of this Act—

- (a) draft regulations for the purpose of complying with the requirements of subsection (1) of this section, in so far as it relates to unemployment assistance, shall be prepared, submitted and made in accordance with the provisions of subsection (2) of section fifty-two of the Unemployment Act, 1934; and
- (b) draft regulations for the purpose of complying with the requirements of the said subsection (1), in so far as it relates to supplementary pensions, and of subsection (2) of this section shall be prepared, submitted and made in accordance with the provisions of subsection (2) of the said section fifty-two as applied by subsection (3) of section ten of the Old Age and Widows' Pensions Act, 1940;

and, as soon as may be after such draft regulations have been made, the provisions of subsections (3) and (4) of the said section fifty-two (which relate to the laying of such drafts and of documents relating thereto before Parliament and to the making of regulations after approval by Parliament), or of those subsections as applied as aforesaid, shall be complied with in relation thereto.

(4) Where an allowance under Part II of the Unemployment Act, 1934, or a supplementary pension under Part II of the Old Age and Widows' Pensions Act, 1940, is payable to a person under a determination granting such an allowance or supplementary pension in force immediately before the appointed day, then, at any time during the three months beginning on that date an allowance or supplementary pension may be paid to him in accordance with that determination until a further determination as to his need can be made.

2.—(1) The maximum aggregate value of the money and investments treated as capital assets which may be treated, in granting outdoor relief, as equivalent to a specified weekly income by virtue of sub-paragraph (ii) of paragraph (c) of subsection (1) of section one of the Transitional Payments (Determination of Need) Act, 1932, shall be increased from three hundred pounds to four hundred pounds, and the weekly income to which they may be treated as equivalent shall be reduced from one shilling to sixpence for every complete twenty-five pounds; and accordingly the said sub-paragraph (ii) shall have effect as if there were substituted for the words "three hundred" the words "four hundred" and for the words "one shilling" the word "sixpence."

Determination of needs (outdoor relief).

22 & 23 Geo. 5. c. 54.

(2) This section shall come into operation on the appointed day.

3.—(1) For any purpose connected with—

(a) the granting of outdoor relief under the Poor Law Acts, 1930 to 1938; or

(b) the provision of financial assistance under section two of the Blind Persons Act, 1920, as amended by section two of the Blind Persons Act, 1938;

Determination of resources and needs of members of household (poor law and blind persons).

the resources and needs of the person to be relieved or the blind person, as the case may be, shall, if that person is a member of a household, be determined in conformity with the rules set out in the First Schedule to the Determination of Needs Act, 1941, as they apply in relation to an applicant for a supplementary pension under Part II of the Old Age and Widows' Pensions Act, 1940:

4 & 5 Geo. 6. c. 11.

Provided that—

(i) nothing in those rules shall be construed as restricting, save as therein expressly provided, the discretion of the appropriate authority under the Poor Law Acts, 1930 to 1938, or the Blind Persons Acts, 1920 and 1938, to determine any question arising under those Acts, or as affecting the procedure for determining any such question;

(ii) any question to be determined for the purposes of those rules by any prescribed person or authority shall, instead of being so determined, be determined by the appropriate authority aforesaid; and

- (iii) the rules contained in paragraph 2 and in sub-paragraph (a) of paragraph 3 of the said Schedule shall not apply in any case of financial assistance under the Blind Persons Acts, 1920 and 1938, unless the appropriate authority so determine.

(2) If and so long as any two persons, of whom one (hereafter referred to as the "poor person") has attained the age of sixteen and the other is not the wife or husband of the poor person, are treated for the purposes of subsection (1) of this section as being members of the same household in determining the resources or needs of the poor person for any purpose connected with the granting of outdoor relief to him under the Poor Law Acts, 1930 to 1938, no order for the maintenance of the poor person under subsection (2) of section nineteen of the Poor Law Act, 1930, shall be made or enforced against that other person.

20 & 21 Geo. 5.
c. 17.

(3) The provisions of this section shall come into operation on the appointed day.

Supplementary
pensions
(widows with
children and
date of com-
mencement).

4.—(1) A widow (not being a blind person) who is entitled to receive weekly payments on account of a widow's pension, and to whom an additional allowance in respect of a child is payable as part of that pension, shall be eligible for a supplementary pension under Part II of the Old Age and Widows' Pensions Act, 1940; and the provisions of the said Part II shall apply accordingly:

Provided that in the application of the provisions of the said Part II to a widow who is eligible for a supplementary pension by virtue of this subsection—

- (a) for any reference to the third day of August, nineteen hundred and forty (being the first day after which supplementary pensions became payable thereunder) there shall be substituted a reference to the appointed day; and
- (b) for any reference to the second day of August, nineteen hundred and forty, there shall be substituted a reference to the day before the appointed day.

(2) Where, at the time when an additional allowance in respect of a child ceases to be payable to a widow as part of her widow's pension, a determination is in force granting her a supplementary pension by virtue of the foregoing subsection, she shall continue to be eligible for a supplementary pension unless and until either—

- (a) she ceases to be entitled to receive weekly payments on account of the widow's pension; or
- (b) that or some other determination granting her a supplementary pension ceases to be in force without having been replaced by a new determination granting her a supplementary pension.

(3) The provisions of the Eighth Schedule to the Unemployment Act, 1934, as set out with modifications in the Second Schedule to the Old Age and Widows' Pensions Act, 1940 (which deal with the inter-relation of poor relief and supplementary pensions), shall have effect subject to the amendments set out in the First Schedule to this Act, being amendments consequential on the foregoing provisions of this section.

(4) Where a supplementary pension is granted to any person on an application made before the expiration of one month from the date on which that person becomes eligible therefor, there may be made, in respect of any period after the date when an old age pension or widow's pension began to accrue to that person and before the date when the person became entitled to receive weekly payments on account thereof, such addition to the supplementary pension as appears reasonable, but not exceeding the amount of any supplementary pension which would have been granted in respect of that period :

Provided that, in the case of a widow, no such addition shall be made in respect of any period during which she has not attained the age of sixty and in respect of which no additional allowance in respect of a child is paid to her as part of her pension.

(5) This section shall be construed as one with Part II of the Old Age and Widows' Pensions Act, 1940.

5.—(1) In calculating under the First Schedule to the Old Age Pensions Act, 1936, the means of a person who is a blind person, or who is the husband or wife of a blind person, no account shall be taken of any financial assistance provided by or by arrangement with a local authority under section two of the Blind Persons Act, 1920, as amended by section two of the Blind Persons Act, 1938.

Non-contributory old age pensions (blind persons and Isle of Man).
26 Geo. 5. &
1 Edw. 8.
c. 31.

In this subsection the expression " blind person " has the same meaning as it has for the purposes of the Old Age Pensions Act, 1936, and the expression " financial assistance " does not include earnings.

(2) For the purpose of giving effect to any arrangements made between the Treasury and the appropriate authority in the Isle of Man for securing between Great Britain and the Isle of Man reciprocity in relation to non-contributory old age pensions similar to that which exists between Great Britain and Northern Ireland, the Treasury may by order direct that, as from such date as may be specified in the order, the provisions of the Old Age Pensions Act, 1936, specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule.

Expenditure
out of moneys
provided by
Parliament.

6. There shall be defrayed out of moneys provided by Parliament any increase in the sums payable out of such moneys under or by virtue of Part II of the Unemployment Act, 1934, (as amended by the Determination of Needs Act, 1941), the Old Age Pensions Act, 1936, or Part II of the Old Age and Widows' Pensions Act, 1940, which is attributable to the passing of the provisions of this Act relating to—

- (a) the manner in which money and investments treated as capital assets are to be treated under sub-paragraph (ii) of paragraph (d) of subsection (3) of section thirty-eight of the Unemployment Act, 1934, or under that sub-paragraph as applied by section ten of the Old Age and Widows' Pensions Act, 1940 ;
- (b) the manner in which superannuation payments are to be treated under paragraph (f) of the said subsection (3) as applied by the said section ten ;
- (c) the payment of supplementary pensions to widows to whom an additional allowance in respect of a child is payable as part of a widow's pension, and the continuance of such supplementary pensions after the said allowance ceases to be so payable ;
- (d) additions to a person's supplementary pension in respect of periods after an old age or widow's pension began to accrue to that person but before the person becomes entitled to receive weekly payments on account thereof ;
- (e) the calculation of the means of a blind person, or the husband or wife of a blind person, under the Old Age Pensions Act, 1936 ; or
- (f) the amendment of the last-mentioned Act in connection with the making of reciprocal arrangements thereunder with the Isle of Man.

Definition of
"appointed
day".

7. For the purpose of any provision of this Act, the expression "the appointed day" has the following meaning :—

- (a) if and in so far as the provision relates to allowances under Part II of the Unemployment Act, 1934, it means the date on which regulations made under section fifty-two of that Act for the purpose of complying with the requirements of subsection (1) of section one of this Act take effect in accordance with the provisions of subsection (4) of the said section fifty-two ;
- (b) if and in so far as the provision relates to supplementary pensions under Part II of the Old Age and Widows' Pensions Act, 1940, it means the date on which regulations made under the said section fifty-two as applied by subsection (3) of section ten of that Act for the

- purpose of complying with the requirements of subsections (1) and (2) of section one of this Act take effect under subsection (4) of the said section fifty-two as so applied ;
- (c) if and in so far as the provision relates to financial assistance under section two of the Blind Persons Act, 1920, as amended by section two of the Blind Persons Act, 1938, it means such date as may be appointed by order of the Minister of Health ;
 - (d) if and in so far as the provision relates to outdoor relief or maintenance under the Poor Law Acts, 1930 to 1938, it means such date as may be appointed by order of the Minister of Health.

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

- (a) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State ;
- (b) for any reference to the Poor Law Acts, 1930 to 1938, there shall be substituted a reference to the enactments relating to the relief of the poor in Scotland ;
- (c) nothing in proviso (ii) to subsection (1) of section three shall be construed as precluding the determination of a poor law authority upon any such question as is therein referred to from being reviewed in any proceedings taken by a poor person under section seventy-three or section seventy-four of the Poor Law (Scotland) Act, 1845 ; and 8 & 9 Vict.
c. 83.
- (d) for subsection (2) of section three there shall be substituted the following subsection—

“(2) Nothing in section seventy-one of the Poor Law (Scotland) Act, 1845 (which relates to the recovery by a poor law authority of monies expended in behalf of a poor person from persons legally bound to maintain him) shall entitle a poor law authority to recover monies expended in behalf of a poor person by way of outdoor relief from any person who was treated for the purposes of subsection (1) of this section as being a member of the same household as the poor person in determining the needs and resources of the poor person for any purpose connected with the granting of the relief.” 8 & 9 Vict.
c. 83.

9.—(1) This Act may be cited as the Pensions and Determination of Needs Act, 1943. Short title
and extent.

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

SCHEDULES.**Section 4.****FIRST SCHEDULE.****CONSEQUENTIAL AMENDMENTS OF THE EIGHTH SCHEDULE TO THE
UNEMPLOYMENT ACT, 1934,
AS SET OUT WITH MODIFICATIONS IN THE SECOND SCHEDULE TO THE
OLD AGE AND WIDOWS' PENSIONS ACT, 1940.**

1. At the end of Part I (which deals with the commencement of the Schedule) there shall be added the words "or, in the case of pensioners being widows who have not attained the age of sixty, the first date on which supplementary pensions became payable to such pensioners."

2. In Part II and in Part III, for sub-paragraph (a) of paragraph 1 (which prohibits the giving of outdoor relief to persons eligible for supplementary pensions) there shall be substituted the following sub-paragraph:—

- "(a) to any person during any period in respect of which an old age or widow's pension is payable to that person except—
- (i) during any period after the date when the pension began to accrue to that person but before the date on which the person becomes entitled to receive weekly payments on account thereof; or
 - (ii) in the case of a widow's pension, during any other period during which she is not eligible for a supplementary pension."

3. In Part II and in Part III, for sub-paragraph (a) of paragraph 2 (which provides for the payment by the Assistance Board of the cost of certain relief) there shall be substituted the following sub-paragraph:—

- "(a) the cost of any outdoor relief (not being relief in respect of medical needs) lawfully given after the commencement of this Schedule to any person during any such period as is mentioned in sub-paragraph (a) (i) of the foregoing paragraph, other than relief given to a widow during a period during which she has not attained the age of sixty and in respect of which no additional allowance in respect of a child is paid to her as part of her pension."

SECOND SCHEDULE.

Section 5.

**AMENDMENTS OF OLD AGE PENSIONS ACT, 1936, IN RELATION TO
ISLE OF MAN.**

Provision amended	Amendments
Subsection (2) of section two.	In paragraph (b) the words "or the Isle of Man" shall be omitted; and at the end of the subsection there shall be added the following sentence:— "For the purposes of this section the Isle of Man shall be treated as if it were part of the United Kingdom".
Subsection (2) of section four.	After the words "Northern Ireland" there shall be inserted the words "or in the Isle of Man".
Subsection (2) of section five.	After the words "Northern Ireland" there shall be inserted:— (a) where they first occur, the words "or in the Isle of Man"; (b) where they secondly occur, the words "or the appropriate authority in the Isle of Man, as the case may be".

CHAPTER - 28.*Finance Act, 1943.***ARRANGEMENT OF SECTIONS.****PART I.****CUSTOMS, EXCISE AND PURCHASE TAX.****Section.**

1. Beer.
2. Spirits.
3. Wines.
4. Sweets.
5. Tobacco.
6. Entertainments.
7. Relief from duty for vehicles used for clearing snow.
8. Reduction of duty on certain mechanically propelled vehicles used for agricultural purposes.
9. Relief from duty for agricultural vehicles.
10. Relief from duty for vehicles fitted with towing contrivances.
11. Higher rate of purchase tax to be one hundred per cent.
12. Increased penalties for offences in relation to customs, excise and purchase tax.

PART II.
INCOME TAX.

Section.

13. Income tax for 1943-44.
14. Higher rates of income tax for 1942-43.
15. Relief where a person is employed or maintained to take charge of children.
16. Increases of allowances for dependent relatives.
17. Extension to 1943-44 of s. 11 of Finance (No. 2) Act, 1939.
18. Exemption from tax of foreign service allowances to Crown servants.
19. Post-war credits to members of forces and special constables, &c.
20. Application of certain enactments to settlements and dispositions where there is more than one settlor or disponent.

PART III.
EXCESS PROFITS TAX.

21. Extension of s. 31 of Finance Act, 1941.
22. Costs incurred by concerns producing certain minerals.
23. Payments to superannuation funds, &c., in respect of back service.
24. Disposal of company's stock at under value.
25. Appeals against directions.

PART IV.
MISCELLANEOUS.

26. Amendment of ss. 30 and 31 of Finance Act, 1939.
27. Reduction of rate of interest on death duties.
28. Application of income tax provisions to excess profits tax and the national defence contribution.
29. Provisions as to permanent annual charge for the National Debt.
30. Amendment as to deficit for 1942-43.
31. Short title, construction, extent and repeal.

SCHEDULES :

- First Schedule.—Beer (rates of duty and drawback).
 Second Schedule.—Spirits (rates of ordinary customs duty).
 Third Schedule.—Wines (rates of customs duty).
 Fourth Schedule.—Tobacco (rates of duty and drawback).
 Fifth Schedule.—Entertainments (rates of duty).
 Sixth Schedule.—Application of enactments to settlements and dispositions where there is more than one settlor or person who made the disposition.
 Seventh Schedule.—Provisions as to back-service payments made before or in pursuance of undertakings given or enactments passed before 2nd February, 1943.
 Eighth Schedule.—Application of income tax provisions to excess profits tax and the national defence contribution.
 Ninth Schedule.—Enactments repealed.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the Public Revenue and the National Debt, and to make further provision in connection with Finance. [22nd July 1943.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your

Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned ; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

CUSTOMS, EXCISE AND PURCHASE TAX.

1.—(1) Section one of the Finance (No. 2) Act, 1939 (which imposes duties of excise and customs in respect of beer) shall have effect as if Parts I, III and IV of the First Schedule to this Act were respectively substituted for Parts I, III and IV of the First Schedule to that Act. Beer. 2 & 3 Geo. 6. c. 109.

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

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

2.—(1) The duties of customs charged on spirits under subsection (1) of section three of the Finance Act, 1920, in addition to the duties specified in Part II of the First Schedule to that Act shall be charged at the increased rates specified in the Second Schedule to this Act ; and accordingly the said subsection (1) shall have effect as if the said Schedule to this Act were substituted for Part I of the First Schedule to that Act. Spirits. 10 & 11 Geo. 5. c. 18.

(2) The rate of the duty of excise charged on spirits under subsection (2) of section three of the Finance Act, 1920, in addition to the duties specified in Part III of the First Schedule to that Act shall be increased to seven pounds seventeen shillings and sixpence per gallon computed at proof ; and accordingly the said subsection (2) shall have effect as if for the words " six pounds, seventeen shillings and sixpence " there were substituted the words " seven pounds, seventeen shillings and sixpence ".

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

PART I.
—*cont.*
Wines.

3.—(1) Section three of the Finance (No. 2) Act, 1939 (which imposes duties of customs on wines) shall have effect as if Parts I and II of the Third Schedule to this Act were respectively substituted for Parts I and II of the Third Schedule to that Act.

(2) This section shall be deemed to have had effect as from the thirteenth day of April, nineteen hundred and forty-three.

Sweets.
17 & 18
Geo. 5. c. 10.

4.—(1) The duty of excise on sweets charged under section six of the Finance Act, 1927, shall—

(a) in the case of sparkling sweets, be at the rate of one pound ten shillings instead of one pound three shillings and ninepence per gallon; and

(b) in the case of other sweets, be at the rate of fourteen shillings and sixpence instead of eleven shillings and sixpence per gallon.

(2) This section shall be deemed to have had effect as from the thirteenth day of April, nineteen hundred and forty-three.

Tobacco.
3 & 4
Geo. 6. c. 48.

5.—(1) In lieu of the duties of customs charged on tobacco under subsection (1) of section four of the Finance (No. 2) Act, 1940, there shall be charged on tobacco imported into the United Kingdom of the descriptions set out in the first column of Part I of the Fourth Schedule to this Act—

(a) in the case of tobacco not being an Empire product, duties of customs at the rates respectively specified in the second column of that Part of that Schedule; and

(b) in the case of tobacco being an Empire product, duties of customs at the rates respectively specified in the third column of that Part of that Schedule.

(2) In lieu of the duties of excise charged on tobacco under subsection (2) of the said section four, there shall be charged on tobacco grown in the United Kingdom of the descriptions set out in the first column of Part II of the Fourth Schedule to this Act duties of excise at the rates respectively specified in the second column of that Part of that Schedule.

26 & 27
Vict. c. 7.

(3) The drawback allowed under section one of the Manufactured Tobacco Act, 1863, on tobacco exported from the United Kingdom or deposited in a bonded or King's warehouse shall—

(a) in cases where it is shown that the duties charged under subsection (1) of this section have been paid, be allowed—

(i) in respect of tobacco on which full customs duty has been paid, at the rates specified in the second

column of Part III of the Fourth Schedule to this Act ; and

PART I.
—cont.

(ii) in respect of tobacco on which customs duty at a preferential rate has been paid, at the rates specified in the third column of that Part of that Schedule ; and

(b) in cases where it is shown that the duties charged under subsection (2) of this section have been paid, be allowed at the rates specified in the third column of that Part of that Schedule,

instead of at the rates specified in Part III of the Fourth Schedule to the Finance Act, 1942, but subject, in either of those cases, to the provisions affecting allowance of drawback contained in the Schedule to the Finance Act, 1904.

5 & 6
Geo. 6. c. 21.
4 Edw. 7. c. 7.

(4) For the purposes of subsections (2) and (3) of section eight of the Finance Act, 1919 (which relate to articles manufactured in the British Empire from material which is not wholly grown or produced in the Empire and to goods manufactured in the United Kingdom from dutiable material shown to have been consigned from and grown or produced in the British Empire) the rates of the duties of customs imposed by this section in the case of tobacco being an Empire product shall be deemed to be preferential rates within the meaning of that section.

9 & 10
Geo. 5. c. 32.

(5) In this section the expression " Empire product " has the same meaning as it has for the purposes of the said section eight.

(6) This section shall be deemed to have had effect as from the thirteenth day of April, nineteen hundred and forty-three.

6. As respects payments for admission to entertainments held on or after the sixteenth day of May, nineteen hundred and forty-three, other than payments made before the thirteenth day of April in that year, entertainments duty within the meaning of the Finance (New Duties) Act, 1916, shall be charged and be deemed always to have been chargeable—

Entertain-
ments.
6 & 7
Geo. 5. c. 11.

(a) in the case of entertainments chargeable at reduced rates by virtue of subsection (3) of section one of the Finance Act, 1935 (which relates to stage plays, etc.), at the rates set out in Part I of the Fifth Schedule to this Act ; and

25 & 26
Geo. 5. c. 24.

(b) in the case of other entertainments, at the rates set out in Part II of that Schedule.

7.—(1) A mechanically propelled vehicle shall not be chargeable with any duty under section thirteen of the Finance Act, 1920, by reason of the use thereof for clearing snow from public roads by means of a snow plough or similar contrivance, whether

Relief from
duty for
vehicles used
for clearing
snow.

PART I.
—cont.

forming part of the vehicle or not, or for the purpose of going to or from the place where it is to be used for clearing snow from public roads by those means.

(2) This section shall be deemed to have had effect as from the fourth day of October, nineteen hundred and forty-two.

Reduction of duty on certain mechanically propelled vehicles used for agricultural purposes.

23 & 24
Geo. 5. c. 19.
2 & 3
Geo. 6. c. 41.
3 & 4
Geo. 6. c. 29.
10 & 11
Geo. 5. c. 72.

8.—(1) Sub-paragraph (a) of paragraph 4 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, section ten of the Finance Act, 1939, and section nine of the Finance Act, 1940, provides that locomotive ploughing engines, tractors, agricultural tractors and other agricultural engines shall, in certain cases, be liable only to a five shilling excise duty) shall, in relation to the use on roads, during the period specified in subsection (4) of this section, of any such agricultural or other tractor or engine as aforesaid (being a tractor or engine registered under the Roads Act, 1920, in the name of a person engaged in agriculture or of a registered agricultural contractor and used primarily for work on land in connection with agriculture) have effect as if, for paragraphs (ii) and (iii) thereof, there were substituted the following paragraph :—

“(ii) for hauling agricultural produce of, or articles required for, any farm or market garden”.

(2) In this section, the expression “registered agricultural contractor” means a person registered under the Agricultural Contractors (Registration and Control) Orders, 1940, or the Agricultural Contractors (Registration and Control) (Scotland) Order, 1941.

(3) In subsection (7) of section two of the Finance Act, 1935 (which, as amended by section eight of the Finance Act, 1942, excepts from the provisions of that section withdrawing the rebate on heavy oils used as fuel for mechanically propelled vehicles the vehicles mentioned in sub-paragraphs (a), (b), (c) and (d) of the said paragraph 4) the reference to the said sub-paragraph (a) shall, in relation to the vehicles and the period mentioned in subsections (1) and (4) of this section, be construed as a reference to the said sub-paragraph (a) as amended by subsection (1) of this section.

(4) The period hereinbefore referred to is the period beginning with the eighteenth day of March, nineteen hundred and forty-three, and ending with such date as His Majesty may by Order in Council determine, and this section shall be deemed to have had effect as from the said eighteenth day of March.

Relief from duty for agricultural vehicles.

9.—(1) Where a licence has been taken out for a mechanically-propelled vehicle under sub-paragraph (a) of paragraph 5 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, specifies the

rates of duty to be charged on vehicles registered in the name of a person engaged in agriculture and used on roads solely by him for the purpose of the conveyance of the produce of, or of articles required for the purposes of, the agricultural land which he occupies), duty at a higher rate shall not become chargeable in respect of that vehicle by reason only that, during such periods and in such areas as may be specified by order of the Treasury, it is used, whether by the person in whose name it is registered or not, for any such purpose as is specified in the order.

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

(3) This section shall continue in force until such date as His Majesty may by Order in Council determine.

10.—(1) For the purposes of paragraphs 4 and 5 of the Second Schedule to the Finance Act, 1920, the unladen weight of a mechanically propelled vehicle shall not be taken to include the weight of a contrivance attached thereto, being a contrivance designed or adapted for the purpose of enabling the vehicle to tow or be towed :

Relief from duty for vehicles fitted with towing contrivances.

Provided that in computing the unladen weight of a vehicle there shall not, by virtue of this subsection, be excluded the weight of a contrivance attached to the rear of a vehicle chargeable with duty under the said paragraph 4 or of a vehicle chargeable with duty under the said paragraph 5 and used for drawing a trailer, or, in any event, an amount exceeding—

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

(2) This section shall be deemed to have had effect as from the first day of August, nineteen hundred and forty-two, and shall continue in force until such date as His Majesty may by Order in Council determine.

11.—(1) The higher rate of purchase tax, being the rate at which the tax is chargeable by virtue of subsection (1) of section seventeen of the Finance Act, 1942, shall, in the case of tax becoming due on or after the thirteenth day of April, nineteen hundred and forty-three, be one hundred per cent. of the wholesale value of the goods instead of two-thirds of that value, and accordingly, in relation to tax becoming due as aforesaid, the said subsection (1), and sub-paragraph (i) of paragraph (a) of subsection (3) of section nineteen of the Finance (No. 2) Act, 1940, shall have effect with the substitution for the words "two-thirds" of the words "one hundred per cent".

Higher rate of purchase tax to be one hundred per cent.

PART I.
—*cont.*

(2) Where in respect of goods bought under a purchase made before the said thirteenth day of April purchase tax at the higher rate becomes due on or after that date, the seller may, in the absence of agreement to the contrary, recover, as an addition to the consideration, a sum equal to the excess of the amount of the tax chargeable in respect of the goods over what it would have been if this Act had not been passed.

Increased penalties for offences in relation to customs, excise and purchase tax. 5 & 6 Geo. 5. c. 89.

12.—(1) The power of a court under the following enactments, namely—

- (a) section sixteen of the Finance (No. 2) Act, 1915 (which relates to the punishment for false declarations, etc., relating to the customs) ;
- (b) section fifteen of the Finance Act, 1935 (which relates to the punishment for evasions of duties of customs and of the laws and restrictions of the customs relating to the exportation, importation, unshipping, landing and delivery of goods) ;
- (c) subsection (2) of section twenty-four and subsection (5) of section thirty-five of the Finance (No. 2) Act, 1940 (which relate to the punishment for certain offences in relation to purchase tax) ;

of ordering an offender to be imprisoned for a term not exceeding two years in lieu of ordering him to pay a penalty, shall be extended so as to include a power of ordering the offender to be imprisoned as aforesaid in addition to ordering him to pay the penalty.

7 & 8 Geo. 4. c. 53.

(2) Where a person is convicted of an offence for which he is liable to a penalty under section thirty-two of the Excise Management Act, 1827 (which relates to the removal, deposit or concealment of goods with intent to evade a duty of excise), the court may, in lieu of or in addition to ordering him to pay the penalty, order him to be imprisoned for a term not exceeding two years.

(3) Where a court of summary jurisdiction—

- (a) in pursuance of either of the two preceding subsections orders a person to be imprisoned for a term in addition to ordering him to pay a penalty for the same offence ; and
- (b) further (whether at the same time or subsequently) orders him to be imprisoned for a term in respect of the non-payment of the sum adjudged to be paid by the conviction for that offence, or in respect of the default of a sufficient distress to satisfy that sum ;

the aggregate of the terms for which he is so ordered to be imprisoned shall not exceed two years.

(4) Subject to the provisions of the last preceding subsection, where the sum adjudged to be paid by the conviction of a court of summary jurisdiction under or by virtue of any statute relating to His Majesty's revenue under the control of the Commissioners

PART I.
—cont.

exceeds fifty pounds, the maximum period of imprisonment that may be imposed in respect of the non-payment of that sum or in respect of the default of a sufficient distress to satisfy that sum shall, instead of being six months in all cases as provided by section fifty-three of the Summary Jurisdiction Act, 1879, be fixed in accordance with the following scale, that is to say :—

Where the amount of the sum adjudged to be paid by the conviction—	The said period shall not exceed—
Exceeds fifty pounds but does not exceed one hundred pounds	Six months.
Exceeds one hundred pounds but does not exceed two hundred and fifty pounds	Nine months.
Exceeds two hundred and fifty pounds	Twelve months.

(5) In this section the expression “ sum adjudged to be paid by the conviction ” includes any costs adjudged to be paid by the conviction of which the amount is ascertained by the conviction.

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

- (a) in subsections (3) and (4) the words “ or in respect of the default of a sufficient distress to satisfy that sum ” shall be omitted ;
- (b) in subsection (4) for the words “ instead of being six months in all cases as provided by section fifty-three of the Summary Jurisdiction Act, 1879 ” there shall be substituted the words “ notwithstanding anything in section forty-eight of the Summary Jurisdiction (Scotland) Act, 1908 ”.

8 Edw. 7.
c. 65.

(7) In the application of this section to Northern Ireland the following subsection shall be substituted for subsection (3)—

“ (3) In relation to a sentence imposed by virtue of subsection (1) or subsection (2) of this section, section forty-four of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 (which limits to twelve months the aggregate term of sentences of imprisonment imposed for the same offence in default of a fine and otherwise) shall have effect as if for the words ‘ twelve months ’ there were substituted the words ‘ two years ’ ” ;

and subsections (4) and (5) shall be omitted.

PART II.

INCOME TAX.

13.—(1) Income tax for the year 1943-44 shall be charged at the standard rate of ten shillings in the pound, and, in the case of an individual whose total income exceeds one thousand five hundred pounds, at such higher rates in respect of the excess over one thousand five hundred pounds as Parliament may hereafter determine.

PART II.
—*cont.*

(2) All such enactments as had effect with respect to the income tax charged for the year 1942-43, other than such enactments as by their terms relate only to tax for that year, shall have effect with respect to the income tax charged for the year 1943-44.

Higher rates
of income tax
for 1942-43.

14. Income tax for the year 1942-43 shall be charged at rates exceeding the standard rate in the case of individuals whose total incomes exceed two thousand pounds and in respect of the excess of their total incomes over that sum ; and the said rates shall be rates in the pound which respectively exceed the standard rate for the year 1942-43 by the amounts specified in the second column of the Table in subsection (1) of section seven of the Finance (No. 2) Act, 1940.

Relief where
a person is
employed or
maintained
to take charge
of children.

15.—(1) Subject to the provisions of this section, if an individual proves, in the case of a year of assessment,—

- (a) that he is entitled to relief under section twenty-one of the Finance Act, 1920, in respect of a child resident with him ; and
- (b) that a female person is resident with and maintained or employed by him for the purpose of having the charge and care of the child ; and
- (c) that neither he nor any other individual is entitled under sections nineteen to twenty-two of that Act to a deduction of tax in respect of the person so employed or maintained or, if he or any other individual is so entitled, that the claim thereto has been relinquished ; and
- (d) that he is not entitled under section nineteen or section twenty of that Act to a deduction of tax in respect of any other person,

he shall be entitled to a deduction from the amount of tax with which he is chargeable for that year equal to tax at the standard rate on fifty pounds.

(2) Not more than one deduction of tax shall be allowed under this section to any claimant for any year.

(3) No relief shall be given under this section to a male claimant for any year if he is entitled for that year to the higher of the two allowances provided for by subsection (1) of section eighteen of the Finance Act, 1920 (that is to say, the allowance provided for certain married persons) unless throughout that year his wife was totally incapacitated by physical or mental infirmity, or to a female claimant unless throughout that year she was either incapacitated as aforesaid or in full-time employment or engaged full-time in some trade, profession or vocation.

(4) Where more than one individual is entitled to relief under this section in connection with the same child, the fifty pounds mentioned in subsection (1) of this section shall be apportioned between them in such proportions as may be

agreed between them or, in default of agreement, in accordance with such apportionment as may be adopted in relation to that child under section twenty-four of the Finance Act, 1940, for the purposes of the children relief.

PART II.
—cont.

An apportionment may be made under this section notwithstanding that relief has already been allowed thereunder to any individual, and if it appears as a result of the apportionment that the individual has been allowed too much relief, the amount of the excess may, if not otherwise made good, be assessed under Case VI of Schedule D and recovered from him accordingly.

(5) Section twenty-four of the Finance Act, 1920 (which relates to relief to individuals not resident in the United Kingdom) shall have effect as if the relief conferred by this section had been conferred by a provision of Part II of that Act.

(6) All such provisions of the Income Tax Acts as apply in relation to deductions of tax under section forty of the Finance Act, 1927, shall, with any necessary modifications, apply in relation to deductions of tax under this section.

16.—(1) Subsection (1) of section twenty-two of the Finance Act, 1920 (which, as amended by subsection (1) of section forty of, and the Fifth Schedule to, the Finance Act, 1927, provides for a deduction of tax on twenty-five pounds in the case of a claimant who maintains at his own expense a person whose total income from all sources does not exceed fifty pounds a year, being either an aged or infirm relative of his or his wife's, or his or his wife's widowed mother, and for a like deduction in the case of a claimant who, by reason of old age or infirmity, is compelled to depend on the services of a daughter resident with and maintained by him) shall, except in relation to a claim made on the ground that the claimant is dependent on the services of a daughter, have effect with the substitution—

Increases of allowances for dependent relatives.

- (a) for the words "fifty pounds" of the words "eighty pounds"; and
- (b) for the words "to a deduction of twenty-five pounds in respect of each person whom he so maintains" of the words "in respect of each person whom he so maintains to a deduction of fifty pounds reduced, if the total income from all sources of that person exceeds thirty pounds a year, by the amount of the excess".

(2) Section twenty-one of the Finance Act, 1938 (which provides for relief, not exceeding tax on twenty-five pounds, for relatives who have been denied wholly or in part unemployment allowance or public assistance) shall have effect as if for the words "twenty-five pounds" there were substituted the words "fifty pounds".

1 & 2
Geo. 6. c. 46.

PART II.
—cont.

(3) A claimant shall not, by reason of the coming into operation of this section, be entitled to less relief from income tax than that to which he would otherwise be entitled.

Extension to
1943-44 of
s. 11 of
Finance
(No. 2) Act,
1939.

17. Section eleven of the Finance (No. 2) Act, 1939 (which grants relief in respect of diminution of earned income owing to circumstances directly or indirectly connected with the present war) shall apply in relation to tax for the year 1943-44 as it applied in relation to tax for the year 1939-40, with the adaptation that references to the year 1939-40 shall be construed as references to the year 1943-44 and references to the year 1938-39 shall be construed as references to the year 1942-43.

Exemption
from tax of
foreign service
allowances to
Crown
servants.

18. Where any allowance to any person in the service of the Crown is certified by the Treasury to represent compensation for the extra cost of having to live outside the United Kingdom in order to perform his duties, that allowance shall not be regarded as income for any of the purposes of the Income Tax Acts.

Post-war
credits to
members of
forces and
special
constables, &c.

19. The sums known as post-war credits paid either—

(a) under any Order in Council, Royal Warrant or King's Order to members of the armed forces of the Crown or of the Voluntary Aid Detachments; or

(b) under arrangements certified by the Treasury to be arrangements providing similar benefits to—

(i) special constables appointed under the Special Constables Act, 1831, or section one hundred and ninety-six of the Municipal Corporations Act, 1882, or under section ninety-six of the Burgh Police (Scotland) Act, 1892, as amended or extended by any subsequent enactment or any similar provision contained in a local Act, or members of the Police War Reserve, the Women's Auxiliary Police Corps or the Police Auxiliary Messenger Service; or

(ii) members of the National Fire Service; or

(iii) members of the Civil Defence Reserve or the civil defence ambulance, decontamination, first-aid party, first-aid post, messenger, report and control, rescue or wardens' services; or

(iv) members of the fireguard service; or

(v) members of the Royal Observer Corps; or

(vi) persons in Northern Ireland similar to any of the persons specified in any of the preceding subparagraphs,

shall not be regarded as income for any of the purposes of the Income Tax Acts for any year of assessment, including a year of assessment before the year 1943-44.

1 & 2
Will. 4. c. 41.
45 & 46
Vict. c. 50.
55 & 56 Vict.
c. 55.

20. For the removal of doubts, it is hereby declared that the provisions of Part IV of the Finance Act, 1938, and section twenty-one of the Finance Act, 1936 (which relate to the income tax to be paid in the case of certain settlements) and the provisions of section twenty of the Finance Act, 1922 (which relates to certain revocable and other dispositions) have effect in accordance with the provisions of the Sixth Schedule to this Act in the case of any settlement or disposition where there is more than one settlor or more than one person who made the disposition.

PART II.
—cont.
Application of certain enactments to settlements and dispositions where there is more than one settlor or disposer.
26 Geo. 5. & 1 Edw. 8 c. 34.
12 & 13 Geo. 5. c. 17

PART III.

EXCESS PROFITS TAX.

21. Section thirty-one of the Finance Act, 1941 (which provides for an addition to the standard profits in the case of concerns producing certain metals and oil) shall have effect and be deemed always to have had effect as if references therein to metal and to the mining thereof included respectively references to sand, gravel, limestone, sandstone, igneous rock, chalk, asbestos and mica and the extraction thereof from natural deposits.

Extension of s. 31 of Finance Act, 1941.
4 & 5 Geo. 6. c. 30.

22.—(1) The provisions of this section shall have effect in the case of a trade or business which includes the mining of any metal or the getting of oil from oil wells, being a trade or business with respect to which a certificate given by the Treasury under subsection (1) of section thirty-one of the Finance Act, 1941, is in force.

Costs incurred by concerns producing certain minerals

(2) If, in the case of a trade or business which includes the mining of metal in the form of ore, the average metallic content of the ore consumed in a chargeable accounting period is greater than the average metallic content of the ore consumed—

(a) in the standard period, if any; or

(b) if the person carrying on the trade or business so elects, in such accounting period ending before that chargeable accounting period and ending after the standard period, if any, as that person may select,

being in either case ore mined by the person carrying on the trade or business, then, for the purpose of computing the profits of the trade or business for that chargeable accounting period, the cost of obtaining and reducing the ore consumed in that chargeable accounting period shall be taken to be a sum bearing to the actual cost of obtaining and reducing it the same proportion that the first-mentioned average bears to the last-mentioned average.

(3) In the case of a trade or business which includes the mining of metal otherwise than in the form of ore or the getting of oil from oil-wells, if, in any chargeable accounting period, all or any

PART III.
—cont.

of the metal or oil mined or got was, for the purpose of securing additional output, mined or got otherwise than in accordance with the usual practice, then, if the cost of mining or getting all the metal or oil mined or got in that chargeable accounting period is less than what would have been the cost of mining or getting the like quantity of metal or oil in accordance with the usual practice, the last-mentioned cost shall, for the purpose of computing the profits of the trade or business for the chargeable accounting period in question, be substituted for the first-mentioned cost.

(4) Any question arising under this section shall be determined by the Commissioners, subject, however, to an appeal to the Board of Referees.

(5) This section applies to the computation of the profits of a trade or business for any chargeable accounting period ending after the end of March, nineteen hundred and forty, and section thirty-three of the Finance Act, 1941 (which relates to the computation of profits and standard profits for chargeable accounting periods falling partly before and partly after the said end of March) shall apply as if, in paragraph (c) of subsection (1) of that section, the expression "the amending provisions" included the preceding provisions of this section.

(6) In this section, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"cost", in relation to the obtaining and reducing of ore mined by the person carrying on a trade or business, means the direct cost incurred by that person on labour, materials and power in mining the ore and reducing it (whether by smelting or otherwise) together with the cost to that person of repairs to buildings, plant and machinery used wholly or mainly for the mining and reduction thereof ;

"metal" means the metal to which the certificate of the Treasury relates, and "metallic" shall be construed accordingly ;

"ore" means ore containing the metal aforesaid ;

"standard period", in relation to a trade or business carried on by a company which is a member of a group of companies, being a trade or business the standard profits of which are ascertained in accordance with subparagraph (2) of paragraph 2 of Part III of the Fifth Schedule to the Finance Act, 1940, means the standard period of the group ;

and references in this section to the ore consumed or the metal mined or the oil got in any period shall be construed as references to the ore, metal or oil the profits attributable to which are included in the profits for that period.

(7) This section shall have effect as if references to metal and the mining thereof included respectively references to limestone, sandstone, igneous rock, chalk, asbestos and mica and to the extraction thereof from natural deposits.

PART III.
—cont.

23.—(1) Where—

(a) arrangements are in force in connection with any trade or business having as their object or one of their objects the provision of benefits to or in respect of all or any of the persons employed or to be employed in the trade or business ; and

Payments to
superannua-
tion funds, &c.
in respect of
back service.

(b) any payment (whether to a superannuation or other fund or under a policy of insurance or under a contract for a deferred annuity or for a capital sum or otherwise) is made under those arrangements in respect of back service (whether rendered to the person carrying on the trade or business or not),

no deduction shall be made in respect of that payment in computing the profits of the trade or business for any accounting period for the purposes of excess profits tax :

Provided that,—

(i) if the person carrying on the trade or business so elects, the payment shall be apportioned among the accounting periods during which the back service was rendered as may be just and the parts thereof so apportioned to any of those periods which include, consist of or fall wholly or partly within the standard period (if any) or any chargeable accounting period shall be deducted in computing the profits of the trade or business for those accounting periods respectively for the purposes of excess profits tax ; and

(ii) if the person carrying on the trade or business so elects and the payment was made before the second day of February, nineteen hundred and forty-three, or was made in pursuance of an undertaking to make it given or of an enactment passed before that date, the provisions of the Seventh Schedule to this Act shall have effect in relation to the payment, and, where the payment is one of a series of payments, also in relation to the other payments.

(2) For the purposes of this section, service of any person shall, in relation to any arrangements, be deemed to be back service if it was rendered before the arrangements were made or before the arrangements applied to him.

(3) A payment shall be deemed for the purposes of this section to be made in respect of back service if any of the following conditions are fulfilled with respect to it, that is to say—

(a) it is expressed under the arrangements in question to be made in respect of service the whole or part of which is back service ; or

PART III.
—cont.

- (b) the benefits to or towards the provision of which the payment is made will be computed by reference to the length of service the whole or part of which is back service ; or
- (c) the said benefits are provided or are to be provided in recognition of service the whole or part of which is back service :

Provided that—

- (i) where part only of the service mentioned in any of the said conditions is back service, only so much of the payment shall be treated, by virtue of the fulfilment of that condition, as in respect of back service as, on a just apportionment of the payment, is referable to such service ;
- (ii) in determining for the purposes of this section whether or not benefits are or are to be provided in recognition of any particular service, all relevant facts shall be taken into consideration and the statements of the parties concerned, whether embodied in the arrangements or not, shall not be taken as conclusive.

(4) Where arrangements are modified by subsequent arrangements so as to provide for new or greater benefits, the original arrangements and the modifying arrangements shall be treated for the purposes of this section as separate arrangements and any payments made under the arrangements as modified shall be apportioned accordingly.

(5) In this section “benefit” means, in relation to any person, any periodical or lump sum payment payable at a future date (whether before, at or after the date of his retirement), and includes any such payment to or for the benefit of his spouse, children (including adopted children and illegitimate children) relations or dependents ; and for the purposes of this section any director of a company or person employed in the management of a company shall be deemed to be a person employed and “service” shall be construed accordingly.

(6) Nothing in this section affects, in relation to any such payment or part of a payment as is not in respect of back service, subsection (2) of section thirty-three of the Finance Act, 1940 (which relates to the spreading over several accounting periods of deductions not reasonably and properly attributable to one period only) or section thirty-two of the Finance Act, 1921, as applied to excess profits tax (which relates to the exemption of superannuation funds from tax).

11 & 12 Geo. 5.
c. 32.

(7) The enactments relating to excess profits tax shall be deemed always to have had effect as amended by this section :

Provided that nothing in this section shall affect, for the chargeable accounting period to which the appeal related, any

payment concerning which notice of appeal to the Board of Referees had been given before the second day of February, nineteen hundred and forty-three, against a determination of the Commissioners under subsection (2) of section thirty-three of the Finance Act, 1940.

PART III.
—cont.

24.—(1) Where any of the stock in trade of a company is disposed of otherwise than for at least its full market value and is so disposed of either to, or directly or indirectly for the benefit or by the procurement of, any persons who directly or indirectly hold, or are in a position to obtain, a controlling interest in the company, and any of that stock is disposed of by any person at a profit but in circumstances in which, apart from this section, the full tax (as hereinafter defined) is not payable or, in the opinion of the Commissioners, is unlikely to be recovered, the Commissioners may direct—

Disposal of
company's
stock at
under value.

- (a) that such sum as may be specified in the direction, being the sum which, in the opinion of the Commissioners, is equal to the full tax, shall be chargeable by way of excess profits tax ; and
- (b) that that sum shall be a joint and several liability of such persons as may be specified in the direction, being the company and the persons who, in the opinion of the Commissioners, obtained (but for this section) financial benefits as a result of the transactions aforesaid and any other transactions which, in the opinion of the Commissioners, were effected in connection with or in association with any of the said transactions :

Provided that,—

- (i) if the Commissioners think fit, the direction may apportion the said sum among all or any of the persons who would otherwise be jointly and severally liable as aforesaid, and where a part of the said sum is apportioned to more than one of the said persons, that portion of the said sum shall be a joint and several liability of the particular persons to whom it is apportioned and not of any other persons ; and
 - (ii) where any person has (apart from this section) obtained financial benefits as aforesaid but only by reason of the transfer by him of shares which he did not obtain under any such transaction as aforesaid and he has not, apart from that transfer, been concerned in any such transaction as aforesaid, the direction shall apportion the said sum so that there is apportioned to him no greater part thereof than is equal to the amount by which he is, under subsection (4) of this section, deemed to have (apart from this section) financially benefited.
- (2) In this section, the expression “ the full tax ” means the excess profits tax which, if the stock, instead of being disposed of

PART III.
—cont.

otherwise than for at least its full market value, had, at the time when it was so disposed of, been sold by the company on its own behalf in the ordinary course of trade for its full market value, would have become payable by or in respect of that company for the chargeable accounting period during which the stock was so disposed of, no account being taken of any relief for deficiencies of profits.

(3) As between the persons who, by virtue of a direction under this section, become jointly and severally liable for any sum, their respective liabilities shall, unless otherwise agreed between them, be proportionate to the extent to which they respectively benefited financially as a result of all the transactions in question, apart from their liability under this section.

(4) Where any such transaction as aforesaid consists of the transfer of any shares, the persons transferring the shares shall be deemed to have (apart from this section) financially benefited—

- (a) if they obtained the shares under any such transaction as aforesaid, to the extent by which the consideration which they obtained for the shares exceeds in value the consideration which they gave for the shares ;
- (b) if they did not obtain the shares under any such transaction as aforesaid, to the extent by which the consideration which they obtained for the shares is greater than it might have been expected to be if the stock had been sold by the company immediately before the transfer in such circumstances that the full tax became payable by or in respect of the company.

(5) For the purposes of this section, a barrister, solicitor or accountant shall not be treated as having obtained financial benefits by reason only that he received in the ordinary course of his profession remuneration in respect of ordinary professional services rendered in connection with any such transaction as aforesaid at a rate not greater than that customary in the profession for services of such a character, a person who carries on a banking business shall not be treated as having obtained financial benefits by reason only that he received interest at not more than the normal rate on a loan made by him in connection with any such transaction as aforesaid, and a person who carries on a business which includes dealing in stock of the kind to which a direction under subsection (1) of this section relates shall not be treated as having obtained financial benefits by reason only that he bought some or all of the stock in question at a price representing the full market value thereof and disposed thereof at a profit.

(6) A direction under this section may be given notwithstanding that a direction in relation to the transactions in question or some of them has been given or might have been given under section thirty-five of the Finance Act, 1941, and any direction given under

this section may contain such provisions for granting relief from any liability to excess profits tax existing apart from the direction as appear to the Commissioners to be consequential on the other provisions of the direction.

PART III.
—cont.

(7) Any person aggrieved by a direction of the Commissioners under this section may appeal to the Special Commissioners, and on any such appeal any other person specified in the direction shall be entitled to appear and be heard and the Special Commissioners may vary, confirm or cancel the direction.

The decision of the Special Commissioners shall (subject to any appeal therefrom which is competent under the enactments relating to excess profits tax) be binding on the Commissioners and on the appellant and on all persons entitled to appear and be heard as aforesaid.

(8) The enactments relating to excess profits tax shall be deemed always to have had effect as amended and extended by the foregoing provisions of this section.

(9) The Commissioners may by notice in writing require any person to furnish them within such time as they may direct (not being less than thirty days) with such particulars as they think necessary for the purpose of this section, and if that person, without reasonable excuse, fails to comply with the notice he shall be liable to a penalty not exceeding five hundred pounds, and, after judgment has been given for that penalty, to a further penalty not exceeding fifty pounds for every day on which the failure continues.

Where the person on whom any such notice is served is a body corporate, the secretary or other officer performing the duties of the secretary of the body corporate shall be liable to a penalty if there is a failure to comply with the notice, as well as the body corporate.

25. All the provisions of the enactments relating to appeals against assessments to excess profits tax (including the provisions enabling the Commissioners to make regulations) shall have effect and be deemed always to have had effect with respect to any appeal against directions of the Commissioners which, under any of the enactments relating to excess profits tax, lies to the Special Commissioners.

Appeals
against
directions.

PART IV.

MISCELLANEOUS.

26.—(1) Sections thirty and thirty-one of the Finance Act, 1939 (which provide respectively—

(a) for the charging of Estate duty on annuities or other interests purchased or provided by persons having property derived from the deceased; and

Amendment
of ss. 30
and 31
of Finance
Act, 1939.

PART IV.
—cont.

- (b) for disallowing, for Estate duty purposes, debts to persons having property derived from the deceased and charging duty on repayments of such debts),

shall, in the case of a person dying after the twelfth day of April, nineteen hundred and forty-three, have effect subject to the provisions of this section.

(2) In those sections, the expression "property derived from the deceased" shall include any property which was the subject matter of a disposition, made by the deceased, either by himself alone or in concert or by arrangement with any other person, notwithstanding that the disposition was made for full consideration in money or money's worth paid to the deceased for his own use or benefit, or which represented any of the subject matter of such a disposition, whether directly or indirectly, and whether by virtue of one or more intermediate dispositions, and whether any such intermediate disposition was or was not for full or partial consideration :

Provided that where the first-mentioned disposition was for full consideration in money or money's worth paid to the deceased for his own use or benefit and it is proved to the satisfaction of the Commissioners of Inland Revenue that the disposition was not part of associated operations which included—

- (a) a disposition by the deceased, either by himself alone or in concert or by arrangement with any other person, otherwise than for full consideration in money or money's worth paid to the deceased for his own use or benefit ; or
- (b) a disposition by any other person operating to reduce the value of the property of the deceased,

then, in considering whether estate duty should be charged under those sections, the said first-mentioned disposition shall be left out of account as if this section did not apply in relation to it.

(3) In this section the expressions "disposition" and "subject matter" have the meanings assigned to them by subsection (3) of the said section thirty, and the expression "associated operations" has the meaning assigned to it by section fifty-nine of the Finance Act, 1940.

Reduction
of rate of
interest on
death duties.
59 & 60
Vict. c. 28.

27.—(1) Section eighteen of the Finance Act, 1896 (which determines the rate of interest on death duties) shall, as respects interest accruing due on or after the thirteenth day of April, nineteen hundred and forty-three, have effect with the substitution for the reference therein to three per cent. of a reference to two per cent.

(2) As respects interest accruing due on or after the said date, two per cent. shall be substituted for three per cent. as the rate of interest charged—

PART IV.
—cont.

(a) by subsection (3) of section seventeen of the Law of Property Act, 1925, as amended by subsection (2) of section forty-three of the Finance Act, 1933, on death duties payable and remaining unpaid in respect of land which, by virtue of the said subsection (3), become immediately payable on a conveyance of the land which over-reaches the charge for the duties; and 15 & 16
Geo. 5. c. 20.

(b) by subsection (6) of section seventy-three of the Land Registration Act, 1925, as so amended, on death duties payable and remaining unpaid in respect of a registered estate which, by virtue of the said subsection (6), become immediately payable on a disposition of the estate which overrides the charge for the duties. 15 & 16
Geo. 5. c. 21.

28.—(1) The provisions set out in the Eighth Schedule to this Act (being certain provisions of the enactments relating to income tax as to penalties for neglect to deliver lists, declarations and statements and the time for bringing proceedings, set out with certain adaptations) shall have effect in relation to excess profits tax and the national defence contribution. Application
of income
tax pro-
visions to
excess profits
tax and the
national
defence
contribution.

(2) In section thirty-four of the Finance Act, 1942 (which relates to evidence in cases of fraud or wilful default), there shall be inserted, after the words "income tax", where those words occur in subsection (1), the words "excess profits tax and the national defence contribution" and, in both places where those words occur in subsection (2), the words "excess profits tax or the national defence contribution".

29.—(1) The permanent annual charge for the National Debt for the financial year ending with the thirty-first day of March, nineteen hundred and forty-four, shall be the sum of three hundred and seventy-five million pounds instead of the sum of three hundred and fifty-five million pounds. Provisions as
to permanent
annual charge
for the
National Debt.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, for providing any sums required during the said financial year for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the said subsection (4) to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection. 2 & 3 Geo. 6.
c. 117.
18 & 19
Geo. 5. c. 17.

PART IV.
—*cont.*

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

Amendment
as to deficit
for 1942-43.
20 & 21
Geo. 5. c. 28.

30. No issue shall be made out of the Consolidated Fund under section forty-eight of the Finance Act, 1930 (which provides in the case of a deficit in any year for the redemption in the next year of a corresponding amount of debt) in respect of the deficit for the financial year ending with the thirty-first day of March, nineteen hundred and forty-three.

Short title,
construction,
extent and
repeal.
39 & 40
Vict. c. 36.

31.—(1) This Act may be cited as the Finance Act, 1943.

(2) Part I of this Act—

(a) so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, except that the expression “ the United Kingdom ” shall not include the Isle of Man ;

(b) so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties ;

(c) so far as it relates to purchase tax, shall be construed as one with Part V of the Finance (No. 2) Act, 1940,

and in the said Part I the expression “ the Commissioners ” means the Commissioners of Customs and Excise.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Part III of this Act shall be construed as one with Part III of the Finance (No. 2) Act, 1939.

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

(6) This Act shall not extend to Northern Ireland in so far as it relates to duties with respect to which the Parliament of Northern Ireland has power to make laws.

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

SCHEDULES.

FIRST SCHEDULE.

Section 1.

BEER (RATES OF DUTY AND DRAWBACK).

PART I.

Rate of Excise Duty.

	£	s.	d.
For every 36 gallons of worts of a specific gravity of 1,027 degrees or less	6	18	4½
For every 36 gallons of worts of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	6	18	4½
For every additional degree in excess of 1,027 degrees ...	5	1	½

and so in proportion for any less number of gallons.

PART II.

Rate of Excise Drawback.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	6	18	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	6	18	6½
For every additional degree in excess of 1,027 degrees...	5	1	½

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed by more than twopence for every 36 gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

PART III.

Rate of Customs Duty in case of Beer being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	6	18	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	6	18	9½
For every additional degree in excess of 1,027 degrees...	5	1	½

and so in proportion for any less number of gallons.

S

1ST SCH.
—cont.

PART IV.

Rate of Customs Duty in case of Beer not being an Empire Product.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	18	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	18	9½
For every additional degree in excess of 1,027 degrees...	5	1	½

and so in proportion for any less number of gallons.

PART V.

Rate of Customs Drawback in case of Beer being an Empire Product.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	6	18	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	6	18	6½
For every additional degree in excess of 1,027 degrees ...	5	1	½

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

PART VI.

Rate of Customs Drawback in case of Beer not being an Empire Product.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	18	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	18	6½
For every additional degree in excess of 1,027 degrees	5	1	½

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

SECOND SCHEDULE.

SPIRITS (RATES OF ORDINARY CUSTOMS DUTY).

Section 2.

Description of Spirits.	Preferential Rates.		Full Rates.	
	In cask.	In bottle.	In cask.	In bottle.
For every gallon computed at proof of—	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Brandy or rum ...	7 17 10	7 18 10	8 0 4	8 1 4
Imitation rum or geneva	7 17 11	7 18 11	8 0 5	8 1 5
Unsweetened spirits other than those already enumerated...	7 17 11	7 17 11	8 0 5	8 0 5
For every gallon of perfumed spirits ...	12 12 0	12 13 0	12 16 0	12 17 0
For every gallon of liqueurs, cordials, mixtures and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested ...	—	10 13 10	—	10 17 2
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naphtha and methylic alcohol purified so as to be potable, and mixtures and preparations containing spirits ...	7 17 11	7 18 11	8 0 5	8 1 5

THIRD SCHEDULE.

WINES (RATES OF CUSTOMS DUTY).

Section 3.

PART I.

Non-Empire Products.

Description of Wine.	Rate of duty per gallon.
Not exceeding 25 degrees proof spirit	£ s. d. 17 0
Exceeding 25 degrees proof spirit and not exceeding 42 degrees proof spirit	1 14 0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	2 10
Sparkling, an additional duty	1 2 0
Still, in bottle, an additional duty	3 6

3RD SCH.
—cont.

PART II.
Empire Products.

Description of Wine.	Rate of duty per gallon.		
	£	s.	d.
Exceeding 27 degrees proof spirit and not exceeding 42 degrees proof spirit	1	10	0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	2	6	
Sparkling, an additional duty	15	9	
Still, in bottle, an additional duty	2	6	

FOURTH SCHEDULE.

Section 5.

TOBACCO (RATES OF DUTY AND DRAWBACK).

PART I.
Customs Duties.

Description of Tobacco.	Rates of duty per pound.					
	Full rates.		Preferential rates.			
	£	s.	d.	£	s.	d.
Tobacco unmanufactured—						
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—						
unstripped	1	15	6	1	13	11½
stripped	1	15	6½	1	13	11½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—						
unstripped	1	16	6	1	14	9½
stripped	1	16	6½	1	14	9½
Tobacco manufactured, viz. :—						
Cigars	2	4	1	2	1	1½
Cigarettes	2	0	7	1	18	2½
Cavendish or Negrohead	1	19	9	1	17	6
Cavendish or Negrohead manufactured in bond	1	18	0	1	16	0½
Other manufactured tobacco	1	18	0	1	16	0½
Snuff—						
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof ...	1	17	4	1	15	5½
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof... ..	1	19	9	1	17	6

and so in proportion for any less quantity.

PART II.

4TH SCH.
—cont.*Excise Duties.*

Description of Tobacco.	Rates of duty per pound.
	£ s. d.
Tobacco unmanufactured—	
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof	1 13 9½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof	1 14 7½
Tobacco manufactured, viz. :—	
Cavendish or Negrohead manufactured in bond ...	1 16 0½
and so in proportion for any less quantity.	

PART III.

Drawback.

Description of Tobacco.	Rates per pound.	
	In respect of tobacco on which full customs duty has been paid.	In respect of tobacco on which customs duty at a preferential rate or excise duty has been paid.
	£ s. d.	£ s. d.
Cigars	1 18 2	1 16 7½
Cigarettes	1 16 6	1 14 11½
Cut, roll, cake or other manufactured tobacco	1 16 3	1 14 8½
Snuff (not being offal snuff)	1 16 0	1 14 5½
Stalks, shorts or other refuse of tobacco, including offal snuff	1 15 9	1 14 2½

SIXTH SCHEDULE.

Section 20.

APPLICATION OF ENACTMENTS TO SETTLEMENTS AND DISPOSITIONS
WHERE THERE IS MORE THAN ONE SETTLOR OR PERSON WHO
MADE THE DISPOSITION.

PART I.

Application of Part IV of the Finance Act, 1938.

1. Subject to the provisions of this Part of this Schedule, Part IV of the Finance Act, 1938, has effect in relation to each settlor as if he were the only settlor.

2. References in the said Part IV to the property comprised in the settlement include, in relation to any settlor, only property originating from that settlor and references in the said Part IV to income arising under the settlement include, in relation to any settlor, only income originating from that settlor.

3. In considering for the purposes of the said Part IV, in relation to any settlor, whether any, and if so, how much, of the income arising under the settlement has been distributed, any sums paid partly out of income originating from that settlor and partly out of other income must (so far as not apportioned by the terms of the settlement) be apportioned evenly over all that income.

4. The references in subsection (1) of section thirty-eight and in section thirty-nine to sums payable by virtue or in consequence of any provision of the settlement or sums paid by virtue or in consequence of the settlement include, in relation to any settlor, only sums payable or paid by that settlor.

5.—(1) References in this Part of this Schedule to property originating from a settlor are references to—

- (a) property which that settlor has provided directly or indirectly for the purposes of the settlement ; and
- (b) property representing that property ; and
- (c) so much of any property which represents both property provided as aforesaid and other property as, on a just apportionment, represents the property so provided.

(2) References in this Part of this Schedule to income originating from a settlor are references to—

- (a) income from property originating from that settlor ; and
- (b) so much of any such income of a body corporate as is mentioned in sub-paragraph (ii) of paragraph (a) of subsection (4) of section forty-one of the Finance Act, 1938, as corresponds to property originating from the settlor which is comprised in the settlement ; and
- (c) income provided directly or indirectly by that settlor.

(3) In this paragraph—

- (a) references to property or income which a settlor has provided directly or indirectly include references to property or income which has been provided directly or indirectly by another person in pursuance of reciprocal arrangements with that settlor, but do not include references to property or income which that settlor has provided directly or indirectly in pursuance of reciprocal arrangements with another person ;

6TH SCH.
—cont.

- (b) references to property which represents other property include references to property which represents accumulated income from that other property.

PART II.

Application of Finance Act, 1936, s. 21.

1. Subject to the provisions of this Part of this Schedule, section twenty-one of the Finance Act, 1936, has effect in relation to each settlor as if he were the only settlor.

2. For the purposes of the said section twenty-one, only the following can be taken into account, in relation to any settlor, as income paid by virtue or in consequence of the settlement to or for the benefit of a child of the settlor, that is to say,—

- (a) income originating from that settlor ; and
- (b) in a case in which paragraph (b) of subsection (3) of the said section twenty-one applies, any sums which are under that paragraph to be deemed to be paid as income :

Provided that in applying the said paragraph (b) to any settlor—

- (i) the references to sums paid by virtue or in consequence of the settlement or any enactment relating thereto include only sums paid out of property originating from that settlor or income originating from that settlor ; and
- (ii) the reference to the income which by virtue or in consequence of the settlement has been paid to or for the benefit of a child of the settlor or dealt with as mentioned in subsection (2) of the said section includes only income originating from that settlor.

3. The references in this Part of this Schedule to income originating, and property originating, from a settlor have the meanings assigned to them by paragraph 5 of Part I of this Schedule, except that paragraph (b) of sub-paragraph (2) of the said paragraph 5 must be treated as omitted.

PART III.

Application of Finance Act, 1922, s. 20.

1. Subject to the provisions of this Part of this Schedule, section twenty of the Finance Act, 1922, has effect in relation to each person who has made the disposition as if he were the only person who had made it.

2. References in the said section twenty to income payable or applicable by virtue or in consequence of the disposition include, in relation to any person making the disposition, only—

- (a) income from property which that person has provided directly or indirectly for the purposes of the disposition ; and
- (b) income from property representing that property ; and
- (c) income from so much of any property which represents both property provided as aforesaid and other property as, on a just apportionment, represents the property so provided ; and
- (d) income provided directly or indirectly by that person.

3. In this Part of this Schedule, references to property which represents other property include references to property which represents accumulated income from that other property.

SEVENTH SCHEDULE.

Section 23.

PROVISIONS AS TO BACK-SERVICE PAYMENTS MADE BEFORE OR IN PURSUANCE OF UNDERTAKINGS GIVEN OR ENACTMENTS PASSED BEFORE 2ND FEBRUARY, 1943.

1. In the case of a payment which is not one of a series of payments there shall be deducted in computing the profits of the accounting period in which the payment was made a sum equal to one-twentieth of the amount of the payment, and the like deduction shall be made in the next succeeding accounting period, and so on, and no other deductions shall be made in respect of the payment or any part thereof in computing the profits of any accounting period :

Provided that—

- (a) where any accounting period is less than twelve months, the amount to be deducted in the case thereof shall be proportionately reduced so as to correspond with the length of the period ;
- (b) the total of the sums deducted shall not exceed the amount of the payment.

2. In the case of a series of payments the same deductions shall be made as would have been made under paragraph 1 of this Schedule if a single payment had been made at the date of the first of the payments of an amount equal to the actuarial value, estimated as at the date of the said first payment, of all the payments, and no other deductions shall be made in respect of any of the payments or any part thereof in computing the profits of any accounting period.

Provided that—

- (a) the sum to be deducted in the case of any accounting period shall not, together with the sums deducted in the case of previous accounting periods, exceed the total payments actually made up to the end of that accounting period ; and
- (b) where, by virtue of the foregoing proviso the amount of any deduction is reduced, the deduction which falls to be made in the case of the next succeeding accounting period shall be correspondingly increased, subject, however, to the application of that proviso to that succeeding accounting period, and so on.

3. References in this Schedule to accounting periods include references to accounting periods no part of which fall within the standard period (if any) or any chargeable accounting period, and this Schedule shall have effect as if the profits of all such accounting periods had to be computed for the purposes of excess profits tax, and the expressions " the total of the sums deducted " and " the sums deducted in the case of previous accounting periods " shall be construed accordingly.

4. This Schedule shall not apply to any payment unless it is a payment in respect of which a deduction is admissible on income tax principles and unless, apart from the provisions of this Act and of

7TH SCH.
—cont.

subsection (2) of section thirty-three of the Finance Act, 1940 (which relates to the spreading over several accounting periods of deductions not reasonably and properly attributable to one period only), a deduction in respect of that payment or, where the payment is one of a series of payments, in respect of one or some of those payments, would have fallen to be made in computing the profits of an accounting period consisting of or including the whole or any part of the standard period or a chargeable accounting period.

Section 28.

EIGHTH SCHEDULE.

APPLICATION OF INCOME TAX PROVISIONS TO EXCESS PROFITS TAX AND THE NATIONAL DEFENCE CONTRIBUTION.

8 & 9 Geo. 5.
c. 40.

Income Tax Act, 1918, s. 107.

107.—(1) A person who neglects to deliver or furnish within the time limited, or wilfully makes delay in delivering or furnishing, a true and correct return or true and correct particulars which he has been required under the enactments relating to excess profits tax or the national defence contribution to deliver or furnish, shall, if proceeded against by action or information in any court, forfeit the sum of twenty pounds and treble the amount of the tax with which he ought to be charged in respect of the chargeable accounting period in question.

140.—(1) A person who has delivered a return or particulars which he has been required under the enactments relating to excess profits tax or the national defence contribution to deliver or furnish and discovers any omission or wrong statement therein, may deliver an additional return or additional particulars rectifying the same, and shall not thereafter be liable to any proceeding by reason of his omission or wrong statement.

(2) A person who has not delivered such a return or such particulars within the time limited may deliver it or them at any time before proceedings for recovery of a penalty, incurred in respect of such non-delivery, have been commenced, and thereafter no such proceedings shall be taken.

13 & 14 Geo. 5.
c. 14.

Finance Act, 1923, s. 23 (1).

23.—(1) Proceedings for the recovery of any penalty incurred under the enactments relating to excess profits tax or the national defence contribution may be commenced at any time within six years next after the date on which it was incurred.

NINTH SCHEDULE

Section 31.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5. c. 32	The Finance Act, 1919.	In section ten, the word "tobacco"; and in the Second Schedule, the word "tobacco".
15 & 16 Geo. 5. c. 36	The Finance Act, 1925.	In section nine, subsection (4); and in the Third Schedule, in Part II, the word "Tobacco", where it first occurs, and the words "Tobacco . . . Three-fourths of the full rate".
16 & 17 Geo. 5. c. 22	The Finance Act, 1926.	In section seven, in subsection (2), the words "or tobacco".
22 & 23 Geo. 5. c. 53	The Ottawa Agreements Act, 1932.	In section four, subsection (1); and in section fourteen, in the proviso to subsection (3), the words from "and (b) nothing" to the end of the proviso.
26 Geo. 5. & 1 Edw. 8. c. 34.	The Finance Act, 1936.	In section four, the proviso to subsection (1).
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942.	In section one, subsection (1); sections two, three and four; in section five, subsections (1) and (3); section six; Parts I, III and IV of the First Schedule; the Second and Third Schedules; Parts I and II of the Fourth Schedule; and the Fifth Schedule.

CHAPTER 29.

Town and Country Planning (Interim Development) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Application of planning resolutions to land not already subject to planning schemes or resolutions.
2. Refusal and postponement of interim development applications.
3. Temporary permissions for interim development.
4. Revocation and modification of permissions for interim development.
5. Power to enforce interim development control.
6. Powers of Minister with respect to interim development applications.
7. Compensation for abortive expenditure in certain cases.
8. Interim protection of trees and woodlands.
9. Provisions as to joint committees.
10. Provisions as to agreements.
11. Provisions as to orders.
12. Special provisions as to London.
13. Construction and application of certain provisions of principal Act.
14. Interpretation.
15. Short title, citation, extent and repeals.

SCHEDULES :

First Schedule.—Appeals from decision to exercise power to enforce interim development control.

Second Schedule.—Repeals of 22 & 23 Geo. 5. c. 48.

An Act to bring under planning control land which is not subject to a scheme or resolution under the Town and Country Planning Act, 1932, to secure more effective control of development pending the coming into operation of planning schemes, and for purposes connected with the matters aforesaid.

[22nd July 1943.]

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

Application of
planning
resolutions
to land not
already sub-
ject to
planning
schemes or
resolutions.

1.—(1) After the expiration of the period of three months beginning with the date of the commencement of this Act, all land which is not already the subject of a scheme in force under the principal Act or any enactment thereby repealed, or of a resolution in force under that Act to prepare or adopt such a scheme, shall be subject to a resolution to prepare a scheme under that Act, which shall be deemed to have been duly passed by the local authority for the district in which the land is situated and to have been approved by the Minister and to have taken effect accordingly at the expiration of that period :

Provided that the Minister may, by order made at any time before the expiration of the said period, direct that this section

shall have effect in relation to any land specified in the order as if for the reference to the local authority for the district in which the land is situated there were substituted a reference to such other local authority or such county council or joint committee as may be so specified.

(2) It shall not be necessary to publish or serve upon any person notice of a resolution to prepare a scheme which takes effect by virtue of this section, or to compile a register for the purposes of the scheme to be made in pursuance thereof, and accordingly the provisions of section seven of the principal Act shall not apply in relation to any such resolution.

2.—(1) The proviso to subsection (3) of section ten of the principal Act (which requires that applications for permission to develop land made under an interim development order must in certain cases be granted or granted unconditionally) shall cease to have effect. Refusal and postponement of interim development applications.

(2) An interim development authority may, by a notice of postponement served in the prescribed manner on the applicant, postpone the consideration of any interim development application either generally or during such period as may be specified in the notice, unless the applicant shows to their satisfaction that the proposed development would be carried out immediately if the application were granted :

Provided that—

- (a) the applicant may appeal against any such notice to a court of summary jurisdiction for the petty sessional division or place within which the land or building to which the application relates is situated, by means of a notice served on the clerk of the court and on the interim development authority within twenty-eight days after the date of the service on the applicant of the notice of postponement, and the court, if satisfied that the development would be carried out immediately if the application were granted, shall by order cancel the notice of postponement ;
- (b) if with respect to any interim development application it appears to the Minister that there are exceptional reasons requiring the immediate determination thereof, he may, without prejudice to his power to require the application to be referred to him for decision in accordance with the subsequent provisions of this Act, give directions requiring the interim development authority to determine the application, and, where a notice of postponement has been served with respect thereto, may by order cancel the notice.

(3) So much of subsection (3) of section ten of the principal Act as provides that any application for permission to develop land

made under an interim development order shall be deemed to be granted unless it is refused within the period specified in that subsection shall cease to have effect, and any such application shall be deemed to be refused at the expiration of two months from the date of the receipt thereof unless within that period—

- (a) notice has been given to the applicant that the application has been determined by that authority or has been referred to the Minister for decision in accordance with the subsequent provisions of this Act ; or
- (b) the consideration of the application has been postponed by a notice of postponement under the last foregoing subsection ;

and any such application of which the consideration has been so postponed for any period shall be deemed to be refused at the expiration of two months from the end of that period unless within those two months notice has been given to the applicant as aforesaid or its consideration has again been postponed by virtue of a further notice of postponement :

Provided that—

- (i) any such period of two months may, at any time before the expiration thereof, be extended by agreement in writing made between the interim development authority and the applicant ;
- (ii) where a notice of postponement served with respect to any application is cancelled by an order made by the Minister or in proceedings instituted before a court of summary jurisdiction under this section, this subsection shall have effect in relation to the application as if for the reference therein to the date of the receipt of the application there were substituted a reference to the date of the order of the Minister, or, as the case may be, to the date of the final determination of the proceedings.

(4) In relation to any application which, under the provisions of this section, is deemed to be refused at the expiration of any period, the provisions of subsection (5) of section ten of the principal Act (which relates to appeals to the Minister) shall have effect as if for the reference therein to the date on which the applicant received notice of the decision of the authority there were substituted a reference to the expiration of that period.

(5) Nothing in this section shall be construed as affecting the duty of an interim development authority—

- (a) to take into consideration with reasonable dispatch all interim development applications made to them, other than applications the consideration of which is postponed under the provisions of this section or which are referred

to the Minister for decision in accordance with the subsequent provisions of this Act ; and

- (b) to give notice to the applicant of their decision upon the consideration of any such application, including, where the application is refused or granted subject to conditions, a statement of the reasons for their decision.

3.—(1) Where, on an interim development application, permission for the erection, construction or carrying out of any building or work, or for any use of any building or land, has been granted, whether before or after the commencement of this Act, for a limited period only, then, subject to the provisions of this section, the building, work or use shall not be deemed for the purposes of a scheme under the principal Act to be an existing building, an existing work or an existing use, as the case may be, by reason only of that permission. Temporary permissions for interim development.

(2) Where the period for which any such permission was granted has not expired on the date on which the scheme comes into operation, then, during the remainder of that period—

- (a) subsections (3) and (6) of section thirteen of the principal Act, and subsection (2) of section twenty of that Act (which make special provision, in the case of existing buildings, works, and uses, with respect to the time for service of notice of action proposed to be taken under the said section thirteen, the recovery of expenses incurred in taking such action, and the payment of compensation in respect of any such action) ; and
- (b) any provision included in the scheme in accordance with paragraph (ii) of subsection (2) of section nineteen of the principal Act (which relates to the maintenance, alteration and replacement of existing buildings and the continuation of the existing use of such buildings),

shall apply in relation to the building, work, or use, as the case may be, as those provisions apply in relation to existing buildings, existing works, or existing uses respectively :

Provided that, in calculating any compensation payable under the principal Act in respect of any exercise of the powers of the responsible authority under the said section thirteen in relation to the building, work or use, regard shall be had to the power of the responsible authority to take the like action, without payment of compensation, after the expiration of the said period.

(3) Where, in the exercise of any right conferred by a scheme as amended by the last foregoing subsection, a building is substituted for a building to which subsection (1) of this section applies, the foregoing provisions of this section shall have effect in relation to the substituted building as if it were the building for which it was substituted.

(4) The period for which any such permission was granted as aforesaid may be extended by the interim development authority on application made at any time before the expiration thereof; and the provisions of section six of this Act and of subsection (5) of section ten of the principal Act (which relates to appeals to the Minister) shall apply to any such application as they apply to interim development applications.

(5) For the purposes of this Act, where permission for the erection, construction or carrying out of any building or work, or for any use of any building or land, has been granted subject to any condition or agreement for securing the subsequent removal of the building or work, or the subsequent discontinuance of the use, the permission shall be deemed to have been granted for a limited period only; but permission shall not be deemed to have been so granted by reason only of the imposition of conditions requiring any building or work to be begun or completed within a specified period.

Revocation
and modification
of
permissions
for interim
development.

4.—(1) If at any time before a scheme under the principal Act comes into operation it appears to an interim development authority that it is expedient, having regard to the provisions then proposed to be included in that scheme, that any development for which permission has been granted on an interim development application should not be carried out or completed, or should not be carried out or completed to the extent or in the manner allowed by the permission, they may, by order made with the consent of the Minister, revoke or modify the permission to such extent as appears to them to be necessary in that behalf.

(2) The Minister may give directions to any interim development authority requiring them to submit to him for his consent under the foregoing subsection an order for the revocation of any permission specified in the directions, or for the modification thereof in such manner as may be so specified; and if any such directions are not complied with within the time specified therein, the Minister may himself make the order on behalf of the authority.

(3) Where an interim development authority propose or are directed to exercise their powers under this section, they shall serve notice in the prescribed manner on the owner and on the occupier of the building or land affected, and on any other person who in their opinion will be affected by the order; and the Minister, before consenting to or making the order, shall, if either the authority or any such person so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) Where any permission for the development of land is revoked or modified under this section, the interim development authority may pay to any person whose property is injuriously affected thereby any such contribution as might have been

made by them under subsection (4) of section ten of the principal Act if a fresh application for such permission had been made by that person ; and the provisions of subsections (6) and (7) of that section (which respectively enable an applicant whose appeal to the Minister is dismissed to require his land to be purchased by the interim development authority in certain cases, and provide for compensation for abortive expenditure incurred for the purpose of complying with conditions confirmed or imposed by the Minister on appeal) and of subsection (2) of section eighteen of that Act (which provides in certain cases for compensation under a scheme in respect of additional injurious affection caused by the refusal on appeal to the Minister of an interim development application or the imposition of conditions by the Minister on the grant thereof) shall apply as if the Minister had refused on appeal to grant such an application, or had imposed conditions upon the grant thereof, as the case may be.

5.—(1) If while a resolution to prepare or adopt a scheme under the principal Act is in force with respect to any area, any development of land within that area is carried out after the commencement of this Act otherwise than in accordance with the terms of the interim development order or of permission granted under that order, then, subject to the provisions of this section, the interim development authority may, if they are satisfied that it is necessary or expedient so to do having regard to the provisions then proposed to be included in the scheme—

Power to
enforce
interim
development
control.

- (a) where the development consists of the erection, construction or carrying out of any building or work or any part of a building or work, remove or pull down the building, work or part ;
- (b) where the development consists of any use of the land or any building thereon, by order prohibit that use, and, where necessary, reinstate the land :

Provided that where it is reasonably practicable, by means of alterations or of the execution of any other works, to bring any such building or work into compliance with any permission granted as aforesaid, the interim development authority shall, instead of removing or pulling down the building or work, carry out those alterations or works so far as appears to them to be necessary or expedient as aforesaid.

(2) The provisions of subsections (2) to (5) of section thirteen of the principal Act (which provide for an appeal to a court of summary jurisdiction against action proposed to be taken under that section) shall apply as set out with modifications in the First Schedule to this Act in relation to any action proposed to be taken under this section.

(3) The Minister may give general or special directions for controlling the exercise by interim development authorities of

their powers under this section, and may give to any such authority directions requiring them to exercise the said powers as respects any development specified in the directions in such manner as may be so specified; and any such directions requiring an interim development authority to exercise their powers shall be enforceable, on the application of the Minister, by mandamus.

(4) Any expenses reasonably incurred by an interim development authority in taking action under this section in respect of any development may be recovered summarily as a civil debt from the person by whom the development was carried out, and if that person, having been entitled to appeal against that action under the provisions of the First Schedule to this Act, failed so to do, he shall not be entitled in the proceedings under this subsection to dispute the validity of that action.

(5) If any person uses any land or building in a manner prohibited by an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and if the use is continued after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(6) Where permission for any development of land has, whether before or after the commencement of this Act, been granted under an interim development order for a limited period only, and that period expires before the scheme comes into operation, the provisions of this section shall, after the expiration of that period, apply in relation to the development as if no such permission had been granted and as if the development had been carried out at the expiration of the said period by the person then entitled to possession of the land.

(7) For the purposes of this section and of section ten of the principal Act, the use of any land for the deposit of waste materials or refuse shall be deemed to constitute development of the land, notwithstanding that it is comprised in a site which is already being used for that purpose, if the effect of the further use is to extend the superficial area of the deposit.

Powers of
Minister with
respect to
interim
development
applications.

6.—(1) If it appears to the Minister that it is expedient, having regard to considerations affecting the public interest, whether generally or in the locality concerned, that any interim development application, or any class or description of such applications, should be referred to him for decision, he may give directions to the interim development authority requiring that application, or applications of that class or description, to be so referred, and any decision of the Minister on an application so referred to him shall be deemed for the purposes of subsection (4) of section ten of the principal Act to be a decision given by the interim development authority, and for all other purposes of that Act to

be a decision given by him on appeal from the decision of the interim development authority :

Provided that, before dealing with any application so referred to him, the Minister shall, if either the interim development authority or the applicant so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(2) The Minister may give directions to any interim development authority requiring them to furnish him with such information with respect to interim development applications received by them as he considers necessary or expedient for the purpose of enabling him to exercise his functions under the last foregoing subsection.

(3) Provision may be made by an interim development order for requiring interim development authorities, before dealing with interim development applications or any class or description of such applications, to consult with such authorities or persons as may be determined by or under the order.

(4) Where an appeal is taken to the Minister under subsection (5) of section ten of the principal Act against the decision of an interim development authority upon any interim development application, the Minister may reverse or vary any part of the decision of the interim development authority, whether or not the appeal relates to that part, and may deal with the whole application in like manner as if it had been referred to him for decision under this section.

7.—(1) Where any interim development application, being an application for permission to complete or carry out a building or work begun or contracted for before the date on which the resolution to prepare or adopt a scheme under the principal Act took effect, is refused or is granted subject to conditions, then, without prejudice to the provisions of subsection (4) of section ten of the principal Act, if any person has—

Compensation for abortive expenditure in certain cases.

- (a) where the resolution was in force at the date of the commencement of this Act, before that date ;
- (b) where the resolution took effect after that date, before the resolution took effect,

incurred expenditure in carrying out any work which is rendered abortive by the refusal or conditions, or entered into a contract for the purpose of any work which is abandoned by reason of the refusal or conditions, he shall be entitled to recover from the interim development authority by way of compensation an amount equal to the expenditure so incurred or, as the case may be, to any sums reasonably paid by him in discharge of any liability arising under the contract in respect of the abandonment of that work.

(2) Where any permission for the development of land is revoked or modified by an order under this Act, then, without prejudice to the provisions of subsection (4) of section four of this Act, if any person has, before the date of the order, incurred expenditure in carrying out any work which is rendered abortive by the order, or entered into a contract for the purpose of any work which is abandoned by reason of the order, he shall be entitled to recover from the interim development authority by way of compensation an amount equal to the expenditure so incurred or, as the case may be, to any sums reasonably paid by him in discharge of any liability arising under the contract in respect of the abandonment of that work.

(3) For the purposes of this section, any expenditure incurred in the preparation of plans for the purpose of any work, or upon other similar matters preparatory thereto, shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under subsection (2) of this section in respect of any work carried out before the date on which the permission was granted, or in respect of any liability arising under a contract made before that date.

(4) Any claim for compensation under this section shall be made within twelve months after the date of the final determination of the interim development application or, as the case may be, the date of the order revoking or modifying the permission.

Interim protection of trees and woodlands.

8.—(1) If it appears to any interim development authority that it is expedient, having regard to any provision proposed to be inserted in the scheme in accordance with section forty-six of the principal Act, to make provision for the preservation of trees or woodlands during the period pending the coming into operation of that provision, they may for that purpose make an order (in this section referred to as an "interim preservation order") with respect to such trees, groups of trees or woodland areas as may be specified in the order or as may for the time being be designated by the interim development authority in accordance with the order; and, in particular provision may be made by any such order—

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the interim development authority, and for enabling that authority to give their consent subject to conditions;
- (b) for securing the replanting of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order; and

(c) for the imposition of pecuniary penalties, recoverable in a court of summary jurisdiction, in respect of contraventions of the order not exceeding the sum of fifty pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.

(2) An interim preservation order shall not take effect unless it is approved by the Minister, and the Minister may approve any such order either without modification or subject to such modifications as he thinks fit, but shall not approve any such order unless it contains provisions satisfactory to him—

(a) for securing that any person aggrieved by the refusal of any consent required under the order, or by any condition imposed upon the grant of any such consent, is entitled to appeal to the Minister ; and

(b) for enabling the interim development authority, upon the refusal of any consent required under the order, or upon granting any such consent subject to conditions, to make a contribution towards any damage or expense likely to be suffered or incurred by reason of their decision.

(3) Regulations shall be made under section thirty-seven of the principal Act with respect to the submission and approval of interim preservation orders and the publication of notices thereof, and the Minister, before approving any such order, shall take into account any objections made in accordance with the regulations and not withdrawn :

Provided that where it appears to the Minister that any such order should take effect immediately, he may approve the order provisionally without complying with the requirements of this subsection with respect to the consideration of objections, but any order so approved shall cease to have effect upon the expiration of the period of two months from the date of the approval unless within that period it has been confirmed, with or without modifications, after compliance with those requirements.

(4) The compensation payable under subsection (1) of section eighteen of the principal Act in respect of injurious affection of property by the coming into operation of any provision included in a scheme in accordance with the said section forty-six shall include compensation in respect of any additional injurious affection of the property by the coming into operation of an interim preservation order under this section :

Provided that subsection (2) of section twenty-three of the principal Act (which specifies matters to be taken into account in assessing compensation under that Act) shall have effect as if the reference in paragraph (iii) of that subsection to a contribution made under the provisions of that Act relating to interim

development orders included a reference to any contribution paid in accordance with the interim preservation order.

(5) Without prejudice to any exemptions for which provision may be made by an interim preservation order, no such order shall, while the Emergency Powers (Defence) Acts, 1939 and 1940, remain in force, prohibit or restrict the carrying out of any operations authorised by any government department in accordance with Regulations made under those Acts.

(6) The power to make interim preservation orders under this section shall include power to revoke or vary any such order by a subsequent order.

Provisions as to joint committees.

9.—(1) Provision may be made by an interim development order for empowering any joint committee specified therein to permit the development of land in accordance with the terms of the order, and where such provision is made the joint committee shall be deemed to have been appointed or constituted for that purpose as well as for the purposes for which it was originally appointed or constituted.

(2) A joint committee may delegate to any sub-committee appointed by them under subsection (5) of section three of the principal Act, or under that subsection as applied with modifications by an order under section four of that Act, any of their functions, including any powers exercisable by them under or by virtue of an interim development order.

(3) An order under section four of the principal Act for the constitution of a joint committee may be made by the Minister without the request of any of the constituent authorities ; and accordingly in subsection (1) of that section the words " at the request of any one or more of them " shall cease to have effect.

(4) A joint committee constituted by order of the Minister under the said section four or under any enactment repealed by the principal Act may be dissolved by a subsequent order of the Minister whether or not that order provides for the constitution of any other joint committee.

(5) Any land acquired, in accordance with any provision of the principal Act, by a joint committee being an interim development authority, shall be vested in the local authority for the district in which the land is situated, and shall—

(a) until the date on which the scheme comes into operation be held in trust for the joint committee ;

(b) after that date, be held, transferred or disposed of in such manner as may be provided by the scheme.

Provisions as to agreements.

10. No agreement made after the commencement of this Act under section thirty-four of the principal Act for restricting the planning, development or use of any land shall have effect unless it has been approved by the Minister.

11.—(1) Any power of the Minister under the principal Act or this Act to make an order shall include, and in the case of an order under the principal Act shall be deemed always to have included, power to revoke or vary that order by a subsequent order. Provisions as to orders.

(2) Any interim development order made after the commencement of this Act shall be laid before Parliament as soon as may be after it is made, and if either House, within the period of forty days beginning with the day on which the order is laid before it, resolves that the order be annulled, the order shall thenceforth become void but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

12. Where an interim development application made to the London County Council is referred to the Minister for decision under the provisions of this Act, and the application is one of which notice is required by subsection (3) of section fifty of the principal Act to be given to the council of a metropolitan borough, the notice, if not previously given, shall be given on the application being referred to the Minister, and the Minister shall, in dealing with the application take into account any representations made to the London County Council by the council of the borough. Special provisions as to London.

13.—(1) Any reference in the principal Act to a local authority shall, unless the context otherwise requires, be construed as including a reference to any county council by which a resolution to prepare a scheme is deemed to be passed under section one of this Act. Construction and application of certain provisions of principal Act.

(2) Any reference in the principal Act to an authority specified in an interim development order, or to an authority empowered by such an order to permit the development of land, shall be construed as including a reference to a joint committee being an interim development authority as defined by this Act.

(3) In the following provisions of the principal Act, references to that Act shall, unless the context otherwise requires, be construed as including references to this Act, that is to say—

- (a) subsection (2) of section two (which enables the councils of county districts to relinquish in favour of county councils any of their powers and duties under that Act) ;
- (b) sections twenty-two and twenty-three (which relate to the making and determining of claims under that Act for compensation) ;

- (c) subsection (1) of section thirty-seven (which enables the Minister to make regulations for prescribing anything which is required or authorised by that Act to be prescribed) ;
- (d) subsection (1) of section thirty-eight (which relates to the holding of local inquiries for the purpose of that Act) ;
- (e) section thirty-nine (which relates to appeals from the decisions of courts of summary jurisdiction under that Act) ;
- (f) section forty (which relates to the determination by the Minister or by arbitration of applications and appeals under that Act) ;
- (g) subsection (1) of section forty-eight (which relates to the appointment by local authorities and county councils of committees for the purposes of that Act) ; and
- (h) subsections (1) and (2) of section forty-nine and subsection (8) of section fifty (which relate to the manner of defraying the expenses under that Act of local authorities, county councils and the councils of metropolitan boroughs, and to their power to borrow for the purposes of that Act).

Interpretation. 14.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“interim development application” means an application made under an interim development order for permission to develop land ;

“interim development authority” means a local authority, county council or joint committee empowered by an interim development order to permit the development of land ;

“the principal Act” means the Town and Country Planning Act, 1932 ;

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and other expressions have the same meanings as in the principal Act.

(2) Any reference in this Act to a resolution to prepare or adopt a scheme in force under the principal Act shall be construed as including a reference to an application or resolution which, under section fifty-two of that Act, has effect as if it were such a resolution.

(3) Any reference in this Act to the principal Act or to any provision thereof shall, except where the context otherwise requires, be construed as a reference to that Act, or to that provision, as amended by or under any subsequent enactment, including this Act.

15.—(1) This Act may be cited as the Town and Country Planning (Interim Development) Act, 1943, and this Act and the principal Act may be cited together as the Town and Country Planning Acts, 1932 and 1943. Short title,
citation,
extent and
repeals.

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

(3) The provisions of the principal Act set out in the first column of the Second Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

APPEALS FROM DECISION TO EXERCISE POWER TO ENFORCE INTERIM DEVELOPMENT CONTROL.

1. Not less than twenty-eight days before taking any action under section five of this Act, the interim development authority shall serve a notice in the prescribed manner on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in their opinion, may be affected thereby, specifying the nature of, and the grounds upon which they propose to take, that action.

2. If any person served with such a notice as aforesaid desires to dispute any allegation contained therein, he may, by written notice served on the clerk of the court and on the interim development authority within twenty-eight days from the date of the service of the original notice on him, appeal to a court of summary jurisdiction for the petty sessional division or place within which the property to which the notice relates is situated, and the interim development authority shall not take the proposed action pending the final determination or withdrawal of the appeal.

3. If on any such appeal the court of summary jurisdiction are satisfied that the interim development authority are entitled to take the proposed action on the grounds specified in the notice, they shall dismiss the appeal and shall by their order empower the authority, after the expiration of the said period of twenty-eight days, to remove or pull down the building or work, or to execute the required alterations or works or, as the case may be, shall by their order prohibit the building or land from being used after the period aforesaid without the permission of the authority or in contravention of any conditions subject to which that permission was granted, but, if they are not so satisfied, they shall allow the appeal:

Provided that the court by whom an order is made under this paragraph may, if they think fit, direct that the order shall, instead of taking effect after the expiration of the said period of twenty-eight days, take effect at such later date as they think fit, being a date not more than twenty-eight days from the date of the Order.

Section 15.

SECOND SCHEDULE.

REPEALS OF 22 & 23 GEO. 5. C. 48.

- Section 4 ... In subsection (1), the words " at the request of any one or more of them ".
- Section 10 ... In subsection (3), the words from " and they shall be deemed to have granted the application " to the end of the subsection.

CHAPTER 30.

An Act to provide for the readjustment of the representation of the provinces in the House of Commons of Canada consequent on the decennial census taken in the year one thousand nine hundred and forty-one.

[22nd July 1943.]

WHEREAS the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth :

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

Postpone-
ment of
redistribution
of seats in
Commons.

1. Notwithstanding anything in the British North America Acts, 1867 to 1940, it shall not be necessary that the representation of the provinces in the House of Commons of Canada be readjusted, in consequence of the completion of the decennial census taken in the year one thousand nine hundred and forty-one, until the first session of the Parliament of Canada commencing after the cessation of hostilities between Canada and the German Reich, the Kingdom of Italy and the Empire of Japan.

Short title
and citation.

2. This Act may be cited as the British North America Act, 1943, and the British North America Acts, 1867 to 1940, and this Act may be cited together as the British North America Acts, 1867 to 1943.

CHAPTER 31.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-two and one thousand nine hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament. [5th August 1943.]

Most Gracious Sovereign,

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

GRANTS OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ended on the thirty-first day of March one thousand nine hundred and forty-two the sum of ten pounds. Issue of £10 out of the Consolidated Fund for the service of the year ended 31st March 1942.
2. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and forty-four the sum of one thousand three hundred and sixty-eight million, six hundred and ten thousand, three hundred and thirty-six pounds. Issue of £1,368,610,336 out of the Consolidated Fund for the service of the year ending 31st March 1944.
- 3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole one thousand three hundred and sixty-eight million, six hundred and ten thousand, three hundred and forty-six pounds. Power for the Treasury to borrow.
- (2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and forty-four and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

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

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

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

APPROPRIATION OF GRANTS.

Appropriation
of sums voted
for supply
services.

4. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four thousand, four hundred and eighty-nine million, three hundred and eighty-four thousand, seven hundred and three pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict.
c. 24.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

Treasury may,
in certain
cases of
exigency,
authorise
expenditure
unprovided
for; provided
that the
aggregate
grants for
navy, army
and air services
respectively
be not
exceeded.

5.—(1) So long as the aggregate expenditure on navy, army and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may

be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the navy, army and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

6. Whereas under the powers given for the purpose by the Appropriation Acts, 1941 and 1942, surpluses arising on certain votes for navy, army and air services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act.

Sanction for application of surpluses on certain navy, army and air votes for 1941.
4 & 5 Geo. 6.
c. 38.
5 & 6 Geo. 6.
c. 27.

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

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

Declaration required in certain cases before receipt of sums appropriated.

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

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow ; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

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

8. This Act may be cited for all purposes as the Appropriation Short title Act, 1943.

A B S T R A C T
OF
SCHEDULES (A) and (B) to which this
Act refers.

Section 4.

SCHEDULE (A).

Grants out of the Consolidated Fund - - £ 4,489,384,703 s. 0 d. 0

Section 4.

SCHEDULE (B).—APPROPRIATIONS OF GRANTS.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
1941 and 1942.						
Part 1. Civil Departments (Excess), 1941 - - -	10	0	0	16,054,237	18	0
„ 2. Navy (Supplementary), 1942 -	10	0	0	38,000,000	0	0
„ 3. Army (Supplementary), 1942 -	10	0	0	90,000,000	0	0
„ 4. Air (Supplementary), 1942 -	10	0	0	60,000,000	0	0
„ 5. Civil Departments (Supplementary), 1942 -	12,001,027	0	0	636,547,230	0	0
„ 6. Expenditure arising out of the war (Supplementary Vote of Credit), 1942 -	900,000,000	0	0	—		
£	912,001,067	0	0	840,601,467	18	0

SCHEDULE (B).—APPROPRIATIONS OF GRANTS—*cont.*SCHED. (B.)
Appropriations
of Grants.

	Sums not exceeding			
	Supply Grants.		Appropriations in Aid.	
	£	s. d.	£	s. d.
1943.				
Part 7. Navy - -	1,800	0 0	180	0 0
„ 8. Army - -	1,500	0 0	150	0 0
„ 9. Air - -	1,100	0 0	110	0 0
£	4,400	0 0	440	0 0
Part 10. Civil, Class I -	3,216,142	0 0	1,168,511	0 0
„ 11. Civil, Class II -	18,149,762	0 0	312,855	0 0
„ 12. Civil, Class III -	20,616,894	0 0	1,854,396	0 0
„ 13. Civil, Class IV -	82,027,790	0 0	6,581,010	0 0
„ 14. Civil, Class V -	198,876,006	0 0	4,752,277	0 0
„ 15. Civil, Class VI -	17,861,649	0 0	3,772,020	0 0
„ 16. Civil, Class VII -	14,547,239	0 0	1,539,035	0 0
„ 17. Civil, Class VIII -	39,219,023	0 0	57,743	0 0
„ 18. Civil, Class IX -	52,772,931	0 0	1,278,000	0 0
„ 19. Civil, Class X -	1,900	0 0	190	0 0
TOTAL, CIVIL £	447,289,336	0 0	21,316,037	0 0
Part 20. Revenue De- partments -	130,089,900	0 0	5,479,163	0 0
„ 21. Expenditure arising out of the war (Votes of Credit) -	3,000,000,000	0 0	—	
GRAND TOTAL £	4,489,384,703	0 0	867,397,107	18 0

SCHBD. (A).

SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st day of March 1942—			
Under this Act - - - - -	10	0	0
For the service of the year ended on the 31st day of March 1943—			
Under Act 6 & 7 Geo. 6. c. 4 - - -	900,000,000	0	0
Under Act 6 & 7 Geo. 6. c. 11 - - -	12,001,057	0	0
For the service of the year ending on the 31st day of March 1944—			
Under Act 6 & 7 Geo. 6. c. 4 - - -	1,000,000,000	0	0
Under Act 6 & 7 Geo. 6. c. 11 - - -	208,773,300	0	0
Under Act 6 & 7 Geo. 6. c. 20 - - -	1,000,000,000	0	0
Under this Act - - - - -	1,368,610,336	0	0
	<hr/>		
TOTAL - - - - -	£4,489,384,703	0	0
	<hr/>		

SCHEDULE (B).—PART I.

SCHED. (B).
PART I
Civil
Departments
(Excess),
1941.

CIVIL DEPARTMENTS (EXCESS), 1941.

SUM granted to make good an Excess on a Grant for a Civil Department for the year ended 31st March 1942.

		Sum not exceeding		
		Supply Grant.	Appropriations in Aid.	
		£	£	s. d.
Vote.	Unclassified Services.			
14.	Ministry of Supply - - - -	10	16,054,237	18 0

SCHEDULE (B).—PART 2.

SCHED. (B)
PART 2.
Navy
(Supplementary)
1942.

NAVY (SUPPLEMENTARY), 1942.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1943.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
Vote.	I. Wages, &c., of Officers and Men of the Royal Navy and Royal Marines, and of certain other personnel serving with the fleet - - - -	10	38,000,000

SCHED. (B).
PART 3.
Army
(Supple-
mentary),
1942.

SCHEDULE (B).—PART 3.

ARMY (SUPPLEMENTARY), 1942.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on the 31st day of March 1943.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. I. Pay, &c., of the Army	10	90,000,000

SCHED. (B).
PART 4.
Air
(Supple-
mentary),
1942.

SCHEDULE (B).—PART 4.

AIR (SUPPLEMENTARY), 1942.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1943.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£.
Vote. I. Pay, &c., of the Air Force	10	60,000,000

SCHEDULE (B).—PART 5.

SCHED. (B).
PART 5.
Civil
(Supple-
mentary),
1942.

CIVIL (SUPPLEMENTARY), 1942.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1943, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL.		
CLASS I.		
Vote.		
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, and the salaries and expenses of a Minister without Portfolio, a Minister of State, a Deputy Minister of State and the Ministers Resident in West Africa and at Allied Headquarters in North-West Africa - - - -	5,291	—
22. For certain miscellaneous expenses, including certain grants in aid - - -	10	—
28. For the salaries and expenses of the Ministry of Town and Country Planning - - - - -	18,086	10
CLASS II.		
2. For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including grants in aid; and sundry other services - - -	93,800	—
Carried forward	£ 117,187	10

SCHED. (B).
PART 5.
Civil
(Supple-
mentary),
1942.

SCHEDULE (B).—PART 5—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL—<i>cont.</i>			
Brought forward - - - -		£ 117,187	£ 10
CLASS II.			
Vote.			
8. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - - -		10,273,650	—
CLASS V.			
6. For Old Age Pensions, pensions to blind persons, and for certain administrative expenses in connection therewith -		600,000	—
CLASS VI.			
7. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research, eradication of diseases of animals, and improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing; fishery organisation, research and development, control of diseases of fish, &c.; and sundry other services including certain remanet subsidy payments - - -		1,010,000	*—21,000
15. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - - -		10	118,290
Carried forward - - - - £		12,000,847	97,300
* Deficit			

SCHEDULE (B).—PART 5—*continued.*SCHED. (B).
PART 5.
Civil
(Supple-
mentary),
1942.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>		
Brought forward - - -	£ 12,000,847	£ 97,300
CLASS X.		
1. For the cost of the war services of the Ministry of Agriculture and Fisheries	10	10,999,990
2. For the salaries and expenses of the Ministry of Aircraft Production -	10	46,999,990
5. For the cost of the war services of the Ministry of Health - - - -	10	3,799,990
6. For the salaries and expenses of the Ministry of Home Security - -	10	4,249,990
10A. For the salaries and expenses of the Ministry of Fuel and Power - -	10	3,099,990
11. For the salaries and expenses of the Ministry of Supply, including the expenses of the Royal Ordnance Factories - - - - -	10	46,499,990
14. For the salaries and expenses of the Ministry of War Transport - -	10	519,999,990
15A. For the cost of the war services of the Ministry of Works and Planning -	10	799,990
20. For the salaries and expenses of the Ministry of Production - - -	100	10
TOTAL, CIVIL (SUPPLEMENTARY), 1942 - - - - -	£ 12,001,027	£ 636,547,230

SCHED. (B).
PART 6.
Expenditure
arising out of
the war.
(Supplementary
Vote of Credit.)
1942.

SCHEDULE (B).—PART 6.

EXPENDITURE ARISING OUT OF THE WAR.
(SUPPLEMENTARY VOTE OF CREDIT).

<p>For defraying the expenses which may be incurred during the year ended on the 31st day of March 1943 for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war; for maintaining supplies and services essential to the life of the community; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war - - - -</p>	<p>£</p> <p>900,000,000</p> <hr/>
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SCHEDULE (B).—PART 7.

SCHED. (B).
PART 7.
Navy.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, including provision for such numbers of officers, seamen, boys and royal marines and royal marine police as His Majesty may deem necessary, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., of officers and men of the royal navy and royal marines and of certain other personnel serving with the fleet - - - -	100	10
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad -	100	10
3. For medical services, including the cost of medical establishments at home and abroad - - - -	100	10
4. For civilians employed on fleet services	100	10
5. For educational services - - -	100	10
6. For scientific services - - - -	100	10
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. - - -	100	10
8. Section I. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - - -	100	10
„ Section II. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - -	100	10
„ Section III. For contract work for shipbuilding, repairs, &c. - - -	100	10
Carried forward - - £	1,000	100

SCHED. (B).
PART 7.
Navy.

SCHEDULE (B).—PART 7—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
		1,000	100
	Brought forward - - -		
Vote.	9. For naval armaments - - -	100	10
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	100	10
11.	For various miscellaneous effective services - - -	100	10
12.	For the Admiralty Office - - -	100	10
13.	For non-effective services (naval and marine)—officers - - -	100	10
14.	For non-effective services (naval and marine)—men - - -	100	10
15.	For civil superannuation, and other non-effective annual allowances, additional allowances and gratuities -	100	10
16.	For merchant shipbuilding, &c. - -	100	10
	TOTAL, NAVY SERVICES	£ 1,800	180

SCHEDULE (B).—PART 8.

SCHED. (B).
PART 8.
Army.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned which will come in course of payment during the year ending on the 31st day of March 1944, including provision for such numbers of Land Forces of all ranks as His Majesty may deem necessary (exclusive of those serving in India and Burma), viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the pay, &c., of the Army - - -	100	10
2. For the Army Reserve, Supplementary Reserve, Territorial Army, Training Corps, Home Guard, &c. - - -	100	10
3. For medical services - - - -	100	10
4. For educational establishments - -	100	10
5. For quartering and movements - -	100	10
6. For supplies, road transport and remounts - - - - -	100	10
7. For clothing - - - - -	100	10
8. For general stores - - - - -	100	10
9. For warlike stores - - - - -	100	10
10. For works, buildings and lands, including civilian staff and other charges in connection therewith -	100	10
11. For miscellaneous effective services -	100	10
12. For the War Office - - - - -	100	10
Carried forward	£ 1,200	120

SCHED. (B).
PART 8.
ARMY.

SCHEDULE (B).—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 1,200	£ 120
Vote.		
13. For rewards, half-pay, retired pay, widows' pensions and other non-effective charges for officers - -	100	10
14. For the Royal Hospital, Chelsea ; out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - - - -	100	10
15. For civil superannuation and other non-effective annual allowances, additional allowances and gratuities -	100	10
TOTAL, ARMY SERVICES - £	1,500	150

SCHEDULE (B).—PART 9.

SCHED. (B).
PART 9.
Air.

AIR.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, including provision for such number of officers and airmen of the Air Force as His Majesty may deem necessary (exclusive of those serving in India), viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the pay, &c., of the air force - - -	100	10
2. For quartering, non-technical stores, supplies and transportation - - -	100	10
3. For technical and warlike stores - - -	100	10
4. For works, buildings and lands, including civilian staff and other charges connected therewith - - -	100	10
5. For medical services - - - - -	100	10
6. For educational services - - - - -	100	10
7. For reserve and auxiliary forces - - -	100	10
8. For civil aviation - - - - -	100	10
9. For meteorological and miscellaneous effective services - - - - -	100	10
10. For the Air Ministry - - - - -	100	10
11. For half-pay, pensions and other non-effective services - - - - -	100	10
TOTAL, AIR SERVICES - £	1,100	110

SCHED. (B).
PART 10.
Civil.
Class I.

SCHEDULE (B).—PART 10.

CIVIL.—CLASS I.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Offices of the House of Lords - -	69,128	10,914
2. For the salaries and expenses of the House of Commons - - -	484,560	1,050
3. For expenses in respect of the registration of electors - - -	24,000	—
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, and the salaries and expenses of certain Ministers appointed for special duties - - -	941,108	7,262
5. For the salaries and expenses of the Department of His Majesty's most Honourable Privy Council - -	19,873	2,950
6. For the salaries and expenses of the Office of the Lord Privy Seal - -	6,981	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - -	35,393	700
8. For the salaries and expenses of the Civil Service Commission - - -	21,890	10,630
9. For the salaries and expenses of the Department of the Comptroller and Auditor General - - -	255,360	9,590
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	1,815	—
11. For the salaries and expenses of the Department of the Government Actuary - - -	21,279	430
Carried forward - - -	£ 1,881,387	43,526

SCHEDULE (B).—PART 10—*continued.*SCHED. (B).
PART 10.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,881,387	43,526
Vote.		
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	97,461	300
13. For a grant in aid of the Government Hospitality Fund - - - -	10,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals and badges, dies for postage and other stamps, and His Majesty's seals - - -	100	838,500
15. For the salaries and expenses of the National Debt Office - - -	5,549	23,350
16. For the salaries and expenses of the National Savings Committee - -	549,742	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	45,327	425
18. For the salaries of the establishment under the Public Works Loan Com- mission and the expenses of the Commission - - - - -	18,962	1,000
19. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland - -	39,000	—
20. For the salaries and other expenses of Royal Commissions, Committees, and special enquiries, &c., including provision for shorthand; and the expenses of surplus stores, &c. liquidation - - - - -	41,000	1,000
Carried forward - - -	£ 2,688,528	908,101

SCHED. (B)
PART 10.
Civil.
Class I.

SCHEDULE (B).—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 2,688,528	£ 908,101
Vote. 21. For certain miscellaneous expenses, including certain grants in aid - -	59,141	600
22. For His Majesty's foreign and other secret services - - - - -	100	—
23. For making good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1941 - - - - -	77,624	—
24. For the salaries and expenses of the Tithe Redemption Commission - -	100	258,760
25. For the salaries and expenses of the Ministry of Town and Country Planning - - - - -	172,430	50
26. For the salaries and expenses of the Office of the Secretary of State for Scotland; salaries and expenses of the Scottish Home Department; expenses in respect of private legislation procedure in Scotland; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; contributions towards the expenses of Probation and of Remand Homes, and a grant towards repair of flood damage.	210,840	1,000
27. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - - -	7,379	—
TOTAL, CIVIL, CLASS I - £	3,216,142	1,168,511

SCHEDULE (B).—PART II.

SCHED. (B).
PART II.
Civil.
Class II.

CIVIL.—CLASS II.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the Department of His Majesty's Secretary of State for Foreign Affairs -	1,423,367	15,250
2. For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including grants in aid; and sundry other services (including a Supplementary sum of £2,630,000) - - - - -	6,742,926	169,400
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including United Kingdom Representation before the Permanent Court of International Justice - -	87,510	—
4. For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs -	89,565	405
Carried forward - - - £	8,343,368	185,055

SCHED. (B).
PART II.
Civil.
Class II.

SCHEDULE (B).—PART II—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	8,343,368	185,055
Vote.		
5. For sundry Dominion services, including certain grants in aid, and for expenditure in connection with Ex-service Men in Eire, and for a grant in aid to Eire in respect of compensation to transferred officers - - - -	299,800	—
6. For the expenses connected with Oversea Settlement - - - - -	100	12,570
7. For the salaries and expenses of the Department of His Majesty's Secretary of State for the Colonies - -	380,700	100
8. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - -	4,830,657	2,430
9. For the development of the resources of colonies, protectorates, protected states and mandated territories, and the welfare of their peoples; and for certain salaries and expenses - -	1,860,000	—
10. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - - - -	148,200	—
Carried forward - - - £	15,862,825	200,155

SCHEDULE (B).—PART II—*continued.*SCHED. (B).
PART II.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - -	£ 15,862,825	£ 200,155
Vote. 11. For the salaries and expenses of the Department of His Majesty's Secretary of State for India and His Majesty's Secretary of State for Burma, and a grant in aid of military expenditure from Indian Revenues - - - - -	2,255,167	111,500
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - - - - -	31,770	1,200
TOTAL, CIVIL, CLASS II - £	18,149,762	312,855

SCHED. (B).
PART 12.
Civil.
Class III.

SCHEDULE (B).—PART 12.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and of subordinate offices; liquidation expenses of the Royal Irish Constabulary, contributions towards the expenses of Probation and a grant in aid of the Central Committee for Refugees - - - - -	1,413,415	14,955
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	119,600	2,450
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special services, and other grants in respect of Police expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission	12,962,505	63,510
4. For the salaries and expenses of the office of the Prison Commissioners and of the Prisons in England and Wales - - - - -	1,849,664	40,000
Carried forward- - - - -	£ 16,345,184	120,915

SCHEDULE (B).—PART 12—*continued.*SCHED. (B).
PART 12.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. Brought forward - - -	16,345,184	120,915
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes - - - -	595,900	30,100
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, and a grant in aid; and the salaries and expenses of Pensions Appeals Tribunals - - - -	100	650,838
7. For the salaries and expenses in connection with the County Courts and the Liabilities Adjustment Offices -	436,340	401,910
8. For the salaries and expenses of the office of Land Registry - - -	57,461	65,000
9. For the salaries and expenses of the office of Public Trustee - - -	5,448	306,750
10. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	202,745	48,000
Carried forward- - - £	17,643,178	1,623,513

SCHED. (B).
PART 12.
Civilt.
Class III.

SCHEDULE (B).—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 17,643,178	£ 1,623,513
Vote.		
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., in connection with the acquisition of land, for grants in aid of the expenses of the Law Society and of the Solicitors' Discipline (Scotland) Committee, and for the expenses of Tribunals established in connection with Defence Compensation - - - - -	47,643	700
12. For the salaries and expenses of the Inspectors of Constabulary; the cost of special services, grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - - - - -	1,279,800	—
13. For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics, defectives, and inmates of the State Inebriate Reformatory, and the preparation of judicial statistics - - - - -	175,785	12,000
14. For grants in respect of the expenses of the managers of approved schools, and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	104,750	6,900
15. For the salaries and expenses of the office of the Scottish Land Court -	7,675	260
16. For the salaries and expenses of the Lord Advocate's Department and other law charges, the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland - - - - -	81,422	140,500
Carried forward - - - £	19,340,253	1,783,873

SCHEDULE (B).—PART 12—*continued.*SCHED. (B).
PART 12.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	19,340,253	1,783,873
Vote. 17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	26,156	40,000
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland - -	7,000	3,800
19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses (including certain expenses in connection with land purchase in Northern Ireland) - - - -	25,708	26,623
20. For charges in connection with land purchase in Northern Ireland, and the expenses of management of Guaranteed Stocks and Bonds issued for the purposes of Irish land purchase	1,217,777	100
TOTAL, CIVIL, CLASS III - £	20,616,894	1,854,396

SCHED. (B).
PART 13.
Civil.
Class IV.

SCHEDULE (B).—PART 13.

CIVIL.—CLASS IV.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - - -	60,075,795	5,776,000
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	164,513	16,678
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -	103,137	1,200
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	12,423	75
5. For the salaries and expenses of the London Museum, Lancaster House -	4,050	200
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank - - - - -	33,171	130
7. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - - -	11,545	10
Carried forward - - - - -	£ 60,404,634	5,794,293

SCHEDULE (B).—PART 13—*continued.*SCHHD. (B).
PART 13.
Civil.
Class IV.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward	£ 60,404,634	£ 5,794,293
Vote.		
8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid	9,832	175
9. For the salaries and expenses of the Wallace Collection	12,329	250
10. For sundry grants in aid of scientific investigation, &c., and other grants	412,676	—
11. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain . .	2,149,000	—
12. For a grant in aid of the British Broadcasting Corporation . . .	10,000,000	—
13. For public education in Scotland, including grants in aid of the Education (Scotland) Fund; for the Royal Scottish Museum, Edinburgh; and for grants to approved associations and other expenses in connection with youth service	9,021,790	781,265
14. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities .	14,549	10
15. For the salaries and expenses of the National Library, Scotland, including a grant in aid	2,980	5,017
TOTAL, CIVIL, CLASS IV	£ 82,027,790	6,581,010

SCHED. (B).
PART 14.
Civil.
Class V.

SCHEDULE (B).—PART 14.

CIVIL.—CLASS V.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriation in Aid.
	£	£
1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with housing, certain grants to local authorities, &c., a grant in aid to the National Radium Trust, grants in aid in respect of national health insurance benefits, &c., certain expenses in connection with widows', orphans' and old age contributory pensions; a grant in aid of the Civil Service Sports Council; and other services - - - - -	26,476,551	1,389,400
2. For the salaries and expenses of the Board of Control and grants in respect of the maintenance of certain ex-service mental patients - - -	231,607	13,587
3. For the salaries and expenses of the Department of the Registrar-General of Births, &c. - - - - -	280,159	41,330
4. For the salaries and expenses of the National Insurance Audit Department - - - - -	148,180	3,720
5. For the salaries and expenses of the Registry of Friendly Societies - - -	42,080	2,650
6. For Old Age Pensions, pensions to blind persons, and for certain administrative expenses in connection therewith - - - - -	54,750,000	16,000
Carried forward - - - £	81,928,577	1,466,687

SCHEDULE (B).—PART 14—*continued.*SCHED. (B).
PART 14.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	81,928,577	1,466,687
Vote.		
7. For the sums payable to the Treasury Pensions Account and to the Treasury Special Pensions Account in respect of Widows', Orphans' and Old Age Contributory Pensions - - -	22,525,000	—
8. For the salaries and expenses of the Ministry of Labour and National Service, including sums payable by the Exchequer to the Unemployment Fund, grants to local authorities, associations and other bodies in respect of unemployment insurance, employment exchange and other services; expenses of transfer and resettlement; expenses of training; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of the Industrial Court; and sundry services - - - - -	37,330,000	2,074,000
9. For grants to local authorities, &c., in respect of employment and development schemes, including adjustments of grant in certain cases - - -	1,950,000	—
10. For the salaries and expenses of the Office of the Commissioner for Special Areas (England and Wales), and the expenses of the Commissioner - -	100	750,000
11. For the salaries and expenses of the Department of the Assistance Board and of certain Appeal Tribunals; sums payable to applicants for assistance, &c.; expenses of training, work centres, &c.; and a grant in aid - - - - -	6,455,000	20,000
12. For a grant in aid of the Special Areas Fund - - - - -	775,000	—
Carried forward - - -	£ 150,963,677	4,310,687

SCHED. (B).
PART 14.
Civil.
Class V.

SCHEDULE (B).—PART 14—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
	Brought forward - - -	£ 150,963,677	£ 4,310,687
Vote.	13. For financial assistance to new industrial undertakings in the Special and Other Areas - - - - -	25,800	—
	14. For the payment of Supplementary Pensions to certain persons in receipt of Old Age Pensions or Widows' Pensions - - - - -	43,250,000	50,000
	15. For the salaries and expenses of the Department of Health for Scotland; including grants and other expenses in connection with housing, certain grants to local authorities, &c., a grant in aid of the Highlands and Islands medical service, grants in aid in respect of national health insurance benefits, &c.; certain expenses in connection with widows', orphans' and old age contributory pensions; and other services - -	4,567,463	174,000
	16. For the salaries and expenses of the Board of Control for Scotland, and grants in respect of the maintenance of certain ex-service mental patients	21,419	400
	17. For the salaries and expenses of the Department of the Registrar-General of Births, &c., in Scotland - -	47,547	2,460
	18. For the salaries and expenses of the Office of the Commissioner for Special Areas (Scotland), and the expenses of the Commissioner - - - -	100	214,730
	TOTAL, CIVIL, CLASS V -	£ 198,876,006	4,752,277

SCHEDULE (B).—PART 15.

SCHED. (B).
PART 15.
Civil.
Class VI.

CIVIL.—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments - - - - -	1,943,644	335,679
2. For the salaries and expenses of certain Mercantile Marine services, including the expenses of the Coastguard and the General Register and Record Office of Shipping and Seamen -	1,441,107	287,000
3. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - -	273,254	1,075
4. For the salaries and expenses of the Export Credits Guarantee Department, and for guarantees given after consultation with the Export Guarantees Advisory Council - -	291,978	419,000
5. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -	40,341	—
Carried forward - - - - -	3,990,324	1,042,754

SCHED. (B).
PART 15.
Civil.
Class VI.

SCHEDULE (B).—PART 15—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	3,990,324	1,042,754
Vote.		
6. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research, eradication of diseases of animals, and improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing; fishery organisation, research and development, control of diseases of fish, &c.; and sundry other services including certain remanet subsidy payments - - - - -	4,182,401	598,860
7. For the expenses of the survey of Great Britain and of minor services connected therewith - - - - -	766,130	43,500
8. For a grant in aid of the Forestry Fund	550,000	—
9. For a grant in aid of the Road Fund; for the maintenance of Menai Bridge; for payments to local authorities in reimbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services	5,853,000	200,000
10. For the expenses of maintaining Holyhead Harbour and the Caledonian and Crinan Canals, and annuities in respect of Light Railways - - -	38,828	15,005
11. For a grant in aid of the Development Fund - - - - -	545,000	—
Carried forward - - - £	15,925,683	1,900,119

SCHEDULE (B).—PART 15—*continued.*SCHED. (B).
PART 15.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	15,925,683	1,900,119
Vote.		
12. For grants to public utility undertakings in Great Britain - - -	460,000	—
13. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - -	761,581	539,436
14. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises -	100	1,148,645
15. For the salaries and expenses of the Anglo-Spanish, Anglo-Roumanian, Anglo-Italian and Anglo-Turkish Clearing Offices - - -	100	35,400
16. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, expenses in respect of regulation of agricultural wages; certain grants in aid, and remanet subsidy payments - -	684,129	134,024
17. For salaries and expenses in connection with the administration of Scottish fishery services, and a grant in aid of piers or quays - - -	29,826	14,386
18. For grants in aid of the general administrative and other expenses of the Herring Industry Board, and grants to herring fishermen for assistance in the provision of new motor-boats - - -	230	10
TOTAL, CIVIL, CLASS VI - £	17,861,649	3,772,020

SCHED. (B).
PART 16.
Civil.
Class VII.

SCHEDULE (B).—PART 16.

CIVIL.—CLASS VII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For expenditure in respect of Houses of Parliament buildings - - -	47,375	550
2. For expenditure in respect of miscellaneous legal buildings - - -	122,550	855
3. For expenditure in respect of Osborne -	23,770	880
4. For the salaries and expenses of the Ministry of Works - - - -	5,371,890	210,000
5. For expenditure in respect of certain miscellaneous works services, including historic buildings, ancient monuments, Brompton Cemetery, certain housing estates and certain grants in aid - - - -	168,090	10,785
6. For expenditure in respect of public buildings overseas - - - -	86,000	2,965
7. For expenditure in respect of Royal Palaces, including a grant in aid -	109,430	5,350
8. For expenditure in respect of Royal parks and pleasure gardens - -	217,130	26,400
9. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and for rates on buildings occupied by representatives of British Dominions and of Foreign Powers; and for the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	4,848,366	28,470
Carried forward - - - £	10,994,601	286,255

SCHEDULE (B).—PART 16—*continued.*SCHED. (B).
PART 16.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	10,994,601	286,255
Vote.		
10. For stationery, printing, paper, binding, and printed books for the public service ; for the salaries and expenses of the Stationery Office ; and for sundry miscellaneous services, including reports of Parliamentary Debates - - - - -	3,467,738	1,250,140
11. For constructing a new harbour of refuge at Peterhead - - - -	12,000	—
12. For expenditure in respect of public works and buildings in Ireland - -	72,900	2,640
TOTAL, CIVIL, CLASS VII - £	14,547,239	1,539,035

SCHED. (B).
PART 17.
Civil.
Class VIII.

SCHEDULE (B).—PART 17.

CIVIL.—CLASS VIII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For war pensions and allowances (including cost of treatment) arising out of the war of 1914-18 to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - -	217,023	—
2. For the salaries and expenses of the Ministry of Pensions, payments in respect of war pensions, gratuities and allowances, sundry contributions in respect thereof and other services	35,327,000	25,000
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - - - - -	1,175,000	—
4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances and supplementary pensions in respect of civil employment - - - - -	2,500,000	32,743
TOTAL, CIVIL, CLASS VIII •	£ 39,219,023	57,743

SCHEDULE (B).—PART 18.

SCHED. (B)
PART 18.
Civil.
Class IX.

CIVIL.—CLASS IX.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the General Exchequer Contribution and certain other grants to local authorities in England and Wales - - - - -	46,018,000	1,103,000
2. For the General Exchequer Contribution and certain other grants to local authorities in Scotland - -	6,754,931	175,000
TOTAL, CIVIL, CLASS IX -	£ 52,772,931	1,278,000

SCHED. (B).
PART 19.
Civil.
Class X.

SCHEDULE (B).—PART 19.

CIVIL.—CLASS X.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the cost of the war services of the Ministry of Agriculture and Fisheries	100	10
2. For the salaries and expenses of the Ministry of Aircraft Production -	100	10
3. For the salaries and expenses of the Ministry of Economic Warfare - -	100	10
4. For the salaries and expenses of the Ministry of Food - - - -	100	10
5. For the salaries and expenses of the Ministry of Fuel and Power - -	100	10
6. For the cost of the war services of the Ministry of Health - - - -	100	10
7. For the salaries and expenses of the Ministry of Home Security - -	100	10
8. For the salaries and expenses of the Ministry of Information - -	100	10
9. For the cost of the war services of the Ministry of Labour and National Service - - - - -	100	10
10. For the salaries and expenses of the Postal and Telegraph Censorship Department - - - -	100	10
11. For the salaries and expenses of the Ministry of Production - - -	100	10
Carried forward -	£ 1,100	110

SCHEDULE (B).—PART 19—*continued.*

SCHED. (B).
PART 19.
Civil.
Class X.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
Vote.	Brought forward - - -	1,100	110
12.	For the salaries and expenses of the Ministry of Supply, including the expenses of the Royal Ordnance Factories - - - - -	100	10
13.	For salaries and expenses in connection with war damage to business goods and to private chattels - -	100	10
14.	For the salaries and expenses of the War Damage Commission - -	100	10
15.	For the salaries and expenses of the Ministry of War Transport - -	100	10
16.	For the cost of the war services of the Ministry of Works - - - -	100	10
17.	For the cost of the war services of the Department of Agriculture for Scotland - - - - -	100	10
18.	For the cost of the war services of the Department of Health for Scotland -	100	10
19.	For the cost of the war services of the Scottish Home Department - -	100	10
TOTAL, CIVIL, CLASS X - £		1,900	190

SCHED. (B).
PART 20.
Revenue
Depart-
ments.

SCHEDULE (B).—PART 20.

REVENUE DEPARTMENTS.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the salaries and expenses of the Customs and Excise Department -	6,243,800	175,800
2. For the salaries and expenses of the Inland Revenue Department - -	13,214,100	145,600
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	110,632,000	5,157,763
TOTAL, REVENUE DEPARTMENTS	130,089,900	5,479,163

SCHEDULE (B).—PART 21.

EXPENDITURE ARISING OUT OF THE WAR.
(VOTES OF CREDIT.)

SCHED. (B).
PART 21.
Expenditure
arising out
of the war.
(Votes of
Credit.)

For defraying the expenses which may be incurred during the year ending on the 31st day of March 1944, for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war; for maintaining supplies and services essential to the life of the community; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war (including two Supplementary sums, each of £1,000,000,000) - - - - -

£

3,000,000,000

SCHED. (C).
PART I.
Navy Services.
Section 6.

SCHEDULE (C).—PART I.

NAVY SERVICES, 1941. VOTES.	Deficits.		Surpluses.
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.
1. Wages, etc., of Officers and Men of the Royal Navy and Royal Marines, and of certain other personnel serving with the Fleet.	49,544,926 19 4	15,865,080 9 11	—
2. Victualling and Clothing for the Navy.	36,562,079 1 3	—	7,863,011 10 4
3. Medical Establishments and Services.	1,919,491 16 —	—	77,976 6 11
4. Civilians employed on Fleet Services.	3,944,769 6 3	—	6,693 15 10
5. Educational Services ...	326,031 1 11	—	59,762 16 6
6. Scientific Services ...	2,053,381 10 11	—	69,164 9 4
7. Royal Naval Reserves...	23,245 6 4	6 — —	—
8. Shipbuilding, Repairs, Maintenance, etc. Section I.—Personnel ... Section II.—Matériel ... Section III.—Contract Work.	384,332,146 14 1	—	7,951,182 8 —
9. Naval Armaments ...			
10. Works, Buildings and Repairs at Home and Abroad.			
16. Merchant Shipbuilding			
11. Miscellaneous Effective Services.	19,519,300 19 —	—	395,050 4 9
12. Admiralty Office ...	4,219,344 14 6	—	27,578 12 9
13. Non-effective Services (Naval and Marine)—Officers.	1,884,260 13 10	—	19,498 16 —
14. Non-effective Services (Naval and Marine)—Men.	5,700,422 11 2	—	72,680 1 10
15. Civil Superannuation, Allowances and Gratuities.	1,354,462 9 10	—	259 4 2
Balances Irrecoverable and Claims Abandoned.	145,774 14 3	—	—
<i>Deduct</i> —Sum to be surrendered to the Exchequer in respect of the Excess of Receipts over the total of Appropriations-in-Aid authorised by Parliament.	—	—	16,542,858 6 5 677,771 16 6
	511,529,637 18 8	15,865,086 9 11	Total Surpluses available £15,865,086 9s. 11d.
	Total Deficits £527,394,724 8s. 7d.		
	Net Deficit met from Vote of Credit £511,529,637 18s. 8d.		

SCHED. (C).
PART II.
Army
Services.
Section 6.

SCHEDULE (C).—PART II.

ARMY SERVICES, 1941, VOTES.	Deficits.						Surpluses.		
	Excesses of actual over estimated gross Expenditure.			Deficiencies of actual as compared with estimated Receipts.			Surpluses of actual as compared with estimated Receipts.		
	£	s.	d.	£	s.	d.	£	s.	d.
1. Pay, &c., of the Army	226,139,248	10	5	43,343,409	19	3	—	—	—
2. Territorial Army and Reserve Forces.	5,632,766	7	2	—	—	—	23,677	12	3
3. Medical Services ...	14,065,029	8	8	—	—	—	118,444	13	4
4. Educational Establish- ments.	2,033,260	6	3	—	—	—	6,192	16	11
5. Quartering and Move- ments.	53,422,401	8	3	—	—	—	595,391	5	4
6. Supplies, Road Trans- port and Remounts.	130,158,876	12	11	—	—	—	2,745,920	18	11
7. Clothing ...	4,029,399	12	4	—	—	—	7,123,374	5	4
8. General Stores ...	23,142,587	13	9	—	—	—	2,000,994	16	5
9. Warlike Stores ...	5,071,352	12	4	—	—	—	4,798,191	4	5
10. Works, Buildings and Lands.	95,598,122	13	9	—	—	—	1,209,623	1	4
11. Miscellaneous Effective Services.	24,497,658	—	9	—	—	—	481,562	18	11
12. War Office ...	2,259,515	11	9	—	—	—	2,663	9	11
13. Half-pay, Retired Pay and other Non-effec- tive Charges for Offi- cers.	3,110,107	10	8	—	—	—	769,491	—	4
14. Pensions and other Non-effective Charges for Warrant officers, Non-commissioned Officers, men and others.	4,796,333	13	3	—	—	—	805,768	5	6
15 Civil Superannuation, Compensation and Gratuities.	279,952	8	6	—	—	—	199	14	4
Balances Irrecoverable and Claims Aban- doned.	496,880	18	9	—	—	—	—	—	—
	594,733,493	9	6	43,343,409	19	3			
	Total Deficits £638,076,903 8s. 9d.						Total Surpluses £20,681,496 3s. 3d.		
	Net Deficit met from Vote of Credit £617,395,407 5s. 6d.								

SCHED. (C).
PART III.
Air
Services.
Section 6.

SCHEDULE (C).—PART III.

AIR SERVICES, 1941, VOTES.	Deficits.		Surpluses.
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Air Foree.	69,192,347 8 2	46,693,301 19 -	—
2. Quarters, Non-Technical Stores, Supplies and Transportation.	75,315,455 17 2	—	2,164,884 1 11
3. Technical and Warlike Stores.	39,432,315 13 2	—	29,680,557 5 6
4. Works, Buildings and Lands.	133,419,500 1 6	—	2,123,878 10 7
5. Medical Services ...	3,089,102 14 5	—	75,256 11 8
6. Educational Services...	688,600 10 3	—	3,238 3 8
7. Reserve and Auxiliary Forces.	279,836 13 1	—	425 5 2
8. Civil Aviation... ..	2,732,202 2 4	—	111,320 18 6
9. Meteorological and Mis- cellaneous Effective Services.	20,007,404 5 -	—	310,670 18 4
10. Air Ministry	3,539,346 6 3	—	573 8 5
11. Half-pay, Pensions and other Non-effective Services.	976,951 13 10	—	52,014 10 11
Balances Irrecoverable and Claims Aban- doned.	23,409 14 11	—	—
	348,696,473 - 1	46,693,301 19 -	
	Total Deficits £395,389,774 19s. 1d.		Total Surpluses £34,522,819 14s. 8d.
	Net Deficit met from Vote of Credit		£360,866,955 4s. 5d.

CHAPTER 32.*Hydro-Electric Development (Scotland) Act, 1943.*

ARRANGEMENT OF SECTIONS.

Establishment and Powers of North of Scotland Hydro-Electric Board.

Section.

1. Establishment of North of Scotland Hydro-Electric Board.
2. General powers and duties of the Board.
3. Powers of Board for discharge of their functions.
4. Development schemes.
5. Constructional schemes.
6. Distribution schemes.
7. Amendment and revocation of schemes.
8. Acquisition of land.
9. Amenity Committee and Fisheries Committee.

Financial Provisions.

10. Charges of Board and General Fund.
11. Application of Money.
12. Power of Board to borrow.
13. Power to issue stock.
14. Power to Treasury to guarantee loans to Board.
15. Accounts and Audit.

Relations with the Central Electricity Board and other undertakers.

16. Relations with Central Electricity Board.
17. Boards to act in collaboration and appoint joint committee.
18. Acquisition of undertakings by agreement.
19. Joint use of main transmission lines.
20. Consumers to benefit from reduction in charges.

Miscellaneous Provisions.

21. Application of Electricity Supply Acts to Board.
22. Control of new private hydro-electric generating stations.
23. Annual reports, statistics and returns.
24. Local inquiries.
25. Power to conduct experiments.
26. Saving for existing powers as to generating stations.
27. Interpretation.
28. Short title.

SCHEDULES :

First Schedule.—Constitution and Proceedings of the North of Scotland Hydro-Electric Board.

Second Schedule.—North of Scotland District.

Third Schedule.—Adaptations and Modifications of Land Clauses Acts and of the Railways Clauses Consolidation (Scotland) Act, 1845.

Fourth Schedule.—Rules for ascertaining the price payable by the Central Electricity Board to the Board for electricity supplied in any year under section 16 (1).

Fifth Schedule.—Adaptations and Modifications of provisions of the Electricity (Supply) Acts, 1882 to 1936, and of the Schedule to the Electric Lighting Clauses Act, 1899.

Sixth Schedule.—Provisions as to Inquiries.

An Act to provide for the establishment of a Board for the development of supplies of electricity in the North of Scotland; to authorise the Board to generate and supply electricity and for purposes connected with the matters aforesaid. [5th August 1943.]

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

Establishment and Powers of North of Scotland Hydro-Electric Board.

Establishment of North of Scotland Hydro-Electric Board.

1.—(1) For the purposes of this Act there shall be established a public authority to be called the North of Scotland Hydro-Electric Board (in this Act referred to as "the Board") consisting of persons appointed in accordance with the First Schedule to this Act.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Board.

General powers and duties of the Board.

2.—(1) Subject to the provisions of this Act, the Board shall be responsible for initiating and undertaking the development of all further means of generation of electricity by water power within the area defined in the Second Schedule to this Act (hereinafter referred to as "the North of Scotland District") and it shall be the duty of the Board so far as practicable—

- (a) to provide supplies of electricity required to meet the demands of ordinary consumers in such parts of the North of Scotland District (including isolated areas) as are outside the areas of supply of other authorised undertakers;
- (b) to provide supplies of electricity required to meet the demands of authorised undertakers operating within the said District:

Provided that the Board shall not supply electricity directly to authorised undertakers within the area of supply of a power company, unless the power company consent or the Electricity Commissioners are satisfied that the Board can give a supply suitable to the needs of the authorised undertakers appreciably more economically than the power company;

- (c) to provide supplies of electricity suitable for the needs of large power users in the said District :

Provided that the Board shall not supply electricity directly to any large power user within the area of supply of other authorised undertakers, unless those authorised undertakers consent or the Electricity Commissioners are satisfied that the Board can give a supply suitable to the needs of the large power user appreciably more economically than the authorised undertakers ; and

- (d) to supply electricity to the Central Electricity Board.

(2) It shall be the duty of the Board subject to the provisions of subsection (1) of section sixteen of this Act to give priority to the demands of the consumers and authorised undertakers mentioned in paragraphs (a) and (b) of the last foregoing subsection over all other demands for the electricity generated by them.

(3) The Board shall, so far as their powers and duties permit, collaborate in the carrying out of any measures for the economic development and social improvement of the North of Scotland District or any part thereof.

3. The Board may—

- (a) make such surveys and collect such information as they may consider necessary to ascertain the water power resources in the North of Scotland District or in any part thereof and for that purpose the Board or any person authorised by them may, after giving not less than seven days' notice and subject to payment of reasonable compensation for any damage caused thereby, enter upon any land and there do such things as may be necessary for the purposes aforesaid ;
- (b) collect for the purpose of their powers and duties information as to the requirements of the said District or any part thereof in respect of electricity ;
- (c) subject to the provisions of this Act, acquire such land, abstract, divert and use such water, divert such roads, and construct, operate and maintain such works and plant, as may be necessary for the purpose of carrying out any scheme under section five or section six of this Act, and do any other thing necessary for the effective exercise and discharge of their powers and duties under this Act.

Powers of
Board for
discharge of
their
functions.

**Development
scheme.**

4.—(1) It shall be the duty of the Board as soon as may be after their appointment to prepare a general scheme for the exercise of their powers and duties (hereinafter referred to as the "development scheme") showing, so far as practicable, the water power resources which the Board propose to examine with a view to their possible use for the purpose of generating electricity.

(2) The development scheme shall be submitted to the Electricity Commissioners for their approval, and if the scheme is so approved, the Board shall submit it to the Secretary of State for confirmation.

(3) If the scheme is not confirmed by the Secretary of State, it shall be the duty of the Board to prepare a fresh scheme in accordance with the foregoing provisions of this section.

(4) As soon as may be after the confirmation of the development scheme, the Board shall deposit a copy of the scheme, and keep it available for inspection, at the offices of the Board and at one or more convenient places within the locality to which the scheme relates, and shall publish in such form, and in such newspapers as the Secretary of State may require, a notice stating that the scheme has been so confirmed, and the offices and places at which copies of the scheme are so deposited for inspection.

**Constructional
schemes.**

5.—(1) With a view to—

- (a) the execution of works necessary for the generation of electricity from any of the water power resources specified in the development scheme; or of other works in any part of the North of Scotland District for the generation or transmission of electricity; or
- (b) the construction of main transmission lines outside the said District required for the supply of electricity to the Central Electricity Board; or
- (c) the provision for the officers and servants of the Board and for persons engaged in or in connection with the construction, maintenance or management of any works authorised by this Act of housing accommodation and any other buildings serving a beneficial purpose in relation to the requirements of such officers and servants or persons,

the Board shall from time to time prepare schemes (hereinafter referred to as "constructional schemes") for any or all of those purposes.

(2) A constructional scheme shall contain particulars with regard to such matters, and shall be accompanied by such maps, drawings and plans as the Secretary of State may require.

(3) When the Board have prepared a constructional scheme, they shall submit it to the Electricity Commissioners for their approval, and if the scheme is so approved, the Board shall submit it to the Secretary of State for confirmation and shall publish in such form and in such newspapers as the Secretary of State may require a notice stating that the scheme has been prepared and has been so approved and submitted for confirmation and specifying the situation of any works proposed to be undertaken and of any land proposed to be acquired. The Board shall send copies of the said notice to the persons appearing from the valuation roll to be the owners and the occupiers of any land proposed to be acquired and shall also deposit a copy of the scheme and keep copies available for inspection and sale at the offices of the Board and at one or more convenient places, and the notice published as aforesaid shall state where the copies of the scheme are so deposited and shall also specify a period of forty days within which and the manner in which objection thereto may be made to the Secretary of State.

(4) If on the expiry of the time within which objection may be made to a constructional scheme the Secretary of State, on considering the scheme together with any objections made thereto and after holding such inquiry (if any) as he thinks fit, is of the opinion that it is in the public interest that the Board should be authorised to carry out the scheme, he may make an order confirming the scheme without amendment or with such amendments as the Board with the approval of the Electricity Commissioners may submit :

Provided that, where any person who has lodged objection to the scheme requests that an inquiry shall be held, the Secretary of State shall, unless he is of opinion that the objection is frivolous, cause an inquiry to be held before confirming the scheme.

(5) Every order made by the Secretary of State confirming a constructional scheme shall be laid before Parliament as soon as may be after it is made together with a copy of the scheme as confirmed, and if either House of Parliament within the next forty days after such an order as aforesaid is laid before it resolves that the order be annulled, the order shall thereupon be of no effect without prejudice, however, to the making of a new order.

In reckoning the said forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(6) A constructional scheme shall become operative on the expiry of the period within which the order confirming the scheme might be annulled without its being so annulled ; and the Board shall thereupon deposit copies of the scheme as confirmed and give notice of the places where such copies are available for inspection and sale in like manner as they are required by subsection (3) of this section to deposit copies and give notice thereof.

(7) As soon as may be after notice has been given in accordance with the provisions of the last foregoing subsection, the Board shall proceed with the construction of the works specified in the scheme and may do all things necessary for the due carrying into effect of the scheme :

Provided that the Board shall not provide supplies of electricity from the said works unless and until a scheme shall have been made and adopted under section four of the Electricity (Supply) Act, 1926, as adapted and modified by this Act covering the North of Scotland District.

Distribution
schemes.

6.—(1) The Board may from time to time prepare schemes (hereinafter referred to as " distribution schemes ") for the supply of electricity to ordinary consumers within any part of the North of Scotland District outside the areas of supply of other authorised undertakers.

(2) A distribution scheme shall contain particulars with regard to such matters, and shall be accompanied by such maps, drawings and plans, as the Secretary of State may require.

(3) When the Board have prepared a distribution scheme, they shall submit it to the Electricity Commissioners for their approval, and, if the scheme is so approved, the Board shall submit it to the Secretary of State for confirmation and shall publish in such form and in such newspapers as the Secretary of State may require a notice stating that the scheme has been prepared and has been so approved and submitted for confirmation and specifying the area to which the scheme relates. The Board shall also deposit a copy of the scheme and keep copies available for inspection and sale at the offices of the Board and at one or more convenient places within the area to which the scheme relates and the notice published as aforesaid shall state where the copies of the scheme are so deposited and shall also specify a period of forty days within which and the manner in which objection thereto may be made to the Secretary of State.

(4) If on the expiry of the time within which objections may be made to a distribution scheme the Secretary of State, on considering the scheme together with any objections made thereto and after holding such inquiry (if any) as he thinks fit, is of the opinion that it is in the public interest that the Board

should be authorised to carry out the scheme, he may make an order confirming the scheme without amendment or with such amendments as the Board with the approval of the Electricity Commissioners may submit :

Provided that, where any person who has lodged objection to the scheme requests that an inquiry shall be held, the Secretary of State shall, unless he is of opinion that the objection is frivolous, cause an inquiry to be held before confirming the scheme.

(5) As soon as may be after the confirmation of a distribution scheme, the Board shall deposit copies of the scheme as confirmed and give notice of the places where such copies are available for inspection and sale in like manner as they are required by subsection (3) of this section to deposit copies and give notice thereof and shall proceed to carry it into effect and may do all things necessary for the due carrying into effect thereof.

7. A scheme confirmed in pursuance of this Act may be amended or revoked by a subsequent scheme prepared approved and confirmed in the like manner and subject to the like conditions as the original scheme. Amendment and revocation of schemes.

8.—(1) For the purposes of the acquisition of land which the Board are authorised by a scheme to acquire, there shall be incorporated with this Act the Lands Clauses Acts and section six and sections seventy to seventy-eight of the Railway Clauses Consolidation (Scotland) Act, 1845, subject however to the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to the adaptations and modifications set out in the Third Schedule to this Act, and to the other provisions of this section. Acquisition of land. 8 & 9 Vict. c. 33. 9 & 10 Geo. 5. c. 57.

(2) The Board, if it appears to them necessary or expedient for the purpose of carrying out a scheme to enter upon and take possession of any land which they are authorised by the scheme to acquire, may, after giving not less than twenty-eight days notice by registered post to the persons appearing from the valuation roll to be the owners and the occupiers of that land, enter upon and take possession of that land and may give such directions as appear to them to be necessary or expedient in connection with the taking of possession of that land.

(3) A certified copy of any direction to give up possession of and remove from any land given under the last foregoing subsection shall be sufficient warrant for ejection against any occupier or any party in his right in the event of non-compliance with any such direction.

(4) Land of which the Board are in possession in pursuance of subsection (2) of this section may, notwithstanding any restriction imposed on the use thereof (whether by any Act or other

instrument or otherwise), be used subject to the provisions of the scheme by the Board in such manner as they think expedient for the purpose of carrying out the scheme.

(5) Where, in exercise of the powers conferred on them by subsection (2) of this section, the Board have taken possession of any land, they shall, as soon as may be, proceed with the acquisition of the land and shall, if they are unable to acquire the land by agreement, serve notice to treat.

Amenity
Committee
and Fisheries
Committee.

9.—(1) In the exercise of their functions, the Board shall have regard to the desirability of preserving the beauty of the scenery and any object of architectural or historic interest and of avoiding as far as possible injury to fisheries and to the stock of fish in any waters.

(2) For the purpose of giving advice and assistance to the Secretary of State and to the Board, the Secretary of State shall appoint an Amenity Committee and a Fisheries Committee, each consisting of such number of persons as he may think proper, and the Board shall furnish to those Committees any maps, plans, drawings or information which the Committees may reasonably require and shall afford to those Committees reasonable facilities for inspection.

(3) The Board shall, before and during the preparation of a constructional scheme, and may at any other time, consult the Amenity Committee and the Fisheries Committee, and those Committees may, upon being so consulted, or at any other time, make recommendations to the Board, who shall transmit copies of every such recommendation to the Secretary of State and the Electricity Commissioners, together with an intimation whether or not they are prepared to accept it.

(4) If the Board are not prepared to accept any recommendation made to them under the last foregoing subsection, the Secretary of State after considering any representations made to him thereon may, if the recommendation relates to a scheme which has been submitted to him for confirmation but has not yet been confirmed, refuse to confirm the scheme and may, in the case of any other recommendation (not being a recommendation involving the execution by the Board of any works authorised by a confirmed scheme otherwise than in the manner set forth in that scheme), require the Board to give effect to it and the Board shall thereupon be bound to carry out the requirement.

(5) The Board shall not, without giving prior notice to the Amenity Committee of their intention so to do, use or permit to be used for the exhibition of advertisements any part of any land or building owned or leased by them.

(6) The Board shall defray expenses reasonably incurred by the Amenity Committee and the Fisheries Committee under this section up to such amounts as the Secretary of State may from time to time approve.

(7) Nothing in the provisions of Schedule G to the Salmon ^{31 & 32 Vict.} Fisheries (Scotland) Act, 1868 shall apply to any dam, aqueduct, ^{c. 123.} pipe or other work constructed under this Act.

Financial Provisions.

10.—(1) Subject to the provisions of this Act, the prices to be charged by the Board for electricity supplied by them shall be determined by them in accordance with regulations to be made by the Secretary of State after consultation with the Electricity Commissioners, so however that the proceeds of the sale of electricity together with the other revenues of the Board may, so far as can be estimated, equal over a term of years to be approved by the Electricity Commissioners the sums required for meeting any expenditure which the Board may properly charge to revenue. Charges of Board and general fund.

(2) All sums received by the Board on revenue account from whatever source including any interest on money invested shall be credited to and form part of a fund to be called the "general fund".

11.—(1) All money borrowed by the Board shall be applied to the purpose for which it is authorised to be borrowed up to the amount required for that purpose, and any excess over that amount and all other capital money received by the Board in respect of their undertaking (including money arising from the disposal of lands acquired by the Board for the purposes of any scheme) shall be applied towards the discharge of any loan or, with the approval of the Electricity Commissioners, to any other purpose to which capital may properly be applied. Application of money.

(2) There shall be paid out of the general fund all the expenses of the Board including (but without prejudice to the generality of this provision) interest on money borrowed and the sums required to be set aside for the repayment thereof, payments to the reserve fund, the salaries, fees and allowances to members of the Board, the salaries, remuneration, allowances of, and payments made for the purpose of providing superannuation allowances and gratuities for, the deputy chairman and the secretary, officers and servants of the Board or their representatives and expenditure on the operation, maintenance and repair of the works, machinery and plant forming part of the undertaking of the Board.

(3) The Board may provide out of revenue a reserve fund by setting aside such sums as they think reasonable, and investing

such sums and the resulting income thereof in securities of His Majesty's Government in the United Kingdom or securities guaranteed as to principal and interest by the said Government (other than securities of the Board), but a reserve fund so provided, including a sum equivalent to the accumulated interest thereon, shall not at any time exceed one-tenth of the aggregate capital expenditure of the Board at that time. The reserve fund shall be applicable to meet any deficiency at any time existing in the income of the Board from their undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of their undertaking, and, if the fund is at any time reduced, it may thereafter be again restored to the prescribed limit.

(4) The Board may make provision for the carrying forward of such working balance as they may consider reasonably necessary, and may with the approval of the Electricity Commissioners apply any surplus revenues in payment of expenses chargeable to capital.

Power of
Board to
borrow.

12.—(1) For the purposes hereinafter mentioned, the Board may with the consent of the Electricity Commissioners and subject to regulations to be made by the Secretary of State with the approval of the Treasury, borrow money, in such manner and subject to such provisions as to the repayment thereof, and with such powers as to re-borrowing for the purpose of paying off a loan previously raised as may be prescribed by the regulations, and the regulations may empower the Board to borrow temporarily and may apply with or without modifications any enactments relating to borrowing by local authorities.

(2) Such powers of borrowing as aforesaid may be exercised for all or any of the following purposes :—

- (a) the acquisition of such land and the acquisition or construction of such works as the Board are authorised by or under this Act to acquire or construct ;
- (b) the provision of working capital and, during the period prior to the commencement of trading operations by the Board, the payment of interest thereon ;
- (c) the payment of administrative and preliminary expenses and the payment of interest on money borrowed for that purpose during the period prior to the commencement of trading operations by the Board ;
- (d) providing temporarily for any current expenses properly chargeable to revenue ;
- (e) any other payment which the Board are authorised to make and which ought in the opinion of the Electricity Commissioners to be spread over a term of years (including the payment of interest on money borrowed for capital expenditure for such period as may be

determined by the Electricity Commissioners, with the approval of the Treasury, not exceeding the period during which the expenditure remains unremunerative).

Any money borrowed for the purposes mentioned in this subsection and the interest thereon shall be charged on the undertaking and all the revenues of the Board.

(3) It shall be lawful for any annual provision required to be made by the Board for the repayment of money borrowed for any of the purposes mentioned in subsection (2) of this section, to be suspended subject to such conditions and for such period not exceeding the period during which the expenditure remains unremunerative as the Electricity Commissioners, with the approval of the Treasury, may determine :

Provided that such suspension shall not be for a longer period than five years from the commencement of the financial year next after that in which such expenditure is incurred.

13.—(1) The Board may, for the purpose of raising money which they are authorised to borrow under this Act, create and issue stock. Power to issue stock.

(2) Any stock issued by the Board and the interest thereon shall be charged on the undertaking and all the revenues of the Board.

(3) Subject to the provisions of this Act, any stock created by the Board under the powers of this Act shall be issued, transferred, dealt with, and redeemed, according to regulations to be made by the Secretary of State with the approval of the Treasury and any such regulations may apply for the purpose of this section, with or without modifications, any provisions of the Local Authorities Loans (Scotland) Acts, 1891 to 1924, and of any Act relating to stock issued by any local authority.

14.—(1) Subject to the provisions of this section, the Treasury may guarantee in such manner and on such conditions as they think fit the payment of the interest and principal of any loan proposed to be raised by the Board, or of either the interest or the principal : Power to Treasury to guarantee loans to Board.

Provided that the aggregate amount of the loans, the principal or interest of which may be so guaranteed, shall not exceed thirty million pounds.

(2) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(3) The repayment to the Treasury of any sums so issued out of the Consolidated Fund, together with interest thereon at such rate as the Treasury may fix, shall be a charge on the undertaking

and all the revenues of the Board next after the principal and interest of the guaranteed loan and any sinking fund payments for the repayment of the principal thereof, and in priority to any other charges not existing at the date on which the loan is raised.

(4) All sums paid from time to time in or towards the repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer.

(5) The Treasury shall, so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March a statement of the guarantees (if any) given during the year ended on that date, and an account of the total sums (if any) which during the year ended on that date have been either issued out of the Consolidated Fund under this section or paid in or towards repayment of any money so issued.

Accounts and
audit.

15.—(1) The Board shall cause proper books of account and other books in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as the Secretary of State may by regulations prescribe.

(2) The accounts of the Board and their officers shall be audited by an auditor appointed by the Secretary of State and the audit shall be conducted in accordance with such regulations as may be made by the Secretary of State.

(3) As soon as the accounts of the Board have been audited, the Board shall send copies thereof to the Secretary of State and to the Electricity Commissioners together with copies of any report of the auditor thereon, and shall publish the accounts in such manner as the Secretary of State may direct and shall place copies thereof on sale at a reasonable price.

*Relations with the Central Electricity Board and other
undertakers.*

Relations with
Central
Electricity
Board.

16.—(1) The Central Electricity Board shall be bound to purchase from the Board such amount of electricity as the Board may from time to time undertake to supply and for that purpose the following provisions shall apply :—

(a) the Board shall, in respect of the period from the date of the commencement of supply to the thirty-first day of December in the next ensuing year, and in respect of each calendar year thereafter, notify, in the case of the said period not less than three months before the commencement of supply, and in the case

of each calendar year thereafter not later than the thirtieth day of November in the preceding year,

(i) the maximum number of kilowatts which the Board undertake to make available at any time during that period or year; and

(ii) the number of units which they undertake to supply in each month of that period or year:

Provided that the said maximum number of kilowatts and the aggregate of the said number of units in respect of any one year shall not without the consent of the Central Electricity Board be reduced below the maximum number of kilowatts and the aggregate of the number of units in respect of the immediately preceding year unless notice of intention to make such reduction has been given three years prior to the commencement of the first mentioned year;

(b) (i) the price to be charged by the Board for electricity supplied under this subsection to the Central Electricity Board in any year shall, unless otherwise agreed, be a sum ascertained in accordance with the rules contained in the Fourth Schedule to this Act, being a sum equal to the cost of production in that year of a like supply of electricity at the steam generating station operated under the directions of the Central Electricity Board in virtue of section seven of the Electricity (Supply) Act, 1926, which in respect of its cost of production as ascertained and adjusted, in accordance with the said Schedule, by reference to the cost and calorific value of coal consumed at steam generating stations in the area of the Central Scotland Electricity Scheme, 1927, and the other matters referred to in the said Schedule is the most economical station so operated;

16 & 17 Geo. 5.
c. 51.

(ii) the price to be charged by the Board for the electricity supplied under this subsection in respect of the period between the commencement of the supply and the next following thirty-first day of December shall be ascertained in the same manner as and by applying the same fixed cost per kilowatt and the same running cost per unit as those applied in ascertaining the price to be charged under this sub-section in respect of the electricity supplied in the first year after the year in which the supply shall be commenced except that the fixed cost per kilowatt shall be deemed to have accrued from day to day;

(c) the electricity supplied under this subsection shall be delivered by the Board to the Central Electricity Board at such point or points on the main transmission lines of

the latter Board in the area of the Central Scotland Electricity Scheme, 1927, as, failing agreement, may be determined by the Electricity Commissioners and in such quantities and at such times as the Central Electricity Board may direct :

Provided that the Central Electricity Board shall not direct the supply of a smaller maximum number of kilowatts in the said period or in any year or of a smaller number of units in any month than the maximum number of kilowatts or of units notified by the Board under paragraph (a) of this subsection in respect of that period, year or month.

(2) The Central Electricity Board may purchase from the Board electricity in addition to the electricity supplied under the last foregoing subsection, at such price and on such terms and conditions as may be agreed by the Boards.

(3) The Board may purchase electricity from the Central Electricity Board, and for that purpose the Board shall be deemed to be authorised undertakers operating in the area of the Central Scotland Electricity Scheme, 1927.

(4) The Central Electricity Board and the Board may enter into and carry into effect agreements for the construction by either Board in accordance with a constructional scheme of such main transmission lines as are necessary for the delivery of electricity purchased under this section, and for that purpose the powers of each Board shall be exercisable in the area of the other.

(5) Any question between the Central Electricity Board and the Board under paragraph (b) of subsection (1) of this section shall be determined by the Electricity Commissioners or, if the Secretary of State considers that the question is more appropriate to an auditor, by an auditor appointed by him.

Boards to act
in collabora-
tion and
appoint joint
committee.

17.—(1) In any matter in relation to which the execution of the powers and duties of the Central Electricity Board and the Board respectively may be facilitated by consultation or joint action, those Boards shall, so far as possible, act in collaboration, and for that purpose they may enter into such agreements as they may think necessary and shall appoint a joint committee (in this Act referred to as the "Joint Technical Committee") consisting of such members or officers of the Central Electricity Board and the Board as may be agreed.

(2) The Central Electricity Board and the Board may delegate to the Joint Technical Committee such functions as they may agree in relation to any matter referred to in the last foregoing subsection.

(3) The expenses of the Joint Technical Committee shall be defrayed by the Board.

18.—(1) It shall be lawful for the Board and for any undertakers, with the approval of the Electricity Commissioners, to enter into an agreement for the transfer to the Board of the whole or any part of the undertaking belonging to such undertakers and situated in the North of Scotland District ; and on such transfer any such undertaking or part thereof shall be deemed to form part of the undertaking of the Board and to have been provided by them under the powers and for the purposes of this Act and the Board shall be deemed to be the undertakers and may exercise in relation to the undertaking or part thereof any of the powers of the undertakers, unless and until such powers are modified or revoked by a scheme prepared, approved and confirmed in like manner as a distribution scheme.

Acquisition of undertakings by agreement.

(2) Before entering into any negotiations with a view to an agreement for the transfer to the Board of any undertaking which any other undertakers are empowered by or under any Act to acquire, the Board shall notify those undertakers of their intention to enter into such negotiations and the Electricity Commissioners, before approving any such agreement, shall notify those undertakers that the agreement has been submitted for their approval and shall consider any representations which those undertakers may make.

19. The Board and any authorised undertakers operating in the North of Scotland District may enter into agreements for the use of any main transmission line belonging to either of them by the other and where either of them are unable to secure on reasonable terms the use of any main transmission line belonging to the other, they may with the consent of the Electricity Commissioners use such transmission line on such terms and conditions as those Commissioners may determine :

Joint use of main transmission lines.

Provided that the Electricity Commissioners, before giving consent to such use, shall be satisfied that such use will not interfere with the use of the transmission line which may from time to time require to be made by the owners thereof in order to meet their requirements.

20. Any authorised undertakers who receive a supply of electricity directly or indirectly from the Board shall furnish to the Electricity Commissioners such information as they may require from time to time to enable them to determine the amount by which the cost of such supply is less than the cost that would have been incurred by the undertakers in providing or obtaining a like supply had this Act not been passed, and a sum equal to such amount shall be applied by the undertakers for the benefit of their consumers by way of discount or otherwise as the Electricity Commissioners may direct.

Consumers to benefit from reduction in charges.

Miscellaneous Provisions.

Application of
Electricity
Supply Acts
to Board.

21.—(1) Subject to the provisions of this Act, the Board shall be deemed to be undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936, and this Act and any scheme approved and confirmed thereunder shall in relation to the Board be deemed to be a special Act for the purposes of those Acts, and for the purposes of this section there shall be incorporated with this Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899.

62 & 63 Vict.
c. 19.

(2) The provisions of the aforesaid Acts and Schedule as they apply to Scotland shall in relation to the North of Scotland District have effect subject to the adaptations and modifications set forth in the Fifth Schedule to this Act.

Control of new
private
hydro-electric
generating
stations.

22. After the passing of this Act it shall not be lawful, except with the consent of the Electricity Commissioners, for any body or person to establish in the North of Scotland District a new private generating station operated by water power and having plant with a rating exceeding fifty kilowatts or to extend any existing private generating station so operated in the said District by the installation of plant with a rating exceeding fifty kilowatts:

Provided that the Electricity Commissioners shall not refuse their consent to the establishment or extension of any such station if they are satisfied that such establishment or extension would not prejudice the exercise or performance by the Board of their powers or duties regarding the development of further means of generation of electricity by water power.

Annual
reports,
statistics and
returns.

23.—(1) The Board shall annually at such date and in such form as the Secretary of State may require make to him a report dealing generally with the operations of the Board during the preceding year, and such report shall be laid before Parliament and shall be on sale at a reasonable charge to the public at the offices of the Board.

(2) The Board shall furnish to the Secretary of State and the Electricity Commissioners such financial and statistical returns as they may at any time require.

Local
inquiries.

24. The provisions of the Sixth Schedule to this Act shall apply to any inquiry held by the Secretary of State for the purposes of this Act.

Power to
conduct
experiments.

25. The Board may conduct experiments or trials for the improvement of methods of generation, distribution or use of electricity in the special conditions and circumstances in the North of Scotland District, and may incur such expenditure for the purpose as they may think fit.

26. Where consent is given by the Electricity Commissioners under section twenty-two of this Act or under section eleven of the Electricity (Supply) Act, 1919, as amended by any subsequent enactment, to the establishment of a new, or the extension of an existing, generating station in the North of Scotland District by any body or person, nothing in this Act shall prevent the exercise of any powers otherwise competent to that body or person in relation to the construction or extension of the station and the carrying out of any other works necessary for the operation of the station.

Saving for existing powers as to generating stations.
9 & 10 Geo. 5.
c. 100.

27. In this Act, unless the context otherwise requires—

Interpretation.

the expression " generating station " has the meaning assigned to it by section thirty-six of the Electricity (Supply) Act, 1919 ;

9 & 10 Geo. 5.
c. 100.

the expression " land " includes an interest in land and references to entering upon or taking possession of land shall be construed accordingly, and any reference to land shall include a reference to salmon fishings ;

the expression " large power user " means a consumer (other than any authorised undertakers or the Central Electricity Board) with a demand for a supply of not less than five thousand kilowatts ;

the expression " maximum number of kilowatts " in relation to any electricity directed by the Central Electricity Board to be supplied by the Board, or to any electricity supplied by the Board, in any period, means twice the largest number of units of electricity directed to be supplied or supplied, as the case may be, during any consecutive thirty minutes either from the commencement or from the middle of any hour of the twenty-four hours of any day in that period ;

the expression " ordinary consumer " means any consumer other than any authorised undertakers, a large power user or the Central Electricity Board ;

other expressions have the like meanings as in the Electricity (Supply) Acts, 1882 to 1936, or the Electric Lighting (Clauses) Act, 1899.

28. This Act may be cited as the Hydro-Electric Development (Scotland) Act, 1943.

Short title.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF THE NORTH OF SCOTLAND HYDRO-ELECTRIC BOARD.

1. The Board shall consist of a chairman, a deputy chairman and three other members. The chairman, the deputy chairman and two other members of the Board shall be appointed by the Ministers, and one member shall be a member of the Central Electricity Board appointed by that Board.
2. A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of the Commons House of Parliament.
3. A person shall be disqualified for being appointed or being a member of the Board if he is an undischarged bankrupt or if he has granted a trust deed for behoof of creditors, or entered into a composition contract.
4. The deputy chairman of the Board, who shall be required to devote his whole time to the duties of his office, shall be the chief executive officer of the Board.
5. A member of the Board shall hold office for such term and on such conditions as the Ministers or the Central Electricity Board, as the case may be, may determine at the time of his appointment: Provided that—
 - (a) a member may resign his office by notice in writing given to the Secretary of State or the Central Electricity Board, as the case may be, and
 - (b) the member appointed by the Central Electricity Board shall cease to hold office on ceasing to be a member of that Board.
6. Any member of the Board shall, if he is interested in any company with which the Board has made or proposes to make any contract, disclose to the Board the fact and nature of his interest, and shall take no part in any deliberation or decision of the Board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Board.
7. Where any member of the Board is absent from the meetings of the Board for more than six months consecutively, except for some reason approved by the Ministers, the Secretary of State shall forthwith declare his office to be vacant, and thereupon the office shall become vacant.
8. The Board shall be a body corporate and shall have power to regulate their own procedure:

Provided that the quorum of the Board shall not be less than three.

9. The Board may act notwithstanding a vacancy in their number.

10. The Board shall have their offices in Scotland.

11. The Board shall have a common seal and the seal of the Board shall be authenticated by the signatures of the chairman of the Board or some other member of the Board authorised by the Board to act in his stead in that behalf, and of the secretary to the Board or some person authorised by the Board to act in his stead in that behalf.

12. Every document purporting to be an instrument issued by the Board and to be sealed with the seal of the Board authenticated in the manner provided by the last foregoing paragraph, or to be signed by the secretary to the Board or by a person authorised by the Board to act in his stead in that behalf, shall be received in evidence and be deemed to be such an instrument or document without further proof unless the contrary is shown.

13. The Board shall appoint a secretary and such other officers and servants as the Board may determine.

14. There shall be paid to the members of the Board such salaries or fees and allowances for expenses as the Ministers with the approval of the Treasury may determine and there shall be paid to the secretary, officers and servants of the Board or their representatives such salaries, remuneration and allowances and superannuation allowances and gratuities as the Board may determine.

15. The Board may adopt the provisions of Part I of the Local Government Superannuation (Scotland) Act, 1937, and, if they do so, that Act shall have effect in relation to the Board as if they were a local authority required to maintain a superannuation fund under Part I of that Act, and, in relation to any employee of the Board, as if the Board were a local authority within the meaning of that Act, not being either a local authority specified in Part I of the First Schedule thereto or a local Act authority within the meaning of that Act.

16. In this Schedule the expression "the Ministers" means the Secretary of State and the Minister of Fuel and Power acting jointly.

1ST SCH.
—cont.

SECOND SCHEDULE.

NORTH OF SCOTLAND DISTRICT.

Section 2.

The County of the City of Aberdeen, the Counties of Aberdeen, Argyll, Banff, Bute, Caithness, Inverness, Kincardine, Moray, Nairn, Orkney, Ross and Cromarty, Sutherland and Zetland.

So much of the County of Angus as comprises :—

The Parishes of Cortachy and Clova, Fern, Glenisla, Kingoldrum, Lethnot, Lintrathen, Lochlee and Tannadice.

2ND SCH.
—*cont.*

So much of the County of Dunbarton as comprises :—

The Parishes of Arrochar, Kilmarnock, Luss and Rosneath.

So much of the County of Perth as comprises :—

The Parishes of Aberfoyle, Alyth, Balquhiddy, Bendochy, Blair-Atholl, Blairgowrie, Callander, Caputh, Clunie, Comrie, Dull, Dunkeld and Dowally, Fortingall, Fowles Wester, Kenmore, Killin, Kinloch, Kirkmichael, Lethendy, Little Dunkeld, Logiealmond, Logierait, Monzievaird and Strowan, Moulin, Port of Menteith, Rattray, Weem, and that portion of the parish of Auchtergaven which was transferred to that Parish from the Parish of Logiealmond by Order of the Secretary of State dated the twenty-second day of October, 1929, and which is comprised within the following boundary :—

Commencing at a point on the Shochie Burn due north of Hardhill, north-eastwards and eastwards following the boundary of the Parish of Moneydie, a distance of approximately three-quarters of a mile, to a point due north of Blackhill, thence northwards by Cowford Cottage for a distance of approximately half a mile, thence westwards for a distance of approximately three-quarters of a mile and northwards for a distance of approximately a quarter of a mile to a point on the Wharry Burn near Tullybelton House, thence following the line of the Wharry Burn and the Corrody Burn until the latter reaches the boundary of the Parish of Little Dunkeld, a distance of approximately four miles, thence following the boundary of the Parish of Little Dunkeld north-westwards and then southwards until it reaches the upper reaches of the Shochie Burn, a distance of approximately one and a quarter miles, and thence following the course of the Shochie Burn in an easterly direction to the point of commencement, a distance of approximately four and a quarter miles.

So much of the County of Stirling as comprises :—

The Parishes of Balfron, Buchanan, Drymen, Fintry, Gar-gunnock, Killearn and Kippen.

THIRD SCHEDULE.

Section 8 (1). **ADAPTATIONS AND MODIFICATIONS OF LANDS CLAUSES ACTS AND OF THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.**

1. The scheme shall be deemed to be the Special Act, and, in the Lands Clauses Acts, references to the promoters of the undertaking shall be construed as references to the Board, and, in the Railways Clauses Consolidation (Scotland) Act, 1845, references to the railway company shall be construed as references to the Board, and references to the railway shall be construed as references to the land acquired or to any works which have been or may be constructed thereon, or to any use to which the land is or may be put, according to the context.

2. Sections eighty-three to eighty-eight and section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, and the provisions of that Act relating to access to the special Act shall not apply.

3. For the purpose of surveying and taking levels of any lands and of probing or boring to ascertain the nature of the soil and of setting out the line of any works, it shall be lawful for the Board or any person authorised by them, after giving not less than seven days' notice and subject to payment of reasonable compensation for any damage caused thereby, to enter upon such lands.

4. No person shall be required to sell a part only of any house, building or manufactory or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden unless the arbiter by whom compensation is to be assessed determines in the case of a house, building or manufactory that the part proposed to be taken can be taken without material detriment to the house, building or manufactory; or in the case of a park or garden, that such part can be taken without seriously affecting the amenity or convenience of the house; and if the arbiter so determines, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Board that part of the house, building, manufactory, park or garden.

5.—(1) In assessing the sums to be included in the compensation payable to any person by way of compensation in respect of the injurious affection of, or the severance of the land acquired from, any land in which that person has an interest, account shall be taken of any increase, ascribable to any use to which the land acquired is intended to be put, in the value of his interest in any land which at the relevant time was held with the land acquired.

(2) In this paragraph the expression "the relevant time" means, in connection with the acquisition of any land, immediately before the date of the service of the notice to treat relating to the land, or, if possession of the land had then already been taken by the Board in exercise of the power conferred on them by subsection (2) of section eight of this Act, immediately before the taking of possession.

6. In assessing the compensation payable in respect of the acquisition of any land, no account shall be taken of any change in the value of the land attributable to any thing done by the Board in the exercise of their powers under subsection (4) of section eight of this Act, but the value of the land shall be computed by reference to the circumstances existing at the date of the notice given in pursuance of subsection (2) of the said section.

7. The compensation payable in respect of the acquisition of a servitude over any land shall be the difference between the value of that land free from that servitude and the value of that land subject to that servitude.

8. Any person empowered to sell or convey any land to the Board shall have power to grant to them a servitude over that land.

3RD SCH.
—cont.

9.—(1) The Board may sell, feu, or lease for such periods and for such consideration as they may think fit any land and property for the time being belonging to them which they do not require for the purposes of any scheme.

(2) On so disposing of any land, the Board may reserve to themselves all or any part of the water rights or any servitude belonging thereto and may so dispose of any land subject to such other reservations, conditions, and restrictions as they may think fit.

FOURTH SCHEDULE.

Section 16 (1).

RULES FOR ASCERTAINING THE PRICE PAYABLE BY THE CENTRAL ELECTRICITY BOARD TO THE BOARD FOR ELECTRICITY SUPPLIED IN ANY YEAR UNDER SECTION 16 (1).

1. There shall be ascertained in accordance with the Second Schedule to the Electricity (Supply) Act, 1926, the cost of production at each steam generating station operating in the year under the direction of the Central Electricity Board in virtue of section seven of that Act.

2. The cost of production at each of the said stations shall be adjusted by substituting for the sum expended for fuel consumed at the station the sum which would have been so expended had the cost per ton and the calorific value per pound of the fuel so consumed been the same as the average cost per ton and the average calorific value per pound of the fuel consumed in the year at all the steam generating stations operating under section seven of that Act in the area of the Central Scotland Electricity Scheme, 1927.

3. The cost of production adjusted in accordance with the last foregoing paragraph at each of the said stations shall be allocated as between fixed costs and running costs in accordance with the Electricity (Allocation of cost of Production) Regulations, 1929.

4.—(a) The fixed costs at each station so ascertained shall be divided by ten twelfths of the aggregate continuous maximum rating in kilowatts of the generating plant installed at the station at the beginning of the year and the resultant sum shall be the fixed cost per kilowatt at the station.

(b) The running costs at each station so ascertained shall be divided by the number of units supplied from the station in the year and the resultant sum shall be the running cost per unit at the station.

5. The fixed cost per kilowatt at each station shall be multiplied by the maximum number of kilowatts supplied in the year by the Board to the Central Electricity Board under subsection (1) of section sixteen of this Act, and the sum so obtained shall be added to the sum obtained by multiplying the running cost per unit at the station by the number of units so supplied in the year.

6. The lowest resultant sum obtained in accordance with Rule 5 of these Rules shall be the price to be paid by the Central Electricity Board to the Board for the supply in the year.

FIFTH SCHEDULE.

ADAPTATIONS AND MODIFICATIONS OF PROVISIONS OF THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1936 AND OF THE SCHEDULE TO THE ELECTRIC LIGHTING CLAUSES ACT, 1899. Section 21.

PART I.

Adaptations and modifications of the provisions of the Electricity (Supply) Acts, 1882 to 1936.

1. The expression "the Board" means the North of Scotland Hydro-Electric Board and for any reference in the said provisions to the Central Electricity Board there shall be substituted a reference to the Board.

2. The provisions of the said Acts specified in the first column of the following Table shall be adapted and modified in the manner specified in the second column of that Table:—

*Adaptations and Modifications.**The Electric Lighting Act, 1882.*

Section three	...	The section shall not apply to the Board.
Section four	...	The section shall not apply to the Board.
Section nine	...	The section shall not apply to the Board.
Section twelve	...	Paragraph (1) of the section shall not apply to the Board.
Section fourteen	...	The section shall not apply to the Board.
Section nineteen	...	There shall be inserted after the words "such supply" the words "or of any regulations under the Hydro-Electric Development (Scotland) Act, 1943."

The Electric Lighting Act, 1888.

Section two ...	...	The provisions substituted for section twenty-seven of the Electric Lighting Act, 1882, shall not apply to the Board.
Section three	...	The section shall not apply to the Board.

The Electric Lighting Act, 1909.

Section one ...	...	The section shall not apply to the Board.
Section two ...	...	The section shall not apply to the Board.
Section three	...	The section shall not apply to the Board.
Section four	...	The section shall not apply to the Board.
Section six ...	...	In subsection (2) after the words "Electric Lighting Acts" there shall be inserted the words "or by the Hydro-Electric Development (Scotland) Act, 1943," and after the words "Provisional Order" there shall be inserted the words "or by any scheme approved and confirmed under the Hydro-Electric Development (Scotland) Act, 1943." Subsection (3) shall not apply to the Board.
Section seven	...	The section shall not apply to the Board.

5TH SCH.
—cont.*The Electricity (Supply) Act, 1919.*

- Section eleven ... The section shall not apply to the Board.
 Section fifteen ... Subsection (1) shall not apply to the Board.
 Section sixteen ... There shall be inserted after the words "this Act," the words "or section eighteen of the Hydro-Electric Development (Scotland) Act, 1943" and for the words "on an annual salary" in the proviso there shall be substituted the words "in the performance of administrative, professional, clerical, supervisory or technical duties not being a person employed by way of manual labour on a weekly or less than a weekly wage."
 Section twenty-two... The section shall not apply to the Board.
 Section twenty-three ... There shall be inserted after the word "authority," where it first occurs, the words "the Board."
 Section twenty-seven ... The section shall not apply to the Board.
 Section thirty-three ... There shall be inserted after the word "Act," the words "or of the Hydro-Electric Development (Scotland) Act, 1943."

The Electricity (Supply) Act, 1922.

- Section four ... There shall be inserted after the word "authority," wherever it occurs, the words "or the Board;" and after the word "Act," where it occurs for the second and third times, the words "or the Hydro-Electric Development (Scotland) Act, 1943."
 Section six ... There shall be inserted after the word "authority" wherever it occurs the words "or the Board."
 Section eight ... There shall be inserted after the word "Act" the words "or under section eighteen of the Hydro-Electric Development (Scotland) Act, 1943."
 Section eleven ... The section shall not apply to the Board.

The Electricity (Supply) Act, 1926.

- Section one ... The section shall be omitted.
 Section two ... The section shall be omitted.
 Section four ... In paragraph (b) of subsection (1) the words "to be constructed or acquired by the Board" shall be omitted.
 Section five ... In subsection (2) the words "any authorised undertakers or other company or person approved by the Board or failing such authorised undertakers, company or person," the words from "but where the generating station" to "acquire the station," and the words "the authorised undertakers, company or person, or" shall be omitted.
 In subsection (3) for the words from "may carry out" to the end of the subsection there

shall be substituted the words " shall be deemed to have acquired it under the powers and for the purposes of the Hydro-Electric Development (Scotland) Act, 1943, and may carry out such extensions or alterations thereof as are required by the scheme or as may be approved by the Electricity Commissioners."

- Section six ... The section shall be omitted.
- Section seven ... In subsection (4) for the words " the tariff fixed under this Act for the supply of electricity by the Board " there shall be substituted the words " such tariff for the supply of electricity by the Board to authorised undertakers as may be fixed by the Board under subsection (1) of section ten of the Hydro-Electric Development (Scotland) Act, 1943."
- Section nine ... In subsection (2) for the words " this Act," there shall be substituted the words " section twelve of the Hydro-Electric Development (Scotland) Act, 1943."
- Section eleven ... In subsection (1) for the words from " as may be fixed," to the end of the subsection, there shall be substituted the words " for the supply of electricity to authorised undertakers as may be fixed by the Board under subsection (1) of section ten of the Hydro-Electric Development (Scotland) Act, 1943." Subsection (3) shall be omitted.
- Section thirteen ... After the words " this Act," where those words occur for the third time, there shall be inserted the words " and the Hydro-Electric Development (Scotland) Act, 1943 "; and there shall be added at the end of the section the words, " For the purpose of this section it shall be competent to take into account any generating station operated by water power which the undertakers could have been authorised to establish if the aforesaid Acts had not been passed."
- Section seventeen ... In subsection (1) the words " acquired under this Act by any authorised undertakers, company or person or by the Board," shall be omitted, and for the words from " the body so acquiring," to the end of the subsection there shall be substituted the words " the Board."
In subsection (2) for the words " an acquiring authority," there shall be substituted the words " the Board."

5TH SCH.
—cont.

- Section eighteen ... In subsection (1) after the word "approval," in both places where that word occurs there shall be inserted the words "or confirmation," after the words "Electricity Commissioners," there shall be inserted the words "or the Secretary of State," and after the words "Electricity (Supply) Acts, 1882 to 1922," there shall be inserted the words "or the Hydro-Electric Development (Scotland) Act, 1943."
- In subsection (2) after the word "undertakers" there shall be inserted the words "or by the Board"; after the words "Electricity Commissioners" there shall be inserted the words "or the Secretary of State"; after the word "approval" in each place where that word occurs there shall be inserted the words "or confirmation"; after the words "Electricity (Supply) Acts, 1882 to 1922" there shall be inserted the words "or the Hydro-Electric Development (Scotland) Act, 1943"; and after the words "or Commissioners" there shall be inserted the words "or Secretary of State."
- Section twenty ... The section shall be omitted.
- Section twenty-one Subsection (1) shall be omitted.
In subsection (2) for the words "this section," there shall be substituted the words "the Hydro-Electric Development (Scotland) Act, 1943," and the words from "or enable the Board," to the end of the subsection shall be omitted.
- Section twenty-two The section shall be omitted.
- Section twenty-three In subsection (1) there shall be inserted at the beginning the words "subject to the provisions of the Hydro-Electric Development (Scotland) Act, 1943," and the words from "and the Board" to the end of the subsection shall be omitted.
- Section twenty-five The section shall be omitted.
- Section twenty-six ... The section shall be omitted.
- Section twenty-seven The section shall be omitted.
- Section twenty-eight The section shall be omitted.
- Section twenty-nine The section shall be omitted.
- Section thirty ... The section shall be omitted.
- Section thirty-five ... In subsection (1) for the words "any work by this Act authorised" and for the words "any portion of the undertaking by this Act authorised" there shall be substituted the words "any transmission lines of the Board."

- Section forty-two ... In subsection (2) there shall be inserted after the words "Act or Order" the words "or by regulations under section ten of the Hydro-Electric Development (Scotland) Act, 1943"; and there shall be inserted after the word "approval" the words "or regulations."
- Section forty-four ... Subsection (1) shall not apply to the Board. In subsection (2) after the words "Electricity (Supply) Act, 1919" there shall be inserted the words "or the Hydro-Electric Development (Scotland) Act, 1943."
- Section forty-eight ... Subsection (3) shall not apply to the Board. After subsection (5) the following subsection shall be added:—
 "(6) The Board shall have the like powers as are conferred by this section on a joint electricity authority."
- Fourth Schedule ... For the words "on an annual salary" in the proviso there shall be substituted the words "in the performance of administrative, professional, clerical, supervisory or technical duties not being a person employed by way of manual labour on a weekly or less than a weekly wage."

5TH SCH.
—cont.

The Electricity (Supply) Act, 1935.

- Section two ... In subsection (1) the words "and shall be deemed always to have had power," shall be omitted; for the words "that section," there shall be substituted the words "section ten of the Hydro-Electric Development (Scotland) Act, 1943," and the words "after the passing of this Act," in the first proviso, and the second proviso shall be omitted.
 Subsection (2) shall be omitted.

PART II.

*Adaptations and modifications of provisions of the Schedule
to the Electric Lighting (Clauses) Act, 1899.*

1. Sections two to eight, paragraph (b) of section ten, section twelve, paragraph (h) of section sixteen, paragraph (j) of section seventeen, sections thirty-one to thirty-four, thirty-seven, forty-one to forty three, forty-eight and sixty-three to sixty-eight, subsection (3) of section sixty-nine, sections seventy, seventy-four and seventy-five, subsections (2) and (3) of section seventy-six and section seventy-eight shall not apply to the Board.

2. In the application to the Board of section one, paragraphs (a) and (c) of section ten, section thirteen, subsection (3) of section eighteen, subsections (2) and (3) of section twenty-one, sections twenty-five,

5TH SCH.
—cont.

thirty-eight, thirty-nine, forty-seven, forty-nine to fifty-one, fifty-five, fifty-nine and sixty, subsections (1) and (2) of section sixty-nine and section seventy-three references to the Electricity Commissioners shall be substituted for references to the Board of Trade.

3. The sections of the said Schedule specified in the first column of the following table shall, in their application to the Board, be adapted and modified in the manner specified in the second column of that table:—

Adaptations and Modifications.

- | | |
|-----------------|--|
| Section one ... | <p>... For the words "Electric Lighting Acts" there shall be substituted the words "Electricity (Supply) Acts 1882 to 1936." For the definition of "the Special Order" there shall be substituted the following definition:—The expression "the Special Order" means "the Hydro - Electric Development (Scotland) Act, 1943, or any scheme approved and confirmed thereunder except that in section twenty-one of this Schedule, the said expression means a distribution scheme approved and confirmed under the said Act." There shall be inserted after the definition of "the Special Order" the words "The expression 'the Undertakers' means the North of Scotland Hydro-Electric Board." In the definition of the expression "main" the words "which may be laid down by the undertakers in any street or public place and" shall be omitted. In the definition of the expression "consumers terminals" the words "and belonging to him" shall be omitted. The definition of the expression "deposited map" shall be omitted.</p> |
| Section nine... | <p>... For the section there shall be substituted the following section:—
"9. No matter or thing done and no contract entered into by the Undertakers, and no matter or thing done by any member of the Undertakers or by any officer of the Undertakers or other person whomsoever acting under the direction of the Undertakers shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing the Special Order, subject them or any of them personally to any action, liability claim or demand whatsoever; and any expense incurred by the Undertakers, member, officer or other person</p> |

acting as last aforesaid shall be borne and repaid out of the fund applicable by the Undertakers to the general purposes of the Special Order."

- Section twenty ... In subsections (1) and (2) there shall be inserted after the words "signalling communication" the words "or electrical control of railways."
- Section twenty-three The words from "continues" in subsection (1) to the end of the section shall be omitted.
- Section twenty-four In subsection (1) there shall be substituted for the words "distributing mains," the words "a distributing main;" after the words "throughout any street or part of a street," there shall be inserted the words "or along any other route;" after the words "along that street or part of a street," there shall be inserted the words "or within reasonable proximity of such route;" and the words "are not themselves the Undertakers and," shall be omitted.
- Section thirty-five ... For the section there shall be substituted the following section:—
 "35. The Electricity Commissioners on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under the Special Order and the fees or expenses reasonably incurred by any such inspectors in the performance of their duties shall be paid by the undertakers or by consumers as the Electricity Commissioners may direct."
- Section thirty-six ... In subsection (1) the words "periodically and in special cases" shall be omitted.
 For subsection (2) there shall be substituted the following subsection:—
 "(2) The Electricity Commissioners may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the Electricity Commissioners."
- Section sixty ... In subsection (2) there shall be inserted after the word "supply" the words "or at their offices most convenient to the area of supply."

5TH SCH.
—cont.

Section sixty-two ... In subsection (1) for paragraphs (a) and (e) the following paragraphs shall be respectively substituted :—

(a) in the case of the Secretary of State, the Board of Trade, the Minister of Fuel and Power, and the Electricity Commissioners, their respective offices.

(e) in the case of the Undertakers, the office of the Undertakers.

Section eighty-two ... For the words " Act confirming the Special Order " there shall be substituted the words " Hydro-Electric Development (Scotland) Act, 1943."

SIXTH SCHEDULE.

Section 24.

PROVISIONS AS TO INQUIRIES.

1. The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.

2. The person appointed to hold the inquiry shall notify the Board and any person who has lodged objections to the scheme which is the subject of the inquiry, and shall publish in such newspaper or newspapers as the Secretary of State may direct a notice, of the time when and the place where the inquiry is to be held.

3. Except with the sanction of the person appointed to hold the inquiry, no person other than the Board or a person who has lodged objections to the scheme which is the subject of the inquiry shall be entitled to appear or to be represented at the inquiry.

4. The person appointed to hold the inquiry may, on the motion of any party thereto, or of his own motion, require any person by notice in writing—

(a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ; or

(b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed to hold the inquiry may think fit and as the person so required is able to furnish.

Provided that—

(i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and

(ii) such a notice shall not require the production of plans or the furnishing of particulars prepared before the passing of this Act for the purposes of any scheme for the development of water power resources in the North of Scotland District.

5. The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

6. The inquiry shall be held in public.

7. Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 4 of this Schedule, or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement under paragraph 4 of this Schedule of the person appointed to hold the inquiry shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

8. The Secretary of State shall communicate to each party to the inquiry the recommendations made by the person appointed to hold it.

9. The expenses incurred by the Secretary of State in relation to the inquiry (including such reasonable sum as the Secretary of State may determine for the services of the person appointed to hold the inquiry) shall be paid by the parties to the inquiry as the Secretary of State may order.

10. The Secretary of State may make orders as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.

11. Any order by the Secretary of State under paragraph nine or paragraph ten of this Schedule requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.

CHAPTER 33.

Nurses (Scotland) Act, 1943.

ARRANGEMENT OF SECTIONS.

PART I.

ENROLMENT OF ASSISTANT NURSES.

Section.

1. Roll of Assistant Nurses.
2. Rules.
3. The Assistant Nurses Committee.
4. Fees.
5. Appeal against removal from roll, and against refusal to approve institution.
6. Restriction on use of title of nurse and assistant nurse and penalties for misuse of certificates and falsification.

PART II.

AGENCIES FOR THE SUPPLY OF NURSES.

7. Conduct of agencies for supply of nurses.
8. Licensing of agencies.
9. Powers of entry and inspection.
10. Penalties.
11. Application of Part II and of existing enactments.
12. Supplemental.

PART III.

MISCELLANEOUS AND GENERAL.

Section.

13. Power to prescribe qualifications of teachers of nurses.
14. Reduction in certain cases of period of training for admission to register.
15. Penalty for false representation that another is a registered or enrolled nurse.
16. Procedure as to rules and regulations.
17. Amendment of s. 2 (3), s. 3 (2) and s. 8 (2) of principal Act.
18. List of certain nurses not registered or enrolled.
19. Application of fees, and expenses of Council.
20. Interpretation.
21. Short title, citation and extent.

SCHEDULES :

First Schedule.—Constitution and Proceedings of Assistant Nurses Committee.

Second Schedule.—List of Nurses not Registered or Enrolled.

An Act to make provision in Scotland for the enrolment of assistant nurses for the sick, for the restriction of the use of the name or title of nurse, and for the regulation of agencies for the supply of nurses for the sick, and to amend the Nurses Registration (Scotland) Act, 1919. [5th August 1943.]

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

PART I.

ENROLMENT OF ASSISTANT NURSES.

Roll of
assistant
nurses.

1.—(1) It shall be the duty of the General Nursing Council for Scotland (in this Act referred to as "the Council") to form and keep a roll of assistant nurses subject to and in accordance with the provisions of this Act.

(2) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly enrolled shall be evidence in all courts of law of the fact stated in the certificate.

Rules.

2.—(1) The Council shall make rules for the following purposes—

- (a) for regulating the formation, maintenance and publication of the roll ;
- (b) for regulating the conditions of admission to the roll ;

- (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the roll, and any matters ancillary to or connected with any such examinations ;
 - (d) for prescribing the causes for which, the conditions under which and the manner in which persons may be removed from the roll, the procedure for the restoration to the roll of persons who have been removed therefrom, and the fee to be payable on such restoration ;
 - (e) generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Part of this Act into effect (including provision with respect to the issue of certificates to persons enrolled and with respect to the uniform or badge which may be worn by persons enrolled), and for prescribing anything which under this Part of this Act is to be prescribed.
- (2) Rules made under this section shall contain provisions—
- (a) requiring as a condition of the admission of any person to the roll that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in nursing ; and
 - (b) requiring that the prescribed training shall be carried out in an institution approved by the Council in that behalf or in the service of the Admiralty, the Army Council or the Air Council or in a hospital managed by a Government Department ; and
 - (c) enabling persons who, within the period of two years after the date on which the rules to be made under the provisions of this paragraph first come into operation, make an application in that behalf (in this Act referred to as “an existing assistant nurse’s application”), to be admitted to the roll on producing evidence to the satisfaction of the Council that they are of good character, are of the prescribed age, are persons who were for at least the prescribed period before the passing of this Act bona fide engaged in practice as nurses under conditions which appear to the Council to be satisfactory for the purposes of this provision and have such knowledge and experience of nursing as to justify their enrolment.
- (3) Unless Parliament shall hereafter otherwise determine, nothing in rules made under this section shall enable a course of training begun after the expiry of five years from the commencement of this Act to qualify any person for admission to the roll.

PART I.
—cont.

(4) The Council shall make rules under this section enabling persons enrolled as assistant nurses in England and Wales and, if provision is made by the Parliament of Northern Ireland for the establishment of a roll of assistant nurses in Northern Ireland, persons enrolled as assistant nurses there, to obtain admission to the roll established under this Part of this Act.

(5) With a view to securing a uniform standard of qualification in all parts of the United Kingdom, the Council shall consult with the General Nursing Council for England and Wales and, if provision is made as aforesaid by the Parliament of Northern Ireland, with the body responsible for keeping the roll in Northern Ireland before making any rules or, as the case may be, any further rules under this section with respect to the conditions of admission to the roll.

The Assistant
Nurses
Committee.

3.—(1) There shall be a Committee of the Council, to be called the Assistant Nurses Committee (in this Act referred to as "the Committee"), constituted in accordance with the provisions contained in the First Schedule to this Act.

(2) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Committee and any other matter may be referred by the Council to the Committee; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that the following matters, that is to say—

- (a) any question whether any person shall be removed from or restored to the roll, and any matter arising out of any such question; and
- (b) any other matter referred to the Committee in so far as the Council expressly authorise the Committee to deal with it,

shall be finally dealt with by the Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

(3) The Council may pay to members of the Committee sums (to be calculated in accordance with directions to be given by the Secretary of State) in respect of their travelling expenses and by way of subsistence allowance.

Fees.

4.—(1) There shall be paid to the Council in respect of every application to be examined or to be enrolled under this Act, and in respect of the retention in any year of the name of any person on the roll, such fees respectively as the Council may, with the approval of the Secretary of State, from time to time determine:

Provided that—

- (a) in the case of an existing assistant nurse's application, the amount of the fee payable on the application shall be such sum, not exceeding one guinea, as the Council, with such approval as aforesaid, may determine; and
- (b) the amount of the fee payable in respect of the retention in any year of the name of any person on the roll shall not exceed two shillings and sixpence.

(2) It is hereby declared that the power conferred on the Council by subsection (2) of section five of the principal Act to charge fees for certificates and documents issued, and services performed, by them extends to certificates, documents and services issued and performed under this Part of this Act.

5.—(1) Any person aggrieved by the removal of his name from the roll may, within three months after the date on which notice is given to him by the Committee that his name has been so removed, appeal against the removal to the Court of Session, and on any such appeal the Court of Session may give such directions in the matter as it thinks proper, including directions as to the expenses of the appeal, and the order of the Court of Session shall be final. Appeal against removal from roll, and against refusal to approve institution.

(2) Any person aggrieved by the refusal of the Council to approve any institution for the purposes of the rules under this Act relating to training may appeal against the refusal to the Secretary of State and the Secretary of State, after considering the matter, shall give such directions thereon as he thinks proper, and the Council shall comply with any directions so given.

6.—(1) As from such date as the Secretary of State may by order direct, any person who, not being a duly registered nurse under the principal Act or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and in the case of a second or any subsequent offence, fifty pounds: Restriction on use of title of nurse and assistant nurse and penalties for misuse of certificates and falsification.

Provided that (without prejudice to the provisions of section eight of the principal Act)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse;
- (b) the Secretary of State may by regulations authorise the use, either generally or by specified classes of persons or in

PART I.
—cont.

PART I.
—cont.

specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations ;

(c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him.

(2) Any person who—

(a) not being a person duly enrolled, takes or uses any name, title, addition, description, uniform or badge, implying that he is enrolled or is recognised by law as enrolled ; or

(b) at any time with intent to deceive makes use of any certificate of enrolment issued to him or to any other person,

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(3) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the roll, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

PART II.

AGENCIES FOR THE SUPPLY OF NURSES.

Conduct of
agencies for
supply of
nurses.

7.—(1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—

(a) registered nurses ;

(b) enrolled assistant nurses ;

(c) certified midwives ;

(d) such other classes of persons as may be prescribed.

(2) A person carrying on an agency for the supply of nurses shall, at the prescribed time and in the prescribed manner, give to every person to whom he supplies a nurse, midwife or other person a statement in writing in the prescribed form as to the qualifications of the person supplied.

(3) No person shall carry on an agency for the supply of nurses unless the selection of the person to be supplied for each particular case is made by or under the supervision of a registered nurse or a registered medical practitioner.

(4) A person carrying on an agency for the supply of nurses shall keep such records in relation thereto as may be prescribed.

8.—(1) No person shall carry on an agency for the supply of nurses on any premises in the area of any licensing authority unless he is the holder of a licence from that authority authorising him so to do on those premises.

PART II.
—cont.
Licensing of
agencies.

(2) Subject to the provisions of this section, if any person who desires to carry on an agency for the supply of nurses in the area of any licensing authority makes an application in that behalf to that authority in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to that authority such fee as may be prescribed, the authority shall grant him a licence accordingly, subject, however, to such conditions as they may think fit for securing the proper conduct of the agency, including conditions as to the fees to be charged by the person carrying on the agency, whether to the nurses or other persons supplied, or to the persons to whom they are supplied.

(3) Any such application may be refused, and any such licence which has been granted may be revoked, on any of the following grounds, that is to say—

- (a) that the applicant or, as the case may be, the holder of the licence is an individual under the age of twenty-one years or is unsuitable to hold such a licence ;
- (b) that the premises are unsuitable ;
- (c) that the agency has been or is being improperly conducted ; or
- (d) that offences against this Part of this Act have been committed in connection with the carrying on of the agency.

(4) An applicant for or holder of any such licence who is aggrieved by the refusal of the licensing authority to grant such a licence, or by the revocation by the licensing authority of the licence, or by any conditions attached to the licence, may, within twenty-one days from the receipt by him of notice of the refusal or of the revocation or of the grant of the licence subject to the conditions, appeal to the sheriff within whose jurisdiction the premises are situate, who may make such order as he thinks just ; and the authority shall, if required by any such applicant or holder in writing so to do, send or deliver to him within seven days of the receipt of the requirement particulars in writing of the ground for the refusal, the revocation or the attachment of the conditions, as the case may be.

(5) An application under this Part of this Act for the grant of a licence in respect of an agency in respect of which a licence is in force at the time of the application shall not be refused and a licence under this Part of this Act shall not be revoked by a

PART II.
—cont.

licensing authority unless the holder has been given an opportunity of being heard by the licensing authority or a committee thereof.

(6) Every licensing authority shall in each year cause an annual meeting (either of the authority themselves or, if under any powers enabling them in that behalf, they have delegated their powers under this section to a committee, of that committee) to be held for the purpose of considering applications for licences under this Part of this Act, and every licence granted under this Part of this Act shall (unless revoked) be valid until the thirty-first day of December in the year next following that in which the licence is granted and no longer :

Provided that nothing in this subsection shall be construed as preventing the consideration of applications otherwise than at any such annual meeting.

(7) On the death of the holder of a licence under this Part of this Act, the licence shall enure for the benefit of his personal representatives, and references in this Part of this Act to the holder of such a licence shall be construed accordingly.

Powers of
entry and
inspection.

9. Any registered nurse or other officer duly authorised in that behalf by the licensing authority may at all reasonable times on producing, if so required, some duly authenticated document showing his authority—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used, or which that officer has reasonable cause to believe are used, for the purposes of or in connection with an agency for the supply of nurses ; and
- (b) inspect those premises and the records kept in connection with any such agency as aforesaid carried on at those premises,

and no person shall obstruct any such officer in the execution of his duty.

Penalties.

10.—(1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section seven of this Act or without a licence under this Part of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds and, if he continues so to do after conviction, he shall be guilty of a further offence and shall be liable on summary conviction in respect thereof to a fine not exceeding five pounds for each day on which he so continues so to carry on the agency.

(2) Any person who carries on an agency for the supply of nurses otherwise than in accordance with the conditions of his licence shall be liable on summary conviction to a fine not exceeding five pounds and, if the contravention in respect of which

he was so convicted is continued after the conviction, shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding two pounds for each day on which the contravention is so continued.

PART II.
—cont.

(3) Any person carrying on an agency for the supply of nurses who, in carrying on that agency, supplies any person in contravention of the provisions of subsection (1) of section seven of this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) Any person who—

- (a) makes or causes to be made or knowingly allows to be made any entry in a record required to be kept under this Part of this Act, which he knows to be false in a material particular, or for purposes connected with this Part of this Act produces or furnishes, or causes or knowingly allows to be produced or furnished any record or information which he knows to be false in a material particular; or
- (b) for the purpose of obtaining a licence under this Part of this Act makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

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

(5) Any person who commits any contravention of this Part of this Act for which no special penalty is thereby provided shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) Where the person carrying on an agency for the supply of nurses is convicted under this Part of this Act of an offence committed in the carrying on of that agency on any premises, the court may (in lieu of or in addition to imposing any other penalty) make an order revoking the licence (if any) under this Part of this Act authorising the carrying on of that agency on those premises.

(7) Where any offence against this Part of this Act by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

11.—(1) The foregoing provisions of this Part of this Act shall not apply to any agency for the supply of nurses carried on in connection with any hospital maintained or controlled by a

Application
of Part II
and of existing
enactments.

PART II.
—cont.

Government department or local authority or combination of local authorities, or by any body constituted by special Act of Parliament or incorporated by Royal Charter.

(2) Any provisions relating to employment agencies or servants registries contained in any local Act shall not apply to an agency for the supply of nurses, but this subsection shall not be taken as exempting from any such provisions any other business carried on in conjunction with an agency for the supply of nurses.

Supplemental. 12.—(1) In this Part of this Act the following expressions have the meanings respectively assigned to them, that is to say—

“agency for the supply of nurses” means the business (whether or not carried on for gain and whether or not carried on in conjunction with another business) of supplying persons to act as nurses or of supplying persons to act as nurses and persons to act as midwives ;

5 & 6 Geo. 5.
c. 91.

“certified midwife” means a person certified under the Midwives (Scotland) Act, 1915, and includes any person who, by virtue of an order made under Defence Regulations, is for the time being deemed, for the purposes of subsection (1) of section one of the Maternity Services (Scotland) Act, 1937, to be a certified midwife ;

1 Edw. 8 &
1 Geo. 6.
c. 30.

“county” means a county inclusive of any small burgh within the meaning of the Local Government (Scotland) Act, 1929, situate in the county ;

19 & 20
Geo. 5. c. 25.

“licensing authority” means—

- (a) in the case of a large burgh within the meaning of the last mentioned Act, the town council ;
- (b) in the case of counties combined for the purposes mentioned in subsection (7) of section ten of the last mentioned Act, the joint county council ; and
- (c) in the case of any other county, the county council.

(2) The Secretary of State may make regulations prescribing anything which under this Part of this Act is to be prescribed.

(3) Any expenses incurred under this Part of this Act by a county council, a joint county council or a town council shall be defrayed in like manner as expenses incurred by them under the Public Health (Scotland) Act, 1897.

60 & 61 Vict.
c. 38.

(4) This Part of this Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different purposes and for different provisions thereof and for different areas.

PART III.

MISCELLANEOUS AND GENERAL.

13. The power of the Council to make rules under section three of the principal Act shall extend to the making of rules providing for the giving of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.

Power to prescribe qualifications of teachers of nurses.

14. In order that persons enrolled as assistant nurses, who have at any time before their admission to the roll undergone training with a view to qualifying for admission to the register, but have not so qualified, may be encouraged so to qualify, the Council shall, by rules under section three of the principal Act, provide for such reduction as they may think appropriate in the case of such persons of the period of training prescribed under the said section.

Reduction in certain cases of period of training for admission to register.

15. Any person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

Penalty for false representation that another is a registered or enrolled nurse.

16.—(1) At least thirty days before making any rules under section three of the principal Act or under Part I of this Act notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published by the Council in the Edinburgh Gazette, and in such other manner as the Council think best adapted for ensuring publicity.

Procedure as to rules and regulations.

(2) Rules made by the Council under section three of the principal Act or under Part I of this Act shall not come into operation unless and until they are approved by the Secretary of State.

(3) Every such rule so approved, and every regulation made under this Act by the Secretary of State, shall be laid before each House of Parliament forthwith, and, if, within the next forty days, either House of Parliament resolves that the rule or regulation shall be annulled, the rule or regulation shall thereupon cease to have effect, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new rule or regulation.

PART III.
—cont.

In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Subsections (4) (5) and (6) of section three of the principal Act are hereby repealed, except as respects rules made before the passing of this Act.

Amendment
of s. 2 (3),
s. 3 (2) and
s. 8 (2) of
principal Act.

17.—(1) Subsection (3) of section two of the principal Act (which provides that a certificate under the seal of the Council, duly authenticated, stating that a person is, or was at any date, or is not, or was not at any date, duly registered under that Act shall be conclusive evidence in all courts of law of the fact stated in the certificate) shall have effect with the omission of the word “conclusive.”

(2) Subsection (2) of section three of the principal Act (which relates to rules with respect to the conditions of admission to the register) shall have effect as if in paragraph (b) thereof the word “either” were omitted and after the words “Air Council” there were inserted the words “or in a hospital managed by a Government Department.”

(3) Subsection (2) of section eight of the principal Act (which relates to falsification of the register) shall have effect with the substitution for the words “a crime and” of the word “an”, and with the substitution for the words “on conviction thereof” of the words “on summary conviction”.

List of certain
nurses not
registered or
enrolled.

18.—(1) The Council shall form and keep a list, subject to and in accordance with the provisions of the Second Schedule to this Act, of such persons as are mentioned in the next succeeding subsection, and the provisions of that Schedule shall have effect in relation to the list.

(2) The said persons are any persons, not being registered nurses or enrolled assistant nurses, who, within two years from the passing of this Act, apply, on a form provided for the purpose by the Council, for admission to the list, who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of October, nineteen hundred and twenty-five, a course of training in nursing in the institution, and who satisfy the Council that they are of good character and have adequate knowledge and experience of nursing.

(3) Any person who—

(a) being a person whose name is included in any part of the list, says or does anything implying that his name is included in some other part thereof; or

- (b) at any time with intent to deceive makes use of any certificate issued to him or to any other person as a person included in the list,

PART III.
—cont.

shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.

(4) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the list, he shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding one hundred pounds.

19. Any sums received by the Council by way of fees under this Act shall be dealt with by the Council as if they had been received by way of fees under the principal Act, and any expenses incurred by the Council in carrying Parts I and III of this Act into effect (including expenses in connection with examinations and any travelling expenses or subsistence allowances duly allowed to members of the Committee) shall be defrayed out of fees received by the Council.

Application of fees, and expenses of Council.

20. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

“ the roll ” means the roll of assistant nurses established under Part I of this Act, and “ enrol ” and “ enrolment ” shall be construed accordingly ;

“ the principal Act ” means the Nurses Registration (Scotland) Act, 1919 ;

9 & 10 Geo. 5.
c. 95.

“ nurse ” means a nurse for the sick and “ nursing ” shall be construed accordingly ;

“ the register ” means the register of nurses established under the principal Act, and “ registered ” shall be construed accordingly ;

“ children’s nurse ” means a person whose avocation is that of caring for children.

21.—(1) This Act may be cited as the Nurses (Scotland) Act, 1943, and this Act and the principal Act may be cited together as the Nurses (Scotland) Acts, 1919 and 1943.

Short title, citation and extent.

(2) This Act shall extend to Scotland only.

SCHEDULES.**FIRST SCHEDULE.**

Section 3.

CONSTITUTION AND PROCEEDINGS OF ASSISTANT NURSES COMMITTEE.

1. The Committee shall consist of five persons appointed by the Council and four representatives of assistant nurses.

The persons appointed by the Council shall be members of the Council, but at least one of them shall not be a registered nurse.

2. On the first constitution of the Committee the four representatives of assistant nurses shall be appointed by the Secretary of State after consultation with such persons and bodies as he thinks fit, being persons and bodies having special knowledge and experience of the work of assistant nurses.

3. The first members of the Committee shall hold office for three years from the first constitution of the Committee or such longer period as the Secretary of State may from time to time determine.

4. After the expiration of the term of office of the first members of the Committee, three of the four representatives of assistant nurses shall be such persons, being registered nurses or enrolled assistant nurses, as may be elected in accordance with the prescribed scheme and in the prescribed manner by persons enrolled on the date of the election, and the remaining representative of assistant nurses shall be appointed by the Secretary of State.

5. Any members of the Committee other than the first members thereof shall hold office for a term of five years.

6. If the place of a member of the Committee becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled, if the member was appointed by the Council, by the Council, and, if the member represented assistant nurses, by the Secretary of State.

Any person appointed to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed would have held office.

7. Any person ceasing to be a member of the Committee shall be eligible for re-appointment or re-election.

8. The powers of the Committee may be exercised notwithstanding any vacancy in their number.

9. The chairman of the Committee shall be such one of the members of the Committee, being a member appointed by the Council, as may be selected by the Committee.

10. The quorum of the Committee shall be four.

11. The Committee may, with the approval of the Council, make standing orders regulating the summoning of meetings of the Committee and the proceedings of the Committee.

SECOND SCHEDULE.

Section 18.

LIST OF NURSES NOT REGISTERED OR ENROLLED.

1. Every person admitted to the list shall be granted a certificate of admission thereto by the Council.

2. A certificate under the seal of the Council duly authenticated stating that any person is or was at any date, or is not or was not at any date, included in the list shall be evidence in all courts of law of the fact stated in the certificate.

3. The list shall be printed and published as an appendix to the register, and shall (except for such modifications as may be necessary in the form of any documents) be kept in respect of the following matters in the same way as the register, that is to say—

- (a) the parts into which it is divided ;
- (b) the payment and amount of any fees on an application for admission or for any certificate issued by the Council ;
- (c) the procedure, and the payment and amount of any fees, for the retention or re-inclusion of a name in the list ;
- (d) the circumstances in which a name may be removed from the list and the procedure for the removal,

and the removal of any name from the list shall be subject to the same right of appeal as in the case of the register.

4. Any person included in any part of the list kept in England and Wales under section eighteen of the Nurses Act, 1943, and, if provision is made by the Parliament of Northern Ireland for the establishment of a similar list in Northern Ireland, any person included in any part of that list shall be entitled to be admitted to the corresponding part of the list under this Act on production of similar evidence and payment of the same fees as are required in the case of a nurse registered in England and Wales or Northern Ireland who seeks admission to the register. 6 & 7 Geo. 6. c. 17.

5. In this Schedule references to the list shall, unless the context otherwise requires, include references to a part of the list.

CHAPTER 34.

An Act to authorise the making of arrangements during the present war period for enabling development which is expedient in the public interest to be carried out and maintained for the time being notwithstanding the refusal of consent under the Restriction of Ribbon Development Act, 1935, to permanent development; to regulate the effect of temporary arrangements already made for the purposes of that Act during the said period; and to amend section eleven of that Act.

[5th August 1943.]

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

Postpone-
ment of
enforcement
of restric-
tions under
25 & 26

Geo. 5. c. 47 in
certain cases.

1.—(1) Where an application made to a highway authority for any consent which they have power to give under section one or section two of the Restriction of Ribbon Development Act, 1935 (hereinafter referred to as "the principal Act") is refused by that authority at any time during the present war period, but it appears to that authority to be inexpedient in the public interest to prevent the building, excavation, means of access or works in respect of which the application was made from being erected, made, constructed, formed or laid out and maintained during the remainder of that period, they may serve on the person by whom the application was made a notice stating that if, notwithstanding the refusal of the application, the building or excavation is erected or made, or the means of access or works constructed, formed or laid out, in contravention of restrictions in force under the said section one or the said section two, no action will be taken under section eleven of the principal Act in respect of the contravention until after the expiration of that period.

(2) If, at any time during the present war period, it appears to a highway authority that any building or excavation has been erected or made, or any means of access or works constructed, formed or laid out, in contravention of such restrictions as aforesaid, but that it is inexpedient in the public interest to prevent the building, excavation, means of access or works from being maintained during the remainder of that period, they may serve on the person by whom the contravention was committed a notice specifying the contravention, and stating that no action will be taken under the said section eleven in respect thereof until after the expiration of that period.

(3) Where a notice is served under either of the foregoing subsections with respect to any building, excavation, means of access, or works—

(a) no criminal proceedings shall, whether before or after the expiration of the present war period, be taken under the said section eleven in respect of the erection, making, construction, formation or laying out of the building, excavation, means of access or works; and

(b) the highway authority shall not, in the exercise of their powers under that section demolish the building, fill up the excavation, close up the means of access or remove the works, as the case may be, until after the expiration of that period.

(4) If upon an application made to a highway authority for any such consent as is mentioned in subsection (1) of this section the highway authority, at any time since the third day of September, nineteen hundred and thirty-nine and before the commencement of this Act, have purported to give any consent which they have power to give under the said section one or section two of the principal Act conditionally upon the subsequent removal of any building, excavation, means of access, or works, erected, made, formed, laid out or constructed in accordance therewith, or have otherwise entered into any agreement or undertaking for postponing the exercise of their powers under the said section eleven of the principal Act or otherwise for securing the removal or closing up of the building, excavation, means of access, or works to which the application related, the highway authority shall not be deemed to have given their consent under the said sections one or two but the provisions of the last foregoing subsection shall apply in relation to the building, excavation, means of access, or works in like manner as if a notice under subsection (1) or subsection (2) of this section had been served by that authority with respect to the building, excavation, means of access, or works in respect of which the application was made:

Provided that where any such consent as aforesaid was given subject to conditions other than conditions with respect to the subsequent removal of the building, excavation, means of access or works, those conditions may be enforced under the said section eleven notwithstanding anything in the foregoing provisions of this subsection.

(5) If, after the expiration of the present war period, the Minister is satisfied that there has been unreasonable delay in the exercise by any highway authority of their powers under the said section eleven in relation to any building, excavation, means of access or works in respect of which a notice has been served under subsection (1) or subsection (2) of this section, or

to which the provisions of subsection (3) of this section apply as if such a notice had been served, and that the exercise of those powers is required in the interests of the amenities of the locality or of well planned development, he may give directions requiring them to exercise those powers, and any such directions may be enforced by mandamus.

(6) In this section, references to a highway authority shall, in relation to trunk roads, be construed as references to the authority by whom functions are exercisable under section four of the Trunk Roads Act, 1936; the expression "the present war period" means the period beginning with the third day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council appoint; and other expressions have the same meaning as in the principal Act as amended by any subsequent enactment.

1 Edw. 8 and
1 Geo. 6.
c. 5.

Amendment
of s. 11 of
principal Act.

2. In the proviso to subsection (1) of section eleven of the principal Act (which relates to the procedure to be followed for the enforcement of restrictions without criminal proceedings) for the words from "if that person" to "the appellant" there shall be substituted the words "at any time before the expiration of that period that person may apply to a court of summary jurisdiction for the petty sessional division in which the building, excavation, means of access, or works are situated, for an order determining whether the building, excavation, means of access, or works were erected, made, constructed, or laid out in contravention of such restrictions as aforesaid, and the applicant".

Short title
and citation.

3. This Act may be cited as the Restriction of Ribbon Development (Temporary Development) Act, 1943, and this Act and the principal Act may be cited together as the Restriction of Ribbon Development Acts, 1935 and 1943.

CHAPTER 35.

Foreign Service Act, 1943.

ARRANGEMENT OF SECTIONS.

PART I.

SUPERANNUATION.

Section.

1. Amendment of superannuation enactments relating to diplomatic service.
2. Superannuation benefits on termination of service before retiring age.
3. Recall from abroad during war period to less remunerative office.
4. Retiring age for former members of China consular service.
5. Interpretation, construction and citation of Part I.

PART II.

MODIFICATION OF ENACTMENTS CONSEQUENTIAL ON ESTABLISHMENT OR
REORGANIZATION OF HIS MAJESTY'S FOREIGN SERVICE.

Section.

6. Modification of enactments.

PART III.

GENERAL.

7. Short title and references to enactments.

SCHEDULE.—Enactments modified.

An Act to make further provision as respects the superannuation benefits of members of His Majesty's foreign service, and to make such amendments of enactments as are consequential on the establishment and reorganization of that service.

[5th August 1943.]

WHEREAS His Majesty has been pleased, by an Order in Council entitled the Foreign Service Order, 1943, to provide that His Foreign Office and diplomatic service, His commercial diplomatic service and His consular service shall be amalgamated and form one service to be called "His Majesty's foreign service":

And whereas it is expedient to make further provision as respects the superannuation benefits of members of His Majesty's foreign service, and to make such amendments of enactments as are consequential on the establishment and reorganization of that service:

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

PART I.

SUPERANNUATION.

- 1.—(I) For the purposes of the following enactments namely—
- (a) the Diplomatic Salaries &c. Act, 1869 (which regulates the superannuation benefits of persons in the diplomatic service who elected to remain subject thereto under section two of the next-mentioned Act); and
 - (b) the Superannuation (Diplomatic Service) Act, 1929 (which regulates the superannuation benefits of other persons in the diplomatic service),
- Amendment of
superannua-
tion enact-
ments relating
to diplomatic
service.
32 & 33 Vict.
c. 43.
19 & 20 Geo. 5.
c. 11.

PART I.
—cont.

members of His Majesty's foreign service performing duties certified by the Secretary of State to correspond to those formerly performed by persons in the diplomatic service shall be deemed to be persons in the diplomatic service.

(2) In subsection (2) of section three of the Superannuation (Diplomatic Service) Act, 1929 (which defines the expression "minister" to include an agent and consul general), the words "agent and" are hereby repealed.

(3) This section shall be deemed to have had effect as from the date of the Foreign Service Order, 1943.

Super-
annuation
benefits on
termination of
service before
retiring age.

2.—(1) If after the commencement of this Act—

- (a) the employment in His Majesty's foreign service of a member thereof of a grade not lower than that of second secretary is terminated before the retiring age; and
- (b) the Secretary of State certifies that the termination of his employment is desirable in the public interest, having regard to his qualifications and the conditions existing in the service;

then, a superannuation allowance and an additional allowance of the amount hereinafter provided may be granted to him notwithstanding the provisions of section ten of the Superannuation Act, 1859:

Provided that nothing in this section shall alter so much of section two of the Superannuation Act, 1859, as requires a service of ten years before an allowance can be granted.

(2) The amount of any such allowance shall be such amount as could have been granted to the member in question by way of that allowance under the Superannuation Acts apart from the said section ten, together with such additional amount, if any, by way of special increase as may appear to the Treasury on the recommendation of the Secretary of State to be reasonable having regard to all the circumstances, subject to the following provisions, that is to say—

- (a) the special increase added either to the superannuation allowance or to the additional allowance shall not be such as to bring the amount of that allowance up to more than the maximum that could have been granted to the officer by way of such allowance after any number of years of service;
- (b) the special increase added to the superannuation allowance shall not exceed one hundred pounds per annum, except that, if the amount of that allowance apart from the special increase would be less than two hundred pounds per annum, such greater special increase may be granted as

may be required to bring the amount of that allowance up to three hundred pounds per annum ;

PART I.
—cont.

- (c) the special increase added to the additional allowance shall not exceed three hundred pounds, except that, if the amount of that allowance apart from the special increase would be less than six hundred pounds, such greater special increase may be granted as may be required to bring the amount of that allowance up to nine hundred pounds.

3.—(1) Where, whether before or after the commencement of this Act, a member of His Majesty's foreign service—

- (a) has been recalled at any time during the war period from an office abroad (hereafter referred to as "his old office"); and
- (b) after his recall has served for any time during the war period in an office under the Crown (hereafter referred to as "his temporary office") the salary of which is paid out of moneys provided by Parliament, but is less than the salary of his old office for that time ;

then, if the Secretary of State certifies that he was recalled by reason of war circumstances, the amount of any benefit granted to him, or to any other person by reference to his service, under the Superannuation Acts may be calculated as if the salary of his temporary office had been equal to the salary of his old office for that time.

(2) The foregoing subsection shall apply to a member of His Majesty's foreign service who has been recalled as therein mentioned, whether at the time of his recall he was a member of that service or a member of His Majesty's Foreign Office and diplomatic service, commercial diplomatic service or consular service.

(3) Where a person as to whom subsection (1) of this section has effect remains for any time after the expiration of the war period in the same office as he was holding at the expiration thereof, that time shall be treated for the purposes of that subsection as if it had been a part of the war period.

(4) For the purposes of this section, the expression "salary" includes emoluments, and the salary of his old office, in relation to any person and for any time, shall be taken to be the salary on which a superannuation allowance granted to him would, as regards that time, have fallen to be calculated if he had served for that time in his old office.

4.—(1) For the purposes of subsection (1) of section seven of the Superannuation Act, 1935 (which reduced the retiring age for persons spending their whole service in His Majesty's consular service in China), a member of His Majesty's foreign

Retiring age
for former
members of
China consular
service
25 & 26 Geo. 5.
c. 23.

PART I.
—cont.

service who was a member of the said consular service (hereafter referred to as "the China service") at the time when it ceased to be a separate branch of His Majesty's consular service shall be treated as if he had remained a member thereof during the period of any such service as is hereinafter mentioned, that is to say—

(a) any service spent by him after that time in His Majesty's consular service or foreign service at any place (whether in or outside China)—

(i) at which immediately before that time persons appointed to the China service were required to serve ;
or

(ii) which is certified by the Secretary of State to be a place at which persons so appointed would have been required to serve if the China service had not ceased to be a separate branch as aforesaid ; and

(b) (in a case where the Secretary of State certifies that he has been recalled by reason of war circumstances from service at any such place as aforesaid)—

(i) any service spent by him during the war period at any place in any office under the Crown the salary of which is paid out of moneys provided by Parliament ; and

(ii) any service spent by him after the expiration of the war period in any such office as aforesaid which he was holding at the expiration of that period ;

and the said subsection shall continue to apply, and be deemed always to have continued to apply, to him accordingly.

(2) The foregoing provisions of this section shall have effect in lieu of so much of subsection (2) of the said section seven as relates to persons being members of the China service at the time when it ceased to be a separate branch as aforesaid.

Interpretation,
construction
and citation
of Part I.

5.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the retiring age" has the meaning assigned to it by section seventeen of the Superannuation Act, 1935 ;

"Superannuation Acts" means the Superannuation Acts, 1834 to 1935, and the Superannuation (Diplomatic Service) Act, 1929 ;

"war circumstances" means circumstances directly or indirectly attributable to any war in which His Majesty may have been engaged at any time on or after the third day of September, nineteen hundred and thirty-nine ;

“war period”, in relation to any provision of this Act, means the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date with which the war period is to be deemed to have ended for the purpose of that provision.

PART I.
—cont.

(2) This Part of this Act shall be construed as one with the Superannuation Acts and may be cited together with those Acts as the Superannuation Acts, 1834 to 1943.

PART II.

MODIFICATION OF ENACTMENTS CONSEQUENTIAL ON ESTABLISHMENT OR REORGANIZATION OF HIS MAJESTY'S FOREIGN SERVICE.

6.—(1) The amendments specified in the second column of the Schedule to this Act, being amendments consequential on the establishment of His Majesty's foreign service, shall be made in the enactments respectively set out in the first column of that Schedule. Modification of enactments.

This subsection shall be deemed to have had effect as from the date of the Foreign Service Order, 1943.

(2) His Majesty, on the recommendation of the Secretary of State, may by Order in Council make such other amendments of any enactment as appear to Him to be consequential on the establishment or reorganization of His foreign service, including in particular such amendments of any reference to an office, rank or grade as appear to Him to be consequential on the abolition or alteration of the description thereof or on the creation of any new office, rank or grade corresponding thereto :

Provided that the Secretary of State shall not recommend His Majesty to make an Order in Council under this subsection unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

PART III.

GENERAL.

7.—(1) This Act may be cited as the Foreign Service Act, 1943. Short title and references to enactments.

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

SCHEDULE.

Section 6.

ENACTMENTS MODIFIED.

	Enactment.	Amendment.
54 & 55 Vict. c. 36.	The Consular Salaries and Fees Act, 1891.	Section one shall be repealed.
4 & 5 Geo. 5. c. 17.	The British Nationality and Status of Aliens Act, 1914.	In section nineteen, paragraph (c) of subsection (1) shall have effect as if the words "at a consulate of His Majesty" were substituted for the words "by officers in the diplomatic or consular service of His Majesty".
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act, 1920.	<p>In the Sixth Schedule, item (iii) of sub-paragraph (b) of paragraph III shall have effect :—</p> <p>(a) as respects the financial year current at the commencement of this Act, as if the words "His Majesty's foreign," were substituted for the word "The"; and</p> <p>(b) as respects any subsequent financial year, as if the words "His Majesty's foreign service" were substituted for the words "The Foreign Office and diplomatic and consular services".</p>
23 & 24 Geo. 5. c. 4.	The Evidence (Foreign, Dominion and Colonial Documents) Act, 1933.	Section two shall have effect as if the words "at a consulate of His Majesty within the meaning of that Act" were substituted for the words "by an officer in the diplomatic or consular service of His Majesty."

CHAPTER 36.

An Act to extend, in relation to persons in the Isle of Man, the powers which may be exercised by His Majesty under the Emergency Powers (Defence) Acts, 1939 and 1940. [5th August 1943.]

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

1.—(1) The powers conferred on His Majesty by the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Isle of Man under subsection (1) of section four of the Emergency Powers (Defence) Act, 1939, to make by Order in Council such Defence Regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community, shall include power to make provision for requiring persons in the Isle of Man to undertake national service in the United Kingdom, in civil defence, in industry or otherwise, whether under the Crown or not :

Persons in the Isle of Man liable to service in the United Kingdom. 2 & 3 Geo. 6. c. 62.

Provided that Defence Regulations made by virtue of this Act—

- (a) shall, as respects their application to persons who were on the twenty-fourth day of August, nineteen hundred and thirty-nine, ordinarily resident in the Isle of Man, be of no effect unless and until approved by a resolution of Tynwald ;
- (b) shall not require any person to undertake service in the armed forces of the Crown or in or with a civil defence force within the meaning of the National Service Act, 1941. 4 & 5 Geo. 6. c. 15.

(2) For the purposes of this Act, a person who was resident in the Isle of Man on the said twenty-fourth day of August shall be deemed to have been then ordinarily resident there unless at that date he had been resident in the Isle of Man for less than two years or was residing there only for the purpose of attending a course of education, or the circumstances of his residence in the Isle of Man were otherwise such as to show that he was residing there for a temporary purpose only.

(3) Nothing in this Act shall be construed as limiting the operation of any enactment in force in the United Kingdom as respects persons who are in the United Kingdom for the purpose of complying with a Defence Regulation made by virtue of this Act.

Short title. **2.** This Act may be cited as the Emergency Powers (Isle of Man Defence) Act, 1943.

CHAPTER 37.

An Act to amend the law with respect to customs in the
Isle of Man. [5th August 1943.]

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

Spirits.
5 & 6 Geo. 6.
c. 25. **1.** In lieu of the duties imposed on spirits by section one of the Act of 1942, there shall, until the first day of August, nineteen hundred and forty-four, be payable on the removal or importation of spirits into the Isle of Man, the following duties of customs—

- (a) in the case of spirits of any description, being Empire products produced in Great Britain or Northern Ireland, a duty of seven pounds seventeen shillings and sixpence for every gallon computed at proof, whether in cask or bottle ;
- (b) in the case of spirits of the descriptions specified in the first column of Part I of the First Schedule to this Act, being Empire products produced elsewhere than in Great Britain or Northern Ireland, duties at the preferential rates respectively specified in the second column of that Part of that Schedule ;
- (c) in the case of spirits of the descriptions so specified, not being Empire products, duties at the full rates respectively specified in the third column of that Part of that Schedule ;
- (d) in the case of spirits of the descriptions specified in the first column of Part II of that Schedule—
 - (i) where the spirits have been warehoused for a period of less than three but not less than two years,

duties at the rates respectively specified in the second column of that Part of that Schedule ; and

(ii) where the spirits have not been warehoused, or have been warehoused for a period of less than two years, duties at the rates respectively specified in the third column of that Part of that Schedule ;

in addition to the duty payable under the foregoing provisions of this section :

Provided that no duty shall be payable under this section on the removal to the Isle of Man of spirits methylated in Great Britain or Northern Ireland.

2.—(1) In lieu of duties imposed on wines by section two of the Wines Act of 1942, there shall, until the first day of August, nineteen hundred and forty-four, be payable, on the removal or importation of wines into the Isle of Man, the following duties of customs—

- (a) in the case of wines of the descriptions specified in the first column of Part I of the Second Schedule to this Act, not being Empire products, duties at the rates respectively specified in the second column of that Part of that Schedule ; and
- (b) in the case of wines of the descriptions specified in the first column of Part II of that Schedule, being Empire products, duties at the rates respectively specified in the second column of that Part of that Schedule :

Provided that if, by virtue of the proviso to section three of the Finance (No. 2) Act, 1939, the preferential rate chargeable under that section (as amended by any subsequent enactment) on wine not exceeding twenty-seven degrees of proof spirit is increased, either generally or as respects wine produced or manufactured in any particular country, the Governor may from time to time make such orders as may be necessary to provide that this subsection has the same effect as respects wine removed or imported into the Isle of Man as the said section three has for the time being as respects wine imported into Great Britain or Northern Ireland.

(2) Subsection (2) of section eight of the Customs and Inland Revenue Act, 1890 (which provides that wine rendered sparkling in warehouse is to be deemed sparkling wine for the purposes of certain duties imposed on sparkling wine) shall apply for the purposes of the duty imposed on sparkling wine by this section as it applied for the purposes of the duty mentioned in that subsection.

(3) In this section the expression " wine " includes the lees of wine, but does not include wine made in Great Britain or Northern Ireland.

Sweets.

3.—(1) In lieu of the duties imposed on sweets by section three of the Act of 1942, there shall, until the first day of August, nineteen hundred and forty-four, be payable, on the removal or importation of sweets into the Isle of Man, the following duties of customs—

- (a) in the case of sparkling sweets, a duty at the rate of one pound nine shillings and six pence for every gallon ; and
- (b) in the case of other sweets, a duty at the rate of fourteen shillings for every gallon.

(2) In this section the expression " sweets " means any liquor which is made in Great Britain or Northern Ireland from fruit and sugar, or from fruit or sugar mixed with any other material, and which has undergone a process of fermentation in the manufacture thereof, and includes British wines, made wines, mead and metheglin.

Tobacco.

4.—(1) In lieu of the duties imposed on tobacco by section four of the Act of 1942, there shall, until the first day of August, nineteen hundred and forty-four, be payable, on the removal or importation into the Isle of Man of tobacco of the descriptions specified in the first column of the Third Schedule to this Act, the following duties of customs—

- (a) in the case of tobacco not being an Empire product, duties at the rates respectively specified in the second column of that Schedule ; and
- (b) in the case of tobacco being an Empire product, duties at the rates respectively specified in the third column of that Schedule.

(2) In the said Schedule the expression " stripped tobacco " means tobacco of which the leaf is not complete by reason of the removal of the stalk or midrib or of some portion thereof, but tobacco shall not be deemed to be stripped tobacco solely by reason of its having been subjected to such process of butting as the Commissioners may allow.

**Annual
duties**

(continuation).

5.—(1) Subject to the provisions of this section, the duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column

of the following table by the respective enactments set out in the second column of that table, shall continue to be payable until the first day of August, nineteen hundred and forty-four :—

TABLE.

Description of goods.	Enactment imposing duty.
Ale and beer	Section 1 of the Act of 1940.
Cocoa	Section 4 of the Act of 1924.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
Hop oil	Section 3 of the Act of 1929.
Matches	Section 6 of the Act of 1940.
Silk and artificial silk and articles made wholly or in part from silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the second Act of 1932, section 4 of the Act of 1933, section 3 of the Act of 1936 and section 3 of the Act of 1937.
Tea... ..	Section 5 of the Act of 1938.

3 & 4 Geo. 6.
c. 49.
14 & 15 Geo. 5.
c. 24.
15 & 16 Geo. 5.
c. 56.
20 & 21 Geo. 5.
c. 1.
16 & 17 Geo. 5.
c. 27.
22 & 23 Geo. 5.
c. 41.
23 & 24 Geo. 5.
c. 40.
26 Geo. 5 &
1 Edw. 8. c. 45.
1 Edw. 8. &
1 Geo. 6. c. 64.
1 & 2 Geo. 6.
c. 68.

(2) Where any enactment set out in the second column of the foregoing table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and forty-four, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force.

6.—(1) This Act may be cited as the *Isle of Man (Customs) Act, 1943.*

Short title,
interpretation,
repeal and com-
mencement.
9 & 10 Geo. 5.
c. 74.

(2) In this Act the expression "Empire product" has the same meaning as in section five of the Act of 1919 as amended by any subsequent enactment.

(3) The Act of 1942 is hereby repealed.

(4) This Act shall be deemed to have come into operation on the seventeenth day of April, nineteen hundred and forty-three.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

RATES OF DUTIES ON SPIRITS.

PART I.

*Ordinary rates payable on Spirits not produced in Great
Britain or Northern Ireland.*

Description of Spirits.	1.		2.		3.	
	Preferential Rates.		Full Rates.			
	In Cask.	In Bottle.	In Cask.	In Bottle.	In Cask.	In Bottle.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every gallon computed at proof of—						
Brandy or rum ...	7 17 10	7 18 10	8 0 4	8 1 4	8 0 4	8 1 4
Imitation rum or geneva	7 17 11	7 18 11	8 0 5	8 1 5	8 0 5	8 1 5
Unsweetened spirits other than those already enumerated ...	7 17 11	7 17 11	8 0 5	8 0 5	8 0 5	8 0 5
For every gallon of perfumed spirits ...	12 12 0	12 13 0	12 16 0	12 17 0	12 16 0	12 17 0
For every gallon of liqueurs, cordials, mixtures, and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested ...	—	10 13 10	—	10 17 2	—	10 17 2
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naphtha and methylic alcohol purified so as to be potable, and mixtures and preparations containing spirit ...	7 17 11	7 18 11	8 0 5	8 1 5	8 0 5	8 1 5

PART II.

*Additional Customs Duties in Respect of all Immature Spirits.*1ST SCH.
—cont.

1.	2.	3.
Description of Spirits.	Where the Spirits have been warehoused for a period of two years and less than three years.	Where the Spirits have not been warehoused or have been warehoused for a period of less than two years.
	s. d.	s. d.
For every gallon computed at proof of spirits of any description except perfumed spirits	1 0	1 6
For every gallon of liqueurs, cordials, mixtures and other preparations entered in such manner as to indicate that the strength is not to be tested	1 4	2 0
For every gallon of perfumed spirits	1 7	2 5

SECOND SCHEDULE.

Section 2.

RATES OF DUTIES ON WINES.

PART I.

Non-Empire Products.

Description of Wine.	Rate of duty per gallon.
	£ s. d.
Not exceeding 25 degrees proof spirit	17 0
Exceeding 25 degrees proof spirit and not exceeding 42 degrees proof spirit	1 14 0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	2 10
Sparkling, an additional duty	1 2 0
Still, in bottle, an additional duty	3 6

PART II.

Empire Products.

	£ s. d.
Not exceeding 27 degrees proof spirit	15 0
Exceeding 27 degrees proof spirit and not exceeding 42 degrees proof spirit	1 10 0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	2 6
Sparkling, an additional duty	15 9
Still, in bottle, an additional duty	2 6

Section 4.

THIRD SCHEDULE.

RATES OF DUTIES ON TOBACCO.

Description of Tobacco.	Rate of duty per pound.	
	Non-Empire products.	Empire products.
	£ s. d.	£ s. d.
Unmanufactured tobacco, viz. :—		
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
unstripped	1 15 6	1 13 11½
stripped	1 15 6½	1 13 11½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
unstripped	1 16 6	1 14 9½
stripped	1 16 6½	1 14 9½
Manufactured tobacco, viz. :—		
cigars	2 4 1	2 1 1½
cigarettes	2 0 7	1 18 2½
Cavendish or Negrohead	1 19 9	1 17 6
Cavendish or Negrohead manufactured in bond	1 18 0	1 16 0½
other manufactured tobacco	1 18 0	1 16 0½
Snuff—		
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	1 17 4	1 15 5½
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof	1 19 9	1 17 6
and so in proportion for any less quantity.		

CHAPTER 38.

Coal Act, 1943.

ARRANGEMENT OF SECTIONS.

PART I.

AMENDMENT OF PART I OF THE COAL ACT, 1938.

Section.

1. Retained interests of persons working minerals other than coal.
2. Rents for underground wayleaves not to be affected by unification of ownership.
3. Costs in connection with severance of leases.
4. Leases to former freeholders.
5. Stamp duty on substitutional leases granted by Commission.
6. Stamp duty on alienation of coal to former owner for purposes other than coal mining.
7. Mines working facilities.
8. Extension of borrowing powers of the Commission.

Section.

9. Extension of power to extend time.
10. Tenure of office of member of Commission.
11. Withdrawal of support where notice of approach required by retained lease.
12. Valuation Boards and review of valuations.
13. Extension of Commission's liability for costs.

PART II.

MISCELLANEOUS AND GENERAL.

14. Inspection and copies of plans.
15. Reports &c. to Minister by Commission.
16. Dissolution of Coal Mines National Industrial Board.
17. Interpretation.
18. Short title, citation, construction and extent.

SCHEDULES :

First Schedule.—Provisions applicable on withdrawal of application for freeholder's lease.

Second Schedule.—Provisions as respects restricted coal.

Third Schedule.—Amendments of paragraph 12 of the Third Schedule to the principal Act.

An Act to amend the Coal Act, 1938, and dissolve the Coal Mines National Industrial Board.

[5th August 1943.]

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

PART I.

AMENDMENTS OF PART I OF THE COAL ACT, 1938.

1. Notwithstanding anything in paragraph (b) of subsection (2) of section five of the principal Act (which provides that interests arising under a coal mining lease shall not be retained interests where neither the lessee nor any person claiming under him is a person carrying on the business of coal mining and having a substantial beneficial interest in the exercise of the rights conferred by the lease), interests arising under a coal mining lease, where at the vesting date the lessee or some person claiming under him had a substantial beneficial interest in the exercise of the said rights but was not carrying on the business of coal mining, shall be, and be deemed always to have been, retained interests, if—

Retained interests of persons working minerals other than coal.

- (a) a substantial part of the business of the lessee or the said person, as the case may be, consisted at the vesting date of getting (whether by underground or surface working) and carrying away minerals or substances, other than coal, in or under land; and
- (b) no claim for compensation in respect of the interests so arising has been made under section seven of the principal Act.

PART I.
—cont.
Rents for
underground
wayleaves
not to be
affected by
unification of
ownership.

2.—(1) Where in any lease of or comprising a mine of coal and subsisting on the vesting date there is contained a provision to the effect that—

- (a) rent shall be payable thereunder in respect of coal carried away through the mine after being got from land not comprised in the lease ; or
- (b) the amount of any rent payable thereunder, whether or not in respect of such coal as aforesaid, shall be ascertained wholly or partly by reference to the amount of such coal as aforesaid ;

but being a provision applying only in relation to coal got from land for the time being in a different ownership from the mine, then, as respects coal got after the vesting date, the lease shall have effect as if the provision applied in relation to coal so carried away which has been got from all such land not comprised in the lease as was in a different ownership from the mine immediately before the vesting date.

(2) For the purposes of this section, a provision contained in a document varying, or supplementing a lease shall be treated as if it were contained in the lease.

(3) This section shall be deemed to have had effect as from the vesting date.

Costs in con-
nection with
severance of
leases.

3. The proviso to subsection (3) of section eleven of the principal Act (which provides that the arbitrator or the Court may direct that the Commission shall not be liable to pay costs in connection with the severance of a lease incurred by a person who appears to the Court to have been unreasonable or guilty of negligence or default) shall have effect as if for the words " who appears to the Court " there were substituted the words " who appears to the arbitrator or the Court."

Leases to
former
freeholders.

4.—(1) The following provisions shall have effect in relation to a lease (hereafter in this Act referred to as a " freeholder's lease ") under section thirteen of the principal Act (which entitles persons carrying on the business of coal mining to leases of coal or mines of coal owned by them immediately before the vesting date) :—

- (a) no freeholder's lease shall be granted except in consideration of the payment to the Commission of an amount equal to the compensation payable under section six of the principal Act for the premises thereby demised ;
- (b) subsection (2) of the said section thirteen shall cease to have effect, and the lease shall—
 - (i) be a lease at a peppercorn rent ;
 - (ii) be granted for such term, commencing on the vesting date, as the person entitled to the lease may

require, not being longer as regards the coal comprised therein than may be reasonably requisite for enabling that coal to be worked out ;

(iii) be subject to such conditions, not inconsistent with the provisions of this subsection, as will, having regard to those provisions, be not more onerous to the lessee than the conditions to which a person not entitled to the benefit of the said section thirteen might reasonably have been expected to agree if taking a lease of the same premises for the same term at the same rent in consideration of a premium representing the capitalized value of the best rent that could reasonably be obtained by the lessor without any fine or premium ;

(c) notwithstanding anything in any enactment—

(i) no person having any interest arising under the lease in the premises thereby demised shall be entitled against the Commission to any statutory right of contribution or indemnity in respect of any statutory liability imposed in respect of the said premises ;

(ii) the lessee for the time being under the lease shall be bound to indemnify the Commission against any statutory liability imposed in respect of the said premises other than a liability for costs under the principal Act ;

and the conditions to which the lease is to be subject under the last foregoing paragraph shall in all cases include a provision conferring on the Commission power to re-enter on the said premises in the event of the failure of the lessee for the time being to indemnify the Commission as required by this paragraph ;

(d) for the purpose of mineral rights duty and royalties welfare levy, the lessee for the time being under the lease shall be deemed to be the proprietor of the premises thereby demised and not to be a lessee of those premises, and the said duty and levy shall be assessed, charged, paid and recovered accordingly ;

(e) the last two foregoing paragraphs shall be deemed to have had effect as from the date of the commencement of the term granted by the lease, and, as respects any period between that date and the date of the granting of the lease, those paragraphs shall apply as if any person working under a licence granted by the Commission coal comprised in the lease, or using under such a licence a mine of coal so comprised, were the lessee for the time being under the lease and accordingly had an interest arising thereunder in the premises thereby demised.

PART I.
—cont.

(2) The reference in paragraph (a) of the foregoing subsection to the compensation payable under section six of the principal Act for the premises demised shall be construed—

(a) in a case where the fee simple in the coal or mine demised by the lease formed part only of a holding which included the fee simple in other coal or in another mine, as a reference to such part of the compensation in respect of the holding as may be agreed, or in default of agreement may be determined by arbitration, to be attributable to interests in the demised coal or mine and in the acquired property and rights annexed thereto ;

(b) in any other case, as a reference to the compensation in respect of the holding constituted by or comprising the fee simple in the demised coal or mine.

(3) Where a freeholder's lease is granted, the amount payable as consideration therefor under paragraph (a) of subsection (1) of this section shall be deemed to have been payable at the date of the commencement of the term granted by the lease, and shall carry interest from that date to the date of payment at the same rate as compensation under section six of the principal Act.

(4) Any application for a freeholder's lease may be withdrawn by the person entitled to the lease by giving to the Commission notice in writing of the withdrawal at any time before the expiration of one month from the date on which the certificate of value relating to the premises to be demised becomes conclusive under paragraph 17 of the Third Schedule to the principal Act.

(5) On the withdrawal of an application for a freeholder's lease as aforesaid—

(a) the provisions of Part I of the First Schedule to this Act shall have effect in a case where a mortgagee of the premises to which the application related (in the said Part I referred to as an "electing mortgagee") has given notice to the Commission under paragraph 2 of the Fifth Schedule to the principal Act that he elects to have, in lieu of any interest in the compensation in respect of those premises, a charge upon the interest of the lessee under the lease ; and

(b) the provisions of Part II of the First Schedule to this Act shall, save as otherwise agreed after the commencement of this Act, have effect in a case where, pending the grant of the lease, a licence (in the said Part II referred to as a "working licence") has been granted by the Commission to work coal to be comprised in the lease or to use for a coal mining purpose a mine of coal to be so comprised ; and in the said Schedule the expression "date of withdrawal" means the date on which notice of withdrawal of the application for the lease is given to the Commission under the last foregoing subsection.

(6) The references to section thirteen of the principal Act contained in paragraphs 3 and 5 of the said Fifth Schedule shall be construed as including references to this section, and section forty of the principal Act (which relates to the persons to act in case of death or incapacity) shall apply in relation to notices under this section and the First Schedule to this Act as it applies in relation to notices under the said Fifth Schedule.

PART 1.
—cont.

5.—(1) Where—

- (a) any person is entitled as working lessee under two or more leases to any coal or mines of coal; and
- (b) the Coal Commission grant to him or to another person for his benefit, in substitution for the existing leases, a single lease of coal or mines of coal comprised therein (whether or not the single lease comprises also property not comprised in the existing leases, or does not comprise all the property comprised in some of those leases);

Stamp duty on substitutional leases granted by Commission.

the stamp duty on the single lease shall be reduced by such amount as appears to the Commissioners of Inland Revenue to be just, having regard to the duty paid on the existing leases and to the length of the terms thereunder unexpired, and the rights of the working lessee thereunder, at the date when the term under the single lease takes effect :

Provided that no lease which is unstamped or which would, apart from this section, be insufficiently stamped, shall be deemed by virtue of this section to be duly stamped unless it has in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped, as the case may be.

54 & 55 Vict.
c. 39.

(2) In this section the expression "working lessee" means a person carrying on the business of coal mining who is entitled to work coal, or to use for coal mining purposes a mine of coal, under a coal mining lease held by him or by another for his benefit.

6.—(1) Where, under subsection (3) of section seventeen of the principal Act (which permits the Commission to alienate coal or a mine of coal for purposes other than coal mining or coal of small value), the Commission alienate any coal or mine of coal for a freehold interest, then if the Commission certify that the person to whom the coal or mine is alienated would in their opinion have been entitled, but for the passing of the principal Act, to any interest therein acquired by the Commission under that Act, stamp duty in respect of the alienation shall be chargeable only on the amount, if any, by which the value of the interest for which the coal or mine is alienated appears to the Commissioners of Inland Revenue to exceed the value of the interest specified in the certificate :

Stamp duty on alienation of coal to former owner for purposes other than coal mining.

PART I.
—cont.

Provided that no instrument which is unstamped or which would, apart from this section, be insufficiently stamped, shall be deemed by virtue of this section to be duly stamped unless it has in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped, as the case may be.

(2) For the purpose of the foregoing subsection, the value of the interest specified in the certificate shall be taken to be the value which that interest would have had at the date of the alienation, having regard to any dispositions or purported dispositions actually made thereof and of any interests to which it was subject immediately before the vesting date, if none of the said interests had been affected by the principal Act.

(3) This section applies to any such alienation whether made before or after the passing of this Act, and any duty overpaid in respect of any alienation made before the passing of this Act as respects which the Commission give a certificate under this section shall be repaid.

Mines working
facilities.

7.—(1) Subsection (1) of section twenty-two of the principal Act (which restricts the power of the Railway and Canal Commission to grant rights to search for or work coal) shall not apply, and shall be deemed never to have applied, to the granting of a right required by reason of the subsistence either of a retained interest or of any interest arising under a freeholder's lease :

Provided that no application made by virtue of this subsection otherwise than by the Coal Commission shall be referred by the Minister to the Railway and Canal Commission unless the Coal Commission have given notice in writing to the Minister that they approve the application.

(2) The provisions of the foregoing subsection shall have effect in lieu of the provisions of proviso (a) to subsection (1) of the said section twenty-two (which provides that the said subsection (1) shall not apply to the granting of a right required by reason of the subsistence of a retained copyhold interest).

16 & 17 Geo. 5.
c. 28. (3) No application under subsection (2) of section thirteen of the Mining Industry Act, 1926 (which enables the Railway and Canal Commission to grant a right to work coal freed from restrictions or conditions contained in a mining lease or otherwise binding on the person entitled to work it, or to work coal on other terms and conditions), made otherwise than by the Coal Commission shall be referred by the Minister to the Railway and Canal Commission unless the Coal Commission have given notice in writing to the Minister that they have no power to grant the right or any of the rights for which the application is made.

PART I.

—cont.

Extension of
borrowing
powers of the
Commission.

8.—(1) The Commission may borrow for the purpose of meeting any deficiency at any time arising on the revenue account of the Commission or meeting any extraordinary claim or demand at any time arising against the Commission (being the purposes for which the reserve fund is primarily applicable under subsection (2) of section twenty-four of the principal Act), subject to and in accordance with the following provisions—

- (a) all money so borrowed shall be repaid within one year ;
- (b) no money shall be so borrowed if at the time of borrowing the aggregate of the sums so borrowed and not repaid exceeds, or will with the sum to be borrowed exceed, half the value of the reserve fund as shown in the accounts of the Commission last laid before Parliament under subsection (2) of section thirty of the principal Act ;
- (c) all money so borrowed and the interest thereon shall be charged on the investments and cash of which the reserve fund from time to time consists ;
- (d) so long as the issue of capital in the United Kingdom without the consent of the Treasury is prohibited by Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, it shall not be lawful to exercise the powers of borrowing conferred by this subsection without such consent ;
- (e) section twenty-eight of the principal Act (which empowers the Commission to issue stock for the purpose of raising money which they are authorised to borrow) and section twenty-nine of that Act (which empowers the Treasury to guarantee a loan proposed to be raised by the Commission) shall not apply to money borrowed or loans proposed to be raised under this subsection.

(2) The investments and cash of which the reserve fund from time to time consists and the interest thereon shall cease to be included in the property and revenues of the Commission on which money borrowed under section twenty-seven of the principal Act is charged by virtue of subsection (2) thereof or on which stock issued under section twenty-eight of that Act and interest thereon is charged by virtue of subsection (2) of the last mentioned section.

9. The power of the Minister and of the Commission under section thirty-eight of the principal Act to extend the period, or postpone the date, specified in or prescribed under Part I of that Act as the period within which, or the date on or before which, any act or thing is to be done shall be exercisable, and be deemed always to have been exercisable—

- (a) in relation to any period, notwithstanding that the period has expired ;
- (b) in relation to any date, notwithstanding that the date has passed.

PART I.

—cont.

Tenure of
office of
member of
Commission.

10. So much of paragraph 3 of the First Schedule to the principal Act as provides that the term of appointment of a member of the Commission shall not be less than five years shall not apply to the re-appointment of a retiring or former member for a further term.

Withdrawal of
support where
notice of
approach
required by
retained lease.

11.—(1) Where on the valuation date—

- (a) the fee simple in coal comprised in a coal mining lease then subsisting and the fee simple in land supported thereby were vested in the same person ; and
- (b) there was contained in the lease a provision, intended to protect from subsidence the land or part thereof or buildings or works thereon, to the effect that—
 - (i) the lessee should not work the coal or part thereof without the consent of some other person ; or
 - (ii) some other person might prohibit the lessee from working the coal or part thereof ;

then, if the power of consenting to or prohibiting the working was on that date vested in some person other than the estate owner in respect of the fee simple in the coal (whether or not jointly with that estate owner), or would have become so vested on a severance of the fee simple in the coal from the fee simple in the land, the provisions of the Second Schedule to this Act shall have effect in relation to the restricted coal.

(2) In this section and the said Second Schedule—

- (a) the expression “ restricted coal ” means, in relation to coal comprised in any such lease as aforesaid—
 - (i) any coal to which, during the subsistence of the lease, any such provision as aforesaid therein contained relates or has at any time related ; and
 - (ii) where the buildings or works which the provision is or was intended to protect are or include future buildings or works, any other coal to which the provision would, by reason of the construction of buildings or works after the end of the lease, have related if the lease had been still subsisting ;

but does not include any coal which, under the foregoing provisions of this paragraph, would be restricted coal by reason only of the existence at any time (whether before or after the commencement of this Act) of buildings or works which have since ceased to exist ; and

- (b) the expression “ protected land ” means, in relation to any restricted coal, the land, buildings or works protected by the provision by virtue of which the coal is restricted coal, or which would be so protected if the lease containing that provision were still subsisting.

(3) For the purposes of this section and the said Second Schedule, a provision contained in a document varying or supplementing a lease shall be treated as if it were contained in the lease, and in that Schedule this section is referred to as "the principal section".

12.—(1) Sub-paragraph (1) (b) of paragraph 4 of the Third Schedule to the principal Act (which provides that a member of a Regional Valuation Board, other than the chairman, must be a person engaged in the management of mineral estates in the region) shall have effect as if the words "in the region" were omitted. Valuation Boards and review of valuations.

(2) When it appears to the Minister that the Central Valuation Board or a Regional Valuation Board has no further duties to discharge under the principal Act, he may by order dissolve the Board, and thereupon all records and other documents in the possession of the Board shall be transferred to the Commission.

(3) The provisions of paragraph 12 of the Third Schedule to the principal Act (which relates to reviews by referees of valuations of Regional Valuation Boards) shall have effect subject to the provisions of the Third Schedule to this Act; and any reference in the principal Act to the said paragraph 12 or to any provision thereof shall, unless the context otherwise requires, be construed as a reference to that paragraph or provision as amended by this Act.

13. Paragraph 22 of the Third Schedule to the principal Act (which requires the Commission to pay costs reasonably incurred in connection with certain matters by persons having acquired interests or their successors in title) shall extend, and be deemed always to have extended, to costs so incurred by any person, whether he is such a person as aforesaid or not; and accordingly that paragraph shall have effect, and be deemed always to have had effect, as if, in sub-paragraph (1) thereof— Extension of Commission's liability for costs.

- (a) the words "having an acquired interest that is comprised in a holding or a successor in title of his" were omitted; and
- (b) for the words "the holding", in both places where they occur, there were substituted the words "a holding".

PART II.

MISCELLANEOUS AND GENERAL.

14. The power under section fifty-two of the principal Act of prescribing the fee to be paid by a person interested in land for inspecting plans of workings, and for copies thereof or parts thereof, shall be exercised by the Minister; and in that section Inspection and copies of plans.

PART II.
—cont.

the expressions "coal" and "interested" shall have the meanings assigned to them by section forty-four of the principal Act.

Reports &c.
to Minister by
Commission.

15.—(1) Instead of transmitting to the Minister all the certified valuations received from the Regional Valuation Boards, as required by paragraph (a) of section fifty-seven of the principal Act, the Commission shall transmit to the Minister such particulars of those valuations as he may require for the purpose of laying before Parliament the statements required by that paragraph.

(2) The next report after the commencement of this Act to be made by the Commission to the Minister under paragraph (b) of the said section fifty-seven shall be a report as to their proceedings during the fifteen months ending on the thirty-first day of March, nineteen hundred and forty-four; and the annual reports to be made subsequently by the Commission under that paragraph shall be reports as to their proceedings during each period of twelve months ending on the thirty-first day of March.

Dissolution of
Coal Mines
National
Industrial
Board.
20 & 21 Geo. 5.
c. 34.

16. The Coal Mines National Industrial Board shall be dissolved; and accordingly the following provisions of the Coal Mines Act, 1930, are hereby repealed, namely, Part IV, subsection (1) of section sixteen and, in the definition of "coal mine" in subsection (1) of section eighteen, the words "(including for the purposes of Part IV of this Act lignite or brown coal)".

Interpretation.

17. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"the Commission" means the Coal Commission;

"the Minister" means the Minister of Fuel and Power;

1 & 2 Geo. 6.
c. 52.

"the principal Act" means the Coal Act, 1938, as amended by any subsequent enactment or Order in Council.

Short title,
citation, con-
struction and
extent.

18.—(1) This Act may be cited as the Coal Act, 1943, and may be cited together with the Coal Acts, 1938 and 1942, as the Coal Acts, 1938 to 1943.

(2) Part I of this Act shall be construed as one with Part I of the principal Act.

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

SCHEDULES.

FIRST SCHEDULE.

Section 5

PROVISIONS APPLICABLE ON WITHDRAWAL OF APPLICATION FOR FREEHOLDER'S LEASE.

PART I.

MORTGAGEES.

1. On the withdrawal of an application for a freeholder's lease, the Commission shall forthwith—

- (a) give notice in writing to the electing mortgagee of the withdrawal of the application and of any payment previously made by them of or on account of the compensation in respect of the premises to which the application related; and
- (b) give notice in writing of the withdrawal of the application to any person to whom any such payment has been made, not being the person by whom the application was withdrawn.

2. Part IV of the Third Schedule to the principal Act (which relates to the payment and disposal of compensation) and paragraph 2 of the Fifth Schedule to that Act shall, as from the date of withdrawal have effect, subject to the next following paragraph, as if the following notices had not been given, namely—

- (a) the electing mortgagee's notice to the Commission under the said paragraph 2; and
- (b) any notice given to the electing mortgagee by the Commission before the date of withdrawal under sub-paragraph (b) of paragraph 18 of the said Third Schedule (which requires the Commission in certain cases to give notice to a mortgagee of an interest comprised in a holding before paying compensation for that holding to some other person).

3. Nothing in the last foregoing paragraph shall affect the validity of—

- (a) any payment of or on account of compensation made by the Commission before the date of withdrawal; or
- (b) any disposal by any person to whom any such payment was made of the sums paid to him, being a disposal effected before the date on which he receives notice of the withdrawal of the application under paragraph 1 of this Part of this Schedule;

nor shall the electing mortgagee be entitled, by virtue of the last foregoing paragraph, to recover from any person to whom any such payment was made any sums properly retained thereout by him under paragraph 21 of the said Third Schedule.

1ST SCH.
—cont.

4. In the application of this Part of this Schedule to Scotland, for any reference to sub-paragraph (b) of paragraph 18 of the Third Schedule to the principal Act there shall be substituted a reference to sub-paragraph (c) of the paragraph directed to be substituted for the said paragraph 18 by paragraph 23 of the said Schedule.

PART II.

LICENSEES.

1. The working licence shall remain in force until the expiration of six months from the date of withdrawal and no longer.

2. Where any rent payable under the working licence (or any sum to be allowed in account in lieu of rent thereunder) is to be calculated or adjusted by reference to the rent to be reserved by the freeholder's lease the application for which is withdrawn, the rent so reserved shall for that purpose be taken to be the aggregate of the following—

(a) a rent payable on the amount of coal worked under the licence—

(i) in a case where the coal was being worked by the proprietor in the financial year ending the thirty-first day of March, nineteen hundred and forty-two, at the same rate as was assumed for the purpose of assessing mineral rights duty on him in that year; or

(ii) in any other case, at such rate as may be determined by arbitration to be the rate which would have been so assumed if the coal had been so worked; and

(b) a rent payable on the amount of any minerals carried away through any mine to which the licence relates (other than coal worked under the licence) at such rate as may be determined by arbitration to be just.

3. Any provision in the working licence that a rent or sum to be calculated or adjusted as aforesaid shall not be paid or allowed in account until the granting of a freeholder's lease shall not have effect.

4. The working licence shall be deemed to have been granted subject to the condition that the licensee shall—

(a) exercise in relation to the premises to which the licence relates such care as is exercised under the ordinary practice of the management of mineral estates by prudent owners in relation to property that is to continue in their ownership; and

(b) deliver up those premises to the Commission in the same state (except for things properly done under the licence) as they were in on the vesting date.

SECOND SCHEDULE.

Section 11

PROVISIONS AS RESPECTS RESTRICTED COAL.

1.—(1) The Commission shall have, annexed to any restricted coal, such a right as is hereinafter mentioned, to the extent to which the existing owners of the coal were competent on the valuation date to grant such a right, that is to say, a right to withdraw support from the protected land so far as may be reasonably requisite for the working of the restricted coal, subject to an obligation either—

- (a) to pay proper compensation for damage arising from such working to the protected land ; or
- (b) with the consent (which shall not be unreasonably withheld) of the person who would otherwise be entitled to claim compensation for that damage to make good that damage to the reasonable satisfaction of that person and without expense to him.

(2) The Commission shall have, annexed to any restricted coal, the same right (if any) to withdraw support from any land, other than the protected land, so far as may be reasonably requisite for the working of the restricted coal, as they would have, in relation to that land, by virtue of paragraph 5 of the Second Schedule to the principal Act if no provision contained in the relevant lease by virtue of which that coal would be restricted coal had been applicable thereto.

(3) Any person interested in land damaged by the working of restricted coal in exercise of a right to withdraw support therefrom conferred on the Commission by this paragraph subject to an obligation to pay proper compensation for or to make good damage arising from such working and which has been granted by the Commission to a lessee, shall be entitled to enforce against the Commission any liability to pay proper compensation for or to make good that damage pursuant to that obligation which the lessee fails to discharge :

Provided that nothing in this sub-paragraph shall be construed as rendering invalid any provision contained in a lease granted by the Commission requiring the lessee to indemnify the Commission against liability in respect of any such obligation as aforesaid.

2.—(1) Where any right conferred—

- (a) by any such provision as is referred to in paragraph (b) of subsection (1) of the principal section contained in any such lease as is therein referred to ; or
- (b) by any similar provision imported by reference to any such provision as aforesaid into any lease of coal granted by the Commission before the commencement of this Act ;

to give consent to, or impose prohibitions or restrictions on, the working of any restricted coal would, apart from this paragraph, be, or has since the vesting date been, vested in some person other than the Commission (whether or not jointly with the Commission), then, subject to the following provisions of this paragraph, that right and any other rights incidental thereto shall be, and shall be deemed to

2ND SCH.
—cont.

have been as from the vesting date, vested by virtue of this paragraph in the Commission and not (either alone or jointly with the Commission) in any other person.

(2) Where by reason of the working of any coal, being coal the working of which the Commission have, or are deemed to have had, power by virtue of this paragraph to withhold consent to or to prohibit or restrict under any such provision as aforesaid, support is or has been withdrawn from any land, then, subject to the following provisions of this paragraph, the Commission shall, unless the coal was worked without their knowledge or consent, be under the like obligation to pay compensation for, or make good damage arising from, the withdrawal of the support as if it had been withdrawn in exercise of a right conferred on the Commission by the foregoing paragraph and granted by them to the lessee of the coal.

(3) Where, by virtue of a notice given to, or consent given by, some person other than the Commission (whether alone or jointly with the Commission), any person has, before the commencement of this Act, become entitled under any such lease as aforesaid to work restricted coal free from the restrictions imposed by any such provision as aforesaid contained in the lease, nothing in this paragraph shall be taken—

(a) to affect that right ; or

(b) to impose on the Commission any obligation to pay compensation for, or make good damage arising from, the withdrawal of support in the exercise of that right.

(4) Nothing in this paragraph shall be construed as rendering invalid any provision requiring any person, as a condition of the Commission's consenting to or not prohibiting the working of any coal, to indemnify the Commission against liability in respect of any obligation to pay proper compensation for, or to make good damage arising from, such working.

(5) Nothing in this paragraph shall be taken to affect any agreement made before the commencement of this Act between the Commission and any person interested in the protected land (otherwise than under a lease of the restricted coal) as to the exercise of their rights under any such provision as aforesaid in relation to the restricted coal.

3. Any question as to the subsistence by virtue of the foregoing provisions of this Schedule of an obligation to pay proper compensation or as to the rights or liabilities of any person in respect of the enforcement of an obligation so subsisting, shall be determined by arbitration.

4. Nothing in this Schedule shall take away or abridge, as against the Commission or any other person—

(a) any such right as is referred to in paragraphs (a), (b) or (c) of subsection (1) of section thirty-four of the principal Act (which relates to certain statutory rights of the Crown, local authorities, statutory undertakers and other persons) ; or

(b) any right conferred by a working facilities order ;

or shall, by reason of any reference contained in a lease of coal to any such right as aforesaid, confer any right or impose any liability on the Commission.

5.—(1) On an application under section eight of the Mines (Working Facilities and Support) Act, 1923 (which provides for the imposition by the Railway and Canal Commission of restrictions on the working of minerals where a person having an interest in land is not entitled to support or to sufficient support for buildings or works), the applicant shall not be required to pay or give any compensation or consideration in respect of the imposition of restrictions appearing to the Railway and Canal Commission to be justified by the existence of a right conferred on the Coal Commission by this Schedule.

2ND SCH.
—cont.
13 & 14 Geo. 5.
c. 20.

(2) Notwithstanding anything in section thirteen of the Mines (Working Facilities and Support) Act, 1923, restrictions, the imposition of which appears to the Railway and Canal Commission to be justified as aforesaid, may be imposed under section eight of that Act on the application of, and so as to vest the right to enforce the restrictions in, any such company, authority or body as is mentioned in the said section thirteen, and such restrictions may be so imposed on the application of, and so as to vest the right to enforce the restrictions in, any company or other body or person carrying on an undertaking primarily for the supply of gas, electricity, water or hydraulic power for public purposes or to members of the public.

THIRD SCHEDULE.

Section 12.

AMENDMENTS OF PARAGRAPH 12 OF THE THIRD SCHEDULE TO THE PRINCIPAL ACT.

1. The power under sub-paragraph (2) of paragraph 12 of the Third Schedule to the principal Act of selecting a referee for the purpose of any review shall be exercisable, and be deemed always to have been exercisable, by the Minister and not by any other person.
2. Where a referee selected by the Minister dies, or appears to the Minister to be incapable, by reason of illness or any other cause, of acting with due dispatch, the Minister shall have power, and be deemed always to have had power, to select another referee to act in his stead.
3. Unless the referee otherwise directs, not more than one expert witness shall be called, either by the Regional Valuation Board or by the person or persons claiming the review, to give evidence on the review, whether as to the value of the holding or otherwise; and accordingly sub-paragraph (3) of the said paragraph 12 shall have effect as if the words "as to the value of the holding" were omitted.
4. Where a claim for a review of a valuation is made by the claimant and also by a person or two or more persons intervening, the referee may, if he thinks fit, notwithstanding anything in the said sub-paragraph (3), allow different representatives to be heard and different witnesses to be called on behalf of any of them.

3RD SCH.
—cont.

5.—(1) The referee may at any stage of the proceedings on the review, and shall, if so directed by the High Court or a judge thereof, state in the form of a special case for the decision of the Court any question of law arising in the course of the review.

(2) The decision of the Court on any case stated under this paragraph shall not be subject to any appeal, or be questioned in any further proceedings arising out of the review.

(3) No provision of the principal Act or this Act as to the payment of costs by or to the Commission or a Regional Valuation Board shall affect any power of the Court or a judge to make orders as to the costs of proceedings under this paragraph.

6. The Commission shall pay the costs incurred by the Regional Valuation Board in connection with the review, including any costs ordered by the Court or a judge to be paid by them in connection with any proceedings under the last foregoing paragraph.

7. The following provisions shall have effect in lieu of sub-paragraph (5) of the said paragraph 12 (which relates to payment of costs in the case of frivolous or unjustified claims) :—

- (a) in a case in which it appears to the referee that the claim for the review was frivolous, he shall direct that the person claiming the review shall not be entitled to payment of any costs incurred by that person in connection with the review ;
- (b) in a case in which it appears to the referee that the claim for the review, though not frivolous, was not justified by a substantial error or omission in the valuation of the Regional Valuation Board, he may, if he thinks fit, direct that the person claiming the review shall not be entitled to payment of any costs incurred by that person in connection with the review or of such part of those costs as the referee may think fit ;
- (c) in either such case as aforesaid the referee may also, if he thinks fit, direct that the person claiming the review shall pay the whole, or such part as the referee may think fit, of the costs incurred by the Regional Valuation Board in connection with the review.

8. If default is made in the delivery, within the time provided by any rules of procedure made under paragraph 14 of the Third Schedule to the principal Act, of any particulars or further and better particulars of the grounds on which a claim for a review of a valuation is made, being particulars required to be delivered by those rules, the claim shall be deemed to have been abandoned, and, unless the referee otherwise directs, shall be treated for the purposes of the last foregoing paragraph as a frivolous claim.

9. The Commission shall be entitled to appear and be heard by such representative as they may appoint on any question arising as to costs under the provisions of the last two foregoing paragraphs, and the costs that the person claiming the review may be directed under or by virtue of sub-paragraph (c) of the last but one foregoing paragraph to pay shall include any costs incurred by the Commission in the exercise of the rights conferred on them by this paragraph.

10.—(1) Where under the foregoing provisions, or under sub-paragraph (6) (c) of paragraph 12 of the Third Schedule to the principal Act, the referee directs the person claiming a review of the valuation of a holding to pay the costs, or any part of the costs, incurred by the Regional Valuation Board or the Commission, the Commission may deduct the amount so payable from the amount of any sums payable to him by them under the principal Act in respect of that holding; and any amount so deducted in respect of costs incurred by the Regional Valuation Board shall, as between the Board and the person claiming the review, be deemed to have been paid to the Board.

(2) Without prejudice to any other method of recovery, the amount of any costs directed to be paid as aforesaid, or such part thereof as is not recovered by such deduction as aforesaid, shall be recoverable summarily as a civil debt.

(3) In any proceedings for the recovery of any costs directed to be paid as aforesaid, a document purporting to be a copy of the referee's decision on the review, and to be certified by him to be a true copy of the decision, shall be evidence of the decision.

(4) In case of difference as to the amount of any costs directed to be paid as aforesaid, the costs shall be taxed in the Supreme Court, as if the proceedings before the referee had been proceedings in the High Court.

11.—(1) For the purpose of any proceedings under paragraph 5 of this Schedule, and any proceedings for the taxation or recovery of any costs payable by virtue of this Schedule, it shall be sufficient to describe a Regional Valuation Board by its official name without naming the individual members, and any such proceedings may be begun or carried on notwithstanding any vacancy or change in the membership of the Board.

(2) The power of the Minister under this Act to dissolve a Regional Valuation Board shall be exercisable notwithstanding any outstanding right or liability of the Board under this Schedule as respects costs, but the dissolution of the Board shall not affect the right or liability and proceedings for the taxation or recovery of the costs may be begun or carried on as if the Board had not been dissolved, the Minister taking the place and acting in the name of the Board.

12. In the application of this Schedule to Scotland—

- (a) in paragraph 5 for the word "state" and the words "special case" there shall be respectively substituted the word "submit" and the words "stated case";
- (b) in paragraph 10 the word "summarily" in sub-paragraph (2) shall be omitted, and for the words in sub-paragraph (4) "in the Supreme Court" there shall be substituted the words "by the Auditor of the Court of Session".

CHAPTER 39.*Pensions Appeal Tribunals Act, 1943.*

ARRANGEMENT OF SECTIONS.

Section.

1. Appeals against rejection of war pension claims made in respect of members of the naval, military or air forces.
2. Appeals against rejection of war pension claims made in respect of mariners, pilots, &c.
3. Appeals against rejection of war pension claims made in respect of civil defence volunteers and other civilians.
4. Appeals in cases where award is withheld or reduced on ground of serious negligence or misconduct.
5. Appeals against assessment of extent of disablement.
6. Constitution, jurisdiction and procedure of Pensions Appeal Tribunals.
7. Application of Act to past decisions and assessments.
8. Time limit for appeals.
9. Notices.
10. Power to modify ss. 1, 2, 3 and 4 of this Act by Order in Council.
11. Statutory right to pensions.
12. Interpretation.
13. Application to Scotland.
14. Application to Northern Ireland.
15. Short title and extent.

SCHEDULE.—Constitution, Jurisdiction and Procedure of Pensions Appeal Tribunals.

An Act to provide for the bringing of appeals against the rejection by the Minister of Pensions on certain grounds of claims in respect of incapacity for work, disablement or death arising out of the war and against certain other decisions of the Minister of Pensions affecting awards in respect of such claims; to give a statutory right to sums payable under such awards; and for purposes connected with the matters aforesaid.

[5th August 1943.]

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

Appeals against rejection of war pension claims made in respect of members of the naval, military or air forces.

1.—(1) Where any claim in respect of the disablement of any person made under any such Royal Warrant, Order in Council or Order of His Majesty as is administered by the Minister is rejected by the Minister on the ground that the injury on which the claim is based—

(a) is not attributable to war service; and

(b) does not fulfil the following conditions, namely, that it existed before or arose during war service and has been and remains aggravated thereby;

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to a Pensions Appeal Tribunal constituted under this Act (hereafter in this Act referred to as "the Tribunal") on the issue whether the claim was rightly rejected on that ground.

(2) Where, for the purposes of any such claim as aforesaid, the injury on which the claim is based is accepted by the Minister as fulfilling the conditions specified in paragraph (b) of the last foregoing subsection but not as attributable to war service, the Minister shall notify the claimant of his decision, specifying that the injury is so accepted, and thereupon an appeal shall lie to the Tribunal on the issue whether the injury was attributable to such service.

(3) Where any claim in respect of the death of any person made under any such Royal Warrant, Order in Council or Order of His Majesty as aforesaid is rejected by the Minister on the ground that neither of the following conditions is fulfilled, namely—

- (a) that the death of that person was due to or hastened by an injury which was attributable to war service ;
- (b) that the death was due to or hastened by the aggravation by war service of an injury which existed before or arose during war service ;

the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether the claim was rightly rejected on that ground.

(4) Where, in connection with the determination, for the purposes of any such claim as is referred to in the foregoing provisions of this section, of—

- (i) the date by reference to which the rank of the disabled or deceased person is to be determined, or
- (ii) in the case of a claim by or in respect of a widow, widower, wife, husband or child, the date before which any marriage or any birth, legitimation or adoption of a child must have taken place,

it is contended that, as the result of a particular period of war service, the disabled or deceased person suffered aggravation of the injury on which the claim is based, being aggravation which in the case of death persisted until death, the Minister shall, if he rejects the said contention, notify the claimant of his decision, and thereupon an appeal shall lie to the Tribunal on the issue whether, as a result of such service during that period, the disabled or deceased person suffered such aggravation.

2.—(1) Where any claim in respect of the disablement or death of any person made under any scheme made under section three, section four or section five of the Pensions (Navy, Army, Air Appeals against rejection of war pension)

claims made
in respect of
mariners,
pilots, &c.
2 & 3 Geo. 6.
c. 83.
5 & 6 Geo. 6.
c. 26.

Force and Mercantile Marine) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942, is rejected by the Minister on either or both of the following grounds, namely—

- (a) that the disablement or death of the said person is not directly attributable to a war injury, war risk injury or detention ;
- (b) that the case is not one in which—

(i) the said person is to be treated for the purpose of the said section three as having sustained the injury or suffered the detention by reason of his service as a mariner in a British ship ; or

(ii) the said person is to be treated for the purpose of the said section four as having sustained the injury or suffered the detention by reason of his service ; or

(iii) the injury was sustained in the circumstances specified in a scheme made under the said section five or the detention was caused by reason of his service in a ship forming part of His Majesty's navy ;

the Minister shall notify the claimant of his decision, specifying the ground or grounds of the rejection, and thereupon an appeal shall lie to the Tribunal on the issue whether the claim was rightly rejected on that ground or those grounds.

(2) Where the Minister rejects any such claim as aforesaid on one of the grounds specified in the last foregoing subsection and an appeal is brought from his decision,—

- (a) the Minister may notify the appellant before the hearing of the appeal that he also rejects the said claim on the other ground so specified, and thereupon the Tribunal shall treat the appeal as an appeal on the issue whether the claim was rightly rejected on both the said grounds ;
- (b) unless the Minister notifies the appellant as aforesaid, he shall not be entitled, if the appeal is allowed, subsequently to reject the said claim on the said other ground.

Appeals
against
rejection of
war pension
claims made
in respect of
civil defence
volunteers
and other
civilians.
2 & 3 Geo. 6.
c. 82.

3.—(1) Where any claim in respect of the incapacity for work, disablement or death of any person made under any scheme made under section one of the Personal Injuries (Emergency Provisions) Act, 1939, is rejected by the Minister on the ground that the incapacity for work or the disablement was not caused by, or the death was not the direct result of, a war injury, or, in the case of a civil defence volunteer, a war service injury, the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether the claim was rightly rejected on that ground.

(2) Where an appeal is brought under the last foregoing subsection in any case where the Minister has refused to certify an

injury sustained by a civil defence volunteer as a war service injury or has revoked such a certificate, the Tribunal shall consider whether it is a physical injury (as defined by section five of the Pensions (Mercantile Marine) Act, 1942) which arose 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), did not arise out of and in the course of his employment in any other capacity, and if they decide that question in the affirmative, the injury shall be deemed for the purposes of the Personal Injuries (Emergency Provisions) Act, 1939, and any scheme made thereunder to have been certified by the Minister as a war service injury.

4.—(1) Where, in the case of any such claim as is referred to in section one, section two or section three of this Act in respect of the incapacity for work, disablement or death of any person, the Minister withholds or reduces the award on the ground that the injury or detention on which the claim is based was caused or contributed to by the serious negligence or misconduct of the said person or, as the case may be, that his death was so caused or contributed to, the Minister shall notify the claimant of his decision, specifying that it is made on that ground, and thereupon an appeal shall lie to the Tribunal on the issue whether the injury or detention or, as the case may be, the death was so caused or contributed to.

Appeals in cases where award is withheld or reduced on ground of serious negligence or misconduct.

(2) Where an appeal is brought under this Act on any of the issues specified in section one, section two or section three, and the Minister notifies the appellant before the hearing of the appeal that, if the appeal is allowed, he intends to withhold or reduce the award on the ground specified in the last foregoing subsection, the Tribunal shall, if they allow the appeal, determine the issue specified in that subsection, and unless the Minister notifies the appellant as aforesaid, he shall not be entitled, if the appeal is allowed, to withhold or reduce the award on the said ground.

5.—(1) Where, in the case of any such claim as is referred to in section one, section two or section three of this Act in respect of the disablement of any person, the Minister makes an interim assessment of the degree of the disablement, he shall notify the claimant thereof and if, at the expiration of two years from the time when he first notified such an interim assessment, he has not made such a final decision or assessment as is referred to in the next following subsection, an appeal shall lie to the Tribunal from the interim assessment in force at the expiration of the said period of two years and from any subsequent interim assessment, and the Tribunal on any such appeal may uphold the Minister's assessment or may assess the disablement at such higher or lower degree as they think proper.

Appeals against assessment of extent of disablement.

In this subsection the expression "interim assessment" means any assessment other than such a final assessment as is referred to in the next following subsection.

(2) Where, in the case of any such claim as is referred to in section one, section two or section three of this Act in respect of the disablement of any person, it appears to the Minister that the circumstances of the case permit a final settlement of the question to what extent, if any, the said person is disabled, and accordingly—

(a) he decides that there is no disablement or that the disablement has come to an end or, in the case of any such claim as is referred to in section three of this Act, that the disablement is not or is no longer serious and prolonged; or

(b) he makes a final assessment of the degree or nature of the disablement;

he shall notify the claimant of the decision or assessment, stating that it is a final one, and thereupon an appeal shall lie to the Tribunal on the following issues, namely—

(i) whether the circumstances of the case permit a final settlement of the question aforesaid;

(ii) whether the Minister's decision referred to in paragraph (a) hereof or, as the case may be, the final assessment of the degree or nature of the disablement, was right;

and the Tribunal on any such appeal may set aside the said decision or assessment on the ground that the circumstances of the case do not permit of such a final settlement, or may uphold that decision or assessment, or may make such final assessment of the degree or nature of the disablement as they think proper, which may be either higher or lower than the Minister's assessment, if any.

(3) This section shall not come into operation until such date as may be appointed by Order in Council, and different dates may be appointed for subsection (1) and subsection (2) respectively and for different classes of cases to which those respective subsections apply.

Constitution,
jurisdiction
and procedure
of Pensions
Appeal
Tribunals.

6.—(1) The provisions of the Schedule to this Act shall have effect with respect to the constitution, jurisdiction and procedure of Pensions Appeal Tribunals.

(2) Where, in the case of an appeal to the Tribunal under section one, section two, section three or section four of this Act, the appellant or the Minister is dissatisfied with the decision of the Tribunal as being erroneous in point of law, he may, with the leave of the Tribunal or of a judge of the High Court nominated

for the purpose by the Lord Chancellor, appeal therefrom, within such time as may be limited by rules of court to the judge so nominated and the decision of that judge shall be final and conclusive.

Rules of court, may provide that, where an appeal is brought under this subsection, a case shall be stated by the chairman of the Tribunal.

(3) Subject to the provisions of the last foregoing subsection, the decision of the Tribunal on any issue on which an appeal is brought under this Act shall be final and conclusive.

(4) In determining an appeal under this Act in respect of any claim or award, the Tribunal shall be bound by the terms of the Royal Warrant, Order in Council, Order of His Majesty or scheme under which the claim or award purports to be made and of any enactment under which any such scheme is made, being terms relating to the issue before the Tribunal.

7.—(1) This Act shall apply in cases where any such decision of the Minister as is referred to in section one, section two, section three or section four of this Act has been made before the passing of this Act, and in cases where any such decision or assessment as is referred to in section five of this Act has been made before that section comes into operation, and no further notification of any such decision or assessment as is referred to in any of the said sections shall be necessary in any such case, but the Minister shall take such steps as he considers necessary to bring the rights of appeal conferred by this Act to the notice of persons affected by any such decision or assessment.

Application of Act to past decisions and assessments.

(2) Any decision of the Minister given before the passing of this Act which corresponds, apart from any difference arising from the terms of the Royal Warrant, Order in Council or Order of His Majesty, as the case may be, in force when the decision was made, with such a decision as is referred to in section one of this Act, shall be deemed, for the purposes of this Act, to be such a decision, and an appeal shall lie therefrom accordingly.

8.—(1) No appeal shall be brought under any provision of this Act except subsection (1) of section five unless notice of that appeal is given, in such manner as may be prescribed by rules made under the Schedule to this Act, not later than twelve months after—

Time limit for appeals.

- (a) in the case of a decision from which an appeal lies to the Tribunal under section one, section two, section three or section four of this Act, being a decision made before such date as may be appointed by order of the Minister, that date ;

- (b) in the case of a decision or assessment from which an appeal lies to the Tribunal under section five of this Act, being a decision or assessment made before the said section comes into operation in relation to that decision or assessment, such date as may be appointed by order of the Minister ;
- (c) in any other case, the date on which the decision or assessment is notified to the claimant :

Provided that the Tribunal may allow an appeal to be brought after the expiration of the period limited by this subsection if they consider that there was a reasonable excuse for the delay.

(2) The Minister may, for the purposes of paragraph (a) or paragraph (b) of the last foregoing subsection, appoint different dates for different classes of cases.

(3) No appeal shall be brought under subsection (1) of section five of this Act unless notice of that appeal is given in such manner as may be prescribed by rules made under the Schedule to this Act not later than three months after,—

- (a) the date on which the period of two years referred to in the said subsection expires ; or
- (b) the date on which the said subsection comes into operation in relation to the assessment from which the appeal is brought ; or
- (c) the date on which the said assessment is notified ;

whichever is the latest of those dates :

Provided that the Tribunal may allow the appeal to be brought after the expiration of the period limited by this subsection if they consider there was a reasonable excuse for the delay.

Notices.

9. Any notice given by the Minister under this Act shall be in writing and may be sent by post to the last known or usual place of abode of the claimant or any person authorised to act on his behalf in relation to the claim and, in the case of a notice of a decision from which an appeal lies to the Tribunal, shall specify that fact and the time within which and the manner in which notice of such an appeal must be given.

Power to
modify ss. 1,
2, 3 and 4
of this Act
by Order in
Council.

10.—(1) Where any such Royal Warrant, Order in Council or Order of His Majesty as is referred to in section one of this Act or any such scheme as is referred to in section two or section three of this Act is amended or replaced so as to modify or extend the grounds on which awards may be made and to give rise to any issue on which it appears to His Majesty that an appeal ought to lie under the said sections or section four of this Act but

does not lie thereunder, he may by Order in Council make such modifications of the said sections or section four of this Act as appear to him to be necessary for the purpose of granting such a right of appeal.

(2) Where any Royal Warrant administered by the Minister provides for the awarding of pensions or other grants to any class of persons on grounds similar to those on which awards may be made under any such Royal Warrant, Order in Council or Order of His Majesty as is referred to in section one of this Act or any such scheme as is referred to in section two or section three of this Act, His Majesty may by Order in Council make such modifications of this Act as appear to him to be necessary for the purpose of extending the rights of appeal thereunder in relation to claims made in respect of persons of the said class.

(3) Every Order in Council made under this section shall be laid before Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it, praying that the Order be annulled, His Majesty in Council may annul the Order and it shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

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

11. Where the Minister has made an award under any such Royal Warrant, Order in Council, Order of His Majesty or scheme as is referred to in section one, section two or section three of this Act, in respect of the incapacity for work, disablement or death of any person, the person to whom the award has been made shall have a right to receive the sums payable under the award :

Provided that this section shall not affect any condition to which the award or any payment thereunder is subject, or any power of the Minister to vary or revoke the award, or to withhold, reduce or apply any payment thereunder, in accordance with any provision of the Royal Warrant, Order in Council, Order of His Majesty or scheme.

12.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them :—

“detention” and “war injuries” have the same meanings as in the Pensions (Navy, Army, Air Force and Mercantile

Marine) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942 ;

“ civil defence organisation ” means any organisation established for civil defence purposes which is declared by a scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, to be a civil defence organisation for the purpose of the said Act and the scheme ;

“ civil defence volunteer ” and “ war service injury ” have the same meanings as in the Personal Injuries (Emergency Provisions) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942 ;

“ His Majesty’s naval, military or air forces ” include the nursing service and any other auxiliary service of any of His Majesty’s said forces ;

“ injury ”, in relation to any such claim as is referred to in section one of this Act, includes wound or disease ;

“ the Minister ” means the Minister of Pensions ;

“ war risk injury ” means an injury falling within section one of the Pensions (Mercantile Marine) Act, 1942, except that, in relation to the persons referred to in subsection (4) of section four of that Act, it means an injury falling within the said section one as amended by the said subsection (4) ;

“ war service,” in relation to any claim made under any such Royal Warrant, Order in Council or Order of His Majesty as is referred to in section one of this Act, has the same meaning as in that Royal Warrant, Order in Council or Order.

(2) References in this Act to the rejection of a claim or the withholding of an award shall be construed as including references to the cancellation of an award made on a claim.

Application to
Scotland.

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

- (a) for references to a judge of the High Court nominated by the Lord Chancellor there shall be substituted references to the Court of Session ; and
- (b) for references to the Lord Chancellor there shall be substituted references to the Lord President of the Court of Session ; and
- (c) for the reference to a barrister there shall be substituted a reference to an advocate.

14. This Act in its application to Northern Ireland shall have effect subject to the modifications that for the references to the Lord Chancellor there shall be substituted references to the Lord Chief Justice of Northern Ireland and for the references to the High Court there shall be substituted references to the Supreme Court.

Application to
Northern
Ireland.

15.—(1) This Act may be cited as the Pensions Appeal Tribunals Act, 1943.

Short title
and extent.

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

SCHEDULE.

Section 6.

Constitution, Jurisdiction and Procedure of Pensions Appeal Tribunals.

1. Such number of Pensions Appeal Tribunals shall be constituted as the Lord Chancellor may from time to time determine and they shall sit at such times and in such places as he may from time to time determine.

2. The members of the Tribunals shall be appointed by the Lord Chancellor, and there shall be paid to them such remuneration as the Treasury may determine and the Lord Chancellor may, if he thinks fit, remove any member of such a Tribunal.

3.—(1) The number of members of the Tribunal to hear any particular appeal shall be three and, in the case of an appeal under section one, section two, section three or section four of this Act, shall consist of—

- (a) a barrister or solicitor of not less than seven years' standing ;
- (b) a duly qualified medical practitioner of not less than seven years' standing ;
- (c) a person who satisfies the conditions specified in the next following paragraph ;

and, in the case of an appeal under section five of this Act, shall consist of two duly qualified medical practitioners of not less than seven years' standing and a person who satisfies the conditions specified in the next following paragraph, and the chairman of the Tribunal shall, in cases where there is a legal member, be that member, and in other cases shall be such one of the duly qualified medical practitioners as may be appointed to be chairman by the Lord Chancellor.

(2) The conditions referred to in the last foregoing paragraph are that the member shall be of the same sex as the person in respect of whose incapacity for work, disablement or death the claim to which the appeal relates was made and—

- (a) if the claim was made in respect of an officer of His Majesty's naval, military or air forces under any such Royal Warrant, Order in Council or Order of His Majesty as is referred to in section one of this Act, shall be a retired or demobilised officer of any of the said forces ;

- (b) if the claim was made in respect of a member of any of the said forces, other than an officer, under any such Royal Warrant, Order in Council or Order of His Majesty as aforesaid, shall be a discharged or demobilised member of any of the said forces who was not at the time of his discharge or demobilisation an officer ;
- (c) if the claim was made under any such scheme as is referred to in section two of this Act, shall be a person who is or has been a master or member of the crew of a British ship ;
- (d) if the claim was made under any such scheme as is referred to in section three of this Act in respect of a war service injury sustained by a civil defence volunteer, shall be a person who is or has been a member of a civil defence organisation ;
- (e) if the claim was made under any such scheme as is referred to in the said section three, not being a claim in respect of a war service injury sustained by a civil defence volunteer, shall be any person other than a member of His Majesty's naval, military or air forces.

4. No court fees shall be charged on the hearing of any case before a Tribunal.

5.—(1) Subject as aforesaid, the Lord Chancellor may make rules with respect to—

- (a) the manner of hearing of appeals by Pensions Appeal Tribunals and in particular appeals in cases where the appellant owing to illness or other cause is not present at the hearing ;
- (b) the mode of proof and admissibility of evidence ;
- (c) the representation of the appellant and the Minister at the hearing ;
- (d) the recording and proof of the decisions of the Tribunals ;

and such other matters relating to the practice and procedure of the Tribunals as the Lord Chancellor thinks fit.

(2) Such rules shall provide for the disclosure of all such documents (whether in the possession of a government department or not) as are necessary for disposing fairly of the appeal, subject to such exceptions and conditions as the rules may prescribe in the public interest, and shall provide for making available to the appellant copies of all documents produced to the Tribunal in connection with the appeal except where the Tribunal considers it undesirable in the interests of the appellant.

(3) Such rules may provide for the taking of medical and other expert advice by the Tribunals but shall require that such advice shall be disclosed to the appellant except where the Tribunal considers it undesirable in the interests of the appellant.

(4) Such rules shall provide for the payment by the Tribunal of :—

- (a) travelling expenses and allowances to the following persons,—
 - (i) an appellant attending the hearing of his appeal by the Tribunal ;

(ii) in a case where an appellant is unable to attend the hearing for reasons of health, a relative or friend attending the hearing on his behalf ;

(iii) in a case where the appellant attends the hearing but requires for reasons of health to be accompanied by an attendant, that attendant ;

(b) expenses reasonably incurred by appellants in obtaining, for the purpose of their appeals, medical reports and certificates and the attendance of medical witnesses ; and

(c) in a case where leave is obtained (whether by the appellant or the Minister) to appeal to a judge of the High Court, the costs incurred by the appellant in connection with that appeal.

(5) All such rules shall be laid before Parliament as soon as may be after they are made, and if either House, within the period of forty days beginning with the day on which any such rules are laid before it, resolves that the rules be annulled, they shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

6. Any appeal brought by a person who, at the time when the notice of appeal was given, resided in Scotland or in Northern Ireland shall be heard by such one of the Tribunals appointed for Scotland or, as the case may be, for Northern Ireland as may be prescribed by or under rules made for those Tribunals under this Schedule, and all other appeals shall be heard by such one of the Tribunals appointed for England as may be prescribed by or under rules made for those Tribunals under this Schedule :

Provided that where an appeal has been determined by a Tribunal, that determination shall not be open to challenge on the ground that the appeal should, by virtue of this paragraph, have been heard by another Tribunal.

7. In the case of appeals heard in Wales the appellant or any witness may, if he considers that he would otherwise be at a disadvantage by reason of his natural language of communication being Welsh, use the Welsh language and rules made under this Schedule may provide for the employment of interpreters of the English and Welsh languages for the purpose of any such appeal.

8. Any expenses incurred for the purposes of this Schedule, including the remuneration of members of the Tribunals and any expenses which may be incurred by the Tribunals up to an amount sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.

CHAPTER 40.

An Act to amend the law relating to the frustration
of contracts. [5th August 1943.]

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

Adjustment
of rights and
liabilities of
parties to
frustrated
contracts.

1.—(1) Where a contract governed by English law has become impossible of performance or been otherwise frustrated, and the parties thereto have for that reason been discharged from the further performance of the contract; the following provisions of this section shall, subject to the provisions of section two of this Act, have effect in relation thereto.

(2) All sums paid or payable to any party in pursuance of the contract before the time when the parties were so discharged (in this Act referred to as "the time of discharge") shall, in the case of sums so paid, be recoverable from him as money received by him for the use of the party by whom the sums were paid, and, in the case of sums so payable, cease to be so payable:

Provided that, if the party to whom the sums were so paid or payable incurred expenses before the time of discharge in, or for the purpose of, the performance of the contract, the court may, if it considers it just to do so having regard to all the circumstances of the case, allow him to retain or, as the case may be, recover the whole or any part of the sums so paid or payable, not being an amount in excess of the expenses so incurred.

(3) Where any party to the contract has, by reason of anything done by any other party thereto in, or for the purpose of, the performance of the contract, obtained a valuable benefit (other than a payment of money to which the last foregoing subsection applies) before the time of discharge, there shall be recoverable from him by the said other party such sum (if any), not exceeding the value of the said benefit to the party obtaining it, as the court considers just, having regard to all the circumstances of the case and, in particular,—

- (a) the amount of any expenses incurred before the time of discharge by the benefited party in, or for the purpose of, the performance of the contract, including any sums paid or payable by him to any other party in pursuance of the contract and retained or recoverable by that party under the last foregoing subsection, and
- (b) the effect, in relation to the said benefit, of the circumstances giving rise to the frustration of the contract.

(4) In estimating, for the purposes of the foregoing provisions of this section, the amount of any expenses incurred by any party to the contract, the court may, without prejudice to the generality of the said provisions, include such sum as appears to be reasonable in respect of overhead expenses and in respect of any work or services performed personally by the said party.

(5) In considering whether any sum ought to be recovered or retained under the foregoing provisions of this section by any party to the contract, the court shall not take into account any sums which have, by reason of the circumstances giving rise to the frustration of the contract, become payable to that party under any contract of insurance unless there was an obligation to insure imposed by an express term of the frustrated contract or by or under any enactment.

(6) Where any person has assumed obligations under the contract in consideration of the conferring of a benefit by any other party to the contract upon any other person, whether a party to the contract or not, the court may, if in all the circumstances of the case it considers it just to do so, treat for the purposes of subsection (3) of this section any benefit so conferred as a benefit obtained by the person who has assumed the obligations as aforesaid.

2.—(1) This Act shall apply to contracts, whether made before or after the commencement of this Act, as respects which the time of discharge is on or after the first day of July, nineteen hundred and forty-three, but not to contracts as respects which the time of discharge is before the said date. Provision as to application of this Act.

(2) This Act shall apply to contracts to which the Crown is a party in like manner as to contracts between subjects.

(3) Where any contract to which this Act applies contains any provision which, upon the true construction of the contract, is intended to have effect in the event of circumstances arising which operate, or would but for the said provision operate, to frustrate the contract, or is intended to have effect whether such circumstances arise or not, the court shall give effect to the said provision and shall only give effect to the foregoing section of this Act to such extent, if any, as appears to the court to be consistent with the said provision.

(4) Where it appears to the court that a part of any contract to which this Act applies can properly be severed from the remainder of the contract, being a part wholly performed before the time of discharge, or so performed except for the payment in respect of that part of the contract of sums which are or can be ascertained under the contract, the court shall treat that part of the contract as if it were a separate contract and had not been frustrated and shall treat the foregoing section of this Act as only applicable to the remainder of that contract.

(5) This Act shall not apply—

- (a) to any charterparty, except a time charterparty or a charterparty by way of demise, or to any contract (other than a charterparty) for the carriage of goods by sea ; or
- (b) to any contract of insurance, save as is provided by subsection (5) of the foregoing section ; or
- (c) to any contract to which section seven of the Sale of Goods Act, 1893 (which avoids contracts for the sale of specific goods which perish before the risk has passed to the buyer) applies, or to any other contract for the sale, or for the sale and delivery, of specific goods, where the contract is frustrated by reason of the fact that the goods have perished.

56 & 57 Vict.
c. 71.

Short title and interpretation. 3.—(1) This Act may be cited as the Law Reform (Frustrated Contracts) Act, 1943.

(2) In this Act the expression “ court ” means, in relation to any matter, the court or arbitrator by or before whom the matter falls to be determined.

CHAPTER 41.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-four, and to appropriate the further Supplies granted in this Session of Parliament. [11th November 1943.]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND.

Issue of
£1,250,000,000
out of the
Consolidated
Fund.

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

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

Power for the Treasury to borrow.

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

40 & 41 Vict. c. 2.

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

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

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

APPROPRIATION OF GRANT.

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

Appropriation of sum voted for supply services.

The abstract of schedules and the schedules annexed hereto with the notes (if any) to such schedules shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

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

Declaration required in certain cases before receipt of sums appropriated.

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

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

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

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

Short title. 5. This Act may be cited for all purposes as the Appropriation (No. 2) Act, 1943.

A B S T R A C T

OF

Section 3. SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.).

Grant out of the Consolidated Fund	-	-	£	1,250,000,000	s.	0	d.	0
			1,250,000,000 0 0					

Section 3. SCHEDULE (B.)—APPROPRIATION OF GRANT.

	1943.		Supply Grant.					
			£		s.	d.		
Expenditure arising out of the War (Supplementary Vote of Credit)	-	-		1,250,000,000	0	0		
			1,250,000,000 0 0					

Sched. (A). SCHEDULE (A.).

GRANT OUT OF THE CONSOLIDATED FUND.

For the service of the year ending on the 31st day of March 1944 :—

Under this Act	-	-	£	1,250,000,000	s.	0	d.	0
			1,250,000,000 0 0					

SCHEDULE (B.).

EXPENDITURE ARISING OUT OF THE WAR.
(SUPPLEMENTARY VOTE OF CREDIT.)Sched. (B.)
Expenditure
arising out
of the war
(Supplementary
Vote of
Credit).

For defraying the expenses which may be incurred during the year ending on the 31st day of March 1944, for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war; for maintaining supplies and services essential to the life of the community; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war

- £1,250,000,000

CHAPTER 42.

An Act to amend the law as to the delegation of royal functions to Counsellors of State.

[11th November 1943.]

WHEREAS Your Majesty, by Your Majesty's Royal Message to both Houses of Parliament, has recommended that Parliament should review the provision made for the delegation of royal functions to Counsellors of State in the event of the Sovereign's illness or absence or intended absence from the United Kingdom, and should consider whether it be not expedient to make provision for including among such Counsellors the person who is the heir apparent or heir presumptive to the Throne if that person, although not of full age, is of such age that his accession would not necessitate a Regency:

And whereas Your Majesty in the same Message has recommended that Parliament should also consider whether it be not expedient to make provision for enabling persons who are absent or intend to be absent from the United Kingdom to be excepted from among the number of Counsellors of State:

Now, therefore, we, Your Majesty's Most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal and the Commons in Parliament assembled do most humbly beseech Your Majesty that it be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons,

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

Amendment
as to 1 Edw. 8.
& 1 Geo. 6.
c. 16. s. 6.

1. For subsection (2) of section six of the Regency Act 1937, (which makes provision as to the persons who are to be the Counsellors of State to whom royal functions may be delegated in accordance with the provisions of that section) there shall be substituted the following subsections:—

“(2) Subject as hereinafter provided, the Counsellors of State shall be the wife or husband of the Sovereign (if the Sovereign is married), and the four persons who, excluding any persons disqualified under this section, are next in the line of succession to the Crown, or if the number of such persons next in the line of succession is less than four, then all such persons:

Provided that, if it appears to the Sovereign that any person who, in accordance with the foregoing provisions of this subsection, would be required to be included among the Counsellors of State to whom royal functions are to be delegated, is absent from the United Kingdom or intends to be so absent during the whole or any part of the period of such delegation, the Letters Patent may make provision for excepting that person from among the number of Counsellors of State during the period of such absence.

(2A) The heir apparent or heir presumptive to the Throne if not under the age of eighteen years shall not be disqualified from being a Counsellor of State by reason only of his not being of full age, but save as aforesaid any person disqualified under this Act from being Regent shall be disqualified from being a Counsellor of State.”

Short title and
citation.

2. This Act may be cited as the Regency Act 1943, and this Act and the Regency Act 1937 may be cited together as the Regency Acts 1937 and 1943.

CHAPTER 43.

Town and Country Planning (Interim Development) (Scotland) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Application of planning resolutions to land not already subject to planning schemes or resolutions.
2. Refusal and postponement of interim development applications.
3. Temporary permissions for interim development.
4. Revocation and modification of permissions for interim development.
5. Power to enforce interim development control.

Section.

6. Powers of Secretary of State with respect to interim development applications.
7. Compensation for abortive expenditure in certain cases.
8. Interim protection of trees and woodlands.
9. Provisions as to joint committees.
10. Provisions as to agreements.
11. Provisions as to orders.
12. Construction and application of certain provisions of principal Act.
13. Provisions as to transfer of functions to the Secretary of State.
14. Interpretation.
15. Short title, citation, extent and repeals.

SCHEDULES :

First Schedule.—Appeals from decision to exercise power to enforce interim development control.

Second Schedule.—Repeals of 22 & 23 Geo. 5. c. 49.

An Act to bring under planning control land in Scotland which is not subject to a scheme or resolution under the Town and Country Planning (Scotland) Act, 1932 ; to secure more effective control of development in Scotland pending the coming into operation of planning schemes ; to provide for the transfer to the Secretary of State of certain statutory functions ; and for purposes connected with the matters aforesaid.

[11th November 1943.]

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

1.—(1) After the expiration of the period of three months beginning with the date of the commencement of this Act, all land which is not already the subject of a scheme in force under the principal Act or any enactment thereby repealed, or of a resolution in force under that Act to prepare or adopt such a scheme, shall be subject to a resolution to prepare a scheme under that Act, which shall be deemed to have been duly passed by the local authority for the district in which the land is situated and to have been approved by the Secretary of State and to have taken effect accordingly at the expiration of that period :

Provided that the Secretary of State may, by order made at any time before the expiration of the said period, direct that this section shall have effect in relation to any land specified in the order as if for the reference to the local authority for the district in which the land is situated there were substituted a reference to such other local authority or joint committee as may be so specified.

(2) It shall not be necessary to publish or serve upon any person notice of a resolution to prepare a scheme which takes effect by virtue of this section, or to compile a register for the purposes of the scheme to be made in pursuance thereof, and accordingly the provisions of section seven of the principal Act shall not apply in relation to any such resolution.

Refusal and postponement of interim development applications.

2.—(1) The proviso to subsection (3) of section ten of the principal Act (which requires that applications for permission to develop land made under an interim development order must in certain cases be granted or granted unconditionally) shall cease to have effect.

(2) An interim development authority may, by a notice of postponement served in the prescribed manner on the applicant, postpone the consideration of any interim development application either generally or during such period as may be specified in the notice, unless the applicant shows to their satisfaction that the proposed development would be carried out immediately if the application were granted :

Provided that—

- (a) the applicant may appeal against any such notice to the Secretary of State by giving notice of appeal within twenty-eight days from the date of the service on the applicant of the notice of postponement, and the Secretary of State, if satisfied that the development would be carried out immediately if the application were granted, shall by order cancel the notice of postponement ;
- (b) if with respect to any interim development application it appears to the Secretary of State that there are exceptional reasons requiring the immediate determination thereof, he may, without prejudice to his power to require the application to be referred to him for decision in accordance with the subsequent provisions of this Act, give directions requiring the interim development authority to determine the application, and, where a notice of postponement has been served with respect thereto, may by order cancel the notice.

(3) So much of subsection (3) of section ten of the principal Act as provides that any application for permission to develop land made under an interim development order shall be deemed to be granted unless it is refused within the period specified in that subsection shall cease to have effect, and any such application shall be deemed to be refused at the expiration of two months from the date of the receipt thereof unless within that period—

- (a) notice has been given to the applicant that the application has been determined by that authority or has been

referred to the Secretary of State for decision in accordance with the subsequent provisions of this Act ; or

- (b) the consideration of the application has been postponed by a notice of postponement under the last foregoing subsection ;

and any such application of which the consideration has been so postponed for any period shall be deemed to be refused at the expiration of two months from the end of that period unless within those two months notice has been given to the applicant as aforesaid or its consideration has again been postponed by virtue of a further notice of postponement :

Provided that—

- (i) any such period of two months may, at any time before the expiration thereof, be extended by agreement in writing made between the interim development authority and the applicant ;
- (ii) where a notice of postponement served with respect to any application is cancelled by an order made by the Secretary of State under this section, this subsection shall have effect in relation to the application as if for the reference therein to the date of the receipt of the application there were substituted a reference to the date of the order.

(4) In relation to any application which, under the provisions of this section, is deemed to be refused at the expiration of any period, the provisions of subsection (5) of section ten of the principal Act (which relates to appeals to the Secretary of State) shall have effect as if for the reference therein to the date on which the applicant received notice of the decision of the authority there were substituted a reference to the expiration of that period.

(5) Nothing in this section shall be construed as affecting the duty of an interim development authority—

- (a) to take into consideration with reasonable dispatch all interim development applications made to them, other than applications the consideration of which is postponed under the provisions of this section or which are referred to the Secretary of State for decision in accordance with the subsequent provisions of this Act ; and
- (b) to give notice to the applicant of their decision upon the consideration of any such application, including, where the application is refused or granted subject to conditions, a statement of the reasons for their decision.

3.—(1) Where, on an interim development application, permission for the erection, construction or carrying out of any building or work, or for any use of any building or land, has been

Temporary permissions for interim development.

granted, whether before or after the commencement of this Act, for a limited period only, then, subject to the provisions of this section, the building, work or use shall not be deemed for the purposes of a scheme under the principal Act to be an existing building, an existing work or an existing use, as the case may be, by reason only of that permission.

(2) Where the period for which any such permission was granted has not expired on the date on which the scheme comes into operation, then, during the remainder of that period—

- (a) subsections (3) and (6) of section thirteen of the principal Act, and subsection (2) of section twenty of that Act (which make special provision, in the case of existing buildings, works and uses, with respect to the time for service of notice of action proposed to be taken under the said section thirteen, the recovery of expenses incurred in taking such action, and the payment of compensation in respect of any such action); and
- (b) any provision included in the scheme in accordance with paragraph (ii) of subsection (2) of section nineteen of the principal Act (which relates to the maintenance, alteration and replacement of existing buildings and the continuation of the existing use of such buildings),

shall apply in relation to the building, work or use, as the case may be, as those provisions apply in relation to existing buildings, existing works, or existing uses respectively :

Provided that, in calculating any compensation payable under the principal Act in respect of any exercise of the powers of the responsible authority under the said section thirteen in relation to the building, work or use, regard shall be had to the power of the responsible authority to take the like action, without payment of compensation, after the expiration of the said period.

(3) Where, in the exercise of any right conferred by a scheme as amended by the last foregoing subsection, a building is substituted for a building to which subsection (1) of this section applies, the foregoing provisions of this section shall have effect in relation to the substituted building as if it were the building for which it was substituted.

(4) The period for which any such permission was granted as aforesaid may be extended by the interim development authority on application made at any time before the expiration thereof; and the provisions of section six of this Act and of subsection (5) of section ten of the principal Act (which relates to appeals to the Secretary of State) shall apply to any such application as they apply to interim development applications.

(5) For the purposes of this Act, where permission for the erection, construction or carrying out of any building or work, or for any use of any building or land, has been granted subject to

any condition or agreement for securing the subsequent removal of the building or work, or the subsequent discontinuance of the use, the permission shall be deemed to have been granted for a limited period only ; but permission shall not be deemed to have been so granted by reason only of the imposition of conditions requiring any building or work to be begun or completed within a specified period.

4.—(1) If at any time before a scheme under the principal Act comes into operation it appears to an interim development authority that it is expedient, having regard to the provisions then proposed to be included in that scheme, that any development for which permission has been granted on an interim development application should not be carried out or completed, or should not be carried out or completed to the extent or in the manner allowed by the permission, they may, by order made with the consent of the Secretary of State, revoke or modify the permission to such extent as appears to them to be necessary in that behalf.

Revocation and modification of permissions for interim development.

(2) The Secretary of State may give directions to any interim development authority requiring them to submit to him for his consent under the foregoing subsection an order for the revocation of any permission specified in the directions, or for the modification thereof in such manner as may be so specified ; and if any such directions are not complied with within the time specified therein, the Secretary of State may himself make the order on behalf of the authority.

(3) Where an interim development authority propose or are directed to exercise their powers under this section, they shall serve notice in the prescribed manner on the owner and on the occupier of the building or land affected, and on any other person who in their opinion will be affected by the order ; and the Secretary of State, before consenting to or making the order, shall, if either the authority or any such person so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Where any permission for the development of land is revoked or modified under this section, the interim development authority may pay to any person whose property is injuriously affected thereby any such contribution as might have been made by them under subsection (4) of section ten of the principal Act if a fresh application for such permission had been made by that person ; and the provisions of subsections (6) and (7) of that section (which respectively enable an applicant whose appeal to the Secretary of State is dismissed to require his land to be purchased by the interim development authority in certain cases, and provide for compensation for abortive expenditure incurred for the purpose of complying with conditions confirmed or imposed by the Secretary of State on appeal) and of subsection

(2) of section eighteen of that Act (which provides in certain cases for compensation under a scheme in respect of additional injurious affection caused by the refusal on appeal to the Secretary of State of an interim development application or the imposition of conditions by the Secretary of State on the grant thereof) shall apply as if the Secretary of State had refused on appeal to grant such an application, or had imposed conditions upon the grant thereof, as the case may be.

Power to enforce interim development control.

5.—(1) If while a resolution to prepare or adopt a scheme under the principal Act is in force with respect to any area, any development of land within that area is carried out after the commencement of this Act otherwise than in accordance with the terms of the interim development order or of permission granted under that order, then, subject to the provisions of this section, the interim development authority may, if they are satisfied that it is necessary or expedient so to do having regard to the provisions then proposed to be included in the scheme—

- (a) where the development consists of the erection, construction or carrying out of any building or work or any part of a building or work, remove or pull down the building, work or part ;
- (b) where the development consists of any use of the land or any building thereon, by order prohibit that use, and, where necessary, reinstate the land :

Provided that where it is reasonably practicable, by means of alterations or of the execution of any other works, to bring any such building or work into compliance with any permission granted as aforesaid, the interim development authority shall, instead of removing or pulling down the building or work, carry out those alterations or works so far as appears to them to be necessary or expedient as aforesaid.

(2) The provisions of subsections (2) to (5) of section thirteen of the principal Act (which provide for an appeal to the sheriff against action proposed to be taken under that section) shall apply as set out with modifications in the First Schedule to this Act in relation to any action proposed to be taken under this section.

(3) The Secretary of State may give general or special directions for controlling the exercise by interim development authorities of their powers under this section, and may give to any such authority directions requiring them to exercise the said powers as respects any development specified in the directions in such manner as may be so specified ; and any such directions requiring an interim development authority to exercise their powers shall be enforceable, on the application of the Secretary of State by proceedings under section ninety-one of the Court of Session Act, 1868.

(4) Any expenses reasonably incurred by an interim development authority in taking action under this section in respect of any development may be recovered as a civil debt from the person by whom the development was carried out, and if that person, having been entitled to appeal against that action under the provisions of the First Schedule to this Act, failed so to do, he shall not be entitled in the proceedings under this subsection to dispute the validity of that action.

(5) If any person uses any land or building in a manner prohibited by an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, and if the use is continued after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(6) Where permission for any development of land has, whether before or after the commencement of this Act, been granted under an interim development order for a limited period only, and that period expires before the scheme comes into operation, the provisions of this section shall, after the expiration of that period, apply in relation to the development as if no such permission had been granted and as if the development had been carried out at the expiration of the said period by the person then entitled to possession of the land.

(7) For the purpose of this section and of section ten of the principal Act, the use of any land for the deposit of waste materials or refuse shall be deemed to constitute development of the land, notwithstanding that it is comprised in a site which is already being used for that purpose, if the effect of the further use is to extend the superficial area of the deposit.

6.—(1) If it appears to the Secretary of State that it is expedient, having regard to considerations affecting the public interest, whether generally or in the locality concerned, that any interim development application, or any class or description of such applications, should be referred to him for decision, he may give directions to the interim development authority requiring that application, or applications of that class or description, to be so referred, and any decision of the Secretary of State on an application so referred to him shall be deemed for the purposes of subsection (4) of section ten of the principal Act to be a decision given by the interim development authority, and for all other purposes of that Act to be a decision given by him on appeal from the decision of the interim development authority :

Powers of Secretary of State with respect to interim development applications.

Provided that, before dealing with any application so referred to him, the Secretary of State shall, if either the interim development authority or the applicant so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(2) The Secretary of State may give directions to any interim development authority requiring them to furnish him with such information with respect to interim development applications received by them as he considers necessary or expedient for the purpose of enabling him to exercise his functions under the last foregoing subsection.

(3) Provision may be made by an interim development order for requiring interim development authorities, before dealing with interim development applications or any class or description of such applications, to consult with such authorities or persons as may be determined by or under the order.

(4) Where an appeal is taken to the Secretary of State under subsection (5) of section ten of the principal Act against the decision of an interim development authority upon any interim development application, the Secretary of State may reverse or vary any part of the decision of the interim development authority, whether or not the appeal relates to that part, and may deal with the whole application in like manner as if it had been referred to him for decision under this section.

Compensation for abortive expenditure in certain cases.

7.—(1) Where any interim development application, being an application for permission to complete or carry out a building or work begun or contracted for before the date on which the resolution to prepare or adopt a scheme under the principal Act took effect, is refused or is granted subject to conditions, then, without prejudice to the provisions of subsection (4) of section ten of the principal Act, if any person has—

- (a) where the resolution was in force at the date of the commencement of this Act, before that date; or
- (b) where the resolution took effect after that date, before the resolution took effect,

incurred expenditure in carrying out any work which is rendered abortive by the refusal or conditions, or entered into a contract for the purpose of any work which is abandoned by reason of the refusal or conditions, he shall be entitled to recover from the interim development authority by way of compensation an amount equal to the expenditure so incurred or, as the case may be, to any sums reasonably paid by him in discharge of any liability arising under the contract in respect of the abandonment of that work.

(2) Where any permission for the development of land is revoked or modified by an order under this Act, then, without prejudice to the provisions of subsection (4) of section four of this Act, if any person has, before the date of the order, incurred expenditure in carrying out any work which is rendered abortive by the order, or entered into a contract for the purpose of any

work which is abandoned by reason of the order, he shall be entitled to recover from the interim development authority by way of compensation an amount equal to the expenditure so incurred or, as the case may be, to any sums reasonably paid by him in discharge of any liability arising under the contract in respect of the abandonment of that work.

(3) For the purposes of this section any expenditure incurred in the preparation of plans for the purpose of any work, or upon other similar matters preparatory thereto, shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under subsection (2) of this section in respect of any work carried out before the date on which the permission was granted, or in respect of any liability arising under a contract made before that date.

(4) Any claim for compensation under this section shall be made within twelve months after the date of the final determination of the interim development application or, as the case may be, the date of the order revoking or modifying the permission.

8.—(1) If it appears to any interim development authority that it is expedient, having regard to any provision proposed to be inserted in the scheme in accordance with section forty-five of the principal Act, to make provision for the preservation of trees or woodlands during the period pending the coming into operation of that provision, they may for that purpose make an order (in this section referred to as an "interim preservation order") with respect to such trees, groups of trees or woodland areas as may be specified in the order or as may for the time being be designated by the interim development authority in accordance with the order; and, in particular, provision may be made by any such order—

Interim protection of trees and woodlands.

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the interim development authority, and for enabling that authority to give their consent subject to conditions;
- (b) for securing the replanting of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order; and
- (c) for the imposition in respect of contraventions of the order of pecuniary penalties not exceeding the sum of fifty pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction, and for the recovery thereof by summary proceedings before the sheriff.

(2) An interim preservation order shall not take effect unless it is approved by the Secretary of State, and the Secretary of State may approve any such order either without modification or subject to such modifications as he thinks fit, but shall not approve any such order unless it contains provisions satisfactory to him—

- (a) for securing that any person aggrieved by the refusal of any consent required under the order, or by any condition imposed upon the grant of any such consent, is entitled to appeal to the Secretary of State ; and
- (b) for enabling the interim development authority, upon the refusal of any consent required under the order, or upon granting any such consent subject to conditions, to make a contribution towards any damage or expense likely to be suffered or incurred by reason of their decision.

(3) Regulations shall be made under section thirty-six of the principal Act with respect to the submission and approval of interim preservation orders and the publication of notices thereof, and the Secretary of State, before approving any such order, shall take into account any objections made in accordance with the regulations and not withdrawn :

Provided that where it appears to the Secretary of State that any such order should take effect immediately, he may approve the order provisionally without complying with the requirements of this subsection with respect to the consideration of objections, but any order so approved shall cease to have effect upon the expiration of the period of two months from the date of the approval unless within that period it has been confirmed, with or without modifications, after compliance with those requirements.

(4) The compensation payable under subsection (1) of section eighteen of the principal Act in respect of injurious affection of property by the coming into operation of any provision included in a scheme in accordance with the said section forty-five shall include compensation in respect of any additional injurious affection of the property by the coming into operation of an interim preservation order under this section :

Provided that subsection (2) of section twenty-three of the principal Act (which specifies matters to be taken into account in assessing compensation under that Act) shall have effect as if the reference in paragraph (iii) of that subsection to a contribution made under the provisions of that Act relating to interim development orders included a reference to any contribution paid in accordance with the interim preservation order.

(5) Without prejudice to any exemptions for which provision may be made by an interim preservation order, no such order shall, while the Emergency Powers (Defence) Acts, 1939 and 1940, remain in force, prohibit or restrict the carrying out of any

operations authorised by any government department in accordance with Regulations made under those Acts.

(6) The power to make interim preservation orders under this section shall include power to revoke or vary any such order by a subsequent order.

9.—(1) Provision may be made by an interim development order for empowering any joint committee specified therein to permit the development of land in accordance with the terms of the order, and where such provision is made the joint committee shall be deemed to have been appointed or constituted for that purpose as well as for the purposes for which it was originally appointed or constituted. Provisions as to joint committees.

(2) A joint committee may delegate to any sub-committee appointed by them under subsection (5) of section three of the principal Act, or under that subsection as applied with modifications by an order under section four of that Act, any of their functions, including any powers exercisable by them under or by virtue of an interim development order.

(3) An order under section four of the principal Act for the constitution of a joint committee may be made by the Secretary of State without the request of any of the constituent authorities ; and accordingly in subsection (1) of that section the words “ at the request of any one or more of them ” shall cease to have effect.

(4) A joint committee constituted by an order under the said section four or under any enactment repealed by the principal Act may be dissolved by a subsequent order whether or not that order provides for the constitution of any other joint committee.

(5) Any land acquired, in accordance with any provision of the principal Act, by a joint committee being an interim development authority shall be vested in the local authority for the district in which the land is situated, and shall—

- (a) until the date on which the scheme comes into operation be held in trust for the joint committee ;
- (b) after that date, be held, transferred or disposed of in such manner as may be provided by the scheme.

10. No agreement made after the commencement of this Act under section thirty-three of the principal Act for restricting the planning, development or use of any land shall have effect unless it has been approved by the Secretary of State. Provisions as to agreements.

11.—(1) Any power of the Secretary of State under the principal Act or this Act to make an order shall include, and in the case of an order under the principal Act shall be deemed always to have Provisions as to orders.

included, power to revoke or vary that order by a subsequent order.

(2) Any interim development order made after the commencement of this Act shall be laid before Parliament as soon as may be after it is made, and if either House, within the period of forty days beginning with the day on which the order is laid before it, resolves that the order be annulled, the order shall thenceforth become void but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Construction and application of certain provisions of principal Act.

12.—(1) Any reference in the principal Act to an authority specified in an interim development order, or to an authority empowered by such an order to permit the development of land, shall be construed as including a reference to a joint committee being an interim development authority as defined by this Act.

(2) In the following provisions of the principal Act, references to that Act shall, unless the context otherwise requires, be construed as including references to this Act, that is to say—

- (a) subsection (2) of section two (which empowers the Secretary of State to transfer certain functions of county councils under that Act to the town councils of small burghs) ;
- (b) sections twenty-two and twenty-three (which relate to the making and determining of claims under that Act for compensation) ;
- (c) subsection (1) of section thirty-six (which enables the Secretary of State to make regulations for prescribing anything which is required or authorised by that Act to be prescribed) ;
- (d) subsection (1) of section thirty-seven (which relates to the holding of local inquiries for the purpose of that Act) ;
- (e) section thirty-nine (which relates to the determination by the Secretary of State or by arbitration of applications and appeals under that Act) ;
- (f) subsection (1) of section forty-seven (which relates to the appointment by local authorities of committees for the purposes of that Act) ; and
- (g) sections forty-eight and forty-nine (which relate to the manner of defraying the expenses under that Act of local authorities, county councils and town councils of small burghs and to their power to borrow for the purposes of that Act).

13.—(1) If it appears to His Majesty to be expedient that any functions relating to the use and development of land in Scotland exercisable by any Minister of the Crown under any enactment should be exercised by the Secretary of State, His Majesty may by Order in Council transfer those functions to the Secretary of State. Provisions as to transfer of functions to the Secretary of State.

(2) His Majesty may by Order in Council make such incidental, consequential or supplemental provisions as appear to His Majesty to be necessary or expedient in consequence of any transfer effected by or under this Act, and in particular, but without prejudice to the generality of the foregoing provision, any such Order in Council may—

- (a) modify or adapt any enactment, order, regulation, scheme, deed, agreement or other instrument relating to the transferor or to his functions or property, to such extent as appears to be necessary and expedient as aforesaid ;
- (b) provide for the carrying on and completion by, before or under the authority of the Secretary of State or of any person appointed by him of anything begun by, before or under the authority of the transferor, or of any person appointed by him, before the date of transfer, and for the substitution of the Secretary of State for the transferor in any contract or legal proceeding made or begun before that date ;
- (c) provide for securing that any order, regulation, direction, approval, appointment, requirement or authorisation made or given by the transferor before the date of transfer shall continue in force to the like extent and subject to the like conditions as if it had been duly made or given by the Secretary of State.

(3) In this section the expression “ the transferor ”, in relation to any functions transferred by or under this Act, means any Minister of the Crown by whom those functions were exercisable at any time before the date of transfer, and the expression “ the date of transfer ” means the date on which the transfer of those functions takes effect.

(4) Any Order in Council under this section shall be laid before Parliament as soon as may be after it is made.

(5) Any power conferred by this section to make an Order in Council shall include power to vary or revoke the Order by a subsequent Order in Council.

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

“ interim development application ” means an application made under an interim development order for permission to develop land ;

“ interim development authority ” means a local authority, or joint committee empowered by an interim development order to permit the development of land ;

22 & 23 Geo. 5.
c. 49.

“ the principal Act ” means the Town and Country Planning (Scotland) Act, 1932 ;

and other expressions have the same meanings as in the principal Act.

(2) Any reference in this Act to a resolution to prepare or adopt a scheme in force under the principal Act shall be construed as including a reference to an application or resolution which, under section fifty-one of that Act, has effect as if it were such a resolution.

(3) Any reference in this Act to the principal Act or to any provision thereof shall, except where the context otherwise requires, be construed as a reference to that Act, or to that provision, as amended by or under any subsequent enactment, including this Act.

Short title,
citation,
extent and
repeals.

15.—(1) This Act may be cited as the Town and Country Planning (Interim Development) (Scotland) Act, 1943, and this Act and the principal Act may be cited together as the Town and Country Planning (Scotland) Acts, 1932 and 1943.

(2) This Act shall extend to Scotland only.

(3) The provisions of the principal Act set out in the first column of the Second Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

APPEALS FROM DECISION TO EXERCISE POWER TO ENFORCE INTERIM DEVELOPMENT CONTROL.

1. Not less than twenty-eight days before taking any action under section five of this Act, the interim development authority shall serve a notice in the prescribed manner on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in their opinion, may be affected thereby, specifying the nature of, and the grounds upon which they propose to take, that action.

2. If any person served with such a notice as aforesaid desires to dispute any allegation contained therein, he may, by giving notice of appeal within twenty-eight days from the date of the service of the

original notice on him, appeal to the sheriff, and the interim development authority shall not take the proposed action pending the final determination or withdrawal of the appeal.

3. If on any such appeal the sheriff is satisfied that the interim development authority are entitled to take the proposed action on the grounds specified in the notice, he shall dismiss the appeal and shall by his order empower the authority, after the expiration of the said period of twenty-eight days, to remove or pull down the building or work, or to execute the required alterations or works or, as the case may be, shall by his order prohibit the building or land from being used after the period aforesaid without the permission of the authority or in contravention of any conditions subject to which that permission was granted, but if he is not so satisfied, he shall allow the appeal :

Provided that the sheriff may, if he thinks fit, direct that an order made by him under this paragraph shall, instead of taking effect after the expiration of the said period of twenty-eight days, take effect at such later date as he thinks fit, being a date not more than twenty-eight days from the date of the order.

The sheriff shall make such order in regard to the expenses of an appeal under paragraph 2 of this Schedule as he may think proper.

SECOND SCHEDULE.

Section 15.

REPEALS OF 22 & 23 GEO. 5. C. 49.

Section 4	... In subsection (1), the words "at the request of any one or more of them".
Section 10	... In subsection (3), the words from "and they shall be deemed to have granted the application" to the end of the subsection.

CHAPTER 44.

Rent of Furnished Houses Control (Scotland) Act, 1943.

ARRANGEMENT OF SECTIONS.

Section.

1. Application of Act by Order of the Secretary of State, and appointment of Tribunal.
2. Reference to Tribunal of contracts for furnished letting.
3. Rents in excess of registered rents and premiums illegal.
4. Provision as to powers and expenses of local authorities.
5. Sections 9 and 10 of 10 & 11 Geo. 5. c. 17 not to apply to registered dwelling houses.
6. Regulations.
7. Offences.
8. Certificates to be evidence.
9. Interpretation and saving.
10. Short title, extent and duration.

SCHEDULE.—Provisions regarding Constitution of Tribunals.

An Act to make provision with regard to the rent of houses or parts thereof in Scotland let at a rent which includes payment for the use of furniture or for services.
[11th November 1943.]

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

Application of Act by Order of the Secretary of State, and appointment of Tribunal.

1.—(1) Where the Secretary of State is satisfied on representation by, or after consultation with, the council of any county or burgh that it is expedient that the provisions of this Act should have effect in any area consisting of the whole or part of that county or burgh, he may, by Order, direct that this Act shall have effect in that area as from such day as may be specified in the Order, and this Act shall thereupon come into force in that area.

(2) For each area in which this Act is in force there shall be a Tribunal constituted in accordance with the Schedule to this Act, and the provisions of that Schedule shall apply to each Tribunal:

Provided that, if the Secretary of State so directs, the same Tribunal may act for more than one such area.

(3) The sums required for the payment of remuneration and salaries and allowances to the members, acting members, clerks and officers and servants of a Tribunal shall be paid out of moneys provided by Parliament.

Reference to Tribunal of contracts for furnished letting.

2.—(1) Where a contract has, whether before or after the passing of this Act, been entered into whereby one person (hereinafter referred to as the "lessor") grants to another person (hereinafter referred to as the "lessee") the right to occupy as a residence a house or part of a house situated in an area in which this Act is in force in consideration of a rent which includes payment for the use of furniture or for services, whether or not, in the case of such a contract with regard to part of a house, the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house, it shall be lawful for either party to the contract or for the local authority for the area to refer the contract to the Tribunal for the area, and where any such contract (hereinafter referred to as a contract to which this Act applies) is so referred to the Tribunal, it shall be the duty of the lessor to give to them such information as they may reasonably require regarding the prescribed particulars relating to the contract.

(2) Where any contract to which this Act applies is referred to a Tribunal, the Tribunal shall consider the case and, after making

such enquiry as they think fit, and giving to each party (and to the local authority if the house is or forms part of a house or dwelling to which section thirty-nine of the Housing (Scotland) Act, 1935 applies) an opportunity of being heard or, in his option of submitting representations in writing, shall approve the rent payable under the contract or reduce it to such sum as they may, in all the circumstances, think reasonable, and shall notify the parties and the local authority of their decision in each case. 25 & 26 Geo. 5.
c. 41.

(3) Where the rent payable for any premises has been entered in the register in accordance with the provisions hereinafter contained, it shall be lawful for the lessor or the lessee or the local authority to refer the case to the Tribunal for reconsideration of the rent so entered on the ground of change of circumstances, and the provisions of subsection (2) of this section shall apply on any such reference in like manner as they apply on a reference under subsection (1) of this section subject to the modification that the Tribunal shall have power to increase the rent payable.

(4) The Tribunal shall keep a register and shall cause to be entered therein the prescribed particulars with regard to any contract referred to them in pursuance of the foregoing provisions, including a specification of the premises to which the contract relates and the rent as approved or reduced or increased by them. The Tribunal shall make the register available for inspection in such place or places and in such manner as the Secretary of State may direct.

3.—(1) Where the rent payable for any premises is entered in the register under the provisions of this Act, it shall not be lawful to require or receive, Rents in
excess of
registered
rents and
premiums
illegal.

(a) on account of rent for those premises in respect of any period subsequent to the date of such entry, payment of any sum in excess of the rent so entered; or,

(b) as a condition of the grant, renewal or continuance of a contract to which this Act applies relating to such premises, payment of any fine, premium or other like sum, or any consideration, in addition to the rent entered in the register.

(2) Where any payment or consideration has been made or received in contravention of the last foregoing subsection, the amount or value thereof shall be recoverable by the person by whom it was made or given.

4.—(1) The powers of a local authority under this Act may, if the local authority so resolve, be exercised by one of their officers appointed by the authority for the purpose. Provision as
to powers
and expenses
of local
authorities.

(2) A local authority shall have power to publish information regarding the provisions of this Act.

(3) Any expenses incurred by a local authority under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the authority may determine.

Ss. 9 and 10
of 10 & 11
Geo. 5. c. 17
not to apply
to registered
dwelling
houses.

5. Sections nine and ten of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (which relate respectively to limitation on rent of houses let furnished and to penalty for excessive charges for furnished lettings), shall not apply as regards the rent charged for any house or part of a house entered in the register under the provisions of this Act in respect of any period subsequent to such registration, but save as aforesaid nothing in this Act shall affect any provisions of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939.

Regulations.

6. The Secretary of State may make regulations—

- (a) with regard to the tenure of office of Chairmen and other members of Tribunals ;
- (b) with regard to proceedings before Tribunals under this Act ;
- (c) for prescribing anything which is required by this Act to be prescribed ; and
- (d) generally for carrying into effect the provisions of this Act.

Offences.

7.—(1) A person who requires or receives any payment or any consideration in contravention of section three of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for any period not exceeding six months, and without prejudice to any other method of recovery, the court by which he is convicted may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

(2) If the lessor under a contract to which this Act applies refuses or fails without reasonable cause to comply with any provision of this Act requiring him to give any information in his possession regarding particulars required for registration under this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for any period not exceeding three months.

Certificates
to be evidence.

8. A document purporting to be a certificate signed by the clerk or other authorised officer of a Tribunal relating to any premises entered in the register shall, until the contrary is shown, be deemed to have been signed by such clerk or other officer, and shall be sufficient evidence of the matters therein contained.

Interpretation
and saving.

9.—(1) In this Act—

the expression "Tribunal" means a Tribunal appointed in pursuance of section one of this Act ;

the expression "local authority" means a county or a town council;

the expression "register" means the register kept by a Tribunal in pursuance of subsection (4) of section two of this Act;

the expression "services" includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house or part of a house.

(2) Where separate sums are payable by the lessee of any premises to the lessor for any two or more of the following, namely:—

- (a) occupation of the premises;
- (b) use of furniture; and
- (c) services;

the expression "rent" shall, in relation to those premises, mean the aggregate of those sums, and where such sums are payable under separate contracts, those contracts shall be deemed to be one contract.

(3) Nothing in this Act shall apply to a house or part of a house let at a rent which includes payment in respect of board:

Provided that a house or part of a house shall not be deemed to be let at such a rent unless the value of such board to the lessee forms a substantial proportion of the whole rent.

10.—(1) This Act may be cited as the *Rent of Furnished Houses Control (Scotland) Act, 1943*, and shall extend to Scotland only. Short title, extent and duration.

(2) This Act shall continue in force until the expiry of six months from the date when the *Emergency Powers (Defence) Act, 1939*, ceases to be in force. 2 & 3 Geo. 6. c. 62.

SCHEDULE.

Section 1.

PROVISIONS REGARDING CONSTITUTION OF TRIBUNALS.

1. The Tribunal shall consist of a Chairman and two other members.

2. The Chairman and the other members of the Tribunal shall be appointed by the Secretary of State. During the absence or incapacity of any member a person appointed by the Secretary of State shall act in his place.

3. The members and acting members of the Tribunal shall receive such remuneration and such travelling and other allowances as the Secretary of State may, with the consent of the Treasury, determine.

4. The Secretary of State shall assign to the Tribunal a clerk and such other officers and servants, and there shall be paid to them such salaries and allowances, as the Secretary of State, with the consent of the Treasury, may determine.

CHAPTER 45.

An Act to amend the law relating to income tax in respect of certain emoluments.

[11th November 1943.]

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

Basis of charge and method of collection of income tax on certain emoluments.

1.—(1) Income tax for the year 1944-45 or any subsequent year of assessment shall be assessed and charged in respect of the emoluments specified in subsection (2) of this section on the amount of those emoluments for the year ; and, on the making of any payment of, or on account of, any such emoluments made during the year 1944-45 or any subsequent year of assessment, income tax shall, subject to and in accordance with the regulations made by the Commissioners of Inland Revenue under section two of this Act, be deducted or repaid by the person making the payment, notwithstanding that when the payment is made no assessment has been made in respect of the emoluments.

(2) The said emoluments are—

- (a) any wages or other emoluments arising from any employment by way of manual labour ;
- (b) any wages or other emoluments arising from any employment not by way of manual labour, being wages or emoluments which, or the greater part of which, are calculated by reference to the hour, day, week or any period less than a month (at whatever intervals the wages or other emoluments are paid) ;
- (c) any pension payable to or in respect of a person in connection with a previous employment the wages or emoluments of which were, when he left it, such as are mentioned in paragraphs (a) and (b) of this subsection ;

- (d) any emoluments arising from any employment if the person in receipt thereof satisfies, as respects the year 1943-44, the conditions as to emoluments specified in Part I of the First Schedule to this Act ;
- (e) any pension, if the person in receipt thereof satisfies, as respects the year 1943-44, either the conditions as to emoluments specified in Part I or the conditions as to pensions specified in Part II of that Schedule,

not being pay, pensions or other emoluments payable in respect of service in or with the armed forces of the Crown.

The emoluments specified in this subsection are hereafter in this Act referred to as "emoluments to which this Act applies".

(3) In the case of any person who was in employment on the twentieth day of September, nineteen hundred and forty-three, the wages or other emoluments arising from his employment shall be treated for the purposes of this section as being calculated in the manner prevailing for the month ending with the said twentieth day of September until he permanently ceases to be employed by the employer in question or there is a substantial change in the nature of his employment.

(4) If any question arises whether any emoluments are or are not emoluments to which this Act applies it shall be determined by the Special Commissioners and the provisions of the Income Tax Acts relating to appeals to the Special Commissioners shall, with any necessary modifications, apply in relation to any determination of the said Commissioners under this subsection as if it were the determination of an appeal.

(5) Rule 2 of the Rules applicable to Cases I and II of Schedule D (which provides for the half-yearly assessment of certain weekly wage-earners) shall not have effect as respects tax for the year 1944-45 or any subsequent year of assessment ; and section eleven of the Finance (No. 2) Act, 1940, and the regulations ^{3 & 4 Geo. 6.} made thereunder, shall not authorise any deduction from ^{c. 48.} emoluments to which this Act applies after the end of the year 1943-44.

2.—(1) The Commissioners of Inland Revenue shall make Regulations with respect to the assessment, charge, collection and recovery of income tax in respect of emoluments to which this Act applies, being tax for the year 1944-45 or any subsequent year of assessment, and those regulations may, in particular, include provision—

- (a) for requiring any person making any payment of, or on account of, any such emoluments, when he makes the payment, to make a deduction or repayment of tax calculated by reference to tax tables prepared by the Commissioners of Inland Revenue and for rendering

persons who are required to make any such deduction or repayment accountable to, or, as the case may be, entitled to repayment from, those Commissioners ;

- (b) for the production to and inspection by persons authorised by those Commissioners of wages sheets and other documents and records for the purpose of satisfying themselves that tax has been and is being deducted, repaid and accounted for in accordance with the regulations ;
- (c) for the collection and recovery, whether by deduction from emoluments paid in any later year or otherwise, of tax in respect of emoluments to which this Act applies which has not been deducted or otherwise recovered during the year ;
- (d) for the assessment and charge of tax by the surveyor in respect of emoluments to which this Act applies ;
- (e) for appeals with respect to matters arising under the regulations which would not otherwise be the subject of an appeal,

and any such regulations shall have effect notwithstanding anything in the Income Tax Acts :

Provided that the said regulations shall not affect any right of appeal to the General or other Commissioners which a person would have apart from the regulations.

(2) The said tax tables shall be constructed with a view to securing that, so far as possible,—

- (a) the total tax payable in respect of any emoluments for any year of assessment is deducted from the emoluments paid during that year ; and
- (b) the tax deductible or repayable on the occasion of any payment of, or on account of, emoluments is such that the total net tax deducted since the beginning of the year of assessment bears to the total tax payable for the year the same proportion that the part of the year which ends with the date of the payment bears to the whole year.

In this subsection the references to the total tax payable for the year shall be construed as references to the total tax, other than surtax, estimated to be payable for the year in respect of the emoluments, subject to a provisional deduction for allowances and reliefs and subject also, if necessary, to an adjustment for amounts overpaid or remaining unpaid on account of income tax in respect of emoluments to which this Act applies for any previous year (including any year previous to the year 1944-45).

For the purpose of estimating the total tax payable as aforesaid, it may be assumed, in relation to any payment of, or on account

of, emoluments, that the emoluments paid in the part of the year of assessment which ends with the making of the payment will bear to the emoluments for the whole of that year the same proportion that that part of the year bears to the whole year.

(3) If any person fails to comply with any provision of the said regulations requiring him to furnish a return or other information or to give any certificate or to produce wages sheets or other documents or records, he shall be liable to a penalty not exceeding fifty pounds, and after judgment has been given for that penalty, to a further penalty of the like amount for every day during which the failure continues.

(4) All regulations of the Commissioners of Inland Revenue under this section shall be laid before the Commons House of Parliament as soon as may be after the making thereof, and if that House within twenty-eight days from the date on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.

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

3.—(1) The provisions of this section shall have effect as Transitional provisions. respects any emoluments to which this Act applies which are assessable for the year 1943-44, whether they arise before or after the passing of this Act, other than emoluments of any class which, in relation to tax for the year 1942-43, was generally treated for the purposes of the regulations under section eleven of the Finance (No. 2) Act, 1940, as a class of case where tax was deductible from emoluments otherwise than by virtue of those regulations.

(2) In cases falling within Rule 2 of the Rules applicable to Cases I and II of Schedule D (which provides for the half-yearly assessment of certain weekly wage-earners) no assessments shall be made for any half year within the said year of assessment, but in lieu thereof a single assessment shall be made in respect of the emoluments for the whole year and the said Rule 2 and the other enactments and regulations relating to weekly wage-earners shall, with the necessary modifications, have effect accordingly.

(3) Subject to the provisions of this section, where any assessment is made under subsection (2) of this section, tax equal to ten-twelfths of the tax (other than surtax) payable for the year in respect of the emoluments shall be discharged, and where any assessment is made in respect of emoluments to which the said Rule 2 does not apply, tax equal to seven-twelfths of the tax

(other than surtax) payable for the year in respect of the emoluments shall be discharged; and the provisions of the Second Schedule to this Act shall have effect as to the calculation for the purposes of this subsection of the tax payable in respect of any emoluments, as to the procedure to be adopted in connection with the discharge and as to appeals as to the amount discharged.

(4) Tax shall not be discharged as aforesaid in the case of any emoluments unless the person entitled to the emoluments is at some time during the relevant period in the year 1944-45 in receipt of emoluments to which this Act applies, and if that person is in receipt of such emoluments for a part only of the relevant period, the amount to be discharged shall bear to the full amount which would be discharged apart from the provisions of this subsection the same proportion that the part of the relevant period during which he is in receipt of such emoluments bears to the whole period:

Provided that, in the case of a person who is in receipt of such emoluments for a part only of the relevant period, the said full amount shall be discharged if he dies during that period or during the remainder of that period was not employed or otherwise gainfully occupied.

In this subsection, the expression "the relevant period" means—

(a) where the tax the discharge of which is in question is assessed under subsection (2) of this section, the first ten months of the year 1944-45;

(b) in other cases, the first seven months of the year 1944-45.

(5) Where any tax is discharged under the provisions of this section, the amount, if any, to be credited for the year under section seven of the Finance Act, 1941 (which relates to post-war credits) shall be computed as follows:—

(a) the said amount shall first be computed as if the tax discharged had been duly paid;

(b) the tax discharged shall then be deducted.

(6) Where a person enters an employment after the twentieth day of September, nineteen hundred and forty-three, and before the sixth day of April, nineteen hundred and forty-four, and the wages and other emoluments arising to him from that employment are by virtue of paragraph (b) of subsection (2) of section one of this Act, but would not apart from that paragraph be, emoluments to which this Act applies, those wages and other emoluments shall be left out of account for the purposes of subsection (3) of this section if the employment is of a class in which it is not customary for the wages or other emoluments arising therefrom, or the greater part of those wages or emoluments, to be calculated by reference to the hour, day or week, or some other period less than a month.

(7) The power conferred by section eleven of the Finance (No. 2) Act, 1940, to make regulations as to the assessment and collection of tax under Schedule E shall extend to the making of regulations requiring employers and other persons to deduct, during the period beginning with the first day of February, nineteen hundred and forty-four, and ending with the fifth day of April in that year, amounts on account of the tax which will or may become chargeable for the year, notwithstanding that the relevant assessments have not then been made.

4. In this Act except where the context otherwise requires the Inter-following expressions have the meanings hereby respectively pretation. assigned to them (that is to say) :—

“ employment ” means an employment the emoluments of which are assessable to income tax under Schedule E ;

“ pension ” means a pension assessable to income tax under Schedule E or, by virtue of section thirty-two of the Finance Act, 1921 (which relates to pensions payable ^{11 & 12 Geo. 5.} out of certain superannuation funds) under Schedule D ; ^{c. 32.}

“ service in or with the armed forces of the Crown ” means—

(a) service in the armed forces of the Crown ;

(b) in the case of a woman, service in any of the capacities mentioned in the Schedule to the National ^{5 & 6 Geo. 6.} Service (No. 2) Act, 1941 (which defines, in relation to ^{c. 4.} women, the exemption from the liability to be called up which corresponds to the exemption for men already serving in the armed forces) ;

(c) such other service, if any, in connection with the armed forces of the Crown as may be prescribed by regulations to be made by the Commissioners of Inland Revenue.

5.—(1) This Act may be cited as the Income Tax (Employ- ^{Short title,} ^{construction} ^{and repeal.} ^{ments) Act, 1943.}

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

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule except as respects tax for the year 1943-44 or any previous year of assessment :

Provided that the repeal, by virtue of this subsection, of subsection (2) of section one hundred and sixty-nine of the Income Tax Act, 1918, shall not affect the operation of section ^{8 & 9 Geo. 5.} twenty-nine of the Finance Act, 1921, as applied by section ^{c. 40.} thirty of the Finance Act, 1924. ^{14 & 15 Geo. 5.} ^{c. 21.}

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONDITIONS AS TO EMOLUMENTS AND PENSIONS.

PART I.

Emoluments.

1. A person shall be deemed to satisfy, as respects the year 1943-44, the conditions as to emoluments specified in this Part of this Schedule if and only if—

- (a) he is, at some time during that year, in an employment which is relevant for the purposes of this Part of this Schedule ; and
- (b) the total emoluments received by him for that year from all such employments do not exceed six hundred pounds, any payments for overtime being left out of account :

Provided that if for any part of that year the person in question was not in any employment which is relevant for the purposes of this Part of this Schedule, the said limit of six hundred pounds shall be proportionately reduced.

2. The employments which are relevant for the purposes of this Part of this Schedule are all full-time employments except service in or with the armed forces of the Crown :

Provided that if, during the whole or any part of the year 1943-44, a person is not in any full-time employment but is in part-time employments (other than service in or with the armed forces of the Crown) which together take up his full time, those part-time employments shall, as respects the whole, or, as the case may be, that part, of that year, be deemed to be relevant for the purposes of this Part of this Schedule.

PART II.

Pensions.

1. A person shall be deemed to satisfy, as respects the year 1943-44, the conditions as to pensions specified in this Part of this Schedule if and only if, in the said year, he was in receipt of a pension which is relevant for the purposes of this Part of this Schedule and the total amount of all such pensions received by him for that year does not exceed six hundred pounds :

Provided that if for any part of that year the person in question was not in receipt of any pension which is relevant for the purposes

of this Part of this Schedule, the said limit of six hundred pounds shall be proportionately reduced.

1ST SCH.
—cont.

2. The pensions which are relevant for the purposes of this Part of this Schedule are all pensions except pensions in respect of service in or with the armed forces of the Crown.

SECOND SCHEDULE.

Section 3.

PROVISIONS AS TO DISCHARGE OF TAX FOR 1943-44.

1. For the purposes of subsection (3) of section three of this Act, the tax payable in respect of any emoluments shall be computed as follows:—

- (a) the gross tax payable by the person in question in respect of his earned income shall be ascertained;
- (b) that gross tax shall be treated as reduced by—
 - (i) the amount of all the reliefs by way of deduction of tax to which he would have been entitled if his earned income had been his only income; and
 - (ii) any amount of tax which he has, under and in accordance with Rule 19 of the General Rules, deducted on making any annual payment, no account being taken of any annual payment or part of an annual payment which could be made out of income of his other than earned income;
- (c) where the person has more than one source of earned income, the gross tax in respect of each part of that earned income shall be ascertained, and the reduction provided for by subparagraph (b) of this paragraph shall be treated as allocated among those parts in such manner as, having regard to the provisions of this Act, is most advantageous to him; and
- (d) the amount so arrived at in the case of any part of the earned income which consists of emoluments to which this Act applies shall be deemed for the purposes of the said subsection (3) to be the tax payable in respect of those emoluments:

Provided that—

- (i) any reduction to be made in respect of earned income relief shall not be treated as going to reduce the tax payable in respect of any income by more than the gross tax on one-tenth of the amount of that income; and
- (ii) wife's earned income relief shall not be treated as going to reduce the tax payable in respect of any income other than the earned income of the wife.

In this paragraph, the expression "gross tax" means, in relation to any income, income tax in respect of that income at the standard rate; and the expressions "earned income relief" and "wife's earned income relief" mean respectively the relief provided for by subsection (1) of section fifteen of the Finance Act, 1925, and the relief provided for by subsection (2) of section eighteen of the Finance Act, 1920.

15 & 16 Geo. 5.
c. 36
10 & 11 Geo. 5.
c. 18.

2ND SCH.
—cont.

2. Effect shall be given to the discharge by the surveyor and, notwithstanding anything in the Income Tax Acts, effect may be given by him thereto by reducing the amount of tax payable under any assessment, whether in respect of emoluments to which this Act applies or not, or by repayment.

3. Any person who claims that the proper amount of tax has not been discharged in his case in respect of any emoluments may, by notice given to the surveyor at any time before the sixth day of April, nineteen hundred and forty-six, appeal to the General Commissioners or any other Commissioners having jurisdiction to hear an appeal from an assessment in respect of those emoluments, and the provisions of the Income Tax Acts relating to appeals shall, with any necessary modifications, apply to any appeal under this paragraph as if it were an appeal against such an assessment.

Section 5.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 40	The Income Tax Act, 1918.	In section two, the words from "except where" to the end of the section; section twenty-two; proviso (i) to subsection (3) of section fifty-nine; subsection (3) of section one hundred and five; section one hundred and thirty-one; in section one hundred and fifty-seven, in paragraph (b) of subsection (2), the words from "and weekly wage-earners" to the end of the paragraph, and subsection (4); subsection (2) of section one hundred and sixty-nine; paragraphs (b) and (c) of section two hundred and thirty-six; in section two hundred and thirty-seven, the definition of "weekly wage-earner"; and Rule 2 of the Rules applicable to Cases I and II of Schedule D.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920.	So much of the Third Schedule as relates to sections twenty-two and two hundred and thirty-six of the Income Tax Act, 1918.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922.	Subsection (2) of section eighteen and the proviso to subsection (3) of that section.
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In subsection (1) of section thirty, the words "and without prejudice to the provision for recovery of income tax assessed and charged quarterly".
15 & 16 Geo. 5. c. 36.	The Finance Act, 1925.	Section eighteen.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	Section twenty-one.
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927.	In the proviso to subsection (1) of section forty-five, the words from "or (c) in the case of" to the end of the proviso.
4 & 5 Geo. 6. c. 30	The Finance Act, 1941.	Section twenty-three.
5 & 6 Geo. 6. c. 21	The Finance Act, 1942.	Section twenty-four; and in section twenty-six the words "(not being a weekly wage-earner assessed in accordance with Rule 2 of the Rules applicable to Cases I and II of Schedule D)".

CHAPTER 46.

An Act to extend the duration of the present Parliament and to provide for the extension of the duration of the House of Commons of Northern Ireland.

[11th November 1943.]

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

Prolongation
of present
Parliament.
1 Geo. 1.
Stat. 2. c. 38.
5 & 6 Geo. 6.
c. 37.

1. The Septennial Act, 1715 (which relates to the duration of Parliament), as amended by section one of the Prolongation of Parliament Act, 1942, shall, in its application to the present Parliament, have effect as if nine years were therein substituted for eight years.

Power to
prolong the
House of
Commons of
Northern
Ireland.
10 & 11 Geo. 5.
c. 67.

2. Subsection (4) of section fourteen of the Government of Ireland Act, 1920 (which relates to the duration of the House of Commons of Northern Ireland), as amended by section two of the Prolongation of Parliament Act, 1942, shall, in its application to the House of Commons in the present Parliament of Northern Ireland, have effect, if the said House so resolves, as if seven years were therein substituted for six years.

Short title.

3. This Act may be cited as the Prolongation of Parliament Act, 1943.

CHAPTER 47.

An Act to enable traders to regulate the disposal of their stocks of certain descriptions of goods to which section nine of the Goods and Services (Price Control) Act, 1941, applies in accordance with licences issued by the Board of Trade with a view to the efficient prosecution of the war and the maintenance of essential supplies.

[11th November 1943.]

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

Licences for
permitting
regulation of
disposal of
stocks.
4 & 5 Geo. 6.
c. 31.

1.—(1) If in the case of goods of any description which are price-controlled within the meaning of the Goods and Services (Price Control) Act, 1941, it appears to the Board of Trade to be expedient, in the interests of the efficient prosecution of the war or for maintaining supplies essential to the life of the community,

that the disposal of stocks of such goods in the possession of persons carrying on businesses in the course of which such goods are normally sold should be restricted or effected subject to conditions, they may issue licences permitting such persons to restrict sales from such stocks to particular classes of buyers or otherwise as may be specified in a licence or to impose conditions as may be specified therein on such sales, notwithstanding anything in section nine of the said Act.

(2) A licence issued under this section shall have effect subject to such conditions as may be specified therein.

2.—(1) This Act may be cited as the Price Control (Regulation of Disposal of Stocks) Act, 1943, and shall be construed as one with the Goods and Services (Price Control) Acts, 1939 and 1941, and this Act and those Acts may be cited together as the Goods and Services (Price Control) Acts, 1939 to 1943. Short title,
construction
and duration.

(2) This Act shall continue in force so long as the Prices of Goods Act, 1939, continues in force. 2 & 3 Geo. 6.
c. 118.

CHAPTER 48.

Parliament (Elections and Meeting) Act, 1943.

ARRANGEMENT OF SECTIONS.

PART I.

PARLIAMENTARY ELECTORS (WAR-TIME REGISTRATION).

Preliminary.

Section.

1. Special register for war-time parliamentary elections.
2. Initiation of election and extension of time for holding thereof.
3. Dissolution of parliament on future date.
4. Remote constituencies.

Civilian voters in United Kingdom.

5. Civilian residence register.
6. Business premises register.
7. Civilian absent voters.

Members of the Forces, seamen and war workers abroad.

8. Service register
9. Mode of voting of service voters.
10. Arrangements for exercise of rights by service voters.
11. War workers abroad.

General provisions as to registration.

12. Preparation of register.
13. Registration officers.
14. Expenses of registration.
15. Penalty for false declarations, etc.

Miscellaneous.

Section.

16. Right of person registered to vote.
17. Death of candidate.
18. Appointment of proxies for Service voters at University elections.
19. Transitional.
20. Approval of electoral registration regulations by Parliament.
21. Application and adaptation of enactments.
22. Interpretation of Part I.
23. Application of Part I to Scotland.
24. Application of Part I to Northern Ireland.
25. Citation and duration of Part I.

PART II.

PARLIAMENTARY WRITS.

26. Writs to be directed to returning officers.
27. Persons to whom writs are to be conveyed.
28. Exclusion of s. 30 of 7 & 8 Geo. 5. c. 64.
29. Manner in which writs are to be conveyed, and provisions consequential thereon.
30. Application of Part II to Scotland.
31. Application of Part II to Northern Ireland.
32. Transitional provisions relating to Part II.
33. Consequential amendments and repeals.

PART III.

MEETING OF PARLIAMENT WHEN PROROGUED.

34. Time for summoning parliament during prorogation.

PART IV.

GENERAL.

35. Short title.

SCHEDULES :—

First Schedule.—Modifications of section twenty-three of principal Act.

Second Schedule.—Proxies.

Third Schedule.—Adaptation of enactments in relation to Part I.

Fourth Schedule.—Modifications of Part I in its application to Northern Ireland.

Fifth Schedule.—Transitional provisions relating to Part II.

Sixth Schedule.—Amendments of enactments consequential on Part II.

Seventh Schedule.—Enactments repealed.

CHAPTER 48.

An Act to make temporary provision as respects parliamentary elections and the registration of parliamentary electors and, in connection therewith, as respects the dissolution of parliament as from a future date and other matters; to consolidate and amend the law as to the officers to whom writs for parliamentary elections are to be directed, and the persons to whom and the manner in which they are to be conveyed; and to shorten the time required for summoning parliament when prorogued.

[11th November 1943.]

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

PART I.

PARLIAMENTARY ELECTORS (WAR-TIME REGISTRATION).

Preliminary.

1.—(1) The parliamentary register of electors to be in force for the purposes of a war election in any constituency shall be a register specially prepared for that election under this Part of this Act.

Special register for war-time parliamentary elections.

(2) For the purposes of this Part of this Act, the expression "war election" means a parliamentary election initiated on or after the appointed day and before the expiration of the National Registration Act, 1939, not being a university election.

2 & 3 Geo. 6.
c. 91.

(3) The said register shall consist of three parts, to be known respectively as the civilian residence register, the business premises register and the service register, but no person shall be entitled to be registered in more than one part of the register for the same constituency.

(4) Subject to the provisions hereafter contained in this Part of this Act as respects the business premises register, the date by reference to which a person's qualification for registration in any part of the said register for any election is to be ascertained shall be the last day of the month next before that in which the election is initiated, and that day is hereafter in this Part of this Act referred to as "the qualifying date".

(5) Subject to any order made by the Secretary of State under this Part of this Act, the said register shall be published

PART I.
—*cont.*

and come into force for an election on the thirty-sixth day after the initiation of the election :

Provided that if the said thirty-sixth day falls on a Sunday, Christmas Day, Good Friday or a bank holiday, there shall be substituted the next following day which is not a Sunday, Christmas Day, Good Friday or a bank holiday.

Initiation of election and extension of time for holding thereof.

2.—(1) For the purposes of this Part of this Act, the date on which an election shall be taken to be initiated shall be—

- (a) in the case of a general election, the date of His Majesty's proclamation summoning the new parliament; and
- (b) in the case of a by-election, the date on which the writ is received;

and references to the initiation of an election shall be construed accordingly.

(2) In their application to a war election the following enactments, namely—

35 & 36 Vict.
c. 33.

- (a) rule 2A of the First Schedule to the Ballot Act, 1872, as amended by Part I of the Second Schedule to the principal Act (which provides that at a general election the day fixed for the election shall be the eighth day after the date of His Majesty's proclamation summoning the new parliament);
- (b) subsection (3) of section twenty-one of the principal Act (which provides that the time appointed for the meeting of parliament may be any time not less than twenty clear days after the said proclamation);
- (c) rule 2 of the First Schedule to the Ballot Act, 1872 (which, as amended by Part II of this Act, provides that, in the case of a by-election for a county, the day fixed for the election shall not be later than the ninth day after the day on which the writ is received);

10 & 11 Geo. 5.
c. 35.

- (d) section three of the Representation of the People (No. 2) Act, 1920 (which, as amended by Part II of this Act, provides that, in the case of a by-election for a borough, the day fixed for nomination shall not be later than the seventh day after the day on which the writ is received);

shall have effect as if there were substituted, for the reference to the date of His Majesty's proclamation or the day on which the writ is received, as the case may be, a reference to the day on which the register under this Part of this Act comes into force for that election.

3. If, at any time when no register under this Part of this Act for the election of members to serve in a new parliament is in force, His Majesty is pleased, by a proclamation dissolving a parliament and summoning a new parliament, to dissolve the parliament on a future date fixed by the proclamation,—

PART I.
—cont.

Dissolution of
parliament on
future date.

- (a) the date so fixed shall not be later than the day on which the register under this Part of this Act for the election of members to serve in the new parliament comes into force; and
- (b) any writ for the election of a member to serve in the existing parliament issued but not returned before the date of the proclamation shall be superseded as if the parliament had been dissolved on the date of the proclamation.

4.—(1) If the Secretary of State is satisfied as respects any constituency that, owing to delay or interruption, or the likelihood of delay or interruption, in communications between the registration officer and other persons, the time allowed by subsection (5) of section one of this Act for the publication of the register is insufficient, he may by order direct that that subsection shall have effect as respects that constituency with the substitution for the thirty-sixth day of such later day, not being later than the forty-second day, as may be specified in the order. Remote con-
stituencies.

(2) Any such order—

- (a) may be made either generally or as respects a particular election, and may be made in the course of a particular election; and
- (b) may direct that any provision of electoral registration regulations relating to the time at or within which anything must be done in connection with the preparation of the register for an election shall apply to the constituency subject to such modifications as may be specified in the order, and may postpone or extend any such time notwithstanding that it has elapsed or expired; and
- (c) may be varied or revoked by a subsequent order of the Secretary of State.

(3) Where such an order is in force as respects an election in any constituency—

- (a) subsection (2) of section two of this Act and the last foregoing section shall have effect as if the register for the election had come into force on the day on which it would have come into force but for the provisions of the order;

PART I.
—cont.

- (b) for the purpose of the provisions of section one of the Ballot Act, 1872, requiring the nomination of a candidate to be subscribed by registered electors, a person who has been included in any electors list for the election, and to whose inclusion therein no objection has been duly taken, shall be treated as if he were a registered elector.

Civilian voters in United Kingdom.

Civilian
residence
register.

5.—(1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the civilian residence register for an election in any constituency, if on that date that person either—

- (a) is registered in the National Register as residing at a place in the constituency and has—

(i) throughout the period of two months ending with that date; or

(ii) if within that period he became registered in the National Register on ceasing to be a member of the forces or a seaman, throughout the period since his becoming so registered;

been registered in the National Register as residing at that place or some other place in the same constituency; or

- (b) having had at some earlier date (not being earlier than the appointed day) such qualifications as would have entitled him under the foregoing provisions of this section to be registered in the civilian residence register for the election if that earlier date had been the qualifying date, has at no time since that earlier date been either—

(i) registered in the National Register as residing at one place in some other constituency, or at two or more places consecutively in one other constituency, for a continuous period of two months; or

(ii) removed from the National Register on becoming exempt from registration therein by virtue of national registration regulations; or

(iii) registered in the National Register as having been resident outside the United Kingdom for a continuous period of two months.

- (2) For the purposes of the foregoing subsection—

- (a) a person who, from the particulars entered with respect to him in the National Register, appears to be a British subject of full age and not subject to any

legal incapacity shall be treated as such until the contrary is proved;

- (b) a person shall not be treated as registered in the National Register as residing at a place in any constituency if he is so registered as usually resident outside the United Kingdom.
- (3) National registration regulations may—
- (a) prescribe the information with respect to the National Register which is to be furnished to registration officers for the purposes of this section, and the form and manner in which, and the persons by whom, such information is to be furnished; and
- (b) provide that any such information with respect to the part of the said Register relating to any county borough or county district shall be furnished in the first instance to the proper officer of the council of that borough or district and forwarded by him to the registration officers concerned;

and information duly furnished to a registration officer in accordance with the said regulations shall be conclusive evidence that any matter is or is not entered in that Register with respect to any person.

6.—(1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the business premises register for an election in any constituency, if on that date that person either—

- (a) is occupying business premises in the constituency, and has, throughout the period of two months ending with that date, occupied those business premises or some other business premises in the same constituency; or
- (b) is the husband or wife of a person qualified to be registered by virtue of the foregoing provisions of this subsection:

Provided that no person shall be entitled to be registered in the business premises register unless that person makes an application in that behalf in the prescribed form and manner and within the prescribed time stating the prescribed particulars.

(2) Where a husband and wife are qualified to be registered in respect of any business premises by virtue of the foregoing provisions of this section, the said application may be made by either of them on behalf of both of them.

(3) In this section the expression "business premises" has the same meaning as in section one of the principal Act

PART I.
—cont.

and subsection (1) of section seven of that Act (which relates to joint occupiers) and section seventeen of that Act (which relates to separate lists of liverymen) shall apply for the purposes of this section as they apply for the purposes of that Act.

Civilian
absent
voters.

7.—(1) Electoral registration regulations shall provide for the preparation of an absent voters list, and for the entry therein of the name of any person registered in the civilian residence register or the business premises register who, on an application duly made in that behalf as respects an election, or, if the regulations so provide, as respects a period prescribed by the regulations, satisfies the registration officer that, by reason of the nature of his occupation, service or employment, he may be debarred from voting at a poll at that election or at any election initiated during that period.

(2) The provisions of section twenty-three of the principal Act (which enable persons placed on the absent voters list under that Act to vote by post or by proxy) shall apply to persons placed on the absent voters list under this Part of this Act subject to the modifications specified in the First Schedule to this Act.

Members of the Forces, seamen and war workers abroad.

Service
register.

8.—(1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the service register for an election in any constituency, if on that date that person—

- (a) is a member of the forces or a seaman; and
- (b) is residing at a place in the constituency, or would be so residing but for his service as a member of the forces or a seaman.

(2) No person shall be entitled to be registered in the service register for an election in any constituency unless there has been transmitted to the registration officer for that constituency in any manner authorised by national registration regulations, and received by that officer on or before the qualifying date, a declaration in the prescribed form (hereafter in this Part of this Act referred to as a "service declaration") which purports to be signed by that person and to be attested by such other person as may be prescribed and states—

- (a) the date of the declaration, and that on that date the declarant was a British subject; and
- (b) whether the declarant had, on the date of the declaration, attained the age of twenty-one years, and, if he had not, the date of his birth; and

- (c) that on the date of the declaration the declarant was, or but for his service as a member of the forces or a seaman would have been, residing at a place in the constituency of which the postal address is specified in the declaration; and
- (d) the declarant's service number (if any) and such other particulars of identity (if any) as may be prescribed.

(3) A person who has made a service declaration may at any time cancel it in the prescribed form and (if he so desires) make a further service declaration to some other place of residence.

(4) A service declaration which declares to more than one place of residence shall be void, and not more than one service declaration made by the same person shall have effect at the same time; and accordingly, where a person makes two or more service declarations without expressly cancelling the earlier declaration or declarations, the following provisions shall apply:—

- (a) two or more declarations bearing the same date shall be void;
- (b) subject to paragraph (a) of this subsection, a declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date.

(5) Where, on the qualifying date for an election in any constituency,—

- (a) a service declaration declaring to a place of residence in the constituency has been transmitted to the registration officer in manner authorised by national registration regulations and received by him; and
- (b) the registration officer has not been notified in manner so authorised that the declaration has been cancelled or that the declarant has ceased to be a member of the forces, or a seaman;

then for the purpose of determining the declarant's right to be registered in the service register for the election—

- (i) that place shall be deemed to be the place at which he is, or but for his service as a member of the forces or a seaman would be, residing on the qualifying date; and
- (ii) he shall be treated until the contrary is proved as being on that date a member of the forces or a seaman, according to the form of the declaration, and a British subject of the age appearing from the declaration and not subject to any legal incapacity.

PART I.
—*cont.*

(6) National registration regulations may provide for the following matters, that is to say:—

- (a) the manner in which any service declaration and any cancellation of any such declaration is to be transmitted or notified to the registration officer concerned;
- (b) the manner in which the registration officer concerned is to be notified that a person who has made a service declaration has died or otherwise ceased to be a member of the forces or a seaman;
- (c) the compilation and maintenance of a central index (whether as an adjunct to the National Register or otherwise) of all persons who have made service declarations, containing such particulars as to those persons and the service declarations made by them as appear to be necessary for the purposes of this Part of this Act;

and the notification to a registration officer in accordance with the said regulations that a service declaration has been cancelled or that a person has died or otherwise ceased to be a member of the forces or a seaman shall, for the purposes of this section, be conclusive evidence of the fact so notified.

(7) A person who is registered in the service register for any election shall be deemed for the purposes of this Part of this Act and the principal Act to be registered in respect of a residence qualification.

Mode of
voting of
service voters.

9.—(1) A person who has made a service declaration (hereafter referred to as a "service voter") may appoint a proxy to vote for him at any election for which he may be registered in the service register by virtue of that declaration, and having appointed a proxy may, subject to the following provisions of this section, vote by that proxy at any such election.

The provisions of the Second Schedule to this Act shall have effect in relation to the appointment and voting of proxies under this section.

(2) A service voter, whether he has appointed a proxy under this section or not, may vote in person at an election for which he is registered in the service register, but, where he is entitled to vote by proxy at the election, only if he applies for a ballot paper before a ballot paper has been issued to the proxy, and in that event the appointment of the proxy shall be void as respects that election.

Nothing in the second paragraph of section twenty-four of the Ballot Act, 1872, shall be taken to penalise a service voter who, after a proxy appointed by him has voted at an election, applies for a ballot paper for the purpose of voting in person.

(3) A member of the forces, whether he has appointed a proxy under this section or not, may elect, by notice in the prescribed form given to the registration officer within the prescribed time after the initiation of an election for which he is qualified to be registered in the service register, to vote by post at that election; and thereupon, as respects that election, any appointment of a proxy made by him shall be void and he shall be entitled, if registered in the service register for the election as a member of the forces, to vote by post in the same way as an absent voter and shall not be entitled to vote otherwise than by post:

Provided that any such notice shall be void unless it gives an address in the United Kingdom as the address to which a ballot paper is to be sent in pursuance of the notice.

10. Arrangements shall be made—

- (a) as respects members of the forces, by the Admiralty, Army Council or Air Council, as the case may be;
- (b) as respects seamen, by the Minister of War Transport;

Arrangements
for exercise of
rights by
service voters.

for securing that (so far as circumstances permit) every person appearing to be qualified to make a service declaration shall—

- (i) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Part of this Act in relation to the making and cancellation of service declarations, and of appointments of a proxy, and in relation to voting by post; and
- (ii) receive such instructions as to the effect of this Part of this Act and any regulations made under or by virtue of this Part of this Act, and such other assistance, as may be reasonably sufficient in connection with the exercise of those rights.

11.—(1) Electoral registration regulations shall provide for conferring, on persons for the time being registered in the National Register as persons engaged in war work abroad, rights similar (as nearly as may be) to those conferred by this Part of this Act on seamen, and for making such modifications of this Part of this Act in its application to persons so registered as may appear to the Secretary of State to be necessary or expedient for that purpose.

War workers
abroad.

(2) National registration regulations shall provide for the registration in the National Register as a person engaged in war work abroad of any person who—

- (a) is certified on behalf of a government department to be engaged in work of national importance outside

PART I.
—cont.

the United Kingdom (whether ashore or afloat) in connection with any war in which His Majesty may be engaged; and

- (b) makes such a declaration as may be prescribed by the regulations;

and for the circumstances in which a person registered as so engaged is to cease to be so registered.

General provisions as to registration.

Preparation
of register.

12.—(1) Electoral registration regulations shall provide for securing the compilation and publication by registration officers of a register as and when required by this Part of this Act, and may apply any of the registration rules set out in the First Schedule to the principal Act subject to any modifications made by the regulations.

(2) Without prejudice to the generality of the foregoing subsection, electoral registration regulations shall, subject to the provisions of the next following subsection, provide—

- (a) for the publication, after the qualifying date for an election and before the register comes into force, of lists of persons who appear to the registration officer to be qualified to be registered in the civilian residence register and business premises register for the election; and
- (b) for the determination by the registration officer of claims and objections with respect to the said lists.

(3) As soon as the Secretary of State is satisfied that sufficient staff and printing facilities are available for the operation of the following provisions, electoral registration regulations shall provide—

- (a) as respects the civilian residence and service registers (subject to the provisions of the regulations)—
- (i) for the publication in each constituency on a date specified in the regulations of lists of persons who appear to the registration officer to be qualified to be registered if an election were initiated in the constituency on that date; and
- (ii) for the periodical revision of the said lists and for the preparation and publication after any revision of supplementary lists showing the changes made at that revision;
- (b) as respects the business premises register (subject as aforesaid)—
- (i) for the making of annual applications to be registered for any election initiated during the

twelve months beginning with such date in each year as may be prescribed; and

(ii) for the substitution accordingly of such date in each year as may be prescribed as the qualifying date for such an election, instead of the date mentioned in section one of this Act; and

(iii) for the annual preparation and publication in each constituency of a list of persons, who having made such applications, appear to the registration officer to be qualified to be so registered; and

(c) for the determination by the registration officer of claims and objections with respect to each of the said lists;

and shall accordingly provide for the revocation of the provisions included in the regulations by virtue of the last foregoing subsection.

(4) No appeal shall lie from the determination of a registration officer of any claim or objection made with respect to any list published in pursuance of subsection (2) of this section, but, as respects claims and objections made with respect to any list published in pursuance of subsection (3) of this section, an appeal shall lie from the determination of the registration officer in accordance with the provisions of section fourteen of the principal Act, subject to any modifications made by the regulations.

13.—(1) Sections twelve, sixteen and forty-five of the principal Act (which defines registration officers and their areas) shall apply for the purposes of the registration of electors under this Part of this Act as they apply for the purposes of such registration under that Act. Registration officers.

(2) It shall be the duty of the registration officer for any constituency—

(a) in accordance with this Part of this Act and electoral registration regulations, to compile and publish the register required for any election in the constituency, and to place, or cause to be placed, on the register the names of those entitled to be registered; and

(b) to perform such duties as may be imposed upon him for the purposes of this Part of this Act by national registration regulations; and

(c) to comply with any general or special instructions which may be given by the Secretary of State with respect to the arrangements to be made by him for carrying out his duties under this Part of this Act, electoral registration regulations and national registration regulations.

PART I.
—cont.

(3) For the purposes of this Part of this Act, the proper officer of the council of a county borough or county district shall be the town clerk or the clerk of the council, and it shall be the duty of every such council to provide their proper officer with such staff as he may require for the discharge of his duties under this Part of this Act and national registration regulations made by virtue thereof.

(4) Without prejudice to any power of a registration officer to appoint a deputy,—

- (a) all or any of his functions under this Part of this Act or electoral registration regulations in connection with the preparation and publication of any electors list or of any supplementary list; and
- (b) all or any of the duties imposed on him for the purposes of this Part of this Act by national registration regulations;

may, if he so desires, be performed in relation to any county borough or county district or any part thereof through the proper officer of the council thereof; and it shall be the duty of that officer, on being requested so to do by the registration officer,—

- (i) to perform any such functions or duties as aforesaid in relation to the borough or district or the part thereof specified in the request;
- (ii) whether or not he is performing any such functions or duties, to give to the registration officer such information as the registration officer may reasonably require from him for the purposes of this Part of this Act;

as well as to perform such duties as may be imposed upon him for the purposes of this Part of this Act by national registration regulations.

(5) If, without reasonable excuse, a registration officer or the proper officer of a council fails to perform any of his duties under this Part of this Act or electoral registration regulations or national registration regulations, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Expenses of
registration.

14.—(1) Any expenses incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England or the Registrar-General of births, deaths and marriages in Scotland shall be defrayed out of moneys provided by Parliament.

(2) There shall be paid to a registration officer out of moneys provided by Parliament—

- (a) such expenses in the performance of his duties under this Part of this Act, electoral registration regulations

and national registration regulations made by virtue of this Part of this Act as may be properly incurred by him in accordance with arrangements approved by the Treasury;

- (b) such charges as may be approved by the Treasury for his own trouble, care and attention in the performance of those duties; and
- (c) any costs properly incurred by him as party to an appeal against his determination of any claim or objection with respect to an electors list.

(3) There shall be paid to the proper officer of the council of a county borough or county district any expenses properly incurred by him in the performance of his duties under this Part of this Act or national registration regulations made by virtue of this Part of this Act, including reasonable charges for his own trouble, care and attention in the performance of those duties, and for the remuneration and expenses of any staff provided by the council, and expenses so incurred by the proper officer shall for the purposes of this section—

- (a) in so far as they have been incurred in the performance of his duties under national registration regulations, be treated as having been incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England; and
- (b) in so far as they have been incurred in the performance of other duties, be treated as having been incurred in the performance of his duties under this Part of this Act by the registration officer at whose request the duties were performed.

(4) Any fees or other sums received by a registration officer in respect of his duties as such an officer, other than sums paid to that officer in pursuance of the foregoing provisions of this section, shall be accounted for by that officer to the Treasury in such manner as the Treasury may direct and paid into the Exchequer.

15.—(1) Any person who—

(a) makes either—

- (i) an application to be registered in the business premises register; or
- (ii) a service declaration; or
- (iii) a declaration required for the purpose of becoming registered in the National Register as a person engaged in war work abroad;

knowing that the application or declaration contains a statement which is false; or

Penalty for
false declara-
tions, etc.

PART I.
—cont.

- (b) attests a service declaration knowing that he is not authorised to do so or that it contains a false statement as to the service number or other prescribed particulars of the identity of the declarant; or
- (c) signs a certificate for the purposes of this Part of this Act that a person is engaged in work of national importance outside the United Kingdom (whether ashore or afloat) in connection with any war in which His Majesty may be engaged, knowing that he is not authorised by a government department to do so;

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, or on conviction on indictment to imprisonment for a term not exceeding two years.

(2) Section thirty-eight of the principal Act (which relates to offences under that Act committed out of the United Kingdom) shall apply to offences under this section as it applies to offences under that Act.

Miscellaneous.

Right of
person
registered
to vote.

16.—(1) Subject to the provisions of this section, every person registered under this Part of this Act for an election in any constituency shall be entitled to vote at that election:

Provided that nothing in this Part of this Act shall entitle any person to vote if he is not a British subject, or is not of full age, or is subject to any legal incapacity.

(2) A person shall not vote at a general election for more than one constituency (including a university constituency) other than that in which he is registered under this Part of this Act in respect of a residence qualification.

(3) Section twenty-two of the principal Act (which imposes a penalty for voting at a general election in more constituencies than is allowed by that Act) shall have effect as if the reference to that Act included a reference to this section.

Death of
candidate.

17. Notwithstanding anything in section one of the Ballot Act, 1872, where one of the candidates nominated for a war election dies before the poll has commenced—

- (a) the register prepared under this Part of this Act for the election shall remain in force for the purpose of all further proceedings with reference to the election; and
- (b) subsection (2) of section two of this Act shall not apply with respect to those further proceedings.

18.—(1) A person entitled to vote at a university election shall be entitled to appoint a proxy to vote for him at any such election if, at the time of his application for the issue of a proxy paper, he is a member of the forces or a seaman.

PART I.
—cont.
Appointment
of proxies for
service voters
at university
elections.

(2) An application for the issue of a proxy paper by any such person, being a member of the forces or a seaman, may be made on the same form as that prescribed under this Part of this Act for use by service voters, and where such a form purporting to be signed by any person is accompanied by a declaration—

- (a) purporting to be signed by the same person and bearing the same date as the application; and
- (b) in the same form and attested in the same manner and, subject as hereafter provided, stating the same particulars as a service declaration;

the declaration shall be conclusive evidence that the said person was a member of the forces or a seaman at the time of the application:

Provided that the particulars to be stated in any such declaration shall not include particulars as to the residence of the declarant, but shall in lieu thereof include particulars of the university constituency in which he is entitled to vote.

(3) The provisions of section fifteen of this Act shall apply to any such declaration as if it were a service declaration.

(4) Any proxy paper issued by virtue of this section shall, unless cancelled, remain in force until the expiration of this Part of this Act.

(5) Save as provided by the foregoing provisions of this section, nothing in this Part of this Act shall affect the provisions of the principal Act or any Order in Council made thereunder relating to the appointment and voting of proxies at university elections.

19.—(1) On the expiration of the National Registration Act, 1939 (hereafter in this subsection referred to as "the Act of 1939") the following provisions shall have effect:—

Transitional.

- (a) a register shall be prepared under this Part of this Act for each constituency, other than a university constituency, as if a general election had been initiated on the last day on which the Act of 1939 was in force;
- (b) the said register shall be the parliamentary register of electors in force for any election initiated in such a constituency after the expiration of the Act of 1939, being an election at which the time fixed for nomination occurs before the expiration of this Part of this Act;

PART I.
—cont.

(c) subsection (2) of section two of this Act shall apply to any election initiated after the expiration of the Act of 1939 and before the said register comes into force as it applies to a war election;

(d) until the expiration of this Part of this Act, any national registration regulations made by virtue thereof shall continue in force, and may be varied or revoked, as if the Act of 1939 had not expired.

(2) In any year in which the National Registration Act, 1939, is in force after the thirty-first day of March no parliamentary register of electors shall be prepared under section eleven of the principal Act.

(3) No payment shall be made out of moneys provided by Parliament under subsection (4) of section fifteen of the principal Act on account of any registration expenses incurred after the appointed day and before the end of the last year throughout which this Part of this Act is in force, other than registration expenses payable by virtue of section eighteen of that Act.

12 & 13 Geo. 5.
c. 11.

(4) Notwithstanding anything in the Juries Act, 1922, or in any other enactment, the jurors book prepared for a county for the year beginning with the first day of January, nineteen hundred and forty, shall be the jurors book for that county until the end of the year in which this Part of this Act expires; and no further jurors book shall be prepared for any county in any year in which a parliamentary register of electors is required not to be prepared under section eleven of the principal Act by virtue of this section.

(5) No person shall by virtue of any enactment or rule of law be required to perform any duty solely with a view to the preparation of a register of electors or a jurors book which by virtue of this section is not to be prepared.

Approval of
electoral
registration
regulations by
Parliament.

20. All electoral registration regulations shall be laid before Parliament by the Secretary of State as soon as may be after they are made and shall not come into operation until they are approved by resolution of each House, but if so approved shall come into operation on such date as may be specified in the regulations.

Application
and
adaptation of
enactments.

21.—(1) The provisions of Parts I and II of the principal Act shall not apply to registration under this Part of this Act or to voting at an election for which a register is prepared under this Part of this Act, except in so far as they are expressly applied by or under this Part of this Act:

Provided that nothing in this Part of this Act shall affect the provisions of subsections (1), (4) and (5) of section nine of the principal Act (which relate to disqualifications).

(2) The provisions of the Third Schedule to this Act shall have effect for the purpose of adapting enactments to the provisions of this Part of this Act.

(3) Save as expressly provided by this Part of this Act, nothing in this Part of this Act shall affect the law relating to parliamentary elections.

22. In this Part of this Act, except where the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them—

“ appointed day ” means such day as may be appointed by order of the Secretary of State;

“ bank holiday ” means—

(a) in relation to a general election, a day which is a bank holiday under the Bank Holidays Act, 1871, as amended by any subsequent enactment (including Defence Regulations), in any part of the United Kingdom; and

(b) in relation to a by-election, a day which is a bank holiday under the said Act as so amended in that part of the United Kingdom in which the constituency in question is situated;

“ electoral registration regulations ” means regulations made by the Secretary of State under this Part of this Act;

“ electors list ” means a list, prepared by a registration officer in pursuance of electoral registration regulations, of persons who appear to him to be qualified to be registered under this Part of this Act;

“ member of the forces ” means a person who, being a member of—

(a) any of the armed forces of the Crown raised in the United Kingdom;

(b) the Women’s Royal Naval Service;

(c) the Queen Alexandra’s Royal Naval Nursing Service;

(d) any other organisation established under the control of the Admiralty, Army Council or Air Council and raised in the United Kingdom;

is, or would if he were in the United Kingdom be, by virtue of such membership for the time being exempt under national registration regulations from registration in the National Register;

PART I.
—cont.

“ national registration regulations ” means regulations made by the Ministers under the National Registration Act, 1939;

“ prescribed ” means prescribed by electoral registration regulations;

7 & 8 Geo. 5.
c. 64.

“ principal Act ” means the Representation of the People Act, 1918, as amended by any subsequent enactment or Order in Council;

“ seaman ” means a person who is for the time being exempt under national registration regulations from registration under the National Registration Act, 1939, as being a seaman, or who would be so exempt if he were in the United Kingdom, being a person whose usual place of residence is in the United Kingdom;

and the expressions “ constituency ”, “ general election ”, “ university constituency ” and “ university election ” have the same meanings as in the principal Act.

Application of
Part I to
Scotland.

23. This Part of this Act shall in its application to Scotland have effect subject to the following modifications—

(a) in section five paragraph (b) of subsection (3), and in section thirteen subsections (3) and (4) and in subsection (5) the words “ or the proper officer of a council ”, shall be omitted;

(b) in section thirteen the reference to section twelve of the principal Act shall be construed as a reference to the provision substituted therefor by paragraph (8) of section forty-three of the said Act;

(c) section fourteen shall have effect as if—

(i) in subsection (2) for the words “ a registration officer ” there were substituted the words “ a council appointing a registration officer ”;

(ii) for subsection (3) there were substituted the following subsection—

“ (3) A council appointing a registration officer shall pay to him the expenses properly incurred by him in the performance of his duties under this Part of this Act, electoral registration regulations and national registration regulations made by virtue of this Part of this Act, any costs properly incurred by him as party to an appeal against his determination of any claim or objection with respect to an electors list, and such charges as

they may deem reasonable and proper for his trouble, care and attention in the performance of those duties.

PART I.
—cont.

Any expenses incurred by a council under this subsection shall be defrayed in like manner as the costs and expenses of making up the valuation roll under the Lands Valuation (Scotland) Act, 1854, and the Acts amending the same.”; and

(iii) in subsection (4) after the words “ by that officer ” there were inserted the words “ to the council appointing him and shall be accounted for by that council ”.

24.—(1) In its application to Northern Ireland this Part of this Act shall have effect subject to the modifications specified in the Fourth Schedule to this Act.

Application
of Part I to
Northern
Ireland.

(2) If the Parliament of Northern Ireland passes any Act in respect of the election of members to serve therein making provision similar to the provision made by this Part of this Act, subsection (3) of section five and section ten of this Act (both as enacted in this Act and as applied in relation to persons engaged in war work abroad by electoral registration regulations), and paragraph 7 of the Third Schedule to this Act, shall apply for the purposes of the said Act of the Parliament of Northern Ireland as they apply for the purposes of this Act subject to the following modifications:—

- (a) any reference in the said subsection (3) of section five to that section shall be construed as a reference to the corresponding provision of the said Act of the Parliament of Northern Ireland; and
- (b) any reference in the said section ten or the said paragraph 7 to this Part of this Act shall include a reference to the said Act of the Parliament of Northern Ireland;

and the said Act may provide for making (with the consent of the Secretary of State) such alterations of and additions to any forms prescribed under electoral registration regulations, or any electors list, supplementary list or register prepared under this Part of this Act, as may be necessary or proper for the purposes of that Act.

(3) Subject to the provisions of the last foregoing subsection, nothing in this Part of this Act shall apply in respect of the election of members to serve in the Parliament of Northern Ireland.

PART I.

—*cont.*Citation and
duration of
Part I.

25.—(1) This Part of this Act may be cited separately as the Parliamentary Electors (War-Time Registration) Act, 1943, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) This Part of this Act shall expire with the fourteenth day of October in the year in which the National Registration Act, 1939, expires or, if that Act expires in any year after the thirty-first day of March, with the fourteenth day of October in the next following year:

Provided that—

- (a) on the expiration of this Part of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this Part of this Act had then been repealed by another enactment; and
- (b) where the day fixed for nomination at any election occurs before the expiration of this Part of this Act, but the poll has not taken place before the expiration of this Part of this Act, this Part of this Act shall continue in force for the purposes of the election.

52 & 53 Vict.
c. 63.

PART II.

PARLIAMENTARY WRITS.

Writs to be
directed to
returning
officers.

26. The writ for a parliamentary election shall be directed to the sheriff, mayor or other officer, who is by virtue of his office the returning officer at the election, designated by the title of his office and not by his name.

Persons to
whom writs
are to be
conveyed.

27.—(1) The writ for a parliamentary election shall be conveyed to the sheriff, mayor or other officer, to whom it is directed:

Provided that the writ for a parliamentary election for a constituency, as respects which a notice in the prescribed form requesting that writs for parliamentary elections therefor shall be conveyed to the acting returning officer has been sent by the sheriff, mayor or other officer who is the returning officer, or by any predecessor in office of his, to the Clerk of the Crown in Chancery and received by the said Clerk one month or more before the date of the issue of the writ, shall be conveyed to the acting returning officer, unless the notice has been revoked by a further notice in the prescribed form sent and received as aforesaid.

(2) Where under the preceding subsection a writ is required to be conveyed to the sheriff, mayor or other officer, to whom it is directed, that requirement shall be deemed to have been complied with if it is conveyed—

- (a) to an under-sheriff, deputy mayor or other person, who is for the time being authorised by or under

any enactment to execute the office or discharge the functions of such sheriff, mayor or other officer; or

PART II.
—cont.

- (b) to the person found in a place recorded in the prescribed manner as the office of such sheriff, mayor or other officer, who is for the time being in charge thereof.

(3) Where under subsection (1) of this section a writ is required to be conveyed to an acting returning officer, that requirement shall be deemed to have been complied with if it is conveyed—

- (a) to a person temporarily appointed under subsection (4) of section twelve of the Representation of the People Act, 1918, to act for him; or
- (b) to the person found in a place recorded in the prescribed manner as the office of the acting returning officer who is for the time being in charge thereof.

(4) The person to whom the writ for a parliamentary election is conveyed under this Part of this Act shall, in accordance with the form of endorsement in that behalf contained in the Second Schedule to the Ballot Act, 1872, endorse the writ with a statement, signed by him, as to the date on which he received it.

(5) Any notice in force immediately before the commencement of this Act given to the Postmaster General by a sheriff, and expressing his desire that writs for parliamentary elections for a constituency in respect of which he is the returning officer shall be conveyed to the acting returning officer, shall have effect for the purposes of the proviso to subsection (1) of this section as if it had been such a notice as is therein mentioned sent by the sheriff to the Clerk of the Crown in Chancery and received by the said Clerk one month before the commencement of this Act.

(6) In relation to parliamentary elections for the City of London the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—

- (a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and
- (b) for paragraphs (a) and (b) of subsection (2) the following paragraphs shall be substituted:—

“(a) to either of the sheriffs of the City of London; or

(b) to the Secondary of the City of London; or

PART II.
—cont.

(c) to the person found in a place recorded in the prescribed manner as the office of the said sheriffs who is for the time being in charge thereof ”.

(7) In relation to university elections the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—

(a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and

(b) for paragraph (a) of subsection (2) the following paragraph shall be substituted:—

“ (a) to a person designated under paragraph 25 of Part I of the Fifth Schedule to the Representation of the People Act, 1918, to act temporarily as returning officer at the election or a person appointed under paragraph 39 of Part II of that Schedule by the University Court of the University of Edinburgh to discharge the duties imposed by that Act on the Vice-Chancellor of that University, as the case may be ”.

(8) In this section the expression “ prescribed ” means prescribed by an Order in Council made under section twenty-nine of this Act and the expressions “ constituency ” and “ university election ” have the same meanings as in the Representation of the People Act, 1918.

Exclusion of s. 30 of 7 & 8 Geo. 5. c. 64.

28. Section thirty of the Representation of the People Act, 1918 (which provides for the discharge of the duties of returning officer at a parliamentary election by the registration officer as acting returning officer), shall not apply to any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section.

Manner in which writs are to be conveyed, and provisions consequential thereon.

29.—(1) His Majesty may by Order in Council specify the manner in which writs for parliamentary elections are to be conveyed, whether by sending through the post, delivery by an officer appointed by the Lord Chancellor or otherwise, and any such Order in Council may contain different provisions with respect to different classes of writs.

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

(a) prescribe the form of any notice to be sent under the proviso to subsection (1) of section twenty-seven of this Act;

(b) require the person to whom, on the occasion for the issue of a writ for a parliamentary election arising, the writ would, under subsection (1) of section twenty-seven of this Act, be required to be conveyed,

if requested by or on behalf of such authority or officer as may be specified in the Order so to do, to furnish to that authority or officer the address of a place at which the writ may be conveyed to him and, on any change of that address, the new address;

- (c) provide for recording the place the address of which is last furnished under any provision of the Order having effect by virtue of the last preceding paragraph by any person as the office of that person;
- (d) provide for the giving of receipts for writs for parliamentary elections by the persons to whom they are conveyed under section twenty-seven of this Act or who may receive them in the course of the conveyance thereof;
- (e) provide for any incidental or supplementary matters for which it appears to His Majesty to be necessary or expedient for the purposes of the Order to provide.

(3) His Majesty shall not be recommended to make an Order in Council under this section until a draft thereof has lain before each House of Parliament for a period of forty days, and if either House of Parliament within that period resolves that no further proceedings be taken in relation thereto, no further proceedings shall be so taken, but without prejudice to the preparation of a fresh draft.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

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

30.—(1) This Part of this Act shall, in its application to Scotland, have effect subject to the modifications contained in the following provisions of this section. Application of
Part II to
Scotland.

(2) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect, and for paragraph (a) of subsection (2) thereof there shall (except in relation to university elections) be substituted the following paragraph:—

“(a) to a sheriff substitute who is for the time being authorised by paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, to act as returning officer at the election”.

PART II.
—cont.

(3) For section twenty-eight there shall be substituted the following section:—

“ 28. Nothing in the last paragraph of section eight of the Ballot Act, 1872, or in paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, shall entitle a deputy returning officer to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section ”.

Application of
Part II to
Northern
Ireland.

31.—(1) This Part of this Act shall, in its application to Northern Ireland, have effect subject to the modifications contained in the following provisions of this section.

(2) For the words “ sheriff, mayor ”, wherever those words occur, there shall be substituted the word “ under-sheriff ”.

(3) For the reference in subsection (1) of section twenty-nine to the Lord Chancellor there shall be substituted a reference to the Governor of Northern Ireland.

(4) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect.

(5) For section twenty-eight there shall be substituted the following section:—

“ 28. Nothing in the last paragraph of section eight of the Ballot Act, 1872, in section thirteen of the Redistribution of Seats Act, 1885, or in Article 3 of the Government of Ireland (Election Laws Adaptation) (Northern Ireland) Order, 1922, shall enable a deputy or an assistant returning officer to be appointed to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section, and nothing in the said section thirteen shall apply in relation to anything required or authorised to be done by the preceding provisions of this Part of this Act or any such Order in Council ”.

48 & 49 Vict.
c. 23.

Transitional
provisions
relating to
Part II.

32.—(1) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Great Britain under section twenty-nine of this Act comes into operation, section twenty-seven of this Act shall, in its application to Great Britain, have effect subject to the modifications specified in Part I of the Fifth Schedule to this Act, and the provisions contained in Part II of that Schedule shall have effect with respect to the

conveyance of writs for parliamentary elections in Great Britain.

PART II.
—cont.

(2) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Northern Ireland under section twenty-nine of this Act comes into operation, paragraph (b) of subsection (2) of section twenty-seven of this Act shall, in its application to Northern Ireland, have effect with the omission of the words " a place recorded in the prescribed manner as ".

33.—(1) The Acts specified in the Sixth Schedule to this Act shall have effect subject to the amendments specified in the third column of that Schedule. Consequential amendments and repeals.

(2) The Acts specified in Part I of the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the commencement of this Act, and the Acts specified in Part II of that Schedule are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the date of the coming into operation of the Order in Council first made as respects Great Britain under section twenty-nine of this Act.

PART III.

MEETING OF PARLIAMENT WHEN PROROGUED.

34. The date appointed for the meeting of parliament by a proclamation issued under section one of the Meeting of Parliament Act, 1797 (which relates to the summoning of parliament when prorogued), may be any day after the date of the proclamation; and accordingly that section as amended by the Meeting of Parliament Act, 1870, shall have effect as if for the words " any day not being less than six days from the date of such proclamation " there were substituted the words " any day after the date of such proclamation ". Time for summoning parliament during prorogation.
37 Geo. 3.
c. 127.
33 & 34 Vict.
c. 81.

PART IV.

GENERAL.

35. This Act may be cited as the Parliament (Elections and Meeting) Act, 1943. Short title.

SCHEDULES.

Section 7.

FIRST SCHEDULE.

MODIFICATIONS OF SECTION TWENTY-THREE OF PRINCIPAL ACT.

I. Subsection (4), except so much thereof as provides that a ballot paper for the purpose of voting by post shall not be sent to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom, shall not have effect, and in lieu thereof the following provisions shall have effect :—

- (a) so long as an application by any person for his name to be entered in the absent voters list is required to be made as respects a particular election, a person whose name is entered on that list for an election—
- (i) shall, if he has satisfied the registration officer, on an application for the issue of a proxy paper made in accordance with electoral registration regulations at the same time as his application for his name to be entered in the said list, that there is a probability that at the time of the poll he will be at sea or out of the United Kingdom, be entitled to appoint a proxy to vote for him at the election ; and
 - (ii) having appointed a proxy, shall be entitled to vote by proxy at the election ;
- (b) if and when electoral registration regulations provide that an application by any person for his name to be entered in the absent voters list is to be made as respects a prescribed period, a person for whom such an application has been received and accepted by the registration officer—
- (i) shall, if he has satisfied the registration officer, on an application for the issue of a proxy paper made in accordance with electoral registration regulations, that there is a probability that he will be at sea or out of the United Kingdom at the time of the poll at any election initiated during that period or any part thereof specified in the application, be entitled to appoint a proxy to vote for him at any such election ; and
 - (ii) having appointed a proxy shall be entitled to vote by proxy at any such election as aforesaid for which his name may be entered in the civilian residence register or business premises register ;
- (c) no ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy by virtue of this paragraph while the appointment is in force ;

(d) the provisions of the Second Schedule to this Act shall have effect in relation to the appointment and voting of proxies under this paragraph.

1ST SCH.
—cont.

2. The power of prescribing forms and making regulations under subsection (6) shall be exercised by electoral registration regulations instead of by Order in Council.

SECOND SCHEDULE.

Section 9.

PROXIES.

Appointment of proxies.

1. A proxy shall be appointed by means of a proxy paper issued by the registration officer to the person appointed as proxy, on an application made by the voter in accordance with electoral registration regulations.

2. Where an application is made by a voter for the issue of a proxy paper, it shall be the duty of the registration officer, on being satisfied that the voter is entitled to appoint a proxy, to issue a proxy paper to the person appointed as proxy, unless the registration officer is satisfied that that person is not willing to be appointed or cannot lawfully be appointed by virtue of the following provisions of this Schedule.

3. A proxy paper—

- (a) shall cease to be in force if a new proxy paper is issued by the registration officer on a further application by the voter ; and
- (b) subject to the following provisions of this Schedule, may be cancelled by the voter by giving notice in that behalf to the registration officer in the prescribed form and containing the prescribed particulars :

Provided that this paragraph shall not apply to a proxy paper issued on an application made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act.

4. Subject to the last foregoing paragraph, a proxy paper shall remain in force—

- (a) in the case of a paper issued on an application made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act, until the conclusion or abandonment of the election at which the voter is entitled to vote by proxy ;
- (b) in the case of a paper issued on an application made by virtue of sub-paragraph (b) of the said paragraph 1, until the expiration of the period as respects which the application is made ; and

2ND SCH.
—cont.

(c) in the case of a paper issued on the application of a service voter, so long as that voter remains entitled to appoint a proxy by virtue of the same service declaration.

5. An application for the issue of a proxy paper or notice cancelling a proxy paper shall not take effect as respects any election unless received by the registration officer before the initiation thereof :

Provided that this paragraph shall not apply to an application for the issue of a proxy paper made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act.

6. Any application made by a service voter for the issue of a proxy paper, or notice given by a service voter cancelling a proxy paper, shall be transmitted to the registration officer concerned in such manner as may be prescribed by national registration regulations, and those regulations may provide for the inclusion in the central index of service voters of such particulars as may be prescribed by those regulations with respect to the appointment of proxies and the cancellation of any such appointment.

7. A person shall not be appointed a proxy unless he is a British subject of full age and not subject to any legal incapacity.

8. A voter shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

9. A registration officer shall keep such record (hereafter in this Schedule referred to as the " record of proxies ") as may be prescribed of the persons who have appointed proxies under Part I of this Act and of the persons appointed as proxies, and the said record shall be open to inspection during business hours at such place in the constituency as may be appointed by the registration officer.

10. A registration officer shall, on the application of any person, allow that person to take extracts from, or, in such cases as may be prescribed and on payment of the prescribed fee, supply to that person copies of the record of proxies.

11. Stamp duty shall not be chargeable on any proxy paper issued under this Schedule.

Voting of proxies.

12. A person shall not vote as proxy unless he is a British subject of full age and not subject to any legal incapacity.

13. A person shall not vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister.

14. The Ballot Act, 1872, and any other Act regulating the holding of parliamentary elections, including any provision imposing penalties in connection with those elections, shall apply to persons voting as proxies under this Act, and to proxy papers issued under this Act and any official mark thereon, as they apply, by virtue of paragraph 9 of the Third Schedule to the principal Act, to persons voting as proxies under that Act and to proxy papers issued under that Act and any official mark thereon.

15. If—

2ND SCH.
—cont.

- (a) any person votes or attempts to vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister ;
- (b) any person votes or attempts to vote as proxy at an election on behalf of another person when he knows, or has reasonable grounds for supposing that the proxy paper appointing him has been cancelled, or that that other person is dead, or that that other person is no longer entitled to vote at that election or to vote by proxy at that election ; or
- (c) any person, not being a British subject, or not being of full age, or being subject to any legal incapacity, votes or attempts to vote as proxy on behalf of another person ; or
- d) any person, being a person entered in the absent voters list for a constituency and entitled to vote by proxy in that constituency, himself votes or attempts to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper while the proxy paper is in force ;

he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression "illegal practice" shall be construed accordingly :

46 & 47 Vict.
c. 51.

Provided that the court before whom a person is convicted under this provision may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the said Act.

16. A ballot paper shall not be delivered to a person who claims to vote in person as proxy for the purpose of so voting unless he produces the proxy paper to the presiding officer at the polling station or satisfies that officer that he is the person entered in the record of proxies as having been appointed proxy by the person for whom he claims to vote.

17. Such questions may be asked of any person who claims to vote as proxy in person (in addition to those already authorised to be asked) as may be prescribed.

18.—(1) A person may vote by post at an election as proxy for a service voter in the same way as an absent voter voting in his own right, if that person is entitled to vote by post as an absent voter in his own right at that election, and is also entered on the record of proxies as having been appointed proxy by the service voter :

Provided that a person shall not be entitled to vote by post under this paragraph unless he has made an application to the registration officer in that behalf in accordance with electoral registration regulations, and the registration officer is satisfied from the application of his identity with the person so appointed.

(2) Where under this paragraph a person is entitled to vote by post at an election as proxy for a service voter, he shall not be entitled to vote otherwise than by post at the election as proxy for that voter.

Section 21.

THIRD SCHEDULE.

ADAPTATION OF ENACTMENTS IN RELATION TO PART I.

1.—(1) Where an election is initiated on or after the appointed day, the registration officer shall, on the day of the initiation thereof or the next following day, publish a notice specifying the number of persons estimated by him to be qualified for registration as electors in each polling district in the constituency, and for the purposes of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883 (which relates to the expenses of candidates) as amended by subsection (1) of section thirty-three of, and the Fourth Schedule to, the principal Act, as respects that election the number so specified in relation to any polling district shall be taken to be the number of electors in that polling district, and the aggregate of those numbers shall be taken to be the number of electors in the constituency, and accordingly paragraph 2 of Part V of the said First Schedule shall not apply.

(2) The registration officer shall publish the said notice by posting up copies thereof in a conspicuous place in his office and in such other places in the constituency as he thinks best adapted for informing the persons concerned.

(3) Electoral registration regulations may provide, as respects any constituency where by reason of the large number of persons qualified to be entered in the business premises register it appears to the Secretary of State impossible for the registration officer on the initiation of an election to estimate the numbers aforesaid accurately enough for the purposes of this paragraph, that the said notice shall be published within the prescribed time, not being later than the day after the last day for making applications to be included in the said register.

2. Subject to the foregoing paragraph, where a register has been published under Part I of this Act for an election, any reference in any enactment to parliamentary electors, parliamentary voters or persons entitled to vote at parliamentary elections, by whatever name called, shall be construed in relation to any matter occurring after that publication at or in connection with the election, as a reference to persons registered in the register; and any reference in any enactment to the parliamentary register of electors, the parliamentary register, the register of parliamentary electors or the register of persons entitled to vote at a parliamentary election, by whatever name called, shall be construed accordingly.

3.—(1) Subject to the two foregoing paragraphs, any reference in any enactment to parliamentary electors, parliamentary voters or persons entitled to vote at parliamentary elections, by whatever name called, shall—

(a) in relation to any matter occurring after the appointed day and before the date as from which regulations made under subsection (2) of section twelve of this Act are revoked in

pursuance of subsection (3) of that section, be construed as respects any constituency—

3RD SCH.
—cont.

(i) in the case of a reference in any of the enactments specified in sub-paragraph (2) of this paragraph, as a reference to persons claiming or reputed to be qualified to be registered in the register for an election in the constituency (whether or not such an election has been initiated) ;

(ii) for the purpose of determining any person's qualifications to hold any office, or to do any act (other than an act to be done at or in connection with a parliamentary election), as a reference to persons who were registered in the register of parliamentary electors last prepared for the constituency (whether under the principal Act or this Act) ; and

(b) in relation to any matter occurring after the date as from which the said regulations are revoked, be construed as respects any constituency as a reference to persons whose names for the time being appear in an electors list for which provision is required to be made by the said subsection (3) of section twelve of this Act.

(2) The enactments above referred to in this paragraph are :—

(a) section eighteen of the Metropolitan Police Act, 1829 (both as originally enacted and as extended by section nine of the Metropolitan Police Act, 1856), section nine of the County Police Act, 1839, section nine of the County and Borough Police Act, 1856, section seventeen of the Police (Scotland) Act, 1857, and section five of the Metropolitan Police Act, 1860 (which prohibit constables and others from canvassing at certain parliamentary elections) ;

10 Geo. 4. c. 44.
19 & 20 Vict.
c. 2.
2 & 3 Vict. c. 93.
19 & 20 Vict.
c. 69.
20 & 21 Vict.
c. 72.
23 & 24 Vict.

(b) section six of the Election Commissioners Act, 1852, sections two, three and seven of the Corrupt Practices Prevention Act, 1854, section forty-nine of the Representation of the People Act, 1867, subsection (2) of section one, and paragraph (b) of subsection (1) and subsection (3) of section seven, of the Corrupt and Illegal Practices Prevention Act, 1883 (which deal with bribery and corruption at parliamentary elections) ;

c. 135.
15 & 16 Vict.
c. 57.
17 & 18 Vict.
c. 102.
30 & 31 Vict.
c. 102.

(c) rule 7 of the First Schedule to the Ballot Act, 1872, section thirteen of the Parliamentary and Municipal Registration Act, 1878, and subsection (2) of section thirty-one of the principal Act (which relate respectively to the right of electors to obtain nomination forms, to inspect the rate book and to make representations as to the polling districts and polling places in a constituency) ;

41 & 42 Vict.
c. 26.

(d) subsection (2) of section thirty-three of the principal Act (which relates to the right of a candidate to send an election address post free to each elector).

4. On the publication of a register for any constituency under subsection (1) of section nineteen of this Act, the foregoing provisions of this Schedule shall cease to have effect in relation to that constituency,

3RD SCH.
—cont.

except as respects any parliamentary election initiated before the expiration of the National Registration Act, 1939, and sections thirty-one and thirty-three of, and paragraphs 1 and 3 of the Sixth Schedule to, the principal Act shall have effect as if the said register were a register prepared under the principal Act.

5. Section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, (which provides for the annual preparation of a corrupt and illegal practices list and for the printing and publication of that list with the register of electors) shall have effect subject to the following modifications—

- (a) the list, instead of being made out annually, shall be made out in any constituency as soon as may be after the initiation of a war election in the constituency and shall be made out in every constituency as soon as may be after the expiration of the National Registration Act, 1939;
- (b) the list need not be printed;
- (c) the list shall be published in the first instance in accordance with electoral registration regulations apart from and before the register prepared under Part I of this Act, and those regulations shall prescribe the time within which claims and objections are to be made thereto;
- (d) the list shall be finally published with the said register.

6. Section eleven of the Parliamentary and Municipal Registration Act, 1878 (which requires registrars of births and deaths to make returns of deaths to registration officers) shall not have effect.

7. Nothing in subsection (2) of section eight of the National Registration Act, 1939 (which penalises the disclosure of information obtained under that Act) shall apply to the furnishing of information for the purposes of Part I of this Act in accordance with national registration regulations.

8. The foregoing provisions of this Schedule may be varied or supplemented by electoral registration regulations.

Section 24.

FOURTH SCHEDULE.

MODIFICATIONS OF PART I IN ITS APPLICATION TO NORTHERN IRELAND.

1.—(1) Any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland, and in particular, but without prejudice to the generality of the foregoing provisions of this paragraph, any reference to section twelve of the principal Act shall be construed as a reference to that section as modified by sub-paragraphs (a) and

(c) of paragraph (3) of section forty-four of that Act, and any reference to section sixteen of that Act shall not apply.

(2) Any question as to the council whose duty it is, under subsection (1) of section thirty-one of the principal Act, to divide a constituency into polling districts and to appoint polling places for the polling districts shall be determined as if this Act had not been passed.

2. For paragraph (b) of subsection (3) of section five there shall be substituted the following paragraph:—

“(b) provide that any such information shall be furnished—

(i) in so far as it relates to the part of the said Register relating to a county borough or borough, to the town clerk of that county borough or borough;

(ii) in so far as it relates to the part of the said Register relating to an urban district, to the clerk of the council of that district; and

(iii) in so far as it relates to the part of the said Register relating to a rural district, to the secretary of the council of the administrative county in which that district is situated;

and shall be forwarded by that clerk or secretary as the case may be to the registration officers concerned.”

3. For subsections (3), (4) and (5) of section thirteen there shall be substituted the following subsections:—

“(3) Subject to the provisions of electoral registration regulations, a registration officer shall require each person holding the office of overseer to perform such of the duties of the registration officer in connection with any electors' list or supplementary list as are analogous to the duties which, but for the passing of this Act, would have been performed by that person by virtue of his office under the principal Act; and it shall be the duty of every such person—

(a) to comply with any such requirement; and

(b) to give to a registration officer such information as the registration officer may reasonably require from him for the purposes of this Part of this Act.

(4) An overseer shall be entitled to payment for services performed and expenses incurred by him in the execution of duties under this section; and any sum payable to an overseer under this subsection shall be treated for the purposes of this Part of this Act as part of the expenses incurred in the performance of his duties under this Part of this Act by the registration officer on whose requisition the services were performed or the expenses were incurred.

(5) If it appears to the Secretary of State on the representation of a registration officer that any overseer has failed to perform any duties which that officer has required him to perform under this section, then (without prejudice to the taking of proceedings in respect of the failure) the Secretary of State may authorise the registration officer to appoint some other person to perform those duties in his stead, and any person so appointed shall, for that purpose, have all

4TH SCH.
—cont.

the like powers and duties and be entitled to the like payment for services and expenses as if he were the overseer in whose stead he is appointed.

(6) If without reasonable excuse—

- (a) a registration officer fails to perform any of his duties under this Part of this Act, electoral registration regulations or national registration regulations ; or
- (b) an overseer, or person appointed under the last foregoing subsection instead of an overseer, fails to perform any of the duties or give any information, required of him under this section by a registration officer ;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(7) In this section the expression “ overseer ” has the meaning assigned to it by paragraph (4) of Rule 44 of the First Schedule to the principal Act.”

4. Section fourteen of this Act shall have effect subject to the following provisions—

- (a) no payment shall be made to a registration officer out of moneys provided by Parliament for his own trouble, care and attention in the performance of his duties ;
- (b) the expense of any printing required in connection with registration shall be treated as part of the expenses properly incurred by a registration officer under Part I of this Act, notwithstanding that arrangements for the printing are made by the county council under section ninety-six of the Local Government (Ireland) Act, 1898 ;
- (c) for subsection (3) there shall be substituted the following subsection :—

“ (3) There shall be paid to the town clerk of a county borough or borough, to the clerk of the council of an urban district, and to the secretary of the council of an administrative county, any expenses properly incurred by him in the performance of his duties under national registration regulations made by virtue of this Part of this Act, including reasonable charges for his own trouble, care and attention in the performance of those duties, and the said expenses shall for the purposes of this section be treated as having been incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England.”

5. Such of the provisions of section nineteen of this Act as relate to jurors books shall not apply.

6. In subsection (2) of section twenty-five of this Act for references to the fourteenth day of October, there shall be substituted references to the fourteenth day of December.

61 & 62 Vict.
c. 37.

FIFTH SCHEDULE.

Section 32.

TRANSITIONAL PROVISIONS RELATING TO PART II.

PART I.

Temporary modifications of section twenty-seven of this Act in relation to Great Britain.

1. During the period specified in subsection (1) of section thirty-two of this Act, section twenty-seven thereof shall, in its application to Great Britain, have effect subject to the modifications contained in the following provisions of this Part of this Schedule.

2. Paragraph (b) of subsection (2) shall have effect—

(a) in the case of a writ for a parliamentary election, other than a writ directed to the sheriff of Middlesex, with the substitution for the words "a place recorded in the prescribed manner" of the words "a place recorded or notified under section two or section three of the Parliamentary Writs Act, 53 Geo. 3. c. 89, 1813,"; and

(b) in the case of a writ for a parliamentary election directed to the sheriff of Middlesex, with the omission of the words "a place recorded in the prescribed manner as".

3. The last of the paragraphs which by subsection (6) are, in relation to parliamentary elections for the City of London, substituted for paragraphs (a) and (b) of subsection (2), and paragraph (b) of subsection (3), shall have effect with the omission of the words "a place recorded in the prescribed manner as".

PART II.

Temporary provisions as to conveyance of parliamentary writs in Great Britain.

4. During the period specified in subsection (1) of section thirty-two of this Act, the requirements imposed by sections one and three of the Parliamentary Writs Act, 1813, as to the delivery of writs for parliamentary elections at the offices of the sheriffs of London and the sheriff of Middlesex, and at the offices of the sheriffs, other persons or proper officers to whom such writs are directed, and as to the giving of memorandums acknowledging the receipt thereof, shall be deemed to have been complied with—

(a) where, under subsection (1) of section twenty-seven of this Act, any such writ is required to be conveyed to the sheriff, mayor or other officer, to whom it is directed, if it is conveyed—

(i) in the case of the writ for a parliamentary election other than an election for the City of London or a university election, under paragraph (a) of subsection (2) of that section (or, in cases to which subsection (2) of section thirty of this Act applies, the paragraph substituted

5TH SCH.
—cont.

thereby for that paragraph) or under paragraph (b) of subsection (2) of the said section twenty-seven ;

(ii) in the case of the writ for a parliamentary election for the City of London, under any of the paragraphs substituted by subsection (6) of the said section twenty-seven for the said paragraphs (a) and (b) ;

(iii) in the case of the writ for a university election, under the paragraph substituted for paragraph (a) of subsection (2) of the said section twenty-seven by subsection (7) thereof or under paragraph (b) of subsection (2) of that section ;

and if the memorandum is given by the person to whom the writ is so conveyed ;

(b) where, under subsection (1) of the said section twenty-seven any such writ is required to be conveyed to an acting returning officer—

(i) if it is conveyed to him and if the memorandum is given by him ; or

(ii) if it is conveyed under paragraph (a) or (b) of subsection (3) of that section and if the memorandum is given by the person to whom the writ is so conveyed.

5. References in this Part of this Schedule to provisions of section twenty-seven of this Act shall be construed as references to those provisions as modified by Part I of this Schedule.

Section 33.

SIXTH SCHEDULE.

AMENDMENTS OF ENACTMENTS CONSEQUENTIAL ON PART II.

Session and Chapter.	Short Title.	Amendment.
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	In section one, in the last paragraph, for the words " as if the writ had been received by the returning officer on the day on which proof was given to him of such death " there shall be substituted the words " as if the writ had been received on the day on which proof was given to the returning officer of the death " ; and in the First Schedule, in rules 1 and 2, for the words " he receives the writ ", in each place where those words occur, there shall be substituted the words " the writ is received " .

6TH SCH
—cont.

Session and Chapter.	Short Title.	Amendment.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act, 1918.	In section thirty, after the words "if all his duties" there shall be inserted the words "(other than a duty imposed on him by virtue of section twenty-seven of the Parliament (Elections and Meeting) Act, 1943, or of any Order in Council made under section twenty-nine of that Act)"; in section forty-three, in paragraph (13), for the words "the sheriff substitute at the place at which the writ for the election is appointed to be received" there shall be substituted the words "the senior sheriff substitute of the sheriffdom within which the constituency is wholly situated, or, where the constituency is situated in more than one sheriffdom, of the sheriffdom mentioned in the third column of the Seventh Schedule to this Act"; and in the Fifth Schedule, in Part I, in paragraph 3, for the words "within two days after he receives the writ" there shall be substituted the words "within two days after the day on which the writ is received", and in paragraph 8 the words "by him" shall be omitted, and in Part II, in paragraph 4, for the words "within three days after he receives the writ" there shall be substituted the words "within three days after the day on which the writ is received", and in paragraph 9 the words "by him" shall be omitted.
10 & 11 Geo. 5. c. 35.	The Representation of the People (No. 2) Act, 1920.	In section three, in paragraph (a), for the words "the seventh day after the returning officer receives the writ" there shall be substituted the words "the seventh day after the day on which the writ is received".

SEVENTH SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Enactments Repealed as from the commencement of this Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Will. 3. c. 25.	An Act for the further regulating Elections of Members to serve in Parliament and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members.	In section one, the words from " And that as well " to the end of the section.
6 Anne. c. 40 ...	The Union with Scotland (Amendment) Act, 1707.	In section five, the words " directed to the several sheriffs and stewarts of the respective shires and stewardries ".
60 Geo. 3. & 1 Geo. 4. c. 11.	The Parliamentary Elections (Ireland) Act, 1820.	Section five.
4 Geo. 4. c. 55 ...	The Parliamentary Elections (Ireland) Act, 1823.	Section thirty-three.
16 & 17 Vict. c. 68.	The Parliamentary Elections Act, 1853	In section one, the words from " the writ for making " to " places respectively ".
17 & 18 Vict. c. 57.	The Returning Officers Act, 1854.	The whole Act.
25 & 26 Vict. c. 92.	The Elections (Ireland) Act, 1862.	The whole Act.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act, 1918.	In the Fifth Schedule, in Part I, in paragraph 1, the words from " and the writ " to the end of the paragraph ; and in Part II, in paragraph 1, the words from " to whom " to the end of the paragraph.

PART II.

Enactments Repealed as from the coming into operation of the Order in Council first made as respects Great Britain under Section Twenty-Nine of this Act.

7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
53 Geo. 3. c. 89	The Parliamentary Writs Act, 1813.	The whole Act.
37 & 38 Vict. c. 81.	The Great Seal (Offices) Act, 1874.	In section four, the words from "The powers and duties" to "in writing", and the word "other".
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	In the First Schedule, the entry relating to the Parliamentary Writs Act, 1813.

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## CHAPTER 49.

An Act to increase temporarily the supplementary allowances payable to workmen entitled to weekly payments by way of compensation under the Workmen's Compensation Act, 1925, and the compensation payable under that Act on the death of workmen; and for purposes connected with the matters aforesaid.

[11th November 1943.]

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

1.—(1) Subsection (1) of section one of the Workmen's Compensation (Supplementary Allowances) Act, 1940, shall, as respects weeks falling within the period during which this Act is in force, have effect as if for the words—

Supplementary allowances.  
3 & 4 Geo. 6.  
c. 47.

- "(a) a supplementary allowance at a rate not exceeding five shillings a week; and
- (b) in the case of a male workman who has children under the age of fifteen years, a supplementary allowance in respect of each such child at a rate not exceeding four shillings a week for the eldest or only child under that age and for the second child under that age, and not exceeding three shillings a week for any additional child under that age",

there were substituted the following words—

- “ (a) a supplementary allowance at a rate not exceeding five shillings a week in the case of a week falling within the first thirteen weeks in respect of which he is entitled to a weekly payment and not exceeding ten shillings a week in the case of any other week ; and
- (b) in the case of a male workman who has a wife who was married to him at the time of the accident, a supplementary allowance in respect of her at a rate not exceeding five shillings a week in the case of any week falling within the first thirteen weeks in respect of which he is entitled to a weekly payment and not exceeding ten shillings a week in the case of any other week ; and
- (c) in the case of a male workman who has children under the age of fifteen years, a supplementary allowance in respect of each such child at a rate not exceeding five shillings a week :

Provided that a child who,—

- (i) has attained the age of fifteen years ; and
- (ii) was, when he attained that age, a child receiving full-time instruction in a school,

shall be treated for the purposes of paragraph (c) of this subsection as if he did not attain that age until the date on which he ceases to be a child receiving full-time instruction as aforesaid or the thirty-first day of July next following the day on which he attains the age of sixteen years, whichever is the earlier date ”.

(2) Subsection (2) of the said section one shall, as respects weeks falling within the period during which this Act is in force, have effect as if for the words “ Provided that the total amount of the supplementary allowances ” there were substituted the following words—

“ Provided that the supplementary allowance payable under paragraph (a) of subsection (1) of this section in respect of a weekly payment, or, where supplementary allowances are payable both under paragraph (a) and paragraph (b) of that subsection in respect of a weekly payment, the total amount of both those supplementary allowances, shall not exceed such sum as would, together with the said weekly payment, amount—

- (i) in the case of total incapacity, to two-thirds of the average weekly earnings of the workman before the accident, calculated in like manner as for the purpose of ascertaining the weekly payment ; or
- (ii) in the case of partial incapacity, to two-thirds of the difference between the amount of the said average

weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident,

so, however, that the amount payable shall not, by virtue of this proviso, be reduced below what it would have been if the foregoing provisions of this proviso had not applied and the said paragraphs (a) and (b) had together provided for a single supplementary allowance, payable irrespective of sex or marriage, at a rate not exceeding five shillings a week ;

Provided also that the total amount of all the supplementary allowances ”.

(3) Accordingly, subsection (1) of the said section one and subsection (2) thereof (down to the end of the provisos) shall, as respects weeks falling within the period during which this Act is in force, have effect as set out in the Schedule to this Act.

2.—(1) Section eight of the Workmen's Compensation Act, 1925 (which contains provisions as to the amount of the compensation under that Act when death results from the injury caused by an accident) shall, as respects any death occurring, while this Act is in force, as a result of an accident happening whether before or after the commencement of this Act, have effect as amended by this section. Lump sum payments.  
15 & 16 Geo. 5  
c. 84.

(2) In subsection (1) (which provides, inter alia, that the lump sum and children's allowance payable shall not in any case exceed in the aggregate six hundred pounds) for the words “ six hundred pounds ” there shall be substituted the words “ seven hundred pounds ”.

(3) In paragraph (i) of subsection (2) (which provides that if the workman leaves any dependants wholly dependent on his earnings the lump sum shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds) for the words “ two hundred pounds ” there shall be substituted the words “ three hundred pounds ” and for the words “ three hundred pounds ” there shall be substituted the words “ four hundred pounds ”.

(4) In paragraph (iii) of subsection (2) (which provides, inter alia, for the deduction from the lump sum of the amount of the weekly payments, if any, made to the workman before his death, so, however, as not to reduce the lump sum below two hundred pounds) for the words “ two hundred pounds ” there shall be substituted the words “ three hundred pounds ”.

Consequential provisions.

3.—(1) Subsection (4) of section one of the Workmen's Compensation (Supplementary Allowances) Act, 1940 (which provides that workmen entitled to two or more concurrent weekly payments shall be entitled to supplementary allowances in respect of each of them, so long as the aggregate thereof does not exceed the maximum allowances respectively specified in paragraph (a) and paragraph (b) of subsection (1) of that section) shall, in relation to supplementary allowances the amounts whereof are calculated in accordance with section one of this Act, have effect as if for the words " paragraph (a) and paragraph (b) of subsection (1) of this section " there were substituted the words " paragraphs (a), (b) and (c) of subsection (1) of this section ".

(2) In subsections (2) and (3) of section two of the said Act (which require, in the case of the redemption of any supplementary allowances, that regard shall be had to the circumstances of the case including the interests of any children in respect of whom allowances are payable) and in subsection (1) of section three of the said Act (which, inter alia, enables information necessary for the purposes of the Act to be obtained from workmen as to any children in respect of whom allowances are claimed) for the words " any children " there shall be substituted the words " any wife or children ".

(3) Sections five, six and seven of the said Act (which require or enable amendments to be made to certified schemes and schemes applying to industrial diseases and to certain provisions of the Assurance Companies Act, 1909) shall have effect as if all the provisions of this Act were provisions of that Act :

9 Edw. 7.  
c. 49.

Provided that any amendments made in pursuance of the said section five by reason of the passing of this Act shall, notwithstanding anything in subsection (2) of that section, have effect as from the commencement of this Act.

Duration of Act.

4. This Act shall come into operation on the twenty-ninth day of November, nineteen hundred and forty-three, and shall continue in force until the thirty-first day of December, nineteen hundred and forty-six, and shall then expire :

52 & 53 V ct.  
c. 63.

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

Short title and citation.

5. This Act may be cited as the Workmen's Compensation (Temporary Increases) Act, 1943, and shall be included among the Acts which may be cited together as the Workmen's Compensation Acts, 1925 to 1943.

## SCHEDULE.

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Section 1.

**PORTIONS OF SECTION ONE OF THE WORKMEN'S COMPENSATION  
(SUPPLEMENTARY ALLOWANCES) ACT, 1940, AS AMENDED BY  
SECTION ONE OF THIS ACT.**

(1) Subject as hereinafter provided, where any workman is at any time while this Act is in force entitled to a weekly payment by way of compensation under the Workmen's Compensation Act, 1925 (which Act, as amended by any subsequent enactment, is referred to in this Act as "the principal Act"), he shall, whether the accident giving rise to the compensation happened before or after the commencement of this Act, be entitled, in respect of each week after the commencement of this Act in respect of which he is entitled to the weekly payment, to—

- (a) a supplementary allowance at a rate not exceeding five shillings a week in the case of a week falling within the first thirteen weeks in respect of which he is entitled to a weekly payment and not exceeding ten shillings a week in the case of any other week ; and
- (b) in the case of a male workman who has a wife who was married to him at the time of the accident, a supplementary allowance in respect of her at a rate not exceeding five shillings a week in the case of any week falling within the first thirteen weeks in respect of which he is entitled to a weekly payment and not exceeding ten shillings a week in the case of any other week ; and
- (c) in the case of a male workman who has children under the age of fifteen years, a supplementary allowance in respect of each such child at a rate not exceeding five shillings a week :

Provided that a child who,—

- (i) has attained the age of fifteen years ; and
- (ii) was, when he attained that age, a child receiving full-time instruction in a school,

shall be treated for the purposes of paragraph (c) of this subsection as if he did not attain that age until the date on which he ceases to be a child receiving full-time instruction as aforesaid or the thirty-first day of July next following the day on which he attains the age of sixteen years, whichever is the earlier date.

(2) Where the weekly payment is in respect of total incapacity or equals the amount which would be payable to the workman in the case of total incapacity resulting from the injury, any such allowance shall be the maximum allowance specified in the foregoing subsection, and in any other case shall bear the same proportion to the maximum allowance as the weekly payment bears to the amount of the weekly

payment which would be payable to the workman in the case of total incapacity :

Provided that the supplementary allowance payable under paragraph (a) of subsection (1) of this section in respect of a weekly payment, or, where supplementary allowances are payable both under paragraph (a) and paragraph (b) of that subsection in respect of a weekly payment, the total amount of both those supplementary allowances, shall not exceed such sum as would, together with the said weekly payment, amount—

- (i) in the case of total incapacity, to two-thirds of the average weekly earnings of the workman before the accident, calculated in like manner as for the purpose of ascertaining the weekly payment ; or
- (ii) in the case of partial incapacity, to two-thirds of the difference between the amount of the said average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident,

so, however, that the amount payable shall not, by virtue of this proviso, be reduced below what it would have been if the foregoing provisions of this proviso had not applied and the said paragraphs (a) and (b) had together provided for a single supplementary allowance, payable irrespective of sex or marriage, at a rate not exceeding five shillings a week ;

Provided also that the total amount of all the supplementary allowances payable in respect of any weekly payment shall not exceed such sum as would, together with the said weekly payment, amount—

- (a) in the case of total incapacity, to seven-eighths of the average weekly earnings of the workman before the accident, calculated in like manner as for the purpose of ascertaining the weekly payment ; or
- (b) in the case of partial incapacity, to seven-eighths of the difference between the amount of the said average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident.



7 &amp; 8 GEO. 6.

**CHAPTER 1.****An Act to continue certain expiring laws.**

[16th December 1943.]

**W**HEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December nineteen hundred and forty-three, and
- (b) as respects that mentioned in Part II of the said Schedule, on the thirty-first day of March nineteen hundred and forty-four :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

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

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part of that Schedule, be continued until the thirty-first day of December, nineteen hundred and forty-four. Continuance  
of Acts in  
Schedule.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part of that Schedule, be continued until the thirty-first day of March, nineteen hundred and forty-five.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Short title  
and applica-  
tion to  
Northern  
Ireland. Continuance Act, 1943.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save as hereinbefore provided, shall not apply to Northern Ireland.

## Section I.

## SCHEDULE.

## PART I.

| 1.                            | 2.                                                                  | 3.                                                                                                                                                                                                                                                                                                                                                            | 4.                                                                   |
|-------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Session and Chapter.          | Short Title.                                                        | How far Continued.                                                                                                                                                                                                                                                                                                                                            | Amending Acts.                                                       |
| (1)<br>4 Edw. 7. c. 24.       | The Wireless Telegraphy Act, 1904.                                  | The whole Act -                                                                                                                                                                                                                                                                                                                                               | 6 Edw. 7. c. 13.<br>15 & 16 Geo. 5. c. 67.<br>16 & 17 Geo. 5. c. 54. |
| (2)<br>2 & 3 Geo. 5. c. 2.    | The Coal Mines (Minimum Wage) Act, 1912.                            | The whole Act -                                                                                                                                                                                                                                                                                                                                               | —                                                                    |
| (3)<br>9 & 10 Geo. 5. c. 92.  | The Aliens Restriction (Amendment) Act 1919.                        | Section one - -                                                                                                                                                                                                                                                                                                                                               | —                                                                    |
| (4)<br>9 & 10 Geo. 5. c. 97.  | The Land Settlement (Scotland) Act, 1919.                           | Section two - -                                                                                                                                                                                                                                                                                                                                               | 12 & 13 Geo. 5. c. 52.                                               |
| (5)<br>20 & 21 Geo. 5. c. 34. | The Coal Mines Act, 1930.                                           | Part I - - -                                                                                                                                                                                                                                                                                                                                                  | 1 & 2 Geo. 6. c. 52.                                                 |
| (6)<br>20 & 21 Geo. 5. c. 50. | The Public Works Facilities Act, 1930.                              | The following provisions, that is to say, section two, except the words "or statutory undertakers", wherever those words occur; in section three, the words from the beginning of the section to the word "undertaking"; section five; subsections (1) and (2) of section six; sections seven and eight; and the First Schedule except paragraph 2 of Part I. | —                                                                    |
| (7)<br>24 & 25 Geo. 5. c. 30. | The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934. | Sections one and two                                                                                                                                                                                                                                                                                                                                          | —                                                                    |



| 1.<br>Session and<br>Chapter.              | 2.<br>Short Title.                                                        | 3.<br>How far Continued. | 4.<br>Amending<br>Acts.        |
|--------------------------------------------|---------------------------------------------------------------------------|--------------------------|--------------------------------|
| (8)<br>24 & 25<br>Geo. 5. c. 31.           | The Debts Clearing<br>Offices and Im-<br>port Restrictions<br>Act, 1934.  | The whole Act -          | —                              |
| (9)<br>24 & 25<br>Geo. 5. c. 50.           | The Road Traffic<br>Act, 1934.                                            | Section one -            | 1 Edw. 8. &<br>1 Geo. 6. c. 5. |
| (10)<br>2 & 3 Geo. 6.<br>c. 50.            | The Prevention of<br>Violence (Tem-<br>porary Provi-<br>sions) Act, 1939. | The whole Act -          | —                              |
| <b>PART II.</b>                            |                                                                           |                          |                                |
| (11)<br>1 Edw. 8. &<br>1 Geo. 6.<br>c. 31. | The Special Areas<br>(A m e n d m e n t)<br>Act, 1937.                    | The whole Act -          | —                              |

## CHAPTER 2.

An Act to continue in force the Local Elections and Register of Electors (Temporary Provisions) Act, 1939, as amended by subsequent Acts and subject to certain further amendments, and to amend section two of the Local Elections and Register of Electors (Temporary Provisions) Act, 1940. [16th December 1943.]

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

1.—(1) The principal Act shall have effect subject to the Continuan-  
amendments set out in the Schedule to this Act, and, as so amended, with amend-  
shall continue in force until the thirty-first day of December, ment of  
nineteen hundred and forty-four, and no longer, unless Parlia- principal Act.  
ment otherwise determines.

(2) In this Act the expression "the principal Act" means  
the Local Elections and Register of Electors (Temporary Pro- 2 & 3 Geo. 6.  
visions) Act, 1939, as amended by the Local Elections and c. 115.  
4 & 5 Geo. 6.  
c. 3.

4 & 5 Geo. 6. Register of Electors (Temporary Provisions) Act, 1940, the Local  
c. 49. Elections and Register of Electors (Temporary Provisions) Act,  
5 & 6 Geo. 6. 1941, and the Local Elections and Register of Electors (Temporary  
c. 38. Provisions) Act, 1942.

Superannua-  
tion rights of  
contributory  
employees.

1 Edw. 8. &  
1 Geo. 6. c. 68.  
1 Edw. 8. &  
1 Geo. 6. c. 69.

2.—(1) For the purposes of section two of the Local Elections and Register of Electors (Temporary Provisions) Act, 1940 (which preserves the superannuation rights under the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937, of a contributory employee or local Act contributor who by reason of the principal Act being in force is not required to do work as returning officer at a local election, or in connection with the preparation of a register of electors or a jurors book), the question whether a person is not required to do any such work by reason only of the principal Act being in force shall be determined as if the Parliamentary Electors (War-Time Registration) Act, 1943, (hereafter in this section referred to as the Act of 1943) had not been passed and the amendments set out in the Schedule to this Act had not been made in the principal Act.

6 & 7 Geo. 6.  
c. 48.

(2) A person otherwise entitled under the said section two to make contributions to a superannuation fund in respect of any year shall not be so entitled if he receives in respect of work done in that year by him under the Act of 1943 (otherwise than as part of an inclusive salary) remuneration greater than that in respect of which he would be entitled to make the contributions.

(3) Where a person makes a contribution under the said section two in respect of any year, he shall not be required or entitled to make in respect of that year any contribution under the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937, in respect of the remuneration received by him (otherwise than as part of an inclusive salary) in respect of work done by him in that year under the Act of 1943, and the said remuneration shall be disregarded for the purpose of computing in accordance with the provisions of section eight of either of the said Acts of 1937 his average remuneration (if he is a contributory employee) or of calculating his superannuation allowance under a local Act scheme (if he is a local Act contributor).

(4) Expressions used in this section have the same meaning as in the said section two.

Short title.

3. This Act may be cited as the Local Elections and Register of Electors (Temporary Provisions) Act, 1943.

SCHEDULE.

Section 1.

## AMENDMENTS OF PRINCIPAL ACT.

Such of the provisions of the principal Act as are specified in the first column of this Schedule shall have effect subject to the amendments specified in the second column of this Schedule.

| <u>Section.</u> | <u>Amendment.</u>                                                                                                                                                                                                                                                                                                                       |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section two     | ... Subsection (3) shall be repealed in so far as it relates to the parliamentary register of electors, so, however, that the register therein referred to shall remain in force for the purpose of a parliamentary election initiated before the appointed day.                                                                        |
| Section three   | ... Subsection (4) shall be repealed.<br>In subsection (1) the words "or a jurors book", and in subsection (2) the words "section eleven of the Parliamentary and Municipal Registration Act, 1878, and", shall be repealed.                                                                                                            |
| Section six     | ... After paragraph (e) of subsection (1) there shall be inserted the following paragraph:—<br>" (ee) alter the apportionment of the councillors of an urban district council among the wards "                                                                                                                                         |
| Section eight   | ... In paragraph (d) the words " subsection (4) of section two " shall be repealed.                                                                                                                                                                                                                                                     |
| Section nine    | ... Subsection (1) shall be repealed in so far as it relates to the parliamentary register of electors for the election of a member to serve in the Parliament of the United Kingdom, so, however, that the register therein referred to shall remain in force for the purpose of any such election initiated before the appointed day. |

In this Schedule the expression "election initiated before the appointed day" has the same meaning as in the Parliamentary Electors (War-Time Registration) Act, 1943.

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### CHAPTER 3.

An Act to continue the operation of section one of the Mining Industry (Welfare Fund) Act, 1939.  
[16th December 1943.]

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

1.—(1) Subsections (1) and (2) of section one of the Mining Industry (Welfare Fund) Act, 1939, which provide that the sum payable into the Miners' Welfare Fund under section of s. 1 of 2 & 3 Geo. 6. c. 9.

10 & 11 Geo. 5. c. 50. 5. twenty of the Mining Industry Act, 1920, as respects the output of any coal mine during the five years commencing with the year nineteen hundred and thirty-nine shall be a sum equal to one penny a ton of the output of the mine instead of one half-penny a ton, and provide for payment of the said sum at quarterly intervals, shall have effect in relation to the sums so payable as respects the output of any coal mine during the residue of the period by reference to which, under the said section twenty as amended by any subsequent enactment, payments are to be made into the said Fund.

(2) Subsection (3) of the said section one (which provides that one half of the sums paid into the Miners' Welfare Fund as respects the output of coal mines during the said five years shall be appropriated for the purposes for which the proceeds of the royalties welfare levy are required to be appropriated) shall have effect in relation to the sums so paid as respects the output of coal mines during the residue of the period mentioned in the preceding subsection :

Provided that this subsection shall not affect the powers of the Miners' Welfare Commission, under Regulation sixty BA of the Defence (General) Regulations, 1939, as to the application of sums for any purpose for which the Miners' Welfare Fund may be applied.

(3) In accordance with the preceding provisions of this section, for the word " five ", wherever it occurs in the said subsections (1) to (3), there shall be substituted the word " thirteen " ; and in subsection (4) of the said section one (which provides that no part of the sums appropriated by virtue of that section shall be required to be allocated for the benefit of any particular district) the reference to sums appropriated by virtue of that section shall be construed as a reference to sums appropriated by virtue of that section as amended by this section.

Short title,  
citation and  
extent.

2.—(1) This Act may be cited as the Mining Industry (Welfare Fund) Act, 1943.

(2) This Act and the Mining Industry Acts, 1920 to 1939, may be cited together as the Mining Industry Acts, 1920 to 1943.

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

## TABLE II.

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A  
CHRONOLOGICAL LIST  
OF  
THE SHORT TITLES OF THE MEASURES  
PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH  
OF ENGLAND WHICH RECEIVED THE ROYAL  
ASSENT DURING THE YEAR  
1943.

6 & 7 Geo. 6.

No. 1. The New Parishes Measure, 1943.

No. 2. The Episcopal Endowments and Stipends Measure, 1943.

No. 3. The Diocesan Education Committees Measure, 1943.

## No. I.

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

To consolidate with amendments the New Parishes Acts, 1843 to 1884, to repeal such of the provisions of the Church Building Acts, 1818 to 1884, as authorise the formation of new ecclesiastical districts or as are obsolete, and to re-enact with amendments other provisions of the last mentioned Acts, and for purposes connected with the matters aforesaid.

[4th February 1943]

## PART I.

## NEW PARISHES.

*Constitution of New Parishes and Districts.*

Power to  
constitute  
new parishes.

1.—(1) The Ecclesiastical Commissioners (in this Measure referred to as "the Commissioners"), if satisfied that the spiritual interests of any area in which a consecrated church exists or is intended to be provided would be best served by constituting the area a new parish and that a suitable endowment thereof has been or will be provided, may with the consent of the bishop and subject to compliance with the provisions of this section prepare and submit to His Majesty in Council a scheme constituting the area a new parish as from such date as is hereinafter mentioned.

(2) The date as from which the area is to become a new parish shall be—

- (a) if in the area there exists at the time of the sealing of the scheme a consecrated church approved by the Commissioners as suitable to be the parish church, the date when the Order in Council confirming the scheme comes into operation ;
- (b) if there is no such church, the date of the consecration of a church within the area approved by the Commissioners as suitable to be the parish church, or if the church was consecrated before such approval, the date of the approval ;

and in the former case the scheme shall designate such existing church as the parish church, and in the latter case the scheme shall provide that until the consecration or approval of such a church the area shall be a separate district for spiritual purposes.

(3) The scheme shall define the area, which may consist of the whole or any part or parts of any one or more ecclesiastical districts or extra-parochial places, and the scheme shall have annexed thereto a map of the area, a copy whereof sealed by the Commissioners shall be filed in the registry of the diocese.

(4) The scheme shall declare the name which the new parish and, if a district is temporarily created, which the district is to bear, and may contain such other incidental and auxiliary provisions (including directions as to the diocese, archdeaconry and rural deanery to which the parish or district is to belong) as appear to the Commissioners necessary or proper.

(5) Before the scheme is settled, copies of a draft thereof in the form in which it is proposed to be settled shall be served on the incumbent, parochial church council and patron of the ecclesiastical district, or each of the incumbents, parochial church councils and patrons of the ecclesiastical districts if more than one, out of which the area in question is to be taken, and consideration shall be given to any objections to or observations on the proposals of the draft scheme which before the expiration of six weeks from the date of such service may be made to the Commissioners by any such incumbent, council or patron :

Provided that no alteration shall be made in the draft to meet any such objection or observation without the consent of the bishop.

2.—(1) Where an area is by a scheme under section one of this Measure constituted a district but a church therefor approved by the Commissioners as suitable to be the parish church has not been provided and is not in the opinion of the Commissioners likely to be provided within a reasonable time, the Commissioners may, with the consent of the bishop and subject to compliance with the provisions of this section, prepare and submit to His Majesty in Council a scheme dissolving the district and providing for the incorporation of its area in the ecclesiastical district or districts out of which it was taken or in any other ecclesiastical district or districts.

Dissolution of district if church not provided.

(2) A scheme under this section shall provide for the disposal of any endowments provided for the district with due regard to the rights and interests of the persons by whom they were provided and may contain such other incidental and auxiliary provisions as appear to the Commissioners necessary or proper.

(3) Before a scheme under this section is settled, copies of a draft thereof in the form in which it is proposed to be settled shall be served on every incumbent, parochial church council and patron affected thereby, and consideration shall be given to any objections to or observations on the proposals of the draft scheme

which before the expiration of six weeks from the date of such service may be made to the Commissioners by any such incumbent, council or patron :

Provided that no alteration shall be made in the draft to meet any such objection or observation without the consent of the bishop.

(4) If at the time of confirmation of the scheme any person is minister of the district, the scheme shall not come into operation until he has ceased to be such minister.

(5) The scheme shall have annexed thereto a map showing every alteration of boundaries proposed to be effected by the scheme, and a copy of the map sealed by the Commissioners shall be filed in the registry of the diocese.

Provisions  
applicable  
to district.

3. Where an area is by a scheme under section one of this Measure constituted a district until the date when a church has been consecrated or approved, the following provisions shall have effect during that interval :—

(1) A minister nominated by the patron of the district may be licensed thereto by the bishop and shall be styled “ The minister of \_\_\_\_\_ ” according to the name of the district declared by the scheme :

(2) The minister shall have power to perform within the district all such offices, services and pastoral duties as may be specified in the bishop’s licence, or any further licence of the bishop which may be issued on a building being licensed as hereinafter mentioned, independently of the incumbent of any ecclesiastical district any part of which is included in the area to which the scheme relates, and shall so far as may be authorised by the bishop’s licence have the cure of souls in the district :

Provided that until the first minister is so licensed nothing in the scheme shall affect the pastoral supervision of the inhabitants of any part of any ecclesiastical district which is included in such area as aforesaid :

(3) The bishop may license any building in the district which he may consider proper for the purpose of the performance of divine service :

Provided that—

(a) nothing in this Measure shall authorise the bishop to include in such licence the solemnization of marriages ;

(b) the fee for such a licence shall be one pound and no more, payable to the secretary of the bishop :



- (4) The minister shall in all respects be subject to the jurisdiction of the bishop and archdeacon in whose diocese and archdeaconry the district is situated :
- (5) The minister shall only be removable from his office for the like reasons and in the same manner as a perpetual curate is by law removable :
- (6) The minister shall be a body corporate by the name aforesaid with power to hold without licence in mortmain any property granted to him by way of endowment of the benefice :
- (7) The constitution of the district shall not affect any right of publishing banns, solemnizing marriages or performing burials in any church, or of receiving any fees in respect thereof, or any right of marriage or burial in any church or burial ground, or any right to occupy any seat in any church being a right which would have existed had the district not been so constituted :
- (8) When on the consecration or approval of a church in the district the district becomes a new parish, the licence of such building as aforesaid shall become void, and the minister of the district shall without any further process or form of law become the incumbent of the new parish, but nothing in such change of status or title shall affect his corporate capacity.

4. On the area defined by the scheme becoming a new parish, whether immediately on the coming into operation of the Order in Council confirming the scheme or on the date of the consecration or approval by the Commissioners of a church in the area, the following provisions shall have effect :—

Provisions applicable to new parish.

- (1) The church designated by the scheme or the church so consecrated or approved (as the case may be) shall be the parish church, and it shall be lawful to publish banns, solemnize marriages and perform other ecclesiastical offices therein :
- (2) The new parish shall be a perpetual curacy and a benefice with cure of souls to all intents and purposes, and shall be known as "The parish of \_\_\_\_\_" according to the name of the parish declared in the scheme, and the person (if any) who immediately before the church became the parish church was the incumbent thereof (otherwise than by virtue of his incumbency of an ecclesiastical district out of which the new parish was formed) or was the minister of the district shall become the first incumbent of the benefice and shall have power to hold without licence in mortmain any property granted to him by way of endowment of the benefice :

- (3) The incumbent of the benefice shall, saving the rights of the bishop, have sole and exclusive cure of souls and the exclusive right of performing all ecclesiastical offices within the limits of the new parish for the resident inhabitants therein, and the right of receiving upon the performance of any such offices as aforesaid such fees as may be fixed by the Commissioners :
- (4) The resident inhabitants of the new parish shall for all ecclesiastical purposes be the parishioners of the new parish and of no other parish ; provided that unless or until a burial ground has been provided for the new parish nothing in this section shall affect any right of burial :
- (5) The new parish shall for all ecclesiastical purposes possess the same rights and privileges and be affected by the same liabilities as are incident or belong or attach to a separate parish for ecclesiastical purposes and no other liabilities :
- (6) Where any person resident in the new parish has claimed or has had assigned to him sittings in the church of the new parish, the claim or assignment shall operate as a surrender of any right he may have possessed in an equal number of sittings in the church of any ecclesiastical district out of which the new parish has been taken unless those sittings are held by faculty or under an Act of Parliament.

Conversion  
of existing  
districts  
into new  
parishes.

5.—(1) The Commissioners, on the application of the incumbent of any church to which an ecclesiastical district existing at the time of the passing of this Measure belongs, may with the consent of the bishop by order authorise the publication of banns, the solemnization of marriages, and the performance of other ecclesiastical offices therein, and thereupon all fees payable in respect thereof as well as all other ecclesiastical dues and fees arising within the limits of the district shall become payable to the incumbent thereof.

(2) Where all or any part of the fees and other ecclesiastical dues arising within an ecclesiastical district or payable in respect of marriages, churchings and burials in the church thereof have been reserved, or, if an order had not been made under the preceding subsection, would of right belong, to the incumbent of any other ecclesiastical district out of which the ecclesiastical district in question has been formed or to the clerk thereof, the incumbent of the last mentioned district to whom such fees are made payable shall keep an account thereof, and he shall every three mont

pay them over to the incumbent or clerk who would have been entitled thereto until—

- (a) in the case of ecclesiastical dues and fees appertaining to the incumbent, the next avoidance of such incumbency or the relinquishment of his right thereto by the incumbent ;
- (b) in the case of fees appertaining to the clerk, until the clerkship becomes vacant or compensation in lieu of such fees has been awarded to the clerk.

After the happening of such contingency as aforesaid all such fees shall belong to the incumbent of the ecclesiastical district in which they arise and to the clerk thereof.

(3) Whenever banns are authorised to be published and marriages, churchings and baptisms are authorised to be solemnized and performed within any church to which an ecclesiastical district belongs and the incumbent is entitled for his own benefit to the fees arising from the performance of these offices without any reservation thereof, the district shall become a separate parish for ecclesiastical purposes as if it had been constituted a new parish under this Measure, and all the provisions of this Measure relating to new parishes upon their becoming such shall apply to the district and the church as if the district had been constituted a new parish by a scheme under this Measure.

6.—(1) Where a new parish or district is formed out of one or more ecclesiastical districts, it shall be lawful for the Commissioners with the consent of the patron and incumbent of any ecclesiastical district concerned, to prepare and submit to His Majesty in Council a scheme apportioning the endowments of any such ecclesiastical district between that district and the new parish or district formed wholly or partly out of it in such manner as may be provided by the scheme.

Power to apportion endowments on constitution of new parish.

(2) The scheme may define the date from which or the event upon the happening of which the apportionment shall take effect and may make such regulations and arrangements as may be necessary for completing the apportionment and the resettlement of the endowments.

7. The power conferred on the Commissioners by section sixty-seven of the Ecclesiastical Commissioners Act, 1840 of making out of their common fund better provision for the cure of souls shall extend to authorise the assigning to any incumbent or clerk whose fees or other emoluments are diminished in consequence of any proceeding under this Measure (or any proceeding taken before the passing of this Measure under the New Parishes Acts, 1843 to 1884) of such compensation as appears to the Commissioners to be reasonable.

Power of Ecclesiastical Commissioners to compensate for loss of fees, &c. 3 & 4 Vict. c. 113.

Cesser of other powers of constituting new parishes and districts.  
1 & 2 Vict. c. 106.  
19 & 20 Vict. c. 104.

8. It shall not be lawful after the passing of this Measure to constitute any district under any of the provisions of the Church Building Acts, 1818 to 1884, or of section twenty-six of the Pluralities Act, 1838, and all the provisions of those Acts relating to such districts shall cease to have effect, but as respects any district constituted under any of the said provisions which exists at the passing of this Measure and has not become a new parish by virtue of section fourteen of the New Parishes Act, 1856, nothing in this section or any repeal effected by this Measure shall, until the date when by virtue of section five of this Measure the district becomes a new parish, affect—

- (a) the status of the district or the status, style, tenure or rights of the incumbent of any church ;
- (b) any right of patronage ;
- (c) any right of performing any office in any church ;
- (d) any right of being married in any church or of being buried in any burial ground ;
- (e) any right to ecclesiastical dues or fees ;
- (f) any right as to sittings in any church ;

but all such matters shall until such date as aforesaid be regulated as if this section had not been passed :

Provided that where before the passing of this Measure proceedings have been commenced for constituting a district under any of the said provisions, the proceedings may be continued and the district constituted as if this Measure had not been passed, and the district shall for the purposes of this section be treated as if it had been a district existing at the passing of this Measure.

#### *Provisions as to Patronage.*

Power to make agreements as to patronage.

9.—(1) Where it is proposed that an existing church should become the parish church of a new parish to be constituted under this Measure, then, for the purpose of facilitating effect being given to the proposal, it shall be lawful—

- (a) for any corporation, whether lay, ecclesiastical or collegiate, and whether sole or aggregate, or any person being or having the powers of a tenant for life, or the committee or receiver of a person of unsound mind, or any trustees or other person acting in a fiduciary capacity, entitled to any right of patronage of the said church to enter into an agreement in writing with the Commissioners and the bishop as to the surrender or exercise or transfer of the right either unconditionally or on such conditions as may be agreed

(b) for the trustees of any endowment for the benefit of the said church or the incumbent thereof to enter into an agreement with the Commissioners and the bishop for the transfer of the endowment and any such agreement and any instrument under seal executed in pursuance thereof shall be good notwithstanding anything in any Act or Measure or in any instrument creating or regulating the trust.

(2) At any time before the consecration of a new church it shall be lawful for the bishop to enter into an agreement in writing with the patron and incumbent of the ecclesiastical district in which the new church has been or is intended to be erected as to the person by whom the patronage of the new church after consecration is to be exercised, and any such agreement shall, upon registration in the diocesan registry and notwithstanding anything in any Act or Measure, be valid and effectual to vest the right of patronage according to the agreement.

10.—(1) Subject to any agreement made under the last preceding section, the right of patronage of any new parish or district constituted by scheme under this Measure shall belong to the bishop—

Patronage of  
new districts  
and parishes.

- (a) unless or until such right has been otherwise wholly assigned or except so far as such right has been otherwise assigned; or
- (b) unless an existing church becomes the parish church of the new parish and the right of patronage of that church belongs to a person other than the bishop.

(2) Any right of patronage by this section vested in the bishop shall be exercisable by the issue of a licence to a spiritual person to be incumbent of the parish or district in like manner as a spiritual person may by law be licensed by him to a perpetual curacy.

(3) The fee for the bishop's licence shall be one pound and no more, payable to the secretary of the bishop.

11. Any new right of patronage created under this Measure shall be incapable of sale and any transfer thereof for valuable consideration shall be invalid.

New rights of  
patronage to  
be unsaleable.

### *Churchwardens.*

12.—(1) In every district or new parish constituted under this Measure, and in every ecclesiastical district constituted before the commencement of this Measure under the Church Building Acts, 1818 to 1884 or the New Parishes Acts, 1843 to 1884, two fit and proper persons shall annually be appointed as churchwardens.

Church-  
wardens.

(2) A person so to be appointed must be of full age and must either be a member of the Church of England resident in such district or parish or be a person whose name is on the electoral roll thereof.

11 & 12 Geo. 5.  
No. 1. (3) The churchwardens shall be chosen at a joint meeting (convened in manner provided by section thirteen of the Parochial Church Councils (Powers) Measure, 1921) of the parochial church meeting of the parish or district and the persons who if the parish or district were an ancient parish would be entitled to vote at the election of a churchwarden. They shall be chosen by the joint consent of the incumbent and the meeting, if it may be ; otherwise, one shall be chosen by the incumbent and the other elected by the other persons present and entitled to vote at the meeting.

(4) Every person so appointed shall be duly admitted and may do all things pertaining to the office of churchwarden in relation to ecclesiastical matters within the parish or district.

PART II.

GENERAL PROVISIONS APPLICABLE TO ALL  
ECCLESIASTICAL DISTRICTS.

*Acquisition of land for church sites, &c.*

Power of  
Ecclesiastical  
Commissioners to  
acquire land  
for churches,  
&c.

51 & 52 Vict.  
c. 42.

13.—(1) The Commissioners may acquire by way of gift, devise or purchase, and may hold without licence in mortmain and notwithstanding anything in the Mortmain and Charitable Uses Act, 1888, or any Act amending that Act—

- (a) any building fit to be used as or to be converted into a church ;
- (b) any land as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church ;
- (c) any land for providing a new or extending an existing churchyard or burial ground ;
- (d) any building or land for or for an extension of a house of residence for an incumbent or other ecclesiastical person ;
- (e) any land required for providing access to or improving the amenities of any such church, churchyard, burial ground or house of residence.

(2) The Commissioners may accept gifts and bequests of money to be laid out in the purchase of land for any of the purposes aforesaid, and may hold the land so purchased without licence in mortmain and notwithstanding anything in the Mortmain and Charitable Uses Act, 1888, or any Act amending that Act.

(3) Any conveyance of land under this section shall be in such form as the Commissioners may prescribe.

14.—(1) It shall be lawful for any of the following bodies by way of gift or for valuable consideration, and notwithstanding that the consideration may not be the full consideration, to grant to the Commissioners buildings or land for any of the purposes mentioned in the last foregoing section, that is to say—

Power of corporations &c., to give or grant land for sites of churches, &c.

- (a) any corporation, whether lay, ecclesiastical or collegiate, and whether sole or aggregate ;
- (b) any trustees for charitable purposes ;
- (c) in the case of buildings or land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department or held in trust for His Majesty for the purposes of a government department the appropriate authority, that is to say—
  - (i) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question, subject to the consent, in either case, of the Treasury ;
  - (ii) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy ;
  - (iii) in the case of land belonging to the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall ;
  - (iv) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department, with the consent of the Treasury.

(2) Where the grantor is the incumbent of a benefice in his capacity as such, the purchase money if it exceeds twenty pounds shall be paid to Queen Anne's Bounty and be appropriated by them for the benefit of the benefice in like manner as if it had been provided by them out of the funds at their disposal for the augmentation of benefices, and if it does not exceed twenty pounds it may be paid to the incumbent for his own use and benefit.

(3) It shall be lawful for any person to devise or bequeath to the Commissioners and for the Commissioners to hold any property real or personal for any such purpose as aforesaid or as an endowment of any benefice.

15.—(1) Where the land to be acquired by the Commissioners for any of the purposes mentioned in section thirteen of this Measure forms part of any common or of the waste of any manor,

Provisions as to land subject to rights of

common or  
to rents  
or other  
periodical  
charges.

the lord of the manor may grant the land, and the conveyance thereof shall be effectual for vesting in the Commissioners the fee simple of the land as if every person having any right of common in or over the land had joined in the conveyance :

Provided that no such grant shall be made without the consent of the Minister of Agriculture and Fisheries, and the Minister in giving or withholding his consent shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by him before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.

8 & 9 Vict.  
c. 18.

(2) Where it appears to the Minister of Agriculture and Fisheries that any rights of common will be substantially affected, he shall as a condition of giving his consent require that compensation shall be paid to the persons entitled to such rights, and in such case sections ninety-nine to one hundred and seven of the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Measure and shall apply as if the Commissioners were the promoters of the undertaking.

(3) Where the land to be acquired by the Commissioners for any of the purposes aforesaid forms part of land subject to any rent or other annual or recurring charge and it appears to the Commissioners and the grantor of the land that the part of the land to be retained is of ample value to bear the said rent or charge, the part to be granted to the Commissioners may be conveyed to them free from the rent or charge, and the remaining part shall continue to be liable therefor in the same manner as the whole land was originally liable, and the Commissioners are hereby authorised to do all such acts as may be necessary to give effect to this provision.

Powers of  
Ecclesiastical  
Commis-  
sioners of  
dealing with  
land acquired.

**16.—(1)** Where any land or building which before or after the passing of this Measure was acquired by the Commissioners or the Church Building Commissioners for any of the purposes mentioned in section thirteen of this Measure, or any part of such land or building, is not in the opinion of the Commissioners and the bishop required for the purposes for which it was acquired, then, if the land was acquired for valuable consideration, it shall be lawful for the Commissioners to sell such land or building or part thereof :

Provided that, in the case of land so acquired before the passing of this Measure, before offering any such land for sale the Commissioners shall offer to resell it to the person from whom it was acquired, or the person to whom it would have belonged if it had not been so acquired, at such price as failing agreement may be determined by arbitration.



If the person having such right of pre-emption refuses the offer or does not accept it within six weeks after it was made, the right shall cease, and a statutory declaration made by any officer of the Commissioners authorised by them for the purpose that the offer has been refused or not accepted within the time aforesaid shall be sufficient evidence of the facts stated therein.

(2) It shall be lawful for the Commissioners to exchange any land so acquired whether for valuable consideration or by way of gift for any other land more suitable for the purpose for which the original land was acquired and to receive or pay money by way of equality of exchange.

(3) Where any land was so acquired by way of gift, it shall be lawful for the Commissioners to reconvey it to the grantor or his successors in title without consideration.

(4) It shall be lawful for the Commissioners to appropriate any land so acquired whether for valuable consideration or by way of gift (if and so far as it has not been appropriated to, or is no longer required for, the purpose for which it was acquired) to any other ecclesiastical purpose for the benefit of the ecclesiastical district in which the land is situate, or for any educational, charitable or public purpose relating to that district : •

Provided that if the land was acquired by way of gift or for a nominal consideration, such appropriation shall not be made without the consent of the grantor or his successors in title, except that no such consent shall be necessary where the purpose for which the appropriation is made is the widening of a highway by a highway authority.

(5) Nothing in this section shall authorise the sale or disposal by the Commissioners of any consecrated land.

(6) Nothing in this Measure shall restrict or limit the powers of sale or disposal conferred by the Union of Benefices Measures, 1923 to 1936, the Parsonages Measure, 1938, or the Ecclesiastical Leasing Acts or any Act or Measure extending or amending the same. 1 & 2 Geo. 6.  
No. 3.

17. Where any land has been acquired by the Commissioners for any of the purposes mentioned in section thirteen or fourteen of this Measure, then— Vesting in incumbent of land acquired by Ecclesiastical Commissioners.

(a) if the land was acquired as a site for a church it shall on the consecration of the church vest in the incumbent thereof for the time being ;

(b) if the land was acquired as a burial ground then, subject to the provisions of section twenty of this Measure, the land shall on the consecration of the burial ground vest in the incumbent for the time being of the ecclesiastical district to which the burial ground belongs ;

- (c) if the land was acquired for a house of residence of the incumbent of an ecclesiastical district or of any other ecclesiastical person serving a church of that district or as an endowment of a benefice, the land shall vest in the incumbent for the time being of the district;
- (d) if the land was acquired for providing access to or for improving the amenities of any church, churchyard, burial ground or house of residence, the land shall vest in the incumbent for the time being in whom such church, churchyard, burial ground or house of residence is vested.

Exemption from stamp duty.

18. No deed of gift, grant, security, contract, agreement, conveyance or other instrument made for any of the purposes mentioned in this Measure or under any of the provisions mentioned in this Measure, or for carrying into execution any powers, regulations or provisions thereof or therein mentioned shall be liable to stamp duty.

Instruments required to be sealed by Ecclesiastical Commissioners.

19.—(1) No conveyance of land to the Commissioners under this Measure and no instrument to which the consent of the Commissioners is required under this Measure shall be valid unless and until the assent of the Commissioners is testified by affixing thereto the seal of the Commissioners, but on the affixing of such seal the conveyance or instrument shall have effect as from the date thereof.

(2) No instrument to which the seal of the Commissioners is so required to be affixed and which is directed to be registered in any diocesan registry shall be so registered unless and until such seal has been so affixed.

#### *Burial Grounds.*

Provisions as to burial ground common to two or more districts.

20.—(1) Where land is acquired by the Commissioners for the purpose of a burial ground for two or more ecclesiastical districts, it shall be lawful for the Commissioners in accepting the conveyance of the land to direct by the conveyance or any other instrument under their seal that any chapel erected on the land for the performance of the burial service, and any lodge or other building erected thereon, and any access to or from the chapel or any such building shall be for the use of each of the districts.

(2) The incumbent of each such district shall, subject to such regulations as may be made by the bishop, be entitled to use the chapel for the performance of the burial service, and the like fees shall be chargeable as would have been chargeable had the burial service been performed in the church of the district and the burial taken place in a burial ground belonging solely to that district.

(3) If after the consecration of such a burial ground additional land adjoining or near to it is acquired by the Commissioners as a burial ground for any of the districts for which the original burial ground was acquired or for any other ecclesiastical district, the chapel may, subject to such regulations as aforesaid, be used for the performance of the burial service in the case of persons to be buried in the additional ground, and every such lodge or other building and approach or access as aforesaid may similarly be used.

(4) The freehold of the chapel on the consecration thereof and the freehold of any such lodge, buildings and means of access on the erection or construction thereof shall vest in the bishop :

Provided that such vesting shall not impose on the bishop any liabilities for the maintenance of any such chapel, lodge, building or means of access.

(5) The Commissioners may in any case, and shall, if different parts of the land were acquired by them for the use of the several districts, apportion the burial ground exclusive of such chapel, lodge, buildings and means of access, amongst the several districts.

**21.** Where the Commissioners acquire, by gift or purchase, for a new or additional burial ground land not within the limits of the ecclesiastical district or districts for the use of which the land has been acquired, it shall be lawful for the Commissioners in accepting the conveyance of the land to declare in the conveyance, or by any other instrument under their seal, that the land, after consecration thereof as a burial ground, shall be deemed for ecclesiastical purposes (including the purpose of determining the right of burial therein) to be part of the district or districts for the use of which it has been so acquired ; and after consecration the land shall for such purposes as aforesaid be deemed to be part of the district or districts according to the said declaration.

Power of Ecclesiastical Commissioners to declare land outside district acquired as burial ground to be part of district.

#### *Miscellaneous.*

**22.—(1)** Where the Commissioners are satisfied that it would be for the convenience of the inhabitants of a parish or other ecclesiastical district that for the parish church or principal church of the district (hereinafter referred to as " the old church ") there shall be substituted some other church already erected in the parish or district and duly consecrated (hereinafter referred to as " the new church "), the Commissioners may, with the consent of the bishop and of the patron and incumbent of the old church, by instrument under their seal declare that the new church shall be substituted for the old church, and upon such substitution taking effect the new church shall be to all intents and purposes in lieu of the old church.

Substitution of new church for parish church.

(2) The instrument may provide—

- (a) for the transfer to the new church or to the incumbent thereof of all the endowments belonging to or held in trust for the old church or the incumbent thereof ;
- (b) for constituting the incumbent of the old church incumbent of the new church without any presentation, collation, institution, induction or other form of law ;
- (c) for constituting the patron of the old church the patron of the new church ;
- (d) for authorising the performance in the new church of all such offices of the church as could be performed in the old church ;
- (e) for transferring to the new church all registers and other documents kept in the old church ;
- (f) for securing to persons entitled to sittings in the old church a corresponding right to sittings in the new church ;

and the instrument may contain such incidental supplementary and consequential provisions (including provisions as to the manner in which claims to rights to sittings and other rights are to be determined) as may appear necessary or expedient for the purposes of this section.

(3) Where the patronage of the new church belongs to some person other than the patron of the old church—

- (a) the instrument shall not be made unless the patron of the new church consents ;
- (b) the instrument shall not take effect until the next avoidance of the incumbency of the new church unless the incumbent of that church consents.

(4) On the substitution of the new church for the old church the old church shall become a chapel of ease :

14 & 15 Geo. 5. No. 2. Provided that the bishop may declare that the church is no longer required for the purposes of divine service, and in that case subsection (2) of section nineteen of the Union of Benefices Measure, 1923 and sections twenty to twenty-four of that Measure shall apply.

Power of altering parochial boundaries.

**23.—(1)** The Commissioners, if satisfied that an alteration of the boundaries of any ecclesiastical district is desirable, may, with the consent of the bishop and subject to compliance with the provisions of this section, prepare and submit to His Majesty in Council a scheme for effecting such an alteration, and the scheme when confirmed shall be valid in law for the purpose of substituting the altered boundaries for the boundaries previously existing.

(2) The scheme shall define and shall have annexed thereto a map showing the new boundaries, and a copy of the map sealed by the Commissioners shall be filed in the registry of the diocese.

(3) Before the scheme is settled, copies of a draft thereof in the form in which it is proposed to be settled shall be served on the incumbent, parochial church council and patron of each of the ecclesiastical districts affected, and consideration shall be given to any objections to or observations on the proposals of the draft scheme which before the expiration of six weeks from the date of such service may be made to the Commissioners by any such incumbent, council or patron :

Provided that no alteration shall be made in the draft to meet any such objection or observation without the consent of the bishop.

(4) The powers conferred by this section shall be in addition to and not in derogation of the powers of altering boundaries conferred by section twenty-six of the Pluralities Act, 1838 or the Union of Benefices Measure, 1923, as amended by any subsequent Act or Measure.

**24.—(1)** Where by virtue of the New Parishes Acts, 1843 to Parish 1884, the name of any parish at the passing of this Measure is **names.**  
 “The new parish of \_\_\_\_\_” then as from the  
 passing of this Measure the word “new” shall be omitted from  
 the name of the parish.

(2) Where it appears to the Commissioners that the name of any ecclesiastical district should be changed, the Commissioners may with the consent of the bishop and parochial church council of the district prepare and submit to His Majesty in Council a scheme declaring that the name of the district shall be altered to such name as is specified in the scheme.

**25.** Where the publication of banns of matrimony has been **Publication**  
 duly commenced in any church, the publication may be completed **of banns.**  
 in the same church or in any other church which at the time of  
 such completion has taken the place of the first mentioned church  
 for the publication of banns of matrimony either generally or in  
 relation to the parties to the intended marriage.

**26.** In relation to the appointment of a person to be first **Exclusion of appli-**  
 incumbent of a new parish or first minister of a district con- **cation of certain**  
 stituted by scheme under this Measure, neither subsection (2) **enactments to**  
 of section two of the Benefices Act, 1898, nor the Benefices **appointment of first**  
 (Exercise of Rights of Presentation) Measure, 1931, shall apply. **incumbent of new**  
**parish, &c.**  
 61 & 62 Vict. c. 48.  
 21 & 22 Geo. 5. c. 3.

## PART III.

## SUPPLEMENTAL.

Application to schemes of provisions of Ecclesiastical Commissioners Acts.

**27.** Every scheme made by the Commissioners under this Measure shall be submitted to His Majesty in Council and shall not have effect unless and until confirmed by Order in Council, and all the provisions of the Ecclesiastical Commissioners Acts, 1840 to 1885 relating to the schemes and orders prepared, made and issued for the purposes of those Acts shall apply to schemes made under this Measure as if re-enacted therein and in terms made applicable thereto :

Provided that it shall not be necessary in pursuance of the provisions so applied to publish in the *London Gazette* the map annexed to any scheme made under this Measure.

Provisions as to service of documents on and consents by incumbents and patrons.

**28.** Where under this Measure any notice or other document is required to be served on, or there is required the consent of, any incumbent, parochial church council or patron, the provisions of the Union of Benefices Measure, 1923 and the rules made thereunder relating to such service and consent shall apply as if herein re-enacted and in terms made applicable to this Measure.

Interpretation.

**29.—(1)** In this Measure unless the context otherwise requires—

- the expression “ bishop ” in relation to any church, parish, district or other area or place means the bishop of the diocese in which the church, parish, district or other area or place is situated, or if the parish, district, area or place is situated partly in one diocese and partly in another, the bishop of each such diocese ;
- the expression “ ecclesiastical district ” includes any parish whether ancient or new, and any district formed under the Church Building Acts, 1818 to 1884, or the New Parishes Acts, 1843 to 1844, or this Measure, and any other ecclesiastical parish or district the minister whereof has a separate cure of souls ;
- the expression “ ecclesiastical dues ” includes offerings and oblations ;
- the expression “ full consideration ” means the best consideration that could reasonably be expected to be obtained ;
- the expression “ house of residence ” includes the site thereof and any land occupied or to be occupied therewith as a garden or glebe ;
- the expression “ incumbent ” includes any minister with cure of souls ;
- the expression “ land ” includes any hereditaments corporeal or incorporeal of any tenure.

(2) The provisions of the Pluralities Act, 1838 as to the persons who are to be deemed patrons and section thirty-nine of the Union of Benefices Measure, 1923 as to the determination of doubtful questions of patronage shall apply for the purposes of this Measure.

(3) In the case of any parish or place in which there is no church nor any person known to be or claiming to be patron of the ancient church or advowson (if any) of the parish or place, the parish or place shall for the purposes of the provisions of this Measure relating to the constitution of new parishes and districts be treated as if it were an extra parochial place.

(4) This Measure shall apply to any new parish or district constituted before the passing of this Measure under the New Parishes Acts, 1843 to 1884, as if it had been constituted under the corresponding provisions of this Measure.

**30.**—(1) Nothing in this Measure as to the formation of new parishes and districts shall authorise the inclusion in any new parish or district of any part of a parish regulated by a Local Act where such inclusion would be inconsistent with that Local Act unless a representation in favour of such inclusion is made to the Commissioners by the patron, the incumbent and the parochial church council of the parish.

Saving as to parishes regulated by Local Acts.

(2) Nothing in this Measure shall affect the provisions of the Parish of Manchester Division Act, 1850.

13 & 14 Vict. c. 41.

**31.** Nothing in this Measure shall take away abridge or affect any power or jurisdiction of the Board of Charity Commissioners for England and Wales, or of the Board of Education, or enable the Commissioners to deal with any endowment subject to the jurisdiction of either of those Boards without the consent of the Board concerned.

Charitable trusts.

**32.**—(1) The enactments mentioned in the Schedule to this Measure are hereby repealed to the extent specified in the third column of that Schedule :

Repeals.

Provided that—

- (a) nothing in this repeal so far as it relates to any of the provisions of the Church Building Acts, 1818 to 1884, regulating ecclesiastical districts formed under those Acts, shall affect the continuance of those provisions for such time and in relation to such matters as are provided in section eight of this Measure ;
- (b) nothing in this repeal shall affect the validity of any existing agreement or assignment of any right of patronage nor the exercise of any right in pursuance thereof ;
- (c) nothing in this repeal shall affect any existing right to charge or recover rents for sittings in any church or any scale fixing such rents.

52 & 53 Vict. c. 63. (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889 with regard to the effect of repeals.

(3) "Existing" in this section means existing at the time of the passing of this Measure.

Extent.

21 & 22 Geo. 5. No. 4. 33. This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them, in accordance with that Measure.

Short title.

34. This Measure may be cited as the New Parishes Measure, 1943.

Section 32.

## SCHEDULE.

### REPEALS.

| Session and Chapter.     | Short Title.                   | Extent of repeal.                                                                                                                                                                                                                                                                                                                           |
|--------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 58 Geo. 3.<br>c. 45.     | The Church Building Act, 1818. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 59 Geo. 3.<br>c. 134.    | The Church Building Act, 1819. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 3 Geo. 4. c. 72.         | The Church Building Act, 1822. | The whole Act except section thirteen and section twenty-eight; and section thirteen from "and it shall be lawful" to "finally completed".                                                                                                                                                                                                  |
| 5 Geo. 4.<br>c. 103.     | The Church Building Act, 1824. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 7 & 8 Geo. 4.<br>c. 72.  | The Church Building Act, 1827. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 1 & 2 Will. 4.<br>c. 38. | The Church Building Act, 1831. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 2 & 3 Will. 4.<br>c. 61. | The Church Building Act, 1832. | The whole Act.                                                                                                                                                                                                                                                                                                                              |
| 1 & 2 Vict.<br>c. 106.   | The Pluralities Act, 1838.     | In section twenty-six the words "or be constituted separate parishes for ecclesiastical purposes", the words "either be constituted a separate benefice by itself or," the words from "or to any other adjoining" to "form a separate parish or benefice", and the words "or be constituted a separate parish for ecclesiastical purposes". |
| 1 & 2 Vict.<br>c. 107.   | The Church Building Act, 1838. | The whole Act except section fourteen.                                                                                                                                                                                                                                                                                                      |



| Session and Chapter.     | Short Title.                                                        | Extent of repeal.                                                                                                                                                                                                                                                        |
|--------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 & 3 Vict.<br>c. 49.    | The Church Building Act, 1839.                                      | Sections one to five and eight to eleven.                                                                                                                                                                                                                                |
| 3 & 4 Vict.<br>c. 60.    | The Church Building Act, 1840.                                      | The whole Act.                                                                                                                                                                                                                                                           |
| 6 & 7 Vict.<br>c. 37.    | The New Parishes Act, 1843.                                         | The whole Act except section six ; and in section six the words " notwithstanding the charge by this Act created ", the words from " and that the consent " to " notwithstanding such charge " and the words from " unless it be deemed " to " hereby empowered to do ". |
| 7 & 8 Vict.<br>c. 56.    | The Church Building (Banns & Marriages) Act, 1844.                  | The whole Act.                                                                                                                                                                                                                                                           |
| 7 & 8 Vict.<br>c. 94.    | The New Parishes Act, 1844.                                         | The whole Act.                                                                                                                                                                                                                                                           |
| 8 & 9 Vict.<br>c. 70.    | The Church Building Act, 1845.                                      | The whole Act.                                                                                                                                                                                                                                                           |
| 9 & 10 Vict.<br>c. 68.   | The Church Building (Burial Service in Chapels) Act, 1846.          | The whole Act.                                                                                                                                                                                                                                                           |
| 11 & 12 Vict.<br>c. 37.  | The Church Building Act, 1848.                                      | The whole Act.                                                                                                                                                                                                                                                           |
| 13 & 14 Vict.<br>c. 94.  | The Ecclesiastical Commissioners Act, 1850.                         | Section twenty-seven.                                                                                                                                                                                                                                                    |
| 14 & 15 Vict.<br>c. 97.  | The Church Building Act, 1851.                                      | The whole Act.                                                                                                                                                                                                                                                           |
| 17 & 18 Vict.<br>c. 32.  | The Church Building Act, 1854.                                      | The whole Act.                                                                                                                                                                                                                                                           |
| 19 & 20 Vict.<br>c. 104. | The New Parishes Act, 1856.                                         | The whole Act.                                                                                                                                                                                                                                                           |
| 32 & 33 Vict.<br>c. 94.  | The New Parishes Acts and Church Building Acts Amendment Act, 1869. | Sections one, eight, ten, eleven, twelve and thirteen.                                                                                                                                                                                                                   |
| 47 & 48 Vict.<br>c. 65.  | The New Parishes Acts and Church Building Acts Amendment Act, 1884. | The whole Act.                                                                                                                                                                                                                                                           |

## No. 2.

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

To make provision for empowering the Ecclesiastical Commissioners to take over the endowments and property of any see, to pay to the bishop of the diocese an appropriate stipend, to provide for him

a suitable residence, to accept responsibility in respect of certain stipends and other official expenses and to deal with any existing house of residence belonging to the see. [4th February 1943.]

Preparation and confirmation of schemes with respect to endowments and property of sees and stipends of bishops.

1.—(1) In the case of any see, the Ecclesiastical Commissioners (hereafter in this Measure referred to as "the Commissioners"), after consultation with the bishop and the diocesan board of finance, may, with the consent of His Majesty, prepare and submit to His Majesty in Council for confirmation a scheme for—

- (a) vesting in the Commissioners for the purposes of this Measure all endowments and other property belonging to, or held in trust for, the see or the bishop; and
- (b) securing to the bishop by way of a charge on their common fund such reduced stipend as the Commissioners deem appropriate:

Provided that, so long as the bishop who at the date of the passing of this Measure was in occupation of a see remains in occupation thereof, a scheme with respect to that see shall not be prepared except at his request, nor shall a scheme so prepared be submitted for confirmation unless, as finally settled, it has been approved by him.

(2) An Order in Council confirming a scheme shall be published in the London Gazette and, upon such publication, the scheme shall come into operation and shall have the force of law.

Vesting of endowments and property.

2. The endowments and other property to be vested in the Commissioners by a scheme shall be specified in a schedule thereto and, upon the scheme coming into operation, shall, without any conveyance or other assurance, vest in the Commissioners, freed and discharged from all previously existing trusts in favour of the see or the bishop.

Episcopal houses of residence.

3.—(1) Where by a scheme a house of residence has become vested in the Commissioners, they may, at any time while it remains so vested, make therein such alterations, if any, as they deem necessary and let it to the bishop, and, if at any time they are of opinion that it is too large, or is not and cannot be made convenient, or is not required, for occupation by the bishop, they may deal with it in any of the following ways, that is to say, they may—

- (a) transfer it, upon such terms as may be agreed, to the diocesan authority for use for purposes connected with the diocese; or
- (b) convert it, or any part of it, for use for such other purposes, as having regard to any historical and other

associations attaching to it, they may from time to time deem proper ; or

(c) sell, let or otherwise dispose of it ; or

(d) demolish it, or any part of it :

Provided that, before deciding to sell it, or to demolish or convert it or any part of it, the Commissioners shall consult with the diocesan advisory committee constituted under section five of the Faculty Jurisdiction Measure, 1938.

1 & 2 Geo. 6.  
No. 6.

(2) Where the Commissioners have disposed of, converted or demolished a house of residence under the preceding subsection, they may at any time purchase, take on lease, build or otherwise provide another house and may let that house to the bishop and, where under the said subsection they have demolished a part of a house of residence, or converted a part of it for use for other purposes, they may at any time alter or adapt and let to the bishop the part left standing or, as the case may be, the part not so converted.

(3) Any house, or part of a house, let to the bishop under this section shall be an episcopal house of residence of the see.

4. Where, in the case of any house of residence, the exercise of any power conferred by this Measure, would in the opinion of the Commissioners affect any building of archaeological, historical or artistic interest (including any such building in the vicinity of the house of residence in question), the Commissioners, before exercising that power, shall consider what consequences would be likely to result from the exercise thereof and what restrictive or other conditions, if any, should be imposed upon a purchaser or lessee, and, if they consider that any such building may be prejudicially affected by the exercise of the power, shall consult with the Ancient Monuments Board for England, constituted under the Ancient Monuments Acts, 1913 and 1931, and, if they think fit, with any other person qualified to advise on such matters.

Protection  
for buildings  
of historical,  
&c., interest.

5. In the case of a see with respect to which a scheme is in force, the Commissioners may at their discretion pay the whole, or any part, of—

Power of  
Commis-  
sioners to  
pay certain  
expenses.

(a) the stipend of any bishop suffragan or any chaplain to the bishop ;

(b) such office expenses (including salaries, and provision for the superannuation, of secretaries and clerks) as it is, in their opinion, necessary for the bishop to incur.

Contributions  
towards  
pension.  
16 & 17 Geo. 5.  
No. 7.

6. A scheme with respect to any see may contain such provision for determining anew the annual contributions towards pension to be made by the bishop under section four of the Episcopal Pensions Measure, 1926, as the Commissioners deem equitable, regard being had by them to the reduced income to be received by the bishop and to the burdens imposed by the said Measure on their common fund.

Amending  
schemes.

7. A scheme may at any time be amended by a subsequent scheme prepared, submitted and confirmed under, and in accordance with the provisions of, section one of this Measure: Provided that an amending scheme shall not be submitted for confirmation unless, as finally settled, it has been approved by the Standing Committee of the Church Assembly.

Interpreta-  
tion.

8.—(1) In this Measure the following expressions have the meanings hereby respectively assigned to them—

“the bishop” except in the proviso to subsection (1) of section one, means the bishop for the time being of the diocese in question;

“diocesan authority” has the same meaning as in the Parochial Church Councils (Powers) Measure, 1921;

“endowments” includes any commutation or other payment charged on the common fund of the Commissioners and any money in their hands which represents the proceeds of a sale of land, or of a house of residence, or a fund for repair of a house of residence;

“house of residence” includes any grounds attached to such a house and any buildings occupied therewith;

“property” does not include an advowson or right of patronage, but, save as aforesaid, includes real and personal property of every description; and

“scheme” means scheme under this Measure.

(2) This Measure applies in relation to an archbishop and his see as it applies in relation to a bishop and his see.

Repeals.

9. Upon the coming into operation of a scheme, so much of any Act of Parliament, Measure, Order in Council, trust deed or other instrument as is inconsistent with any provision of the scheme shall cease to have effect in relation to the see to which the scheme relates.

Short title.

10. This Measure may be cited as the Episcopal Endowments and Stipends Measure, 1943.

## No. 3.

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

To provide for the appointment of diocesan education committees and to define their powers and duties ; to provide for the consultation and co-operation of such committees with the trustees or owners and managers of church schools in regard to such schools ; to make provision for the application of moneys received for war damage to church schools ; and for purposes connected therewith. [11th November 1943.]

1. Within twelve months after the passing of this Measure there shall be set up in every diocese within the provinces of Canterbury and York, except the diocese of Sodor and Man, a body of persons responsible to the diocesan conference and known as the Diocesan Education Committee, constituted in accordance with the schedule to this Measure :

Appointment  
of Diocesan  
Education  
Committees.

Provided that in any diocese in which there exists or is set up within twelve months of the passing of this Measure a body of persons whether incorporated or not, which acts as the education authority for the Church in the diocese and is charged with the duty of supervising church schools and is recognised by the diocesan conference, the Board of Education, upon request made by resolution of the diocesan conference and with the consent of the bishop of that diocese, may by order direct that such body of persons shall be deemed to be and shall have all such rights powers duties and obligations as if it were a committee duly set up and constituted in accordance with this section and all the provisions hereinafter contained in this Measure shall apply accordingly.

2.—(1) The Diocesan Education Committee (hereinafter in this Measure called "the Committee") in each diocese shall have the duty and right from time to time :—

Duties of  
committees.

- (i) to take such steps as may appear to the Committee to be conducive to the promotion of religious education according to the faith and practice of the Church of England and to watch the interests of church schools.
- (ii) to take such action as may appear desirable to provide new schools.

- (iii) to promote and to co-operate with other religious bodies and with local education authorities in promoting religious education within the diocese.
- (iv) to give advice as and when the Committee thinks fit to trustees or owners and managers of church schools and others concerned as to any matters affecting church schools within the diocese.
- (v) to make plans calculated in the opinion of the Committee to further the development and organisation of religious education in the diocese and in particular of instruction in religious knowledge according to the faith and practice of the Church of England after consultation with such trustees or owners and managers of church schools within the diocese and with such other persons as in the opinion of the Committee are interested or as may be in any way affected thereby.

(2) The trustees or owners and managers of every church school in a diocese shall be bound to consult the Committee and to have regard to its representations in any negotiations for and before making any agreement or arrangement with the Board of Education, the Charity Commissioners, or the local education authority for or with respect to the restoration, rearrangement, continuance, discontinuance, closing, sale or lease of, or other dealing with such church school, or for or with respect to the amalgamation thereof with any other school.

(3) In this section references to church schools shall (unless repugnant to the context) be deemed to include the sites, properties and endowments thereof.

Application of  
payments for  
war damage in  
respect of  
church schools.  
4 & 5 Geo. 6.  
No. 1.

3.—(1) The diocesan board of finance of a diocese shall (subject to any conditions determined by the War Damage Commissioners) hold or apply any moneys paid to them pursuant of section six of the *Diocesan Reorganisation Committees Measure, 1941*, in respect of war damage to a church school, and any investments representing such moneys for such purposes as the Diocesan Education Committee after consultation with the Diocesan Reorganisation Committee and the trustees or owners and managers of such schools and with the approval of the Board of Education shall direct, and in default of and subject to any such direction received by the diocesan board of finance within three years after payment of such moneys to them, shall transfer such moneys and investments to the trustees or owners of the church school in respect of which such moneys shall have been paid.

(2) Section six of the *Diocesan Reorganisation Committees Measure, 1941*, shall take effect subject to the provisions contained in subsection (i) of this section.

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

“ church school ” means an elementary school as defined by subsection (1) of section one hundred and seventy of the Education Act, 1921, or as may be modified in 11 & 12 Geo. 5. definition by any subsequent Act, including the land c. 51. and buildings thereof, which either under a statute or statutory scheme or any trust or by usage or repute is for the time being held on trust for purposes of elementary education together with instruction (either as part thereof or in addition thereto) in religious knowledge according to the faith and practice of the Church of England.

“ local education authority ” has the same meaning in this Measure as in the Education Act, 1921, or as may be modified by any subsequent Act.

5. This Measure may be cited as the Diocesan Education Short title. Committees Measure, 1943.

## SCHEDULE.

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Section 1.

### CONSTITUTION OF DIOCESAN EDUCATION COMMITTEES.

The Diocesan Education Committee of each diocese shall be constituted as follows, namely :—

1. The bishop, suffragan bishops, assistant bishops, and archdeacons shall be ex-officio members.
2. The diocesan conference shall elect not more than twenty and not fewer than twelve members of whom four members at least shall be ministers holding separate cure of souls in a parish or conventional district within the diocese ; six at least shall be lay persons of whom two at least shall be women.

Elections shall be held in such manner as the diocesan conference may direct. The first elected members shall hold office until the expiration of the conference by which they are elected or until their successors shall be elected and thereafter the elected members shall hold office for three years or until their successors shall be elected, whichever in each case shall be the later.

3. The Committee shall co-opt not more than eight additional members being persons who are for the time being trustees, foundation managers or otherwise interested in church schools in the diocese of whom not less than half shall be foundation managers of such schools.
4. The bishop shall have power to nominate not more than four additional members of whom two at least shall be teachers in church schools.

5. The Chairman of the Committee shall be the bishop or, if he shall decide not to act as chairman, some other person appointed by the Committee.
6. The Committee shall appoint its own secretary.
7. The Committee shall have power to fill any casual vacancies and may act notwithstanding any vacancy in its membership.
8. Eight members of the Committee shall form a quorum.
9. The Committee may appoint sub-committees including or not including persons not members of the Committee.
10. Subject to the foregoing provisions, and to any directions given by the diocesan conference, the Committee shall have power to regulate its own procedure.
11. Subject to any limit or restriction imposed by the diocesan conference the expenses of the Committee shall unless otherwise provided for be defrayed by the diocesan board of finance out of any moneys applicable to the expenses of that board.



# TABLE III.

## SHOWING THE EFFECT OF THE LEGISLATION OF 1943.

### ACTS (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ENACTMENTS OF 6. & 7 AND (IN PART) 7 & 8 GEO. 6.

[NOTE.—References in the fourth column are to chapters of 6 & 7 Geo. 6 unless otherwise stated. A table of the effect of Defence Regulations upon statutes is printed in the volumes of Defence Regulations prepared in the Office of the Parliamentary Counsel and periodically published by H.M. Stationery Office.]

| Session and Chapter.           | Short title or Subject.                                                                                                                                                                               | How affected.                                         | Chapter of 1943 Act or number of Measure.           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|
| 7 & 8 Will. 3 :<br>c. 25 ...   | An Act for the further regulating elections of Members to serve in Parliament and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members. | S. 1 amended ... ..                                   | 48, s. 33, sch. 7 Part I.                           |
| 6 Anne :<br>c. 40 ...          | Union with Scotland (Amendment) Act, 1707.                                                                                                                                                            | S. 5 amended ... ..                                   | 48, s. 33, sch. 7 Part I.                           |
| 1 Geo. 1, st. 2 :<br>c. 38 ... | Septennial Act, 1715 ...                                                                                                                                                                              | Amended ( <i>temp.</i> ) ... ..                       | 46, s. i.                                           |
| 6 Geo. 3 :<br>c. 94 ...        | Loughborough Navigation Act, 1766.                                                                                                                                                                    | Short title given ; Act in part repealed with saving. | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3, J. |
| 16 Geo. 3 :<br>c. 65 ...       | Loughborough Navigation Act, 1776.                                                                                                                                                                    | Short title given ; Act in part repealed with saving. | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3, J. |
| 17 Geo. 3 :<br>c. 53 ...       | Clergy Residences Repair Act, 1776.                                                                                                                                                                   | War damage contribution                               | 21, s. 76 (2) (c).                                  |
| c. 69 ...                      | Erewash Canal Act, 1777.                                                                                                                                                                              | Short title given ; Act in part repealed with saving. | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3, K. |

| Session and Chapter.     | Short title or Subject.                                    | How affected.                                                                        | Chapter of 1943 Act or number of Measure.               |
|--------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------|
| 31 Geo. 3 :<br>c. 65 ... | Leicester Navigation Act, 1791.                            | Short title given ; ss. 10-17, 50, 80-97, 99, 129-133, 135 repealed with saving.     | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3. L.     |
| 33 Geo. 3 :<br>c. 38 ... | Warwick and Birmingham Canal Act, 1793.                    | Short title given ; Act in part repealed with saving.                                | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3. G.     |
| c. 80 ...                | Grand Junction Canal Act, 1793.                            | Short title and citation ; ss. 7, 33-4, 54-66, 104, 108, 120-3 repealed with saving. | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| c. 98 ...                | Leicestershire and Northamptonshire Union Canal Act, 1793. | Short title and citation ; ss. 51-66, 118-9, 121-5 repealed with saving.             | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. E. |
| 34 Geo. 3 :<br>c. 24 ... | Grand Junction Canal Act, 1794.                            | Short title and citation ; ss. 10-8 repealed with saving.                            | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| c. 38 ...                | Warwick and Napton Canal Act, 1794.                        | Short title given ; Act in part repealed with saving.                                | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3. H.     |
| 35 Geo. 3 :<br>c. 8 ...  | Grand Junction Canal (No. 1) Act, 1795.                    | Short title and citation ; s. 23 repealed with saving.                               | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| c. 43 ...                | Grand Junction Canal (No. 2) Act, 1795.                    | Short title and citation ; ss. 13-15 repealed with saving.                           | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| c. 85 ...                | Grand Junction Canal (No. 3) Act, 1795.                    | Short title and citation ; ss. 4-6 repealed with saving.                             | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| 36 Geo. 3 :<br>c. 25 ... | Grand Junction Canal (No. 4) Act, 1795.                    | Short title and citation ; ss. 1-4 repealed with saving.                             | v, s. 1 (2) (5), Part II and ss. 65 (1), 66, sch. 3. D. |
| c. 42 ...                | Warwick and Birmingham Canal.                              | Repealed with saving ...                                                             | v, Part II and ss. 65 (1), 66, sch. 3. G.               |
| c. 95 ...                | Warwick and Napton Canal Act, 1796.                        | Short title given ; ss. 5-8 repealed with saving.                                    | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3. H.     |
| 37 Geo. 3 :<br>c. 51 ... | Leicester Navigation Act, 1797.                            | Short title given ; ss. 1-15, 21, 25-7 repealed with saving.                         | v, s. 1 (2), Part II and ss. 65 (1), 66, sch. 3. L.     |
| c. 127 ...               | Meeting of Parliament Act, 1797.                           | S. 1 amended ... ..                                                                  | 48, s. 34.                                              |
| 53 Geo. 3 :<br>c. 89 ... | Parliamentary Writs Act, 1813.                             | Repealed (prosp.), ss. 2, 3 applied, 1, 3 modified ( <i>temp.</i> ) (E.S.).          | 48, ss. 27 (2) (b), 29, 32, 33, schs. 5, 7.             |

| Session and Chapter.                   | Short title or Subject.                          | How affected.                                                                | Chapter of 1943 Act or number of Measure.     |
|----------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------|
| 57 Geo. 3 :<br>c. 97 ...               | Land revenues of the Crown (Duchy of Lancaster). | S. 25 extended ... ..                                                        | 21, s. 72 (3).                                |
| 58 Geo. 3 :<br>c. 45 ...               | Church Building Act, 1818.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 59 Geo. 3 :<br>c. 134 ...              | Church Building Act, 1819.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 60 Geo. 3 &<br>1 Geo. 4 :<br>c. 11 ... | Parliamentary Elections (Ireland) Act, 1820.     | S. 5 repealed ... ..                                                         | 48, s. 33, sch. 7 Part I.                     |
| 3 Geo. 4 :<br>c. 72 ...                | Church Building Act, 1822.                       | Ss. 1-12, 14-26, 29, 31-7 repealed with saving, 13 amended.                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 4 Geo. 4 :<br>c. 55 ...                | Parliamentary Elections (Ireland) Act, 1823.     | S. 33 repealed ... ..                                                        | 48, s. 33, sch. 7 Part I.                     |
| 5 Geo. 4 :<br>c. 103 ...               | Church Building Act, 1824.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 7 & 8 Geo. 4 :<br>c. 53 ...            | Excise Management Act, 1827.                     | S. 32 amended ... ..                                                         | 28, ss. 12 (2) (3) (5) (7), 31 (2).           |
| c. 72 ...                              | Church Building Act, 1827.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 10 Geo. 4 :<br>c. 44 ...               | Metropolitan Police Act, 1829.                   | S. 18 adapted ... ..                                                         | 48, s. 21, sch. 3, para. 3 (2).               |
| c. 50 ...                              | Crown Lands Act, 1829                            | Secy. of State for Scotland an additional commissioner of Crown Lands.       | 7.                                            |
| 1 & 2 Will 4 :<br>c. 38 ...            | Church Building Act, 1831.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| 2 & 3 Will 4 :<br>c. 1 ...             | Crown Lands Act, 1832                            | S. 1, Secy. of State for Scotland an additional Commissioner of Crown Lands. | 7.                                            |
| c. 61 ...                              | Church Building Act, 1832.                       | Repealed with saving ... ..                                                  | C.A.M. No. 1, ss. 8, 32, sch.                 |
| c. 112 ...                             | Crown Lands (Scotland) Act, 1832.                | S. 1, Secy. of State for Scotland an additional Commissioner of Crown Lands. | 7.                                            |
| 3 & 4 Will. 4 :<br>c. 69 ...           | Crown Lands (Scotland) Act, 1833.                | Secy. of State for Scotland an additional Commissioner of Crown Lands.       | 7.                                            |
| 1 & 2 Vict. :<br>c. 106 ...            | Pluralities Act, 1838 ...                        | Ss. 2, 6 amended and saved, 125-7 applied.                                   | C.A.M. No. 1, ss. 8, 23 (4), 29 (2), 32, sch. |
| c. 107 ...                             | Church Building Act, 1838.                       | Repealed except s. 14 with saving.                                           | C.A.M. No. 1, ss. 8, 32, sch.                 |

| Session and Chapter.         | Short title or Subject.                                | How affected.                                                                               | Chapter of 1943 Act or number of Measure.  |
|------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------|
| 2 & 3 Vict. :<br>c. 49 ...   | Church Building Act, 1839.                             | Ss. 1-5, 8-11 repealed with saving.                                                         | C.A.M. No. 1, ss. 8, 32, sch.              |
| c. 93 ...                    | County Police Act, 1839                                | S. 9 adapted ... ..                                                                         | 48, s. 21, sch. 3, para. 3 (2).            |
| 3 & 4 Vict. :<br>c. 60 ...   | Church Building Act, 1840.                             | Repealed with saving ...                                                                    | C.A.M. No. 1, ss. 8, 32, sch.              |
| c. 113 ...                   | Ecclesiastical Commissioners Act, 1840.                | Ss. 67 extended, 83-9 applied as modified.                                                  | C.A.M. No. 1, ss. 7, 27.                   |
| 4 & 5 Vict. :<br>c. 39 ...   | Ecclesiastical Commissioners Act, 1841.                | S. 30 extended ... ..                                                                       | C.A.M. No. 1, s. 27.                       |
| 6 & 7 Vict. :<br>c. 37 ...   | New Parishes Act, 1843                                 | Act except s. 6 repealed, s. 6 amended.                                                     | C.A.M. No. 1, s. 32, sch.                  |
| 7 & 8 Vict. :<br>c. 56 ...   | Church Building (Banns and Marriages) Act, 1844.       | Repealed with saving ...                                                                    | C.A.M. No. 1, ss. 8, 32, sch.              |
| c. 94 ...                    | New Parishes Act, 1844                                 | Repealed ... ..                                                                             | C.A.M. No. 1, s. 32, sch.                  |
| 8 & 9 Vict. :<br>c. 16 ...   | Companies Clauses Consolidation Act, 1845.             | Incorporated and applied as modified (Grand Union Canal Act), ss. 20 extended, 13 excluded. | v, ss. 3, 4 (1), 34-5, sch. 2.             |
| c. 18 ...                    | Lands Clauses Consolidation Act, 1845.                 | Incorporated as modified, ss. 84-91, 127-33, 150-1 excluded.                                | 16, ss. 6, 16, sch. 2.                     |
| c. 19 ...                    | Lands Clauses Consolidation (Scotland) Act, 1845.      | Ss. 99-107 incorporated and applied.                                                        | C.A.M. No. 1, s. 15 (2).                   |
| c. 33 ...                    | Railways Clauses Consolidation (Scotland) Act, 1845.   | Incorporated as adapted, ss. 83-8, 90, &c., excluded (hydro - electric development).        | 32, s. 8 (1), sch. 3.                      |
| c. 70 ...                    | Church Building Act, 1845.                             | Ss. 6, 70-8 incorporated as adapted (hydro-electric development).                           | 32, s. 8 (1), sch. 3.                      |
| c. 83 ...                    | Poor Law (Scotland) Act, 1845.                         | Repealed with saving ...                                                                    | C.A.M. No. 1, ss. 8, 32, sch.              |
| 9 & 10 Vict. :<br>c. 68 ...  | Church Building (Burial Service in Chapels) Act, 1846. | Ss. 71 restricted, 73-4 saved.                                                              | 27, ss. 3 (1) (i) (ii) (2), 8 (b) (c) (d). |
| 11 & 12 Vict. :<br>c. 37 ... | Church Building Act, 1848.                             | Repealed with saving ...                                                                    | C.A.M. No. 1, ss. 8, 32, sch.              |
| 13 & 14 Vict. :<br>c. 41 ... | Parish of Manchester Division Act, 1850.               | Saved ... ..                                                                                | C.A.M. No. 1, s. 30 (2).                   |
| c. 94 ...                    | Ecclesiastical Commissioners Act, 1850.                | Ss. 27 repealed, 28 extended as modified.                                                   | C.A.M. No. 1, ss. 27, 32, sch.             |
| 14 & 15 Vict. :<br>c. 42 ... | Crown Lands Act, 1851                                  | S. 1, etc., Secy. of State for Scotland an additional Commissioner of Crown Lands.          | 7.                                         |
| c. 97 ...                    | Church Building Act, 1851.                             | Repealed with saving ...                                                                    | C.A.M. No. 1, ss. 8, 32, sch.              |

| Session and Chapter.         | Short title or Subject.                 | How affected.                                                      | Chapter of 1943 Act or number of Measure.                     |
|------------------------------|-----------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------|
| 15 & 16 Vict.:<br>c. 57 ...  | Election Commissioners Act, 1852.       | S. 6 adapted ... ..                                                | 48, s. 21, sch. 3, para. 3 (2).                               |
| 16 & 17 Vict.:<br>c. 68 ...  | Parliamentary Elections Act, 1853.      | S. 1 amended ... ..                                                | 48, s. 33, sch. 7 Part I.                                     |
| 17 & 18 Vict.:<br>c. 32 ...  | Church Building Act, 1854.              | Repealed with saving ...                                           | C.A.M. No. 1, ss. 8, 32, sch. 48, s. 23 (c) (ii).             |
| c. 57 ...                    | Returning Officers Act, 1854.           | Repealed ... ..                                                    | 48, s. 23 (c) (ii).                                           |
| c. 91 ...                    | Lands Valuation (Scotland) Act, 1854.   | S. 18 applied ... ..                                               | 48, s. 21, sch. 3 para. 3 (2).                                |
| c. 102 ...                   | Corrupt Practices Prevention Act, 1854. | Ss. 2, 3, 7 adapted ...                                            | 48, s. 21, sch. 3 para. 3 (2).                                |
| 19 & 20 Vict.:<br>c. 2 ...   | Metropolitan Police Act, 1856.          | S. 9 adapted ... ..                                                | 48, s. 21, sch. 3, para. 3 (2).                               |
| c. 69 ...                    | County and Borough Police Act, 1856.    | S. 9 adapted ... ..                                                | 48, s. 21, sch. 3, para. 3 (2).                               |
| c. 104 ...                   | New Parishes Act, 1856.                 | Repealed ... ..                                                    | C.A.M. No. 1, ss. 8, 32, sch. 48, s. 21, sch. 3, para. 3 (2). |
| 20 & 21 Vict.:<br>c. 72 ...  | Police (Scotland) Act, 1857.            | S. 17 adapted ... ..                                               | 48, s. 21, sch. 3, para. 3 (2).                               |
| 22 Vict.:<br>c. 26 ...       | Superannuation Act, 1859.               | Ss. 10 excluded, 2 (service of 10 years) saved.                    | 35, s. 2.                                                     |
| 22 & 23 Vict.:<br>c. 31 ...  | Court of Probate Act (Ireland), 1859.   | S. 15 restricted (N.I.) ...                                        | 21, s. 105 (3).                                               |
| 23 & 24 Vict.:<br>c. 135 ... | Metropolitan Police Act, 1860.          | S. 5 adapted ... ..                                                | 48, s. 21, sch. 3 para. 3 (2).                                |
| 25 & 26 Vict.:<br>c. 92 ...  | Elections (Ireland) Act, 1862.          | Repealed ... ..                                                    | 48, s. 33, sch. 7, Part I.                                    |
| 26 & 27 Vict.:<br>c. 7 ...   | Manufactured Tobacco Act, 1863.         | Scale of drawback under s. 1                                       | 28, s. 5 (3) (6), sch. 4 Part III.                            |
| c. 49 ...                    | Duchy of Cornwall Management Act, 1863. | S. 8 extended ... ..                                               | 21, s. 72*(4).                                                |
| c. 118 ...                   | Companies Clauses Act, 1863.            | Incorporated, except Part IV, as modified (Grand Union Canal Act). | v, ss. 3, 4 (2).                                              |
| 28 & 29 Vict.:<br>c. 89 ...  | Greenwich Hospital Act, 1865.           | Admiralty lands and war damage contribution.                       | 21, s. 72 (5).                                                |
| 29 & 30 Vict.:<br>c. 111 ... | Ecclesiastical Commissioners Act, 1866. | S. 10 extended as modified                                         | C.A.M. No. 1, s. 27.                                          |
| 30 & 31 Vict.:<br>c. 3 ...   | British North America Act, 1867.        | S. 51, redistribution of seats suspended.                          | 30.                                                           |
| c. 102 ...                   | Representation of the People Act, 1867. | S. 49 adapted ... ..                                               | 48, s. 21, sch. 3, para. 3 (2).                               |
| 31 & 32 Vict.:<br>c. 37 ...  | Documentary Evidence Act, 1868.         | Extended (Min. of Town and Country Planning), sch. amended.        | 5, s. 5 (4).                                                  |
| c. 72 ...                    | Promissory Oaths Act, 1868.             | Sch. Part I extended (Min. of Town and Country Planning).          | 5, s. 2.                                                      |

| Session and Chapter.                   | Short title or Subject.                                         | How affected.                                                                                                                              | Chapter of 1943 Act or number of Measure.                                                                                   |
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| 31 & 32 Vict. :<br>c. 100 ...          | Court of Session Act, 1868.                                     | S. 91 applied ... ..                                                                                                                       | 43, s. 5 (3).                                                                                                               |
| c. 114 ...                             | Ecclesiastical Commission Act, 1868.                            | Ss. 3, 5-6 applied as modified                                                                                                             | C.A.M. No. 1,<br>s. 27.                                                                                                     |
| c. 123 ...                             | Salmon Fisheries (Scotland) Act, 1868.                          | Sch. G excluded (hydro-electric development).                                                                                              | 32, s. 9 (7).                                                                                                               |
| 32 & 33 Vict. :<br>c. 43 ...           | Diplomatic Salaries, &c. Act, 1869.                             | Extended (H.M. foreign service).                                                                                                           | 35, s. 1 (1) (3).                                                                                                           |
| c. 48 ...                              | Companies Clauses Act, 1869.                                    | Incorporated and applied as modified (Grand Union Canal Act).                                                                              | v, ss. 3, 4 (1),<br>sch. 2.                                                                                                 |
| c. 94 ...                              | New Parishes Acts and Church Building Acts Amendment Act, 1869. | Ss. 1, 8, 10-13 repealed with saving.                                                                                                      | C.A.M. No. 1,<br>ss. 8, 32, sch.                                                                                            |
| 33 & 34 Vict. :<br>c. 81 ...           | Meeting of Parliament Act, 1870.                                | Amended ... ..                                                                                                                             | 48, s. 34.                                                                                                                  |
| 35 & 36 Vict. :<br>c. 33 ...           | Ballot Act, 1872 ...                                            | Act applied, s. 1, sch. 1 rules 1, 2, 2A amended, sch. 1 rule 7 adapted, sch. 2 applied, ss. 1 excluded, 8, 24 (service voter) restricted. | 48, ss. 2 (2), 4 (3),<br>9, 17, 21, 25,<br>27 (4), 30 (3),<br>31 (5), 33, sch.<br>2 para. 14, sch.<br>3 para. 2, sch.<br>6. |
| 37 & 38 Vict. :<br>c. 54 ...           | Rating Act, 1874 ...                                            | Rights under s. 6 and war damage contribution.                                                                                             | 21, ss. 39 (2)-(4),<br>43 (2) (f) (6).                                                                                      |
| c. 81 ...                              | Great Seal (Offices) Act, 1874.                                 | S. 4 amended (E.S.) (prosp.)                                                                                                               | 48, ss. 29, 33,<br>sch. 7 Part II.                                                                                          |
| 40 & 41 Vict. :<br>c. 2 ...            | Treasury Bills Act, 1877                                        | S. 6 excluded ... ..                                                                                                                       | 4, s. 3 (2); 11,<br>s. 3 (2); 20, s.<br>2 (2); 31, s. 3<br>(2); 41, s. 2 (2).                                               |
| 41 & 42 Vict. :<br>c. 26 ...           | Parliamentary and Municipal Registration Act, 1878.             | Ss. 13 adapted, 11 excluded                                                                                                                | 48, s. 21, sch. 3<br>paras. 3 (2), 6.                                                                                       |
| 42 & 43 Vict. :<br>c. 49 ...           | Summary Jurisdiction Act, 1879.                                 | S. 53 amended ... ..                                                                                                                       | 28, s. 12 (4)-(7).                                                                                                          |
| 44 & 45 Vict. :<br>c. 58 (as amended). | Army Act ... ..                                                 | Ss. 39A, 132 (2) (e) (2A), 176A, 190 (34) (c) (35)(c) (42) (43) added, 47 (1), 183(2), 187c, 190 (34) (a) (35) (a) amended.                | 15, ss. 4-10.                                                                                                               |
| 45 & 46 Vict. :<br>c. 37 ...           | Corn Returns Act, 1882                                          | Ss. 7, 13, 16 (1) (3) virtually repealed, 4-5, 8-9, 11-2, 14-5 amended.                                                                    | 16, s. 18, sch. 3.                                                                                                          |
| c. 56 ...                              | Electric Lighting Act, 1882.                                    | Ss. 19 amended, 3-4, 9, 12 (1), 14 excluded (hydro-electric development, S.).                                                              | 32, ss. 21, 27,<br>sch. 5 Part I.                                                                                           |
| 46 & 47 Vict. :<br>c. 51 ...           | Corrupt and Illegal Practices Prevention Act, 1883.             | "Illegal practice" extended (voting of proxies); ss. 10, 39 modified, 1 (2), 7 (1) (b) (3) adapted, sch. 1 Part V para. 2 excluded.        | 48, ss. 9, 21, sch.<br>2 para. 15, sch.<br>3 paras. 1 (1),<br>3 (2), 5.                                                     |

| Session and Chapter.         | Short title or Subject.                                         | How affected.                                                          | Chapter of 1943 Act or number of Measure.                                                    |
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| 47 & 48 Vict. :<br>c. 65 ... | New Parishes Acts and Church Building Acts Amendment Act, 1884. | Repealed with saving ...                                               | C.A.M. No. 1, ss. 8, 32, sch.                                                                |
| 48 & 49 Vict. :<br>c. 23 ... | Redistribution of Seats Act, 1885.                              | S. 13 restricted (N.I.) ...                                            | 48, s. 31 (5).                                                                               |
| c. 58 ...                    | Telegraph Act, 1885 ...                                         | S. 2 amended ...                                                       | 26, ss. 1 (1), 2 (2) (3).                                                                    |
| 51 & 52 Vict. :<br>c. 12 ... | Electric Lighting Act, 1888.                                    | Ss. 2, 3 excluded (hydro-electric development, S.).                    | 32, s. 21, sch. 5 Part I.                                                                    |
| c. 25 ...                    | Railway and Canal Traffic Act, 1888.                            | S. 40 excluded (Grand Union Canal Act).                                | v, s. 53 (7).                                                                                |
| c. 42 ...                    | Mortmain and Charitable Uses Act, 1888.                         | Excluded ...                                                           | C.A.M. No. 1, s. 13.                                                                         |
| 52 & 53 Vict. :<br>c. 10 ... | Commissioners for Oaths Act, 1889.                              | S. 6 (2) in part applicable by order.                                  | 18, s. 4.                                                                                    |
| c. 63 ...                    | Interpretation Act, 1889                                        | S. 38 saved ...                                                        | 19, s. 13 (3); 21, s. 127 (4) (7); 48, s. 25 (2) (a); 49, s. 4 (2); C.A.M. No. 1, s. 32 (2). |
| 53 & 54 Vict. :<br>c. 8 ...  | Customs and Inland Revenue Act, 1890.                           | S. 8 (2) applied ...                                                   | 37, s. 2 (2) (3).                                                                            |
| 54 & 55 Vict. :<br>c. 24 ... | Public Accounts and Charges Act, 1891.                          | S. 2 extended ...                                                      | 31, s. 4.                                                                                    |
| c. 36 ...                    | Consular Salaries and Fees Act, 1891.                           | S. 1 repealed (May 20, 1943)                                           | 35, s. 6, sch.                                                                               |
| c. 39 ...                    | Stamp Act, 1891 ...                                             | S. 12 applied ...                                                      | 38, ss. 5, 6, 18 (3).                                                                        |
| 55 & 56 Vict. :<br>c. 34 ... | Naval Knights of Windsor (Dissolution) Act, 1892.               | Admiralty lands and war damage contribution.                           | 21, s. 72 (5).                                                                               |
| 56 & 57 Vict. :<br>c. 66 ... | Rules Publication Act, 1893.                                    | S. 1 excluded ...                                                      | 5, s. 6 (5); 6, s. 2 (9); 16, s. 17 (10); 21, s. 121 (2); 24, s. 16 (4).                     |
| c. 71 ...                    | Sale of Goods Act, 1893                                         | Contracts under s. 7 saved                                             | 40, s. 2 (5).                                                                                |
| 57 & 58 Vict. :<br>c. 43 ... | Crown Lands Act, 1894                                           | Secy. of State for Scotland an additional Commissioner of Crown Lands. | 7.                                                                                           |
| 59 & 60 Vict. :<br>c. 28 ... | Finance Act, 1896 ...                                           | S. 18 amended ...                                                      | 28, ss. 27 (1) 31 (6).                                                                       |
| 61 & 62 Vict. :<br>c. 48 ... | Benefices Act, 1898 ...                                         | S. 2 (2) excluded ...                                                  | C.A.M. No. 1, s. 26.                                                                         |
| 62 & 63 Vict. :<br>c. 19 ... | Electric Lighting (Clauses) Act, 1899.                          | Sch. incorporated as adapted (hydro-electric development. S.).         | 32, s. 21, sch. 5 Part II.                                                                   |
| 4 Edw. 7 :<br>c. 7 ...       | Finance Act, 1904 ...                                           | Sch. applied ...                                                       | 28, s. 5 (3) (6).                                                                            |

| Session and Chapter.        | Short title or Subject.                             | How affected.                                                                                                                                                                                                                                                                                                                                                                                                                               | Chapter of 1943 Act or number of Measure.                                                                                                                                                        |
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| 6 Edw. 7 :<br>c. 28 ...     | Crown Lands Act, 1906                               | S. 1, Secy. of State for Scotland an additional Commissioner of Crown Lands.                                                                                                                                                                                                                                                                                                                                                                | 7.                                                                                                                                                                                               |
| 7 Edw. 7 :<br>c. 53 ...     | Public Health Acts Amendment Act, 1907.             | S. 85 excluded (nurses' agencies).                                                                                                                                                                                                                                                                                                                                                                                                          | 17, s. 12 (2).                                                                                                                                                                                   |
| 8 Edw. 7 :<br>c. 65 ...     | Summary Jurisdiction (Scotland) Act, 1908.          | S. 48 excluded ...                                                                                                                                                                                                                                                                                                                                                                                                                          | 28, s. 12 (4) (6) (b).                                                                                                                                                                           |
| 9 Edw. 7 :<br>c. 34 ...     | Electric Lighting Act, 1909.                        | Ss. 6 (2) amended, 1-4, 6 (3), 7 excluded (hydro-electric development, S.).                                                                                                                                                                                                                                                                                                                                                                 | 32, s. 21, sch. 5 Part I.                                                                                                                                                                        |
| 1 & 2 Geo. 5 :<br>c. 50 ... | Coal Mines Act, 1911 ...                            | S. 78 variable by regs. under ss. 86-7.                                                                                                                                                                                                                                                                                                                                                                                                     | 6, s. 4.                                                                                                                                                                                         |
| 3 & 4 Geo. 5 :<br>c. 27 ... | Forgery Act, 1913 ...                               | S. 6 extended ...                                                                                                                                                                                                                                                                                                                                                                                                                           | 18, s. 3 (2).                                                                                                                                                                                    |
| 4 & 5 Geo. 5 :<br>c. 17 ... | British Nationality and Status of Aliens Act, 1914. | Ss. 1 (1) (b) (v) and the provisos to s. 1 (1) repealed, 19, 27 (1) amended, Part II, ss. 1 (1) (b) (i), 2, 8 (1), 20, 22-3, 26 (1) extended, 2 (1) excluded; declaration of alienage or retention of British nationality to be registered.<br>S. 19 (1) (c) amended (May 20, 1943).                                                                                                                                                        | 14, ss. 1 (1), 2, 4-8, 10 (2), 11 (2), sch.<br>35, s. 6, sch.                                                                                                                                    |
| 5 & 6 Geo. 5 :<br>c. 89 ... | Finance (No. 2) Act, 1915.                          | S. 16 amended ...                                                                                                                                                                                                                                                                                                                                                                                                                           | 28, ss. 12 (1) (a) (3) (5)-(7), 31 (2).                                                                                                                                                          |
| 6 & 7 Geo. 5 :<br>c. 11 ... | Finance (New Duties) Act, 1916.                     | Ss. 1, 2, new rates of entertainments duty.                                                                                                                                                                                                                                                                                                                                                                                                 | 28, ss. 6, 31 (6), sch. 5.                                                                                                                                                                       |
| 7 & 8 Geo. 5 :<br>—         | Air Force Act (as amended).                         | Ss. 9 (3) repealed, 39A (3), 132 (2) (e) (2A), 176A added, 39A (2), 187c, 190 (4) (34) (35) (42) amended.                                                                                                                                                                                                                                                                                                                                   | 15, ss. 3, 7 (2), 9, 11; and see s. 6 (2).                                                                                                                                                       |
| 7 & 8 Geo. 5 :<br>c. 64 ... | Representation of the People Act, 1918.             | Ss. 21 (3), 30, 43 (13), sch. 2 Part I, and sch. 5 Part I paras. 1, 3, 8, Part II paras. 1, 4, 9 amended; ss. 7 (1), 12, 16, 17, 38, 45, sch. 3 para. 9, sch. 5 Part I para. 25, Part II para. 39 applied; ss. 23 applied as modified, 43 (13) applied and restricted, 11, 15 (4), Parts I, II restricted; ss. 22 extended, 30 excluded, 9 (1) (4) (5), 18 saved, 31 (2), 33 (2), sch. 6 paras. 1, 3 adapted, sch. 1, application of rules. | 48, ss. 2 (2), 4 (3) (a), 6 (3), 7 (2), 12 (1) (4), 13 (1), 15 (2), 16 (3), 19 (2) (3), 21-2, 23 (b), 24-5, 27 (3) (a) (7) (b), 28, 30-3, sch. 1, sch. 2 para. 14, sch. 3 paras. 3-4, schs. 4-7. |



| Session and Chapter.          | Short title or Subject.                                          | How affected.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Chapter of 1943 Act or number of Measure.                                                                                                |
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| 8 & 9 Geo. 5 :<br>c. 40 ...   | Income Tax Act, 1918                                             | S. 33 and Rule 8 of No. V of Schedule A restricted (war damage).<br>Ss. 107 (1), 140 (1) (2) amended (excess profits tax and nat. defence contribution); Sch. D Case VI extended; reliefs (person in charge of children), allowances (dependent relatives and officials abroad) and exemptions (post-war credits).<br>Ss. 22, 59 (3) proviso (i), 105 (3), 131, 157 (4), 169 (2), 236 (b) (c), 237 definition of "weekly wage-earner", Rule 2 of Rules applicable to Cases I and II of Schedule D repealed, ss. 2, 157 (2) (b) amended. | 21, s. 113 (a) (b).<br>28, Part II (ss. 13-20), and ss. 28 (1), 31, sch. 8.<br>45, ss. 1 (5), 3 (2) (3), 5, schs. 2, 3.                  |
| 9 & 10 Geo. 5 :<br>c. 32 ...  | Finance Act, 1919 ...                                            | Ss. 8 (2) (3) extended, 10, sch. 2 amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 28, ss. 5 (4) (6), 31 (6) (7), sch. 9.                                                                                                   |
| c. 57 ...                     | Acquisition of Land (Assessment of Compensation) Act, 1919.      | Applied (land for drainage works).<br>Applied (hydro-electric development, S.).                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 16, s. 6 (1).<br>32, s. 8 (1).                                                                                                           |
| c. 94 ...                     | Nurses Registration Act, 1919.                                   | Ss. 3 (3) (4) repealed with saving, 2 (3) amended, 3, 5 (2) extended, 8 saved.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 17, ss. 4 (2), 6 (1), 14, 16 (3), 17, 21 (2).                                                                                            |
| c. 95 ...                     | Nurses Registration (Scotland) Act, 1919.                        | Ss. 3 (4)-(6) repealed with saving 2, (3), 3 (2) (b), 8 (2) amended, 3, 5 (2) extended, 4 (3) applied, 8 saved.                                                                                                                                                                                                                                                                                                                                                                                                                         | 33, ss. 4 (2), 6 (1), 13, 14, 16 (4), 17, 19, 20-21.                                                                                     |
| c. 100 ...                    | Electricity (Supply) Act, 1919.                                  | Ss. 16, 23, 33 amended, 11, 15 (1), 22, 27 excluded (hydro-electric development, S.).                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 32, s. 21, sch. 5 Part I.                                                                                                                |
| 10 & 11 Geo. 5 :<br>c. 17 ... | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | Ss. 9, 10 restricted ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 44, ss. 5, 9 (3), 10 (2).                                                                                                                |
| c. 18 ...                     | Finance Act, 1920 ...                                            | Sch. 1 Part I sch. 2 para. 4 (a) (ii) (iii) substituted, ss. 3, 22 (1) amended, 13 restricted (snow ploughs), 18 (1) applied as modified, 21 applied, 19-22 excluded, sch. 2 paras. 4, 5, rate of duty for agricultural vehicles and vehicles fitted with towing contrivances modified.<br>Sch. 3 amended ...<br>S. 3 amended ...                                                                                                                                                                                                       | 28, ss. 2, 7, 8 (1) (2) (4), 9-10, 15 (1)-(3) (5), 16 (1) (3), 31, sch. 2.<br>45, s. 5, sch. 3.<br>48, ss. 2 (2), 4 (3) (a), 33, sch. 6. |
| c. 35 ...                     | Representation of the People (No. 2) Act, 1920.                  | Ss. 2 repealed, 7 amended                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 26, s. 2 (4).                                                                                                                            |
| c. 40 ...                     | Post Office and Telegraph Act, 1920.                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                          |

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| 10 & 11 Geo. 5 :<br>c. 49 ... | Blind Persons Act, 1920                           | S. 2 amended and excluded                                                                              | 27, ss. 1 (1), 3 (1) (b), 5 (1), 7 (c), 9 (2).                  |
| c. 50 ...                     | Mining Industry Act, 1920.                        | S. 20 applied ... ..                                                                                   | 6, s. 2 (3) (d) (4).                                            |
| c. 67 ...                     | Government of Ireland Act, 1920.                  | Sch. 6 amended (May 20, 1943).<br>S. 14 (4) amended (on resolution passed Dec. 8, 1943.)               | 35, s. 6, sch.<br>46, s. 2.                                     |
| 11 & 12 Geo. 5 :<br>c. 32 ... | Finance Act, 1921 ...                             | S. 32 saved (excess profits tax).<br>S. 29 saved ... ..                                                | 28, s. 23 (6) (7).<br>45, s. 5 (3).                             |
| c. 35 ...                     | Corn Sales Act, 1921 ...                          | S. 2 (2) amended ... ..                                                                                | 16, s. 18, sch. 3.                                              |
| 12 & 13 Geo. 5 :<br>c. 11 ... | Juries Act, 1922 ...                              | Excluded ... ..                                                                                        | 48, s. 19 (4).                                                  |
| c. 17 ...                     | Finance Act, 1922 ...                             | S. 26, effect of payment for war damage.<br>S. 20 applied to settlements where more than one settlor.  | 21, s. 113 (c).<br>28, ss. 20, 31 (3) (5) (7), sch. 6 Part III. |
| c. 46 ...                     | Electricity (Supply) Act, 1922.                   | S. 18 (2) repealed, (3) amended.<br>Ss. 4, 6, 8 amended, 11 excluded (hydro-electric development, S.). | 45, s. 5, sch. 3.<br>32, s. 21, sch. 5 Part I.                  |
| 13 & 14 Geo. 5 :<br>c. 9 ...  | Agricultural Holdings Act, 1923.                  | Sch. 1 Part I extended, ss. 2, 8 excluded.                                                             | 16, s. 15 (3).                                                  |
| c. 10 ...                     | Agricultural Holdings (Scotland) Act, 1923.       | S. 3 applied ... ..                                                                                    | 16, s. 21.                                                      |
| c. 14 ...                     | Finance Act, 1923 ...                             | S. 23 (1) applied to excess profits tax and national defence contribution.                             | 28, ss. 28 (1), 31 (6), sch. 8.                                 |
| c. 20 ...                     | Mines (Working Facilities and Support) Act, 1923. | Ss. 8 (5) restricted, 13 excluded.                                                                     | 38, ss. 11, 18 (3), sch. 2 para. 5.                             |
| 14 & 15 Geo. 5 :<br>c. 21 ... | Finance Act, 1924 ...                             | S. 30 saved, 30 (1) amended                                                                            | 45, s. 5, sch. 3.                                               |
| c. 24 ...                     | Isle of Man (Customs) Act, 1924.                  | S. 4 (cocoa) continued ...                                                                             | 37, s. 5.                                                       |
| 15 & 16 Geo. 5 :<br>c. 18 ... | Settled Land Act, 1925                            | Ss. 71, 73 extended (war damage).<br>S. 64 extended ( <i>temp.</i> ), 64 (2) amended.                  | 21, s. 66 (2) (4) (5).<br>25.                                   |
| c. 19 ...                     | Trustee Act, 1925 ...                             | S. 57 extended (trustees for sale of land) ( <i>temp.</i> ).                                           | 25.                                                             |
| c. 20 ...                     | Law of Property Act, 1925.                        | Ss. 28 extended, 149 (6) modified.<br>S. 17 (3) amended ... ..                                         | 21, ss. 50 (6), 66 (2).<br>28, ss. 27 (2) (a), 31 (6).          |
| c. 21 ...                     | Land Registration Act, 1925.                      | S. 144 saved and extended<br>S. 73 (6) amended ... ..                                                  | 21, s. 25 (5).<br>28, ss. 27 (2) (b), 31 (6).                   |
| c. 22 ...                     | Land Charges Act, 1925                            | Part VI (local land charges) applied.                                                                  | 21, s. 20 (7).                                                  |
| c. 23 ...                     | Administration of Estates Act, 1925.              | S. 9 restricted ... ..                                                                                 | 21, s. 105 (3) (5).                                             |
| c. 24 ...                     | Universities and College Estates Act, 1925.       | Applied as modified, ss. 38, 39 extended.<br>Ss. 26, 31 extended ... ..                                | 9.<br>21, s. 66 (2) (5).                                        |

| Session and Chapter.          | Short title or Subject.                                | How affected.                                                                                                                                                                                                                                                                                                                      | Chapter of 1943 Act or number of Measure.                    |
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| 15 & 16 Geo. 5 :<br>c. 36 ... | Finance Act, 1925 ...                                  | S. 9 (4) repealed, sch. 3 Part II amended.<br>S. 18 repealed ...<br>S. 99 (4) restricted ...                                                                                                                                                                                                                                       | 28, s. 31 (6) (7), sch. 9.<br>45, s. 5, sch. 3.<br>6, s. 8.  |
| c. 49 ...                     | Supreme Court of Judicature (Consolidation) Act, 1925. | Ss. 5, 7 continued ...                                                                                                                                                                                                                                                                                                             | 37, s. 5.                                                    |
| c. 56 ...                     | Isle of Man (Customs) Act, 1925.                       | Ss. 11 (3) virtually repealed with saving; 47 (3A) added; 47 extended and amended; 8 (war-work earnings of widow), 9-11 (calculation of weekly payments, &c.), 11 (2), 26, 35 and sch. 2 (power to adapt payments), 27 (2), Part II (functions of examining surgeon) amended; 25 applied; 9, rules of court under s. 27 (2) saved. | 6, ss. 1-2, 5-10, sch.                                       |
| c. 84 ...                     | Workmen's Compensation Act, 1925.                      | S. 8 (1) (2) (i) (iii) amended ( <i>temp.</i> ).                                                                                                                                                                                                                                                                                   | 49, ss. 2, 4.                                                |
| 16 & 17 Geo. 5 :<br>c. 22 ... | Finance Act, 1926 ...                                  | S. 7 (2) amended ...<br>S. 21 repealed ...<br>S. 8 continued ...                                                                                                                                                                                                                                                                   | 28, s. 31 (6) (7), sch. 9.<br>45, s. 5, sch. 3.<br>37, s. 5. |
| c. 27 ...                     | Isle of Man (Customs) Act, 1926.                       | S. 13 (2) restricted ...                                                                                                                                                                                                                                                                                                           | 38, ss. 7 (3), 18 (3).                                       |
| c. 28 ...                     | Mining Industry Act, 1926.                             | Ss. 4 (1) (b), 5 (2) (3), 7 (4), 9 (2), 11 (1), 13, 17, 18, 21 (2), 23 (1), 35 (1), 42 (2), 44 (2), sch. 4 amended, 48 (6) added, 1, 2, 6, 11 (3), 20, 21 (1), 22, 25-30, 44 (1) (3) excluded (hydro-electric development, S.).                                                                                                    | 32, ss. 5 (7), 21, sch. 5 Part I.                            |
| c. 51 ...                     | Electricity (Supply) Act, 1926.                        |                                                                                                                                                                                                                                                                                                                                    |                                                              |
| 17 & 18 Geo. 5 :<br>c. 10 ... | Finance Act, 1927 ...                                  | Ss. 6 amended, 40 applied<br>S. 45 (1) proviso amended<br>Title, ss. 1 (1), 2 (2) (c) (4), sch. Part II amended.                                                                                                                                                                                                                   | 28, ss. 4, 15 (6).<br>45, s. 5, sch. 3.<br>8.                |
| c. 19 ...                     | Police (Appeals) Act, 1927.                            | S. 1, Secy. of State for Scotland an additional Commissioner of Crown Lands.                                                                                                                                                                                                                                                       | 7.                                                           |
| c. 23 ...                     | Crown Lands Act, 1927                                  |                                                                                                                                                                                                                                                                                                                                    |                                                              |
| 18 & 19 Geo. 5 :<br>c. 17 ... | Finance Act, 1928 ...                                  | S. 23 (4) modified ...                                                                                                                                                                                                                                                                                                             | 28, s. 29 (2).                                               |
| 19 & 20 Geo. 5 :<br>c. 11 ... | Superannuation (Diplomatic Service) Act, 1929.         | Extended, s. 3 (2) amended                                                                                                                                                                                                                                                                                                         | 35, s. 1.                                                    |

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| 19 & 20 Geo. 5:<br>c. 17 ... | Local Government Act, 1929.                                       | Coal rebates suspended; sch. II, Part I, paras. 5 (1) (a), 10 (1), 11, 17 ("estimated rate relief") amended, paras. 2, 5 and the whole schedule excluded, para. 10 extended, Parts II, III applied ( <i>temp.</i> ).                                                                                                                                                                                                                                                                                       | 23, ss. 1-3, 4 (1) (b) (2), 5 (1) (3), 6 (3), sch.                                                                                                        |
| c. 23 ...                    | Companies Act, 1929 ...                                           | S. 169 (1) restricted ( <i>temp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 19, ss. 1 (2) (a) (vii) (6) (7), 8, 10, 12, 14 (3), sch. 1.                                                                                               |
| 20 & 21 Geo. 5:<br>c. 1 ...  | Isle of Man (Customs) Act, 1929.                                  | S. 3 (hop oil) continued ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 37, s. 5.                                                                                                                                                 |
| c. 17 ...                    | Poor Law Act, 1930 ...                                            | S. 19 (2) restricted ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 27, ss. 3, 7 (d), 8 (d), 9 (2).                                                                                                                           |
| c. 28 ...                    | Finance Act, 1930 ...                                             | S. 48 restricted ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 28, s. 30.                                                                                                                                                |
| c. 29 ...                    | Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.      | S. 2 extended and amended (pneumoconiosis).                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 6, ss. 1, 2 (b), 3, sch.                                                                                                                                  |
| c. 34 ...                    | Coal Mines Act, 1930 ...                                          | Part IV (s. 15) and s. 16 (1) repealed, s. 18 (1) ("coal mine") amended.                                                                                                                                                                                                                                                                                                                                                                                                                                   | 38, s. 16.                                                                                                                                                |
| c. 43 ...                    | Road Traffic Act, 1930                                            | Part I (schemes) continued S. 48 (9), "traffic sign", war damage to.                                                                                                                                                                                                                                                                                                                                                                                                                                       | [7 & 8 Geo. 6] 1. 21, s. 71: see para. (12) (b).                                                                                                          |
| c. 44 ...                    | Land Drainage Act, 1930                                           | Increase of drainage rates on improved land, sch. 1, Part II, para. 12 (b), sch. 3, Part II, para. 12 (b) amended, s. 75 applied.                                                                                                                                                                                                                                                                                                                                                                          | 16, ss. 7, 8, 19, 23.                                                                                                                                     |
| 21 & 22 Geo. 5:<br>c. 44 ... | Small Landholders and Agricultural Holdings (Scotland) Act, 1931. | S. 28, sch. 1, Part III extended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 16, ss. 19 (d) (iii), 21, 23.                                                                                                                             |
| 22 & 23 Geo. 5:<br>c. 22 ... | Army and Air Force (Annual) Act, 1932.                            | S. 15 (1) excluded ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 15, s. 2 (2).                                                                                                                                             |
| c. 41 ...                    | Isle of Man (Customs) (No. 2) Act, 1932.                          | S. 9 continued ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 37, s. 5.                                                                                                                                                 |
| c. 48 ...                    | Town and Country Planning Act, 1932.                              | Functions of Min. of Works and Planning transferred to Min. of Town and Country Planning; ss. 2 (3), 32, 51 (3), 52 (2), sch. 3 Part II para. 2 amended.<br>Ss. 4 (1), 10 (3)-(7), 18 (2), 23 (2) (iii), 34, 50 (3) amended, 2 (2), 10 (4) (5), 13 (3) (6), 18 (1), 19 (2) (ii), 20 (2), 22-3, 37 (1), 38 (1), 39-40, 48 (1), 49 (1) (2), 50 (8) extended, 13 (2)-(5), 37 applied as modified, 7 excluded, 10 (4) saved, 3 (5) delegation of functions of joint committee, 46 interim protection of trees. | 5, ss. 1, 6-7, 11, sch. 1.<br><br>29, ss. 1 (2), 2, 3 (2)-(4), 4 (4), 5 (2) (7), 6 (1) (4), 7-8, 9 (2) (3) (6), 10, 11 (1), 12, 13 (3), 14-5, schs. 1, 2. |

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| 22 & 23 Geo. 5:<br>c. 49 ...          | Town and Country Planning (Scotland) Act, 1932.                 | Ss. 4 (1), 10 (3) (5) amended; 7 excluded; 33 restricted; 6, 10 (6) (7), 13 (3) (6), 18 (2), 19 (2) (ii), 20 (2) applied; 13 (2)-(5) applied as modified; 2 (2), 18 (1), 22-3, 36, 37 (1), 39, 45, 47 (1), 48-9 extended; 10 (4) extended and saved; 3 (5), 4, delegation of functions of joint committee. | 43, ss. 1 (2), 2 (1) (3) (4), 3 (2) (4), 4 (4), 5 (2) (4), 6 (6), 7 (1), 8, 9 (2) (3), 10, 12 (2), 14-5, schs. 1, 2. |
| c. 53 ...                             | Ottawa Agreements Act, 1932.                                    | Ss. 4 (1) repealed, 14 (3) amended.                                                                                                                                                                                                                                                                        | 28, s. 31 (6) (7), sch. 9.                                                                                           |
| c. 54 ...                             | Transitional Payments (Determination of Need) Act, 1932.        | S. 1 (1) (c) (ii) amended ...                                                                                                                                                                                                                                                                              | 27, ss. 2, 7 (d).                                                                                                    |
| 23 & 24 Geo. 5:<br>c. 4 ...           | Evidence (Foreign, Dominion and Colonial Documents) Act, 1933.  | S. 2 amended (May 20, 1943).                                                                                                                                                                                                                                                                               | 35, s. 6, sch.                                                                                                       |
| c. 19 ...                             | Finance Act, 1933 ...                                           | S. 43 (2), sch. 7 Part II amended.                                                                                                                                                                                                                                                                         | 28, ss. 8 (1), 9, 27 (2), 31 (6).                                                                                    |
| c. 36 ...                             | Administration of Justice (Miscellaneous Provisions) Act, 1933. | Sch. 1 amended (prosp.), (E.S.).                                                                                                                                                                                                                                                                           | 48, ss. 29, 33, sch. 7 Part II.                                                                                      |
| c. 40 ...                             | Isle of Man (Customs) Act, 1933.                                | S. 4 continued ...                                                                                                                                                                                                                                                                                         | 37, s. 5.                                                                                                            |
| 24 & 25 Geo. 5:<br>c. 29 ...          | Unemployment Act, 1934                                          | S. 38 (3) (d) (ii) (f), sch. 8 amended, s. 52 (2)-(4) applied, interim allowance under Part II.                                                                                                                                                                                                            | 27, ss. 1, 4 (3) (5), 7 (a), 9 (2), sch. 1.                                                                          |
| c. 50 ...                             | Road Traffic Act, 1934                                          | S. 18, "traffic sign," war damage to.                                                                                                                                                                                                                                                                      | 21, s. 71: see para. (12) (b).                                                                                       |
| c. 53 ...                             | County Courts Act, 1934                                         | S. 99 applied as modified...                                                                                                                                                                                                                                                                               | 6, s. 8.                                                                                                             |
| 25 & 26 Geo. 5:<br>c. 3 ...           | Electricity Supply Act, 1935.                                   | S. 2 (1) amended, (2) excluded, (hydro-electric development, S.).                                                                                                                                                                                                                                          | 32, s. 21, sch. 5, Part I.                                                                                           |
| c. 23 ...                             | Superannuation Act, 1935.                                       | S. 7 (1) applied, (2) amended                                                                                                                                                                                                                                                                              | 35, ss. 4, 5.                                                                                                        |
| c. 24 ...                             | Finance Act, 1935 ...                                           | Ss. 1 (3), 2 (7) (temp.), 15 amended.                                                                                                                                                                                                                                                                      | 28, ss. 6 (a), 8, 12 (1) (b) (3) (5) (6), 31 (2), sch. 5 Part I.                                                     |
| o. 47 ...                             | Restriction of Ribbon Development Act, 1935.                    | S. 11 restricted (temp.), 11 (1) amended (development in the public interest).                                                                                                                                                                                                                             | 34.                                                                                                                  |
| 26 Geo. 5 &<br>1 Edw. 8:<br>c. 31 ... | Old Age Pensions Act, 1936.                                     | Ss. 2 (2), 4 (2), 5 (2) amended (Isle of Man).                                                                                                                                                                                                                                                             | 27, s. 5, sch. 2.                                                                                                    |
| c. 34 ...                             | Finance Act, 1936 ...                                           | Ss. 4 (1) amended, 21 applied as modified (settlements, etc., where more than one settlor).                                                                                                                                                                                                                | 28, ss. 20, 31 (3) (7), schs. 6 Part II, 9.                                                                          |
| c. 43 ...                             | Tithe Act, 1936 ...                                             | Ss. 13 (6), 47, etc., effect of War Damage Act.                                                                                                                                                                                                                                                            | See 21, ss. 40 (3), 76 (2) (b), 86 (9).                                                                              |
| c. 45 ...                             | Isle of Man (Customs) Act, 1936.                                | S. 3 continued ...                                                                                                                                                                                                                                                                                         | 37, s. 5.                                                                                                            |

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| 1 Edw. 8 & 1 Geo. 6 : |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                           |
| c. 2 ...              | Railway Freight Rebates Act, 1936.                       | Ss. 1 (5) amended, 2 (4) excluded.                                                                                                                                                                                                                                                                                                                                                                                                                    | 23, ss. 4 (3), 5 (4), 6 (3).                              |
| c. 16 ...             | Regency Act, 1937 ...                                    | S. 6 (2) substituted, 6 (2A) added.                                                                                                                                                                                                                                                                                                                                                                                                                   | 42.                                                       |
| c. 64 ...             | Isle of Man (Customs) Act, 1937.                         | S. 3 continued ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                 | 37, s. 5.                                                 |
| c. 68 ...             | Local Government Superannuation Act, 1937.               | S. 8 (5) restricted ... ..                                                                                                                                                                                                                                                                                                                                                                                                                            | [7 & 8 Geo. 6] 2, s. 2 (3).                               |
| c. 69 ...             | Local Government Superannuation (Scotland) Act, 1937.    | Part I applicable as adapted (hydro-electric development).<br>S. 8 (5) restricted... ..                                                                                                                                                                                                                                                                                                                                                               | 32, s. 1, sch. 1 para. 15.<br>[7 & 8 Geo. 6] 2, s. 2 (3). |
| c. 70 ...             | Agriculture Act, 1937...                                 | Ss. 15 (3) repealed, 1 (1) amended, 15 extended.                                                                                                                                                                                                                                                                                                                                                                                                      | 16, ss. 1, 2, 4 (6), 22.                                  |
| 1 & 2 Geo. 6 :        |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                           |
| c. 11 ...             | Blind Persons Act, 1938                                  | S. 2 amended and excluded                                                                                                                                                                                                                                                                                                                                                                                                                             | 27, ss. 1 (1), 5 (1), 7 (c), 9 (2).<br>22.                |
| c. 38 ...             | Housing (Agricultural Population) (Scotland) Act, 1938.  | Extension of time for applications for assistance, s. 4 (3) amended.                                                                                                                                                                                                                                                                                                                                                                                  | 22.                                                       |
| c. 46 ...             | Finance Act, 1938 ...                                    | S. 21 amended, Part IV applied to settlements, etc., where more than one settlor.                                                                                                                                                                                                                                                                                                                                                                     | 28, ss. 16 (2) (3), 20, 31 (3) (6), sch. 6 Part I.        |
| c. 52 ...             | Coal Act, 1938 ...                                       | Ss. 13 (2) virtually repealed, 22 (1) (a), sch. 3 para. 12 (5) substituted, ss. 11 (3), 13, 28 (2), 52, 57, sch. 1 para. 3, sch. 3 paras. 4 (1) (b), 12, 22 (1), Part IV, sch. 5 para. 2 amended, ss. 13, 27 (2), 28-9 restricted, 27, 38 extended, 5 (2) (b) (retained interests), 22 (1) excluded, 6 applied as modified, 40, sch. 3 para. 17, sch. 5 para. 2 applied, s. 34 (1) saved, s. 17 (3) stamp duty on alienation of coal to former owner. | 38, ss. 1, 3-4, 6-10, 12-5, 17-8, schs. 1, 2 para. 4, 3.  |
| c. 68 ...             | Isle of Man (Customs) Act, 1938.                         | S. 5 continued ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                 | 37, s. 5.                                                 |
| 2 & 3 Geo. 6 :        |                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                           |
| c. 9 ...              | Mining Industry (Welfare Fund) Act, 1939.                | S. 1 continued and amended                                                                                                                                                                                                                                                                                                                                                                                                                            | [7 & 8 Geo. 6] 3.                                         |
| c. 31 ...             | Civil Defence Act, 1939                                  | S. 22, War damage to air-raid shelters.                                                                                                                                                                                                                                                                                                                                                                                                               | 21, s. 74.                                                |
| c. 41 ...             | Finance Act, 1939 ...                                    | Ss. 10 (1), 30-1 amended...                                                                                                                                                                                                                                                                                                                                                                                                                           | 28, ss. 8 (1) (4), 26, 31 (6).                            |
| c. 50 ...             | Prevention of Violence (Temporary Provisions) Act, 1939. | Continued ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                      | [7 & 8 Geo. 6] 1.                                         |
| c. 57 ...             | War Risks Insurance Act, 1939.                           | Goods insurable under Part II excluded (war damage).                                                                                                                                                                                                                                                                                                                                                                                                  | 21, ss. 84 (4) (a), 120 (1).                              |
| c. 62 ...             | Emergency Powers (Defence) Act, 1939.                    | Purposes of Defence Regulations extended.<br>S. 4 (1) extended (Isle of Man, liability to national service in U.K.).                                                                                                                                                                                                                                                                                                                                  | 21, ss. 116, 123 (1).<br>36.                              |

| Session and Chapter.        | Short title or Subject.                                                    | How affected.                                                                                                                                                                              | Chapter of 1943 Act or number of Measure.                        |
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| 2 & 3 Geo. 6 :<br>c. 67 ... | Courts (Emergency Powers) Act, 1939.                                       | Repealed ... ..                                                                                                                                                                            | 19, s. 14, sch. 2.                                               |
| c. 74 ...                   | Essential Buildings and Plant (Repair of War Damage) Act, 1939.            | Ss. 1 (3) (b) (4) (ii), 2 amended (setting off payments against loans).                                                                                                                    | 21, s. 111 (2), sch. 6.                                          |
| c. 75 ...                   | Compensation (Defence) Act, 1939.                                          | Excluded (salvage), ss. 1 (1) (c), 2 (1) (b), 4 (1) proviso (ii) amended, 2 (1) (b), 3 (4) restricted, 15 applied.                                                                         | 21, ss. 8, 10, 109 (2)-(5), sch. 3 para. 1 (1) (b).              |
| c. 78 ...                   | Administration of Justice (Emergency Provisions) Act, 1939.                | S. 2 (3) added ... ..                                                                                                                                                                      | 6, s. 8 (2) (3).                                                 |
| c. 82 ...                   | Personal Injuries (Emergency Provisions) Act, 1939.                        | S. 1, appeals against rejection of war pension claims.                                                                                                                                     | 39, ss. 3, 15 (2).                                               |
| c. 83 ...                   | Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939.          | Ss. 3, 4 applied ... ..<br>Ss. 3-5, appeals against rejection of war pension claims.                                                                                                       | 6, s. 9.<br>39, ss. 2, 15 (2).                                   |
| c. 91 ...                   | National Registration Act, 1939.                                           | S. 8 (2) restricted ... ..                                                                                                                                                                 | 48, s. 21, sch. 3 para. 7.                                       |
| c. 108 ...                  | Possession of Mortgaged Land (Emergency Provisions) Act, 1939.             | Repealed ... ..                                                                                                                                                                            | 19, s. 14, sch. 2.                                               |
| c. 109 ...                  | Finance (No. 2) Act, 1939.                                                 | Schs. 1, 3 substituted, ss. 1, 3, Part III (excess profits tax) amended, ss. 11 extended as adapted, 14 (1), sch. 7 Part I extended.                                                       | 28, ss. 1, 3, 17, 23-5, 31, schs. 1, 3, 7.                       |
| c. 115 ...                  | Local Elections and Register of Electors (Temporary Provisions) Act, 1939. | Act continued; ss. 2 (4) repealed; 2 (3), 9 (1) (Parliament of U.K.), repealed as to parliamentary register of electors with saving; 6 (1) (ee) added; 3 (1) (2), 8 (d) amended.           | [7 & 8 Geo. 6] 2, s. 1, sch.                                     |
| c. 117 ...                  | National Loans Act, 1939.                                                  | S. 1, Treasury powers extended.<br>Extended (1943-4) ... ..                                                                                                                                | 13.<br>28, s. 29.                                                |
| 3 & 4 Geo. 6 :<br>c. 13 ... | Old Age and Widows' Pensions Act, 1940.                                    | S. 10 (3), sch. 2 amended, Part II (ss. 9-20) applied - as amended, s. 10 (3) applied.                                                                                                     | 27, ss. 1, 4, 6, 7 (b), 9 (2), sch. 1.                           |
| c. 14 ...                   | Agriculture (Miscellaneous War Provisions) Act, 1940.                      | Ss. 16 (2), 17 amended, 14 amended and extended (drainage schemes), Part III (ss. 14-22) and s. 29 definition of "agricultural land" extended, ss. 23 (2) extended, 26 saved and extended. | 16, ss. 3, 4, 10 (1) (4), 13-4, 15 (4), 19 (d) (iv), 20 (2), 22. |
| c. 20 ...                   | Emergency Powers (Defence) Act, 1940.                                      | Power to amend War Damage Act, 1943, by regs.                                                                                                                                              | 21, s. 116 (2).                                                  |
| c. 25 ...                   | Post Office and Telegraph Act, 1940.                                       | S. 4 extended ... ..                                                                                                                                                                       | 26, ss. 1 (2), 2 (2).                                            |
| c. 28 ...                   | Evidence and Powers of Attorney Act, 1940.                                 | Ss. 1 (2A) added, 3 extended, penalty for offence against s. 1.                                                                                                                            | 18, ss. 1-3.                                                     |

| Session and Chapter.       | Short title or Subject.                                                    | How affected.                                                                                                                                                                                                                                                                               | Chapter of 1943 Act or number of Measure.                                                  |
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| 3 & 4 Geo. 6<br>c. 29 ...  | Finance Act, 1940 ...                                                      | Ss. 9 amended, 24 applied, 33 (2) saved.                                                                                                                                                                                                                                                    | 28, ss. 8 (1), 15 (4), 23 (6) (7), sch. 7 para. 4.                                         |
| c. 37 ...                  | Courts (Emergency Powers) Amendment Act, 1940.                             | Repealed ... ..                                                                                                                                                                                                                                                                             | 19, s. 14, sch. 2.                                                                         |
| c. 47 ...                  | Workmen's Compensation (Supplementary Allowances) Act, 1940.               | S. 5 applied ... ..<br>Ss. 1 (1) (a) (b) substituted, 1 (2) (4), 2 (2) (3), 3 (1) amended, 5 (2) excluded, 5-7 extended ( <i>temp.</i> ).                                                                                                                                                   | 6, s. 6 (7).<br>49, ss. 1, 3-4, sch.                                                       |
| c. 48 ...                  | Finance (No. 2) Act, 1940.                                                 | Ss. 4 (1) (2), 19 (3) (a) (i), 24 (2), 35 (5) amended, 7 (1) applied.                                                                                                                                                                                                                       | 28, ss. 5 (1) (2) (5) (6), 11, 12 (1) (c) (3) (5)-(7), 14, 31 (2) (6), sch. 4 Parts I, II. |
| c. 49 ...                  | Isle of Man (Customs) Act, 1940.                                           | S. 11 restricted and extended.<br>Ss. 1, 6 continued ...                                                                                                                                                                                                                                    | 45, ss. 1 (5), 3 (1) (7).<br>37, s. 5.                                                     |
| c. 50 ...                  | Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940.              | S. 6, extension of time for recovery of expenses.                                                                                                                                                                                                                                           | 16, ss. 12, 22.                                                                            |
| 4 & 5 Geo. 6 :<br>c. 3 ... | Local Elections and Register of Electors (Temporary Provisions) Act, 1940. | Continued with principal Act, s. 2 modified.                                                                                                                                                                                                                                                | [7 & 8 Geo. 6] 2.                                                                          |
| c. 7 ...                   | Diplomatic Privileges (Extension) Act, 1941.                               | Ss. 1, 2, land of persons privileged (war damage).                                                                                                                                                                                                                                          | 21, s. 78 (1).                                                                             |
| c. 8 ...                   | House of Commons Disqualification (Temporary Provisions) Act, 1941.        | Continued, s. 2 (2) amended                                                                                                                                                                                                                                                                 | 10.                                                                                        |
| c. 11 ...                  | Determination of Needs Act, 1941.                                          | Sch. 1 applied, paras. 2, 3 (a) restricted.                                                                                                                                                                                                                                                 | 27, ss. 3 (1) (3), 7.                                                                      |
| c. 12 ...                  | War Damage Act, 1941                                                       | Amended prior to consolidation (ss. 4 (1) substituted, 6 (2) (b), 39 (4) (a), 96 (24), sch. 3 para. 2 amended, s. 54 extended).<br>Act consolidated as to war damage, Parts I, II, (ss. 1-72), IV (ss. 80-102) except ss. 88 as to war risks insurance and 102 (1), and schs. 1-5 repealed. | 12, ss. 1, 2 (2)-(4), sch. (repealed by c. 21 below).<br>21, s. 127, sch. 8.               |
| c. 13 ...                  | Land Drainage (Scotland) Act, 1941.                                        | S. 7 (1) ("agricultural land") amended.                                                                                                                                                                                                                                                     | 16, s. 20.                                                                                 |
| c. 15 ...                  | National Service Act, 1941.                                                | Isle of Man arrangements...                                                                                                                                                                                                                                                                 | 36.                                                                                        |
| c. 24 ...                  | Liabilities (War-Time Adjustment) Act, 1941                                | Part II (ss. 26-7) repealed                                                                                                                                                                                                                                                                 | 19, s. 14, sch. 2.                                                                         |
| c. 30 ...                  | Finance Act, 1941 ...                                                      | Ss. 31, 33 (1) (c) extended, 35 excluded.<br>Ss. 23 repealed, 7 computation of post-war credits.                                                                                                                                                                                            | 28, ss. 21, 22 (5), 24 (6), 31 (4).<br>45, ss. 3 (5), 5, sch. 3.                           |
| c. 31 ...                  | Goods and Services (Price Control) Act, 1941.                              | S. 9, licences for permitting regulation of disposal of stocks.                                                                                                                                                                                                                             | 47.                                                                                        |



| Session and Chapter.        | Short title or Subject.                                                    | How affected.                                                                                                                                                                                                                                                                                        | Chapter of 1943 Act or number of Measure.                                    |
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| 4 & 5 Geo. 6 :<br>c. 49 ... | Local Elections and Register of Electors (Temporary Provisions) Act, 1941. | Principal Act continued ...                                                                                                                                                                                                                                                                          | [7 & 8 Geo. 6] 2.                                                            |
| c. 50 ...                   | Agriculture (Miscellaneous Provisions) Act, 1941.                          | Ss. 2 repealed, 6, sch. 3 amended, sch. 1 extended and amended, ss. 6 (1) restricted, 9 (5) (6), 10 applied.                                                                                                                                                                                         | 16, ss. 2, 4-5, 16, sch. 1.                                                  |
| 5 & 6 Geo. 6 :<br>c. 11 ... | Ministers of the Crown and House of Commons Disqualification Act, 1942.    | S. 2 (duration of 1941 Act) superseded.                                                                                                                                                                                                                                                              | 10.                                                                          |
| c. 21 ...                   | Finance Act, 1942 ...                                                      | Ss. 1 (1), 2-4, 5 (1) (3), 6, sch. 1 Parts I, III, IV, schs. 2-3, sch. 4 Parts I, II, sch. 5 repealed, sch. 4 Part III substituted, ss. 17 (1), 34 amended.                                                                                                                                          | 28, ss. 5 (3), 11, 28 (2), 31 (6) (7), schs. 4 Part III, 9.                  |
| c. 23 ...                   | Minister of Works [and Planning] Act, 1942.                                | Ss. 24 repealed, 26 amended<br>S. 6 (1) (e) (3) (b) repealed, title and ss. 1 (1)-(3), 4, 5 (1) (2) (4), 6 (2), 7 (1) amended.                                                                                                                                                                       | 45, s. 5, sch. 3.<br>5, s. 7, sch. 2.                                        |
| c. 25 ...                   | Isle of Man (Customs) Act, 1942.                                           | Repealed ... ..                                                                                                                                                                                                                                                                                      | 37, s. 6 (3).                                                                |
| c. 26 ...                   | Pensions (Mercantile Marine) Act, 1942.                                    | Applied ... ..                                                                                                                                                                                                                                                                                       | 6, s. 9.                                                                     |
| c. 28 ...                   | War Damage (Amendment) Act, 1942.                                          | Amended prior to consolidation, (sch. 1 para. 4 substituted, sch. 1 paras. 2 (1), 5 (11), and sch. 4 amended).<br>Act consolidated as to war damage, ss. 1-2, 3 with saving for damage from King's enemy risks under 1939 Act, 4 (1), 6, 7 (2) with saving for citation (3) (4), schs. 1-4 repealed. | 12, ss. 1, 2 (1) (4), sch. (repealed by c. 21 below).<br>21, s. 127, sch. 8. |
| c. 36 ...                   | Courts (Emergency Powers) Amendment Act, 1942.                             | Repealed ... ..                                                                                                                                                                                                                                                                                      | 19, s. 14, sch. 2.                                                           |
| c. 37 ...                   | Prolongation of Parliament Act, 1942.                                      | Ss. 1, 2 amended ( <i>temp.</i> )...                                                                                                                                                                                                                                                                 | 46.                                                                          |
| c. 38 ...                   | Local Elections and Register of Electors (Temporary Provisions) Act, 1942. | Principal Act continued ...                                                                                                                                                                                                                                                                          | [7 & 8 Geo. 6] 2.                                                            |
| 6 & 7 Geo. 6 :<br>c. 12 ... | War Damage (Amendment) Act, 1943.                                          | Repealed ... ..                                                                                                                                                                                                                                                                                      | 21, s. 127, sch. 8.                                                          |
| c. 48 ...                   | Parliamentary Electors (War-Time Registration) Act, 1943.                  | Excluded ... ..                                                                                                                                                                                                                                                                                      | [7 & 8 Geo. 6] 2, s. 2.                                                      |

# INDEX

TO THE

## PUBLIC GENERAL ACTS

AND

## CHURCH ASSEMBLY MEASURES

### OF 1943.

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[NOTE.—References are to chapters of 6 & 7 Geo. 6 unless otherwise stated.]

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