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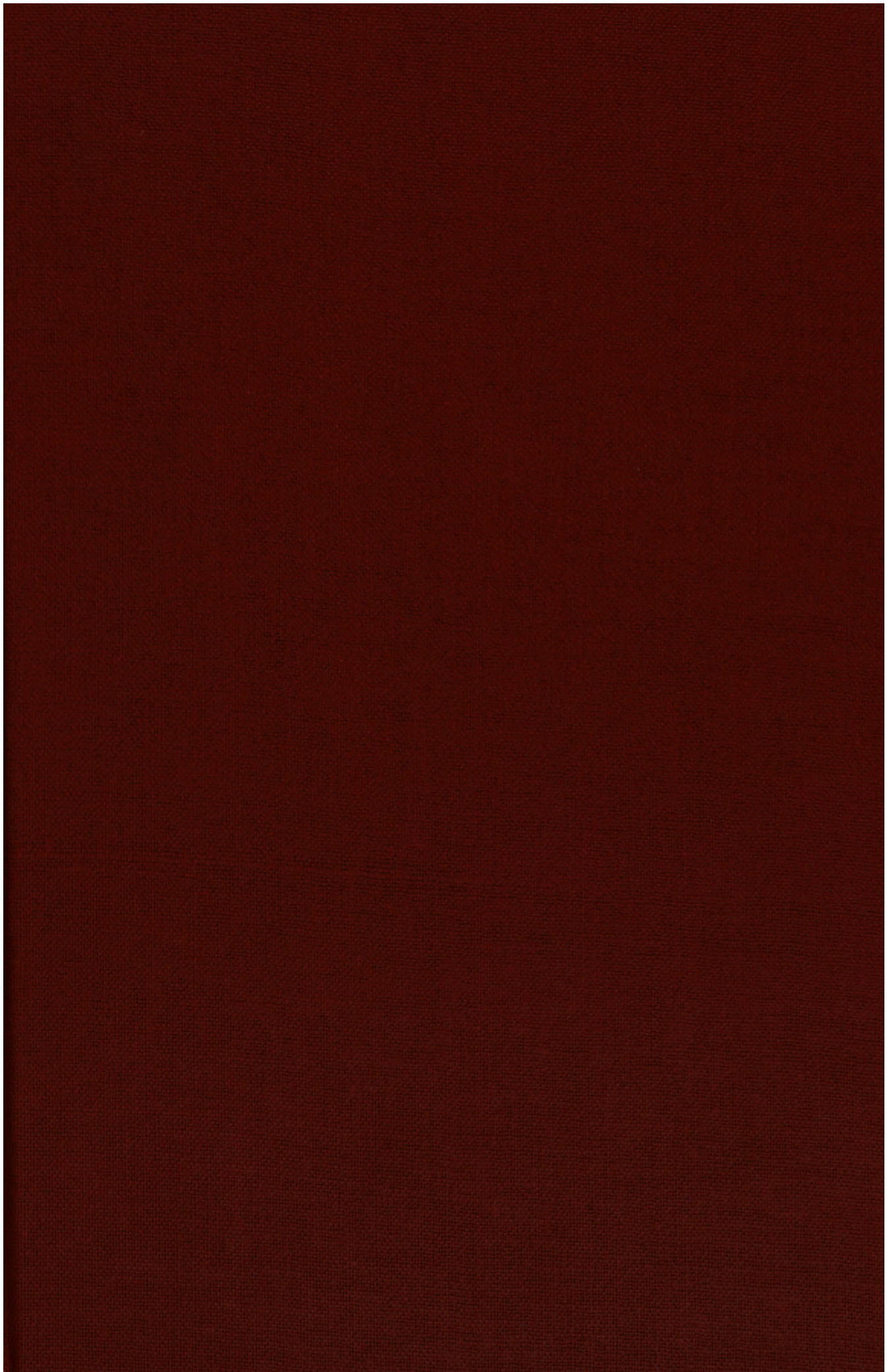
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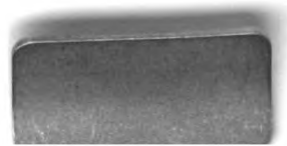
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THE  
**SESSIONAL PAPERS**  
PRINTED BY ORDER  
OF  
**THE HOUSE OF LORDS,**  
OR PRESENTED BY ROYAL COMMAND,  
IN THE  
Session 1907,  
(7 EDWARD VII.)  
ARRANGED IN VOLUMES.

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**VOL. VI.**

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**PUBLIC BILLS,**

(Four Volumes.)

CONTINUED.

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THE SUBJECTS ALPHABETICALLY ARRANGED:

QUA - - WHA

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1907.





# PUBLIC BILLS, 1907.

(FOUR VOLUMES.)

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[7 EDW. 7.] *Qualification of Women*  
(County and Borough Councils). [H.L.]

A

**B I L L**

INTITULED

An Act to amend the law relating to the capacity of A.D. 1907.  
Women to be elected and act as Members of County  
or Borough Councils.

**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:—

- 5     **1.**—(1) A woman shall not be disqualified by sex or marriage  
for being elected or being a councillor or alderman of the council  
of any county or borough (including a metropolitan borough): Provision as  
to capacity of  
women to be  
county or  
borough  
councillors  
or aldermen.
- 10     Provided that a woman, if elected as chairman of a county  
council or mayor of a borough, shall not by virtue of holding or  
having held that office be a justice of the peace.
- (2) The words “provided that no woman shall be eligible  
for any such office” in subsection (1) of section two of the 62 & 63 Vict.  
c. 14.  
London Government Act, 1899, are hereby repealed.
- 15     **2.**—(1) This Act may be cited as the Qualification of  
Women (County and Borough Councils) Act, 1907. Short title  
and extent.
- (2) This Act shall not extend to Scotland or Ireland.







**Qualification of Women  
(County and Borough  
Councils). [H.L.]**

---

A

**B I L L**

INTRODUCED

An Act to amend the law relating to  
the capacity of Women to be elected  
and act as Members of County or  
Borough Councils.

*The Lord President (E. Crewe).*

---

Ordered to be printed 14th May 1907.

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E. PONSORBY, 116, Grafton Street, Dublin.

[*Price 1d.*] ]

(56.)

**Qualification of Women (County and  
Borough Councils) Bill. [H.L.]**

---

**A M E N D M E N T S**

**T O B E M O V E D I N C O M M I T T E E**

**B Y**

**T H E E A R L O F C A M P E R D O W N .**

---

Clause 1, page 1, line 8, leave out (“ if ”) and insert (“ shall not  
“ be ”)

line 9, leave out from (“ borough ”) to the end  
of the subsection.

---

Qualification of Women  
(County and Borough Councils)  
Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN.

1th July 1907.

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OLIVER and BOYD, Edinburgh; or  
E. FOSKORRY, 116, Gardon Street, Dublin.

[Price 3d.]  
(56 a.)

**Qualification of Women (County and  
Borough Councils) Bill. [H.L.]**

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---

**A M E N D M E N T S**

**T O B E M O V E D I N C O M M I T T E E**

**B Y**

**T H E L O R D M O N K B R E T T O N .**

---

Clause 1, page 1, line 6, leave out (" or being a councillor or ")  
and insert (" an ")

line 8, leave out from (" woman ") to the end  
of the subsection and insert (" shall not be eligible to be a chairman  
" of a county council or mayor of any borough council ")

---

Qualification of Women  
(County and Borough Councils)

Bill. [H.L.]

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD MONK BRETTON.

5th July 1907.

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R. FOSNOBY, 116, Grafton Street, Dublin.

[Price 3d.]

(56 b.)

[7 EDW. 7.] *Qualification of Women* 1  
 (County and Borough Councils). [H.L.]

A.

**B I L L**

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to the capacity of A.D. 1907.  
 Women to be elected and act as Members of County  
 or Borough Councils.

**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:—

- 5 **1.**—(1) A woman shall not be disqualified by sex or marriage Provision as  
 for being elected or being a councillor or alderman of the council to capacity of  
 of any county or borough (including a metropolitan borough): women to be  
 Provided that a woman shall not be elected as chairman of county or  
 a county council or mayor of a borough. borough  
councillors  
or aldermen.
- 10 (2) The words “provided that no woman shall be eligible  
 for any such office” in subsection (1) of section two of the 62 & 63 Vict.  
 London Government Act, 1899, are hereby repealed. c. 14.
- 2.**—(1) This Act may be cited as the Qualification of Short title  
 Women (County and Borough Councils) Act, 1907. and extent.
- 15 (2) This Act shall not extend to Scotland or Ireland.







**Qualification of Women  
(County and Borough  
Councils). [H.L.]**

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act to amend the Law relating to  
the capacity of Women to be elected  
and act as Members of County or  
Borough Councils.

*The Lord President (E. Crewe).*

---

Ordered to be printed 11th July 1907.

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[Price 4d.]

(109.)

**Qualification of Women (County and  
Borough Councils) Bill. [H.L.]**

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**COMMONS AMENDMENTS.**

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*The References are to Bill (109).*

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Page 1, lines 8 and 9, leave out ("shall not be elected as  
"chairman of a county council or mayor of a borough") and insert  
("if elected as chairman of a county council or mayor of a borough  
"shall not by virtue of holding or having held that office be a  
"justice of the peace")

Qualification of Women  
(County and Borough Councils)  
Bill. [H.L.]

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COMMONS AMENDMENTS.

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Ordered to be printed 22nd August 1907.

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[Price 3d.]

(196.)

[7 EDW. 7.] *Qualification of Women* 1  
 (County and Town Councils) (Scotland). [H.L.]

A

## B I L L

INTITULED

An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Town Councils in Scotland. A.D. 1907.

**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:—

- 5      **1.**—(1) A woman shall not be disqualified by sex or marriage for being elected or being a councillor of the council of any county or burgh in Scotland, but shall not—
- 10           (a) if elected as a councillor, by virtue of holding that office be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court, or as a member of a licensing court or court of appeal; or
- 15           (b) if elected as chairman of a county council or provost of a burgh, by virtue of holding or having held that office be a justice of the peace or burgh magistrate, or be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court: Provided that where a woman is elected as provost of a burgh the number of bailies to be elected in the burgh shall while she holds office as provost be one more than
- 20           the number otherwise fixed by law, and any additional bailie so elected shall hold office for the period prescribed by the law regulating the office of burgh magistrate or bailie, subject to the provision that he shall in no case continue to hold office after the
- 25           woman has ceased to hold office as provost.

Provision as to capacity of women to be county or town councillors.

(97.)

*Qualification of Women* [7 EDW. 7.]  
*(County and Town Councils) (Scotland).*

A.D. 1907. (2) Subsection (1) of section nine of the Local Government  
52 & 53 Vict. (Scotland) Act, 1889, and the word "male" occurring in section  
c. 50. twelve of the Town Councils (Scotland) Act, 1900, are hereby  
63 & 64 Vict. repealed.  
c. 49.

Definitions. 2. In this Act the words "burgh" and "provost" have the 5  
meaning assigned to them in the Town Councils (Scotland) Act,  
1900, and the word "county" does not include a county of  
a city.

Short title  
and extent. 3. This Act may be cited as the Qualification of Women  
(County and Town Councils) (Scotland) Act, 1907, and shall 10  
apply to Scotland only.





**Qualification of Women  
(County and Town  
Councils) (Scotland).**

**[H.L.]**

---

---

A

**B I L L**

INTRODUCED

An Act to amend the Law relating to  
the capacity of Women to be elected  
and act as Members of County or  
Town Councils in Scotland.

*The Lord Hamilton of Dalzell.*

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Ordered to be printed 8th July 1907.

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[Price 3d.]

(97.)

**Qualification of Women  
(County and Town Councils) (Scotland)  
Bill. [H.L.]**

---

---

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

T H E E A R L O F C A M P E R D O W N .

---

Clause 1, page 1, line 7, after (" not ") insert :

(a) be elected as convener of a county council or provost of a  
borough ; or  
line 11, leave out from (" appeal ") to the end  
of paragraph (b).

---

Qualification of Women (County  
and Town Councils) (Scotland)  
Bill. [H.L.]

---

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN.

17th July 1907.

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[Price 3d.]

(97 a.)

[7 EDW. 7.] *Qualification of Women*  
(County and Town Councils) (Scotland). [H.L.]

A

## B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to the capacity of  
Women to be elected and act as Members of County  
or Town Councils in Scotland. A.D. 1907.

**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:—

- 5 **1.**—(1) A woman shall not be disqualified by sex or marriage  
for being elected or being a councillor of the council of any  
county or burgh in Scotland, but shall not—
- (a) be elected as convener of a county council or provost of  
a borough; or
- 10 (b) if elected as a councillor, by virtue of holding that office  
be eligible for election, or for acting, as a burgh  
magistrate, or as a judge in any police court, or as a  
member of a licensing court or court of appeal.
- (2) Subsection (1) of section nine of the Local Government  
15 (Scotland) Act, 1889, and the word "male" occurring in section  
twelve of the Town Councils (Scotland) Act, 1900, are hereby  
repealed.
- 20 **2.** In this Act the words "burgh" and "provost" have the  
meaning assigned to them in the Town Councils (Scotland) Act,  
1900, and the word "county" does not include a county of  
a city.
- 3.** This Act may be cited as the Qualification of Women  
(County and Town Councils) (Scotland) Act, 1907, and shall  
apply to Scotland only.

Provision as  
to capacity of  
women to be  
county or  
town coun-  
cillors.

52 & 53 Vict.  
c. 50.

63 & 64 Vict.  
c. 49.

Definitions.

Short title  
and extent.





Qualification of Women  
(County and Town  
Councils) (Scotland).

[H.L.]

A

**B I L L**

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to  
the capacity of Women to be elected  
and act as Members of County or  
Town Councils in Scotland.

*The Lord Hamilton of Dalzell.*

Ordered to be printed 22nd July 1907.

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E. POSONBY, 116, Grafton Street, Dublin.

[Price 3d.]

(126.)

**Qualification of Women  
(County and Town Councils)  
(Scotland) Bill. [H.L.]**

---

C O M M O N S    A M E N D M E N T S.

---

*The references are to Bill (126).*

---

Page 1, lines 8 and 9, leave out paragraph (a).

line 10, leave out (“(b)”) and insert (“(a)”)

line 13, after (“appeal”) insert (“or

“ (b) if elected as chairman of a county council or provost of  
 “ a burgh, by virtue of holding or having held that  
 “ office be a justice of the peace or burgh magistrate,  
 “ or be eligible for election, or for acting, as a burgh  
 “ magistrate, or as a judge in any police court:  
 “ Provided that where a woman is elected as provost  
 “ of a burgh the number of bailies to be elected  
 “ in the burgh shall while she holds office as provost  
 “ be one more than the number otherwise fixed by  
 “ law, and any additional bailie so elected shall hold  
 “ office for the period prescribed by the law regulating  
 “ the office of burgh magistrate or bailie, subject to the  
 “ provision that he shall in no case continue to hold  
 “ office after the woman has ceased to hold office as  
 “ provost.”)

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Qualification of Women  
(County and Town Councils)  
(Scotland) Bill. [H.L.]

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COMMONS AMENDMENTS.

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Ordered to be printed 22nd August 1907.

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(199.)

## Registration of Firms Bill. [H.L.]

### ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Firms and persons to be registered.
5. Manner and particulars of registration.
6. Particulars to be signed by persons registering.
7. Time for registration.
8. Registration of changes in firm.
9. Re-registrations on change of trade name.
10. Penalty for default in registration.
11. Persons in default taking legal proceedings may be ordered by court to register.
12. Making false returns under this Act to be misdemeanor.
13. Registrar to file statement and issue certificate of registration.
14. Register and index to be kept.
15. Registrar of joint stock companies to be registrar under this Act.
16. Inspection of statements registered.
17. Power for Board of Trade to make rules.
18. Remuneration for duties under this Act.



A

## B I L L

INTITLED

An Act for the Registration of Firms and Persons carrying on Business under Trade Names. A.D. 1907.

**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:—

5     **1.** This Act may be cited as the Registration of Firms Act, Short title. 1907.

**2.** This Act shall come into operation on the *first day of* Commence-  
*January one thousand nine hundred and eight.* ment of Act.

10     **3.** In the construction of this Act the following words and Interpretation of terms.  
expressions shall have the meanings in this section assigned to them, unless there be something in the subject or context repugnant to such construction:—

      “Trade name” shall mean the name or style under which any business is carried on, whether in partnership or otherwise:

15     “Prescribed” shall mean prescribed by rules made in pursuance of this Act:

      Other expressions in this Act have the same meaning as in the Partnership Act, 1890.

4. From and after the commencement of this Act—

20     (a) Every firm carrying on business at any place in the United Kingdom under a trade name which does not consist of the full names of all the partners without any addition;

Firms and persons to be registered.

(98.)

A 2

A.D. 1907.

- (b) Every person carrying on business at any place in the United Kingdom under any trade name consisting of or containing any name or addition other than the full name of that person ;

shall register in the manner directed by this Act the name under which their or his business is or is intended to be carried on.

Manner and particulars of registration.

5.—(1) Registration under this Act shall be effected by sending by post or delivering to the registrar at the register office in that part of the United Kingdom in which the place of business of the firm or person registering is or is intended to be situated a statement in writing containing the following and any other prescribed particulars :—

- (a) The trade name ;
- (b) The general nature of the business ; 15
- (c) The place or places of the business ;
- (d) The full name, usual residence, and other occupation (if any) of the person or persons carrying on or intending to carry on the business ;
- (e) If the business is commenced, or any new place of business is established, after the commencement of this Act, the date of the commencement of the business or establishment of the place of business. 20

(2) Where a firm or person carries on business under two or more trade names, each of those trade names must be registered. 25

(3) Where a firm carries on business in the United Kingdom and also abroad, the name of any foreign partner must be included in the statement, whether he is a British subject or not.

Particulars to be signed by persons registering.

6. The statement required on registration must either be signed by the person or by all the members of the firm to be registered, or in the case of a firm, must be verified by a statutory declaration made by a member of the firm or intended firm. 30

Time for registration.

7. The firms and persons required to be registered as aforesaid shall register before they commence business :

Provided that if such firms or persons have carried on business before the commencement of this Act it shall be sufficient if they register within *three months* after that date. 35

8. Where a change occurs in the constitution of a registered firm, the members of the firm as reconstituted shall, within *three months* after such change, send by post or deliver to the registrar a statement thereof.

A.D. 1907.  
Registration of changes in firm.

5 9. Where a registered trade name is changed, the new name shall be registered with the prescribed particulars.

Re-registrations on change of trade name.

10 10.—(1) If any person by this Act required to send or deliver any statement shall make default without reasonable excuse in sending or delivering the same in manner and within the time specified by this Act, he shall, for every day during which the default continues, be liable on summary conviction to a fine not exceeding *one pound*.

Penalty for default in registration.

15 (2) Provided that it shall be necessary to give notice in writing to the persons making default as aforesaid of an intention to take proceedings under this section on the expiration of *seven days* from the delivery of such notice, unless registration has been effected in the meantime.

20 11. Where any firm or person by this Act required to send or deliver any statement to the registrar has therein made default, and during the default commences any legal proceeding in the trade name, or for a cause of action arising out of any dealing by such firm or person in the trade name, the court may order the firm or person in default to send or deliver to the registrar the proper statement, and *may stay* all proceedings until the order be complied with, or *allow* proceedings to be continued on an undertaking to comply with the order within a time to be limited by the court. The power by this section given to the court may in the case of the High Court be exercised by a judge at chambers, and by a master or district registrar exercising the authority or

25 30 jurisdiction of a judge at chambers.

Persons' in default taking legal proceedings may be ordered by court to register.

35 12. Every one commits a misdemeanor, and shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding *two years*, who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement known by him to be false.

Making false returns under this Act to be misdemeanor.

13. On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering.

Registrar to file statement and issue certificate of registration.

A.D. 1907. **14.** At each of the register offices herein-after referred to the registrar shall keep, in proper books to be provided for the purpose, a register and an index of all the firms and persons registered, and of all the statements registered in reference thereto.

Register and index to be kept.

**15.** The registrar of joint stock companies shall be the registrar of firms for the purposes of this Act, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for the registration of firms carrying on business within those parts of the United Kingdom in which they are respectively situated. 10

Registrar of joint stock companies to be registrar under this Act.

**16.** Any person may inspect, make extracts from, or copies of the statements filed by the registrar, in the register offices aforesaid, and there shall be paid for such inspection such fees as may be appointed by the Treasury not exceeding *one shilling* for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement to be certified by the registrar, and there shall be paid, for such certificate of registration, certified copy, or extract such fees as the Treasury may appoint not exceeding *two shillings* for the certificate of registration, and not exceeding *sixpence* for each folio of seventy-two words, or in Scotland for each sheet of two hundred words. 15 20

Inspection of statements registered.

A certificate of registration, or a copy of or extract from any statement registered under this Act, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars (whom it shall not be necessary to prove to be the registrar or assistant registrar), shall, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence. 25

**17.—(1)** The Board of Trade may make rules (but as to fees with the concurrence of the Treasury) concerning any of the following matters:— 30

Power for Board of Trade to make rules.

- (a) The fees to be paid on registration under this Act, so that they do not exceed the sum of *five shillings* for the registration of any one statement; 35
- (b) The forms to be used under this Act;
- (c) The duties or additional duties to be performed by any registrar under this Act;

[7 EDW. 7.]

*Registration of Firms.*

5

(d) The performance by assistant registrars and other officers of acts by this Act required to be done by the registrar ; A.D. 1907. —

5 (e) Generally the conduct and regulation of registration under this Act, and any matters incidental thereto.

(2) All fees payable in pursuance of any such rules shall be applied as the Treasury may direct.

10 **18.** *There shall be paid out of moneys to be provided by Parliament such remuneration in respect of the duties performed under this Act as the Treasury may assign.* Remuneration for duties under this Act.



# Registration of Firms.

[H.L.]

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A

**B I L L**

INTITLED

An Act for the Registration of Firms  
and Persons carrying on Business  
under Trade Names.

*The Lord Brassey.*

Ordered to be printed 9th July 1907.

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(98.)

A

## B I L L

INTITULED

An Act to make better provision as to the Relief of A.D. 1907.  
 Persons released from detention in Prisons, Reformatory  
 and Industrial Schools, and Inebriate Reformatories.

**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:—

5     **1.**—(1) Where it appears to a justice of the peace having Relief of re-  
 jurisdiction in the place where a prison is situate, or being a leased  
 member of the visiting committee or board of visitors of the prisoner.  
 prison, by notice in writing given by the governor of the prison,  
 that a person detained in the prison is about to be released  
 10 therefrom, and that on his release the person will, by reason  
 of infirmity of mind or body, require immediate poor law relief,  
 the justice may make an order for the removal of that person,  
 on his release, to and his reception in the workhouse of the  
 poor law union consisting of or comprising the parish in which  
 15 he appears to the justice to be settled, or if the justice cannot  
 ascertain in what parish he is settled, then the workhouse of  
 the poor law union to which he is deemed to be primâ facie  
 chargeable for the purposes of this section.

(2) Such person shall, for the purposes of this section, be  
 20 deemed to be primâ facie chargeable to the poor law union in  
 which the ordinary residence of the person appears to the justice  
 making the order to have been at the time when the offence  
 for or in respect of which he is detained was alleged to have  
 been committed, or if the justice cannot ascertain such residence,  
 25 then—

(a) to the poor law union in which such offence was alleged  
 to have been committed; or

(136.)

A.D. 1907.

(b) if that offence was alleged to have been committed out of the United Kingdom, to the poor law union in which the court of summary jurisdiction by which the person was convicted or committed for trial, or ordered to be detained, sat. 5

(3) The order of the justice shall be in such form as may be prescribed by the Secretary of State, and shall authorise the conveyance of the person in respect of whom it is made to the workhouse named in the order, and shall be served and be enforceable in like manner as an order of removal under the Acts 10 relating to the relief of the poor.

(4) Where it appears to the justice making the order that the person will on his release be too ill to be removed to the workhouse named in the order, he may suspend the operation of the order, and in that case the person on his release may be 15 conveyed to and shall be received in the workhouse of the poor law union in which the prison is situate, but the expenses of his maintenance in that workhouse shall be repaid by the guardians of the poor law union named in the order.

(5) Where an order under this Act has been made with 20 respect to any person, an order under the Acts relating to the relief of the poor for his removal to the poor law union consisting of or comprising the parish where he is actually settled may be obtained on the application of the guardians of the poor law union named in the first-mentioned order, either before or after 25 the execution of that order, and on such last-mentioned order being obtained the order under this Act shall cease to have effect, and the provisions of this Act shall cease to apply, but all expenses entailed by this Act or an order made thereunder on the guardians of the poor law union named in that order shall 30 be repaid to them by the guardians of the poor law union consisting of or comprising the parish where the said person is actually settled.

Application  
of Act to re-  
formatory  
and indus-  
trial schools.

2.—This Act shall apply to persons detained in industrial and reformatory schools, subject to the following modifications:— 35

(a) For references to prisons and governors thereof, there shall be substituted references to reformatory and industrial schools and superintendents thereof :

(b) For the reference to members of the visiting committee or board of visitors, there shall be substituted a 40 reference to managers :

[7 EDW. 7.] *Released Persons (Poor Law Relief)*.

3

(c) References to offences and the time and place where offences were committed shall include references to the circumstances in consequence of which the order of detention was made and the time and place where such circumstances occurred.

A.D. 1907.

3. This Act shall apply to persons detained in inebriate reformatories subject, in the case of certified inebriate reformatories, to the following modifications:—

Application of Act to inebriate reformatories.

(a) For references to prisons and governors thereof there shall be substituted references to inebriate reformatories and superintendents thereof;

(b) For references to members of the visiting committee or board of visitors there shall be substituted references to managers.

4.—(1) This Act may be cited as the Released Persons (Poor Law Relief) Act, 1907.

Short title and extent.

(2) This Act shall extend only to England and Wales, and where a person has not a place of settlement or residence in England or Wales his place of settlement or residence shall be deemed for the purposes of this Act to be unascertainable.

**Released Persons  
(Poor Law Relief).**

A

**B I L L**

INTITLED

An Act to make better provision as to the Relief of Persons released from detention in Prisons, Reformatory and Industrial Schools, and Inebriate Reformatories.

*(Brought from the Commons 29th July 1907.)*

Ordered to be printed 29th July 1907.

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(136.)

A

## B I L L

INTITULED

An Act to amend the Judicature Acts, 1873 to 1894, A.D. 1907.  
with respect to the Persons in whom the power of  
making Rules of Court under those Acts is vested.

**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 :—

- 5     1.—(1) The persons in whom the power of making rules  
of court under the Judicature Acts, 1873 to 1894, is vested  
shall include four persons, of whom one shall be a practising  
barrister and two shall be practising solicitors, one being a  
10     member of the Council of the Law Society, and the other being  
to be appointed by the Lord Chancellor for the purpose in the  
same manner as the four judges referred to in section nineteen  
of the Supreme Court of Judicature Act, 1881. Amendment  
of provisions  
as to rule  
committee.  
  
44 & 45 Vict.  
c. 68.  
57 & 58 Vict.  
c. 16.
- 15     (2) Section four of the Supreme Court of Judicature (Pro-  
cedure) Act, 1894, is hereby repealed. Short title.
2. This Act may be cited as the Judicature (Rule Com-  
mittee) Act, 1907, and may be cited with the Judicature Acts,  
1873 to 1894.







**Rule Committee.**  
[H.L.]

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A

**B I L L**

INTITLED

An Act to amend the Judicature Acts,  
1873 to 1894, with respect to the  
Persons in whom the power of making  
Rules of Court under those Acts is  
vested.

*The Lord Chancellor.*

Ordered to be printed 11th March 1907.

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[*Price 3d.*] ]

(11.)

73

**Salmon and Freshwater Fisheries Bill.**

**[H.L.]**

**[AS AMENDED BY THE STANDING COMMITTEE.]**

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**ARRANGEMENT OF CLAUSES.**

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Clause.

1. Power of Board of Agriculture and Fisheries to make orders.
2. Contents of the order.
3. Application for the order.
4. Procedure for making the order.
5. Confirmation by Parliament.
6. Expenses.
7. Consents in case of Crown and Duchy foreshore and land.
8. Short title, extent, and construction.

SCHEDULE.

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A

## B I L L

INTITULED

An Act to enable Provisional Orders to be made for A.D. 1907.  
regulating Salmon and Freshwater Fisheries.

**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:—

- 5     **1.** With a view to the improvement and development of the salmon fisheries or freshwater fisheries, or either of them, within any area, the Board of Agriculture and Fisheries may, upon such application as is hereinafter mentioned, make a provisional order for the regulation of any such fisheries within the area
- 10 defined by the order. Power of Board of Agriculture and Fisheries to make orders.
- 2.—(1) Any such provisional order may provide for— Contents of the order.
- (a) defining the area within which the order is to apply;
- 15 (b) the constitution and incorporation of a board of conservators;
- (c) applying to a board of conservators so constituted, and an area so defined, either without modification, or subject to such modifications as may be contained in the order, all or any of the provisions of the
- 20 Salmon and Freshwater Fisheries Acts with respect to boards of conservators and fishery districts constituted under those Acts;
- (d) the imposition, collection, and recovery of contributions to be assessed on private fisheries regulated by the
- 25 order or on the owners or occupiers thereof;

(24.)

A

A.D. 1907.  
—

- (e) enabling the conservators to purchase or take on lease any part of the foreshore specified in the order together with any easement over any adjoining land necessary for securing access to the foreshore so acquired, and by themselves or their lessees to 5 erect on the foreshore so acquired and work fixed engines for salmon ;

Provided that the order—

(i) shall not authorise a fixed engine for salmon to be worked for a period exceeding 10 *five* years unless the authority is from time to time extended by licence of the Board for such term as may be specified in the licence and not exceeding at any one time *five* years, and the Board shall not grant any such licence 15 until they have inquired into the effect of the working of the engine on the salmon fisheries within the area ; and

(ii) shall provide that all rents and profits of the fixed engines for salmon authorised by 20 the Order to be worked by the conservators shall be appropriated for the purpose of securing the restriction or abolition of the use in the area of nets and other obstructions to the passage of salmon : 25

- (f) modifying in relation to the fisheries within the area any of the provisions of the Salmon and Freshwater Fisheries Acts which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area ; 30
- (g) abolishing any board of conservators established under the Salmon and Freshwater Fisheries Acts within the area, and transferring their property and liabilities to the board of conservators constituted by the order, and making such adjustments between 35 the two bodies as may appear to the Board to be necessary or expedient ;
- (h) requiring returns to be made by persons taking fish within the area ;

- (i) providing for the payment out of any funds in the hands of the board of conservators constituted by the order of the costs of the applicants in obtaining the order and its confirmation by Parliament;
- 5 (j) the general regulation of the fisheries within the area, and contain any incidental, consequential, or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.
- 10 (2) For the purpose of the acquisition of any part of the foreshore or any easement necessary for giving access thereto authorised to be taken compulsorily under any such provisional order, the provisions of the Lands Clauses Acts which relate to the purchase and taking of lands otherwise than by agreement
- 15 and to the entry upon lands by the promoters of the undertaking, are, subject to the modifications set out in the schedule to this Act, incorporated with this Act.
- (3) The Board of Agriculture and Fisheries shall make rules providing for proper notice being given of an application for the
- 20 inclusion in a provisional order of a power to acquire compulsorily any part of the foreshore or any easement over adjoining land to owners, lessees, and occupiers of the foreshore or land affected, and also for public notice being given of the application by advertisement.
- 25 (4) An order under this Act shall not apply to any waters in which the business of artificially propagating or rearing salmon or trout is carried on under a licence granted by the Board of Agriculture and Fisheries, and any such licence may be granted by the Board, subject to such conditions (if any) as they think fit,
- 30 and may be revoked if the Board are of opinion that any condition has not been observed.

3. A provisional order under this Act shall not be made except on the application of a board of conservators constituted under the Salmon and Freshwater Fisheries Acts, or of a county

35 council, or of persons who in the opinion of the Board of Agriculture and Fisheries are the owners of one-fourth at least in value of the private fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order, and every

40 such application shall be advertised by the applicants in such manner as the Board of Agriculture and Fisheries direct.

Application  
for the order.

A.D. 1907. an order, shall prepare a draft, and shall once in each of two successive weeks notify the making of the draft order in some newspaper in general circulation within the area to which the draft relates, and the notification shall specify the place where copies of the draft can be inspected and obtained, and the time within which and the manner in which notices of objection to the draft are to be sent to the Board. 5

(2) The Board may, if they think it expedient, hold a local inquiry by an inspector or other officer of the Board with respect to any objections made to the draft order, and shall, after considering all such objections and the report of the officer who held the inquiry (if any) thereon, settle the order. 10

Confirmation  
by Parlia-  
ment.

5.—(1) The Board of Agriculture and Fisheries may submit to Parliament for confirmation any provisional order made by them in pursuance of this Act, and any such order shall be of no force whatever unless and until it is confirmed by Parliament. 15

(2) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills. 20

(3) Any such provisional order may be repealed, altered, or amended by a provisional order made by the Board in like manner as the original order, and confirmed by Parliament. 25

(4) The Board may revoke either wholly or partially any such provisional order before the order is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

Expenses.

6.—(1) Any expenses incurred by the Board of Agriculture and Fisheries under this Act in respect of any provisional order or confirming Bill shall be paid by the applicants for the order, and the Board may at any time require the applicants to give such security for the expenses of the Board as the Board think fit, and any expenses so paid by the applicants shall be treated as part of their costs in obtaining the order. 30 35

(2) Any expenses incurred by any board of conservators or county council under this Act in respect of any provisional order or confirming Bill made thereunder, or in respect of any application

for any such order, shall, whether or not the application for the order was made by the board or the council, be defrayed— A.D. 1907.

- (a) in the case of a board of conservators, as expenses incurred by them under the Salmon and Freshwater Fisheries Acts; and
- 5 (b) in the case of a county council, out of the county fund.

7. Where any portion of the foreshore proposed to be comprised in a provisional order under this Act, or any land over which it is proposed to acquire an easement under any such order, belongs to His Majesty in right of the Crown, or forms part of the possessions of the Duchy of Lancaster or the Duchy of Cornwall, the Board of Agriculture and Fisheries shall not make the Order:—

Consents in case of Crown and Duchy foreshore and land.

- 15 (a) In the case of any foreshore under the management of the Commissioners of Woods, or of any land belonging to His Majesty in right of the Crown, without the consent of the Commissioners of Woods, or one of them :
- 20 (b) In the case of any foreshore under the management of the Board of Trade, without the consent of the Board of Trade :
- (c) In the case of any foreshore or land forming part of the possessions of the Duchy of Lancaster, without the consent of the Chancellor of the Duchy in writing under his hand attested by the clerk of the council of the Duchy :
- 25 (d) In the case of any foreshore or land forming part of the possessions of the Duchy of Cornwall, without the consent of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of the lands of the Duchy.
- 30

8.—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act, 1907, and may be cited with the Salmon and Freshwater Fisheries Acts, 1861 to 1892.

Short title, extent, and construction.

35 (2) This Act shall not apply to Scotland (except the River Esk and its tributaries) or to Ireland, or to the River Tweed, as defined by byelaw under the Salmon Fisheries (Scotland) Act, 1862, or to its tributaries.

40 (3) In this Act the expression "Salmon and Freshwater Fisheries Acts" means the Salmon and Freshwater Fisheries Acts, 1861 to 1892, and the Fisheries (Norfolk and Suffolk) Act, 1896, and other expressions have the same meaning as in those Acts.



A.D. 1907.SCHEDULE.**MODIFICATIONS OF THE LANDS CLAUSES ACTS.**

The following modifications shall have effect in the construction of the provisions of the Lands Clauses Acts incorporated by this Act for the purposes thereof:—

- (a) The expression "special Act" means this Act inclusive of any provisional order authorising the compulsory acquisition of any part of the foreshore, except that the period of three years mentioned in section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall be calculated from the passing of the Act confirming the provisional order;
- (b) The expression "the promoters" means the board of conservators constituted by the order; and
- (c) The expression "land" includes easements in or relating to land.



**Salmon and Freshwater  
Fisheries. [H.L.]**

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A

**B I L L**

[AS AMENDED BY THE STANDING  
COMMITTEE]

INTRODUCED

An Act to enable Provisional Orders  
to be made for regulating Salmon  
and Freshwater Fisheries.

*The Earl Carrington.*

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Ordered to be printed 9th July 1907.

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[*Price 1½d.*]

(101.)

A

## B I L L

INTITULED

An Act to provide for the payment to the Fishery Board for Scotland of the penalties or other moneys recovered in respect of illegal sea fishing in Scotland. A.D. 1907.

**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:—

- 5**     **1.** From and after the first day of April nineteen hundred and eight all penalties recovered in any prosecution for using or attempting to use any method of fishing in contravention of the Sea Fisheries (Scotland) Amendment Act, 1885, the Herring Fishery (Scotland) Act, 1889, the Herring Fishery (Scotland) Act  
**10** Amendment Act, 1890, or the Sea Fisheries Regulation (Scotland) Act, 1895, or of any Act amending any of the said Acts, or of any byelaw or regulation under any of such Acts, shall be transmitted to the King's and Lord Treasurer's Remembrancer, and the balance remaining after deduction of the expenses of  
**15** prosecutions chargeable to Votes of Parliament shall be paid to the Fishery Board for Scotland, and all moneys so paid and all moneys accruing to the Board from the sale of anything lawfully forfeited and sold in respect of such method of fishing as aforesaid, shall be applied for the purpose of subsection three of  
**20** section two of the Local Taxation Account (Scotland) Act, 1898, or otherwise in aid of the expenses incurred or to be incurred under any statutory power from time to time vested in the Board, in such manner as the Board may, with the consent of the Secretary for Scotland, determine.
- 25**     **2.** This Act may be cited as the Sea Fisheries (Scotland) Application of Penalties Act, 1907, and shall be read along with the Act or Acts under which proceedings are taken, as the case may be.

(157.)





**Sea Fisheries  
(Scotland) Application  
of Penalties.**

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**B I L L**

INTITLED

An Act to provide for the payment to the Fishery Board for Scotland of the penalties or other moneys recovered in respect of illegal sea fishing in Scotland.

*(Brought from the Commons 6th August 1907.)*

Ordered to be printed 6th August 1907.

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(157.)

## Sheriff Courts (Scotland) Bill.

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(206.)

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## B I L L

INTITULED

An Act to regulate and amend the Laws and practice relating to the civil procedure in Sheriff Courts in Scotland, and for other purposes. A.D. 1907.

**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:—

5

## PRELIMINARY.

1. This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act, 1907. Short title.

2. Unless otherwise specially enacted this Act shall come into operation on the first day of January one thousand nine hundred and eight. Commence-  
ment.

3. In construing this Act (unless where the context is repugnant to such construction)— Interpreta-  
tion.

(a) "Sheriff" includes sheriff-substitute;

(b) "Tenant" includes sub-tenant;

15 (c) "Lease" includes sub-lease;

(d) "Action" includes every civil proceeding competent in the ordinary sheriff court;

(e) "Person" includes company, corporation, or association and firm of any description nominate or descriptive, or any Board corporate or unincorporate;

20

(f) "Sheriff clerk" includes sheriff-clerk depute;

(g) "Agent" means a law-agent enrolled in terms of the Law Agents (Scotland) Act, 1873;

(206.)

A.D. 1907.

- (h) "Final judgment" means an interlocutor which, by itself, or taken along with previous interlocutors, disposes of the subject-matter of the cause, notwithstanding that judgment may not have been pronounced on every question raised, and that expenses found due 5 may not have been modified, taxed, or decerned for;
- (i) "Summary cause" includes—
- (1) Actions (except applications under the Workmen's Compensation Act and actions with conclusions ad factum præstandum) for payment 10 of money exceeding twenty pounds, and not exceeding fifty pounds, exclusive of interest and expenses;
- (2) Actions of whatever kind (except applications under the Workmen's Compensation Act 15 and actions under the Small Debt Acts) notwithstanding that the value may exceed fifty pounds, in which the parties consent to the action being treated as a summary cause;
- (j) "Small Debt Acts" means and includes the Small 20 Debt (Scotland) Acts, 1837 to 1889, and Acts explaining or amending the same;
- (k) "Initial writ" means the statement of claim, petition, note of appeal, or other document by which the 25 action is initiated;
- (l) "Procurator-Fiscal" means procurator-fiscal in the sheriff-court.
- (m) "Workmen's Compensation Act" means the Workmen's Compensation Act, 1906, and any Acts 30 explaining or amending the same;
- (n) "Pursuer" means and includes any person making a claim or demand, or seeking any warrant or order competent in the sheriff court;
- (o) "Defender" means and includes any person who is required to be called in any action; 35
- (p) "Summary application" means and includes all applications of a summary nature brought under the common law jurisdiction of the sheriff, and all applications, whether by appeal or otherwise,

brought under any Act of Parliament which provides, or, according to any practice in the sheriff court, which allows that the same shall be disposed of in a summary manner, but which does not more particularly define in what form the same shall be heard, tried, and determined. A.D. 1907.

5

#### JURISDICTION.

4. The jurisdiction of the sheriffs, within their respective sheriffdoms shall extend to and include all navigable rivers, ports, harbours, creeks, shores, and anchoring grounds in or adjoining such sheriffdoms. And the powers and jurisdictions formerly competent to the High Court of Admiralty in Scotland in all maritime causes and proceedings, Civil and Criminal, including such as may apply to persons furth of Scotland, shall be competent to the sheriffs, provided the defender shall upon any legal ground of jurisdiction be amenable to the jurisdiction of the sheriff before whom such cause or proceeding may be raised, and provided also that it shall not be competent to the sheriff to try any crime committed on the seas which it would not be competent for him to try if the crime had been committed on land: Provided always that where sheriffdoms are separated by a river, firth, or estuary, the sheriffs on either side shall have concurrent jurisdictions over the intervening space occupied by water. Jurisdiction.

5. Nothing herein contained shall derogate from any jurisdiction, powers, or authority presently possessed or in use to be exercised by the sheriffs of Scotland, and such jurisdiction shall extend to and include— Extension of jurisdiction.

- (1) Actions of declarator (except declarators of marriage or nullity of marriage, and actions the direct or main object of which is to determine the personal status of individuals):
- (2) Actions of aliment, or of separation and aliment, and for regulating the custody of children:
- (3) Actions of division of commonalty and of division or division and sale of common property, in which cases the Act of 1695 concerning the division of commonalties shall be read and construed as if it conferred jurisdiction upon the sheriff court in the same manner as upon the Court of Session:

30

55

A.D. 1907.

(4) Actions relating to questions of heritable right or title (except actions of adjudication save in so far as now competent and actions of reduction) including all actions of declarator of irritancy and removing, whether at the instance of a superior against a vassal or of a landlord against a tenant: 5

(5) Suspension of charges or threatened charges upon the decrees of court granted by the sheriff or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of the sheriff court, the books of council and session, or any others competent where the debt exclusive of interest and expenses does not exceed fifty pounds: 10

Provided that actions relating to questions of heritable right or title, including irritancy and removing or to division of commonities or division or divisions and sale, of common property shall, if raised in the sheriff court, be raised in the sheriff court of the jurisdiction and district where the property forming the subject in dispute is situated, and all parties against whom any such action may be brought shall in such action be subject to that jurisdiction: 15  
20  
Provided also that it shall be competent for either party at the closing of the record or within six days thereafter to require the cause to be remitted to the Court of Session in the case of actions—

(a) Relating to questions of heritable right and title where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds in value: 25

(b) Relating to the right of succession to moveables where the value of the subject in dispute exceeds one thousand pounds: 30

(c) Relating to division of commonity or division or division and sale of common property where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds value:

Provided also, that on cause shown or ex proprio motu the sheriff may at any stage remit to the Court of Session any action of separation and aliment or relating to the custody of children. 35

Action competent in sheriff court.

6. Any action competent in the sheriff court may be brought within the jurisdiction of the sheriff—

(a) Where the defender (or when there are several defenders where one of them) resides within the jurisdiction, or 40

having resided there for at least forty days immediately prior to the raising of the action has ceased to reside there for less than forty days and whose present residence in Scotland is unknown: A.D. 1907.

- 5 (b) Where the defender carries on business, and has a place of business within the sheriffdom, and is cited either personally or at such place of business:
- 10 (c) Where the defender is a person not otherwise subject to the jurisdiction of the courts of Scotland, and a ship or vessel of which he is owner or part owner or master, or goods, debts, money, or other moveable property belonging to him, have been arrested within the jurisdiction:
- 15 (d) Where the defender is the owner or part owner or tenant or joint tenant, whether individually or as a trustee of heritable property within the jurisdiction, and the action relates to such property or to his interest therein:
- 20 (e) Where the action is for interdict against an alleged wrong being committed or threatened to be committed within the jurisdiction:
- (f) Where the action relates to a contract the place of execution or performance of which is within the jurisdiction, and the defender is personally cited there:
- 25 (g) Where in an action of furthcoming or multiplepointing the fund or subject in medio is situated within the jurisdiction; or the arrestee or holder of the fund is subject to the jurisdiction of the court:
- 30 (h) Where the party sued is the pursuer in any action pending within the jurisdiction against the party suing:
- (i) Where the action arises out of the delict of the defender within the jurisdiction, and he is personally cited there:
- 35 (j) Where the defender prorogates the jurisdiction of the court.

7. Subject to the provisions of this Act and of the Small Debt Acts, all causes not exceeding fifty pounds in value exclusive of interest and expenses competent in the sheriff court shall be brought and followed forth in the sheriff court only, Private jurisdiction in causes under fifty pounds value.

(206.) B



A.D. 1907. and shall not be subject to review by the Court of Session: Provided that in actions ad factum præstandum, where the value of the cause is not disclosed, the same shall be deemed to exceed fifty pounds, unless in the course of the cause the sheriff shall determine, as after provided, that the value thereof is less than 5 fifty pounds: Provided also that nothing herein contained shall affect any right of appeal competent under any Act of Parliament in force for the time being.

Summary cause procedure and appeal.

8. In a summary cause the sheriff shall order such procedure as he thinks requisite, and (without a record of the evidence, 10 unless on the motion of either party the sheriff shall order that the evidence be recorded) shall dispose of the cause without delay by interlocutor containing findings in fact and in law. Where the evidence has been recorded the judgment of the sheriff-substitute upon fact and law may in ordinary form be 15 brought under review of the sheriff, but where the evidence has not been recorded, the findings in law only shall be subject to review. In a summary cause, if the sheriff, on appeal, is of opinion that important questions of law are involved, he shall state the same in his interlocutor, and he may then or within 20 seven days from the date of his interlocutor grant leave to appeal to a division of the Court of Session on such questions of law, but otherwise the judgment of the sheriff shall be final.

Value of cause. How determined.

9. The sheriff before whom the cause depends shall (in such way as he may think expedient) inquire into and determine the 25 value thereof for the purposes of this Act, and his determination shall be final as regards the competency of the action on the ground of value but not otherwise.

Privilege not to exempt from jurisdiction.

10. No person shall be exempt from the jurisdiction of the sheriff court on account of privilege by reason of being a 30 member of the College of Justice.

#### SHERIFFS.

Appointment of sheriffs and salaried sheriffs-substitute.

11. The right of appointing to the salaried offices of sheriff and salaried sheriff-substitute shall be vested in His Majesty, and shall be exercised on the recommendation of the Secretary 35 for Scotland.

Qualification for sheriff and salaried sheriff-substitute.

12. Every person appointed to the office of sheriff shall be an advocate of five years' standing at least or, if not an advocate, a sheriff-substitute of five years' standing at least; and every

person appointed to the office of salaried sheriff-substitute shall be an advocate or a law agent within the meaning of the Law Agents (Scotland) Act, 1873: Provided always that such advocate or law agent shall be of not less than five years' standing in his profession.

A.D. 1907.

36 & 37 Vict.  
c. 63.

13. It shall be lawful for the Secretary for Scotland, upon a report prepared at his instance by the Lord President of the Court of Session and the Lord Justice Clerk for the time being, declaring that a sheriff in Scotland is by reason of inability, neglect of duty, or misbehaviour unfit for his office, to issue an order for his removal from office: Provided always that such order shall lie before both Houses of Parliament for a period of four consecutive weeks while Parliament is sitting, and if either House of Parliament within that period resolve that such order ought not to take effect, the same shall be of no effect, but otherwise shall come into operation at the expiration of the said period. In this paragraph "sheriff" does not include "sheriff-substitute."

Removal  
from office of  
sheriff and  
salaried  
sheriff-sub-  
stitute.

A salaried sheriff-substitute shall be removable from his office by the Secretary for Scotland for inability or misbehaviour upon the report of the Lord President of the Court of Session and the Lord Justice Clerk for the time being.

14. It shall be lawful to grant to any sheriff or sheriff-substitute such salary as to the Treasury may seem meet, and every such salary shall be paid by four equal quarterly instalments, and shall be charged upon and be payable out of the Consolidated Fund.

Salaries of  
sheriffs and  
sheriffs-sub-  
stitute.

15. It shall be lawful for the Secretary for Scotland, on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person who shall be a sheriff of some other sheriffdom, or an advocate of not less than five years' standing, to act as interim sheriff in the place and during the absence of such sheriff and on such interim appointment being made to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing, and such certificate when presented in Exchequer to the King's and Lord Treasurer's Remembrancer shall be sufficient warrant for him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned. A sheriff appointed to be interim sheriff under this section shall not

Leave of  
absence to  
sheriff.

A.D. 1907. — by accepting such interim appointment vacate his office as sheriff. An interim sheriff appointed under this section shall have and exercise all the powers and privileges and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff. In this section "sheriff" does not include sheriff-substitute. 5

Leave of absence to salaried sheriff-substitute.

**16.** In the event of any salaried sheriff-substitute, by reason of ill-health, being temporarily unable to discharge the duties of his office, it shall be lawful for the Secretary for Scotland on application being made to him by or on behalf of such sheriff-substitute to appoint a person qualified to fill the office of sheriff-substitute to act ad interim in the place and during the absence of such sheriff-substitute, and on such interim appointment being made the Treasury may, on the recommendation of the Secretary for Scotland, allow such interim sheriff-substitute such remuneration as they think fit out of monies to be provided by Parliament. 10 15

Honorary sheriff-substitute.

**17.** The sheriff may by writing under his hand appoint such persons as he thinks proper to hold the office of honorary sheriff-substitute within his sheriffdom during his pleasure, and for whom he shall be answerable. An honorary sheriff-substitute, during the subsistence of his commission, shall be entitled to exercise the powers and duties appertaining to the office of sheriff-substitute. An honorary sheriff-substitute shall hold office, notwithstanding the death, resignation, or removal of the sheriff, until his commission shall be recalled by a succeeding sheriff. In this section "sheriff" does not include sheriff-substitute. 20 25

Courts to be held by sheriffs in their sheriffdoms.

**18.** Every sheriff shall, unless prevented by indisposition or other unavoidable cause, hold annually in his sheriffdom courts for the discharge of the judicial business of the sheriffdom; and such courts shall continue until the causes ready for trial or hearing when such courts commence shall be disposed of; and each sheriff shall give due notice of the times and places of such courts; and, unless otherwise prescribed, each sheriff shall, once in the year, go on the small debt circuit, in use to be held by the sheriff-substitute, and shall on such occasions, in addition to holding the small debt court, despatch as much of the ordinary business as may be ready for adjudication, or as time may permit; and each sheriff shall annually, within ten days after the twelfth day of November, make a return to the Secretary for Scotland of 30 35 40

the number of courts and sittings held by him, and of the periods of holding each such court, in the immediately preceding year, stating the cause of absence in case the courts herein-before directed shall not have been held by him in terms of this Act, 5 provided that the above provisions shall not extend to the sheriffs of the Lothians and Peebles and of Lanarkshire: Provided always that it shall be lawful for the Secretary for Scotland to prescribe from time to time the number of courts to be held by the several sheriffs and the times and places for holding 10 such courts, and also from time to time to prescribe the duties of the office of sheriff which such sheriffs respectively are required to perform personally. In this section "sheriff" does not include sheriff-substitute.

A.D. 1907.

19. It shall be lawful for the Secretary for Scotland from 15 time to time to prescribe the number of salaried sheriffs-substitute of the several sheriffdoms, and the places at which such salaried sheriffs-substitute respectively are required generally to reside and to attend for the performance of their duties, the number of 20 courts to be held by such sheriffs-substitute, the times and places of holding such courts, and the duties to be performed by such sheriffs-substitute; and it shall also be lawful for the Secretary for Scotland, if he shall think fit, to direct that the sheriff-substitute of one county shall perform the duties of sheriff-substitute in an adjacent county; and any such direction shall be equivalent in all 25 respects to a commission to act in such adjacent county in favour of the sheriff-substitute so directed; and no salaried sheriff-substitute shall be absent from the sheriffdom for more than six weeks in any year nor for more than two weeks at any one time nor so as to interfere with the regular sittings of his court, 30 without the special consent in writing of the sheriff, who shall be bound, in the event of his giving such consent, either to attend personally during the absence of such substitute, or to appoint another person qualified as in section twelve hereof to act as substitute in his stead.

Secretary for Scotland to regulate number, duties, and residence of salaried sheriffs-substitute.

35 20. It shall be lawful for the Treasury, upon the recommendation of the Secretary for Scotland, to grant an annuity payable in like manner as the salaries to any person who has held, now holds, or may hereafter hold the office of sheriff or salaried sheriff-substitute whose period of service (notwithstanding 40 that such service may not have been continuous and may have been in different sheriffdoms and may have been partly as sheriff-substitute and partly as sheriff) has been not less than ten years:

Annuities to sheriffs and salaried sheriffs-substitute.

A.D. 1907. Provided always that such annuity shall not exceed one-third of the salary payable to such person in case the period of his service shall have been not less than ten years, and shall not exceed two-thirds of such salary in case the period of service shall have been not less than fifteen years, and shall not exceed three-fourths of such salary in case the period of service shall have been not less than twenty years or upwards: Provided also that (except as herein-after provided) no such annuity shall be granted to any sheriff or sheriff-substitute unless the periods of his actual service shall, when taken together, extend to one or other of the periods of service before mentioned, and that in computing the amount of said annuity the emoluments drawn by him on an average of the five preceding years shall be held to constitute his salary: Provided also that no such annuity shall be granted unless such sheriff or sheriff-substitute shall have duly fulfilled the duties of his office during one of the periods before mentioned, and is from age or permanent infirmity disabled from the due exercise of his office, which facts shall be certified by the Lord President, the Lord Justice Clerk, and the Lord Advocate for the time being as having been established to their satisfaction: Provided also that if a sheriff is removed under section thirteen hereof before he has completed ten years' service on the ground that he is by reason of inability unfit for his office, it shall be lawful for the Treasury to grant him an annuity of such amount and for such period as they shall consider just in all the circumstances but in no case exceeding three-tenths of the salary payable to such sheriff, and any such annuity shall be charged upon and payable out of the same fund and in the same manner as annuities to sheriffs are paid and charged under the first section of the Public Revenue and Consolidated Fund Charges Act, 1854. In the last proviso of this section "sheriff" shall not include sheriff-substitute.

17 & 18 Vict.  
c. 94.

Disqualifi-  
cations and  
disabilities  
of sheriffs  
and salaried  
sheriffs-sub-  
stitute.

21. It shall not be lawful for a sheriff to advise, plead, or otherwise act as an advocate before any of the King's Courts at Edinburgh, or at the Circuit Court, in any cause civil or criminal arising within or coming from his sheriffdom; and no sheriff or salaried sheriff-substitute shall be steward, chamberlain, factor, agent, or commissioner to any subject whatsoever, or shall exercise, or act in the employment, service, or office of such steward, chamberlain, factor, agent, or commissioner; and no sheriff or salaried sheriff-substitute shall be capable of being elected or of sitting or voting as a member of the House of Commons, nor shall



[7 EDW. 7.]

*Sheriff Courts (Scotland).*

11

he be entitled to vote at any election for any member of Parliament held within his sheriffdom; nor shall he act directly or indirectly as an agent for any candidate in any matter connected with, or preparatory to, any election for the county or burgh respectively  
 5 in which he shall be sheriff or salaried sheriff-substitute; and it shall not be lawful for a salaried sheriff-substitute to engage in legal, banking, or other private practice or business, or to act directly or indirectly as a procurator before any court, or to be in partnership with any person so engaged or acting, nor shall such  
 10 sheriff-substitute be appointed to any office, except such office as shall be by statute attached to the office of sheriff-substitute.

A.D. 1907.

Any sheriff or salaried sheriff-substitute acting contrary to the provisions of this section shall be guilty of misbehaviour within the meaning of section thirteen of this Act.

15

## PROCURATORS-FISCAL.

22. From and after the passing of this Act the right of appointing to the office of procurator-fiscal shall be vested in the Lord Advocate.

Appointment of procurator-fiscal.

23. No person holding the office of procurator-fiscal at the passing of this Act, and receiving salary on that account, and no person who may be hereafter appointed to the office of procurator-fiscal, shall be removable from office, except by the Secretary for Scotland, for inability or misbehaviour, upon a report by the Lord President of the Court of Session and the Lord  
 20 Justice-clerk for the time being.

Removal of procurator-fiscal.

24. A procurator-fiscal may, with the consent of the Lord Advocate, grant a deputation to one or more fit persons, for whose actings he shall be responsible, to sign writs, to appear in court, and to conduct prosecutions and inquiries in his name  
 30 and on his behalf. In the event of a vacancy in the office of procurator-fiscal any depute or deputes so appointed shall have and discharge all the powers, privileges, and duties of a procurator-fiscal until such vacancy is filled up.

Procurator-fiscal may appoint depute.

## SESSIONS.

35 25. In each sheriff court there shall be held two sessions in the year, a winter and a summer session. The winter session shall extend from the first ordinary court day in October to the last ordinary court day in March. The sittings of the court may,

Sessions.

A.D. 1907. at Christmas time, be suspended for a period not exceeding fifteen days. The summer session shall extend from the first ordinary court day in May to the last ordinary court day in July.

Vacation courts.

**26.** The sheriff shall, before the termination of each winter session, appoint at least one court day during the spring vacation for the despatch of civil business, and before the termination of each summer session he shall in like manner appoint at least two court days during the autumn vacation for the same purpose. Any cause may proceed during vacation as during session, and in all causes interlocutors may competently be pronounced during vacation.

#### APPEALS.

Appeal to sheriff.

**27.** Subject to the provisions of this Act an appeal to the sheriff shall be competent against all final judgments of the sheriff-substitute and also against interlocutors—

- (A) Granting or refusing interdict, interim or final; 15
- (B) Granting interim decree for payment of money other than a decree for expenses, or making an order ad factum præstandum; 20
- (C) Sisting an action; 20
- (D) Allowing or refusing or limiting the mode of proof not being an interlocutor fixing a diet for jury trial; 20
- (E) Against which the sheriff-substitute either ex proprio motu or on the motion of any party grants leave to appeal: 25

Provided always that notwithstanding the death, resignation, or removal of a sheriff, appeals may be taken from the judgment of the sheriff-substitute, which appeals shall be heard by the succeeding sheriff when he shall enter upon office.

Appeal to Court of Session.

**28.** Subject to the provisions of this Act, it shall be competent to appeal to the Court of Session against a judgment of a sheriff-substitute or of a sheriff, but that only if the value of the cause exceeds fifty pounds; and the interlocutor appealed against is a final judgment; or is an interlocutor—

- (A) Granting interim decree for payment of money other than a decree for expenses; 35
- (B) Sisting the action; 35
- (C) Against which the sheriff or the sheriff-substitute, either ex proprio motu or on the motion of any party, grants 35

leave to appeal: Provided that any exclusion or allowance of appeal competent under any Act of Parliament in force for the time being shall not be affected by this or the preceding section. A.D. 1907.

- 5     **29.** An appeal shall be effectual to submit to review the whole of the interlocutors pronounced in the cause, and shall be available to and may be insisted in by all other parties in the cause notwithstanding they may not have noted separate appeals. An appeal shall not prevent immediate execution of a warrant  
10 of sequestration for rent, or of warrants to take inventories, or place effects in custody ad interim, or warrants for interim preservation, and an interim interdict, although appealed against, shall be binding till recalled. Effect of appeal.

#### REMOVAL OF CAUSE TO COURT OF SESSION FOR JURY TRIAL.

- 15     **30.** In cases originating in the sheriff court (other than claims by employees against employers in respect of injury caused by accident arising out of and in the course of their employment and concluding for damages under the Employers Liability Act, 1880, or alternatively at common law or under the  
20 Employers Liability Act, 1880), where the claim is in amount or value above fifty pounds, and an order has been pronounced allowing proof (other than an order for proof to lie in retentis or for recovery of documents) it shall, within six days thereafter, be competent to either of the parties, who may conceive that  
25 the cause ought to be tried by jury, to require the cause to be remitted to the Court of Session for that purpose where it shall be so tried: Provided, however, that the Court of Session shall, if it thinks the case unsuitable for jury trial, have power to remit the case back to the sheriff, or to remit it to a Lord  
30 Ordinary, or to send it for proof before a Judge of the Division before whom the cause depends. Removal of cause for jury trial.  
43 & 44 Vict. c. 42.

#### JURY TRIAL IN SHERIFF COURT.

- 35     **31.** In any action raised in the sheriff court by an employee against his employer concluding for damages under the Employers Liability Act, 1880, or alternatively under that Act or at common law in respect of injury caused by accident arising out of and in the course of his employment, where the claim exceeds fifty pounds, either party may so soon as proof has been allowed, or  
(206.) Jury trial in sheriff court.



A.D. 1907. — within six days thereafter, require that the cause shall be tried before a jury, in which case the sheriff shall appoint the action to be tried before a jury of seven persons. The verdict of the jury shall be applied in an interlocutor by the sheriff, which shall be the final judgment in the cause, and may, subject to 5 the provisions of this Act, be appealed to either division of the Court of Session but that only upon one or more of the following grounds—

- (1) That the verdict has been erroneously applied by the sheriff; 10
- (2) That the verdict is contrary to the evidence;
- (3) That the sheriff had in the course of the trial unduly refused or admitted evidence or misdirected the jury;
- (4) That an award of damages is inadequate or is excessive.

Upon such appeal the court may refuse the appeal or may 15 find under head (1) that the verdict was erroneously applied, and give judgment accordingly, or under the other heads before mentioned may set aside the verdict and order a new trial, provided that if the judges are equally divided in opinion the verdict shall stand. 20

Sheriff to state questions for jury.

**32.** Where jury trial has been ordered the sheriff shall after hearing parties, if he shall think that necessary or desirable, issue an interlocutor setting forth the question or questions of fact to be at the trial proponed to the jury and fixing a time and place for the trial, being not sooner than fourteen days from 25 the date of the interlocutor.

Remuneration of jurors.

**33.** Where jury trial has been ordered the party moving for it shall, on each day the trial proceeds, before the proceedings commence, deposit with the sheriff clerk the sum of three pounds ten shillings, which deposit shall form part of the expenses of 30 the cause; failing any such deposit being made, the sheriff may dismiss the cause. Out of said fund the sheriff-clerk shall pay to each juror a fee of ten shillings for each day on which he is empanelled. When a jury trial is not proceeded with, said deposit shall be returned to the depositor. 35

#### REMOVINGS.

Removings.

**34.** Where lands exceeding two acres in extent are held under a probative lease specifying a term of endurance, and whether such lease contains an obligation upon the tenant

to remove without warning or not, such lease, or an extract thereof from the books of any court of record shall have the same force and effect as an extract decree of removing obtained in an ordinary action at the instance of the lessor; or any one  
 5 in his right, against the lessee or any party in possession, and such lease or extract shall along with authority in writing signed by the lessor or any one in his right or by his factor or law agent be sufficient warrant to any sheriff officer or messenger-at-arms of the sheriffdom within which such lands or heritages  
 10 are situated to eject such party in possession, his family, sub-tenants, cottars, and dependants, with their goods, gear and effects, at the expiry of the term or terms of endurance of the lease: Provided that previous notice in writing to remove shall have been given—

- 15 (A) When the lease is for three years and upwards not less than one year and not more than two years before the termination of the lease; and
- (B) In the case of leases from year to year (including lands occupied by tacit relocation) or for any other period  
 20 less than three years, not less than six months before the termination of the lease (or where there is a separate ish as regards land and houses or otherwise before that ish which is first in date):

Provided that if such written notice as aforesaid shall not be  
 25 given the lease shall be held to be renewed by tacit relocation for another year, and thereafter from year to year: Provided further that nothing contained in this section shall affect the right of the landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1856, or against whom  
 30 a decree of cessio has been pronounced under the Debtors (Scotland) Act, 1880, or who by failure to pay rent has incurred any irritancy of his lease or other liability to removal: Provided further that removal or ejectment in virtue of this  
 35 section shall not be competent after six weeks from the date of the ish last in date: Provided further that nothing herein contained shall be construed to prevent proceedings under any lease in common form: and that the foregoing provisions as to notice shall not apply to any stipulations in a lease entitling the  
 40 landlord to resume land for building, planting, feuing, or other purposes or to subjects let for any period less than a year.

35. Where any tenant in possession of any lands exceeding two acres in extent (whether with or without a written lease) shall, Letter of removal.  
 (206.) C 2

A.D. 1907. either at the date of entering upon the lease or at any other time, have granted a letter of removal, either holograph or attested by one witness, such letter of removal shall have the same force and effect as an extract decree of removing, and shall be a sufficient warrant for ejection to the like effect as is provided in regard to a lease or extract thereof, and shall be operative against the granter of such letter of removal or any party in his right within the same time and in the same manner after the like previous notice to remove: Provided always that where such letter is dated and signed within twelve months before the date of removal or before the first ish, if there be more than one ish, it shall not be necessary that any notice of any kind shall be given by either party to the other.

Notice to  
remove.

**36.** Where lands exceeding two acres in extent are occupied by a tenant without any written lease, and the tenant has given to the proprietor or his agent no letter of removal, the lease shall terminate on written notice being given to the tenant by or on behalf of the proprietor, or to the proprietor by or on behalf of the tenant not less than six months before the determination of the tenancy, and such notice shall entitle the proprietor, in the event of the tenant failing to remove, to apply for and obtain a summary warrant of ejection against the tenant and every one deriving right from him.

Notice of  
termination  
of tenancy.

**37.** In all cases where houses, with or without land attached, not exceeding two acres in extent, lands not exceeding two acres in extent let without houses, mills, fishings, shootings, and all other heritable subjects (excepting land exceeding two acres in extent) are let for a year or more, notice of termination of tenancy shall be given in writing to the tenant by or on behalf of the proprietor or to the proprietor by or on behalf of the tenant: Providing always that notice under this section shall not warrant summary ejection from the subjects let to a tenant, but such notice, whether given to or by or on behalf of the tenant, shall entitle the proprietor to apply to the sheriff for a warrant for summary ejection in common form against the tenant and every one deriving right from him: Provided further that the notice provided for by this section shall be given at least forty days before the fifteenth day of May when the termination of the tenancy is the term of Whitsunday, and at least forty days before the eleventh day of November when the termination of the tenancy is the term of Martinmas.

## SUMMARY REMOVINGS.

A.D. 1907.

38. Where houses or other heritable subjects are let for a shorter period than a year, any person by law authorised may present to the sheriff a summary application for removing, and a  
 5 decree pronounced in such summary cause shall have the full force and effect of a decree of removing and warrant of ejection. Where such a let is for a period not exceeding four months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the ish as shall be  
 10 equivalent to at least one-third of the full period of the duration of the let; and where the let exceeds four months, notice of removal shall, in the absence of express stipulation, be given at least forty days before the expiry of the said period.

Summary removing.

## PROCEDURE RULES.

39. Subject to the provisions of any Act of Parliament in  
 15 force after the passing of this Act, the procedure in all civil causes shall conform to the rules of procedure set forth in the First Schedule hereto annexed. Such rules shall be construed and have effect as part of this Act.

Procedure rules.

40. The Court of Session may from time to time, by Act  
 of Sederunt, make such regulations not inconsistent with the provisions of this Act as may be necessary for carrying into effect  
 20 the purposes thereof for regulating the practice of the sheriff courts (including diligence and procedure under the Small Debt Acts); and for regulating the fees of agents, officers, shorthand writers, and others, and, with the concurrence of the Treasury, for regulating the fees of court; and for altering, amending, or adding to the rules of procedure in the First Schedule hereto: Provided that at least two weeks before the same is signed  
 30 the terms of the proposed Act of Sederunt shall be published in the Edinburgh Gazette and at least two other newspapers in Scotland: Provided also that every such Act of Sederunt shall, within one week from the date thereof, be transmitted by the Lord President of the Court of Session to the Secretary  
 35 for Scotland, in order that it may be laid before the Houses of Parliament; and if either of the Houses of Parliament shall within thirty-six days after it has been laid before them resolve that the whole or any part of such Act of Sederunt ought not to continue in force, the whole or such part thereof  
 40 as shall be included in such resolution shall from and after the date of the passing of such resolution cease to be binding.

Court of Session to regulate fees, &amp;c.

A.D. 1907. Meetings of sheriffs. **41.** For the purpose of preserving uniformity in the proceedings of sheriff courts, the sheriffs shall meet in Edinburgh once at least in each year, and may then, or at any other meeting, formulate for the consideration of the Court of Session any regulations which they propose should be enacted by Act of Sederunt, a printed draft of the same having been exhibited in each sheriff court for the space of fourteen days before the same is submitted to the court: Provided also that the necessary expenses of such meetings of sheriffs and of preparing and printing such propositions shall be allowed in the annual accounts in Exchequer of such one of the sheriffs as may from time to time be appointed by them to be their convener in the like manner as other ordinary expenses of sheriffs are allowed. In this section "sheriff" does not include "sheriff-substitute."

## SMALL DEBT ACTS.

15

Extension of small debt jurisdiction to 20l. **42.** The provisions of the Small Debt Acts shall extend and apply to all causes competent thereunder where the value of the cause does not exceed twenty pounds, and wherever the words "eight pounds six shillings and eightpence" or the words "twelve pounds" occur in these Acts they shall be read and construed as if for these words there were substituted the words "twenty pounds."

Small debt sequestration for rent. **43.** The provisions of the Small Debt Acts for sequestration for rent shall extend to all sequestrations applied for currente termino or in security.

Parties may appear by agents in small debt court. 52 & 53 Vict. c. 26. **44.** Section eight of the Small Debt Amendment (Scotland) Act, 1889, is hereby repealed, and in lieu thereof it is enacted that in any cause brought under the Small Debt Acts any party may appear by or along with an agent, and the sheriff may allow and include in the expenses of the cause a fee to such agent.

Procedure rules applicable to small debt causes. **45.** The provisions of section three (except subsections (*d*), (*h*), (*i*), (*k*), (*l*), (*m*), and (*p*)), section four, subsection (2) of section five, so far as relating to claims for aliment, section six (except subsection (*e*)), section forty-nine and section fifty-one hereof, and the rules ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen, twenty-one, twenty-six, fifty, fifty-five, sixty, sixty-three, seventy, seventy-nine, eighty, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and fifty-one, in the First Schedule hereto shall, so far as appropriate, apply to causes under the Small Debt Acts.

40



**46.** The provisions of sections ten and eleven of the Debtors (Scotland) Act, 1838, shall not apply to decrees of delivery under the Small Debt Amendment (Scotland) Act, 1889, but such decrees shall be enforceable by imprisonment under the warrant for execution contained in Schedule B of the Small Debt Amendment (Scotland) Act, 1889.

A.D. 1907.

Sections 10 and 11 of the Debtors (Scotland) Act, 1838, to apply to small debt causes.

**47.** It shall be lawful to issue a second or further extract of any decree under the Small Debt Acts, in the form as nearly as may be of Schedule B or C of the Small Debt Amendment (Scotland) Act, 1889, which extract may be written upon a separate paper, and shall have the same force and effect in all respects as the first extract.

Second extract of small debt decree competent.

**48.** If the sheriff is of opinion that the importance of the questions raised in any cause brought under the Small Debt Acts warrants that course, he may at any stage remit the cause to his ordinary court roll either on cause shown or ex proprio motu, in which case the cause shall proceed in all respects (including appeal) as if it had been originally raised in the ordinary court.

Small debt cause may be remitted to ordinary court roll.

#### POSTAL CHARGE.

**49.** Where a charge is necessary upon a decree for payment of money granted in the small debt court, and the place of execution of the charge is more than twelve miles distant from the seat of the court where such decree was granted, a charge may be given by post in the manner prescribed by the Citation Amendment (Scotland) Act, 1882.

Postal charge.

#### SUMMARY APPLICATIONS.

**50.** In summary applications (where a hearing is necessary) the sheriff shall appoint the application to be heard at a diet to be fixed by him, and at that or any subsequent diet (without record of evidence unless the sheriff shall order a record) shall summarily dispose of the matter and give his judgment in writing: Provided that wherever in any Act of Parliament an application is directed to be heard, tried, and determined summarily or in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876, such direction shall be read and construed as if it referred to this section of this Act: Provided also that nothing contained in this Act shall affect any right of appeal provided by any Act of Parliament under which a summary application is brought.

Summary applications.

A.D. 1907.

THE POOR'S ROLL.

Poor's roll.

**51.** Where parties are unable from poverty to pursue or defend an action, it shall be lawful for the sheriff to admit such parties to the benefit of the poor's roll if, upon the report of the procurators for the poor, he is satisfied that such person is entitled thereto. 5

REPEAL.

Repeal of statutes.

**52.** The enactments mentioned in the Second Schedule hereto annexed are hereby repealed to the extent mentioned in the third column of that Schedule, and all laws, statutes, Acts of Sederunt, orders and usages now in force so far as the same are inconsistent with the provisions of this Act, are also hereby repealed. 10  
But provided that all actions pending at the date of the commencement of this Act shall nevertheless proceed to final determination in all respects as if this Act had not been passed. 15

SCHEDULES.

A.D. 1907.

FIRST SCHEDULE.

RULES FOR REGULATING PROCEDURE IN THE ORDINARY COURT.

FORMS OF PROCESS.

- 5     1. Subject to the provisions of the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing and Land Transfer (Scotland) Act, 1874, as regards service of heirs and completion of title, all actions shall be commenced by writ as nearly as may be in the Form A hereto annexed. Initial writ.
- 10     2. Where the claim or demand is founded upon a stated account a copy of the account shall be endorsed upon or attached to the initial writ and served along with it. Copy account to be served.
3. The writ shall be signed by the pursuer or complainer or by his agent, and the name and address of pursuer's agent (if any) shall be  
15 upon the back of every service copy. Writ to be signed.
4. The warrant of citation shall be as nearly as may be — Form of first warrant.
- (a) In summary causes and summary removings, and also in summary applications when citation is necessary and in cases under the Workmen's Compensation Act, in the Form B  
20 hereto annexed:
- (b) In all other causes, in the Form C hereto annexed.

INDUCIÆ.

5. Actions shall proceed upon seven days' warning or induciæ when the defender is within Scotland, or fourteen days when he is in Orkney  
25 or Shetland or in any other island within Scotland or is furth of Scotland. Induciæ of citation.
6. The sheriff may shorten or may extend the induciæ, but not so as to be in any case less than forty-eight hours. Special induciæ.

CITATION.

7. Warrants may be signed by the sheriff-clerk, but any warrant may  
30 be signed by the sheriff or sheriff-substitute, and must be so signed if it contains an order for shortening or extending the induciæ or for interim interdict, sequestration, or other order not being an order for citation or warrant to arrest. In actions against persons furth of Scotland the warrant may authorise service edictally. Signature of warrants.



- A.D. 1907. 8. Citation may be in the Form D hereto annexed, and the form of  
 execution of citation, which shall be appended to or endorsed upon the  
 initial writ, may be in the Form E hereto annexed.
- Mode of citation.
- Attestation of officer's execution of citation. 9. If a warrant is executed by an officer, one witness shall be sufficient  
 for the execution of citation and the execution shall be signed by the  
 officer and the witness, and shall specify whether the citation was personal,  
 or, if otherwise, the mode of citation. 5
- Endorsation of warrant by sheriff-clerk of defender's residence not necessary. 10. Any warrant of citation or any warrant or precept of arrestment  
 proceeding upon a depending action or liquid document of debt may in any  
 competent manner be lawfully executed within the jurisdiction of any sheriff  
 without indorsation by the sheriff-clerk of that jurisdiction, and if executed  
 by an officer, may be so executed by an officer of the court which granted the  
 warrant or precept, or by an officer of the jurisdiction within which it is to  
 be executed. 10
- Citing of corporation. 11. A corporation or association, or a firm nominate or descriptive, or  
 a board corporate or unincorporate, may be sued and summary diligence  
 upon a sheriff court decree, or a decree of registration executed against them  
 under their nominate or descriptive name alone, and may be competently  
 cited at their principal place of business (which term shall include the office  
 or place of business of the clerk or secretary of any board or corporation), or  
 where the principal place of business is outwith the jurisdiction, at any place  
 of business within the jurisdiction. 15
- Service of new. 12. If it appear to the sheriff that there has been any irregularity in  
 service upon a defender who has not appeared, the sheriff may authorise  
 the pursuer or complainer to make service of new upon such conditions  
 as to the sheriff shall seem just. 25
- Defender appearing barred objecting to citation. 13. A party who appears may not state any objection to the regularity  
 of the service upon himself, and his appearance shall be deemed to remedy  
 any defect in the service, unless where jurisdiction has been constituted by  
 citation or by arrestment ad fundandum jurisdictionem. 30
- Citation of a minor. 14. Service in ordinary form on a minor and on his father, as curator-  
 at-law, or upon a minor and his tutors and curators if known to pursuer,  
 or, if they are not known, upon the minor himself in ordinary form, and  
 his tutors and curators edictally, shall be good and sufficient service on  
 the minor for every purpose of law. 35
- Edictal citation. 15. It shall be competent to execute edictally any warrant of citation  
 granted or charge on an extracted decree pronounced by a sheriff against any  
 person furth of Scotland, by delivery of a copy thereof at the office of the  
 keeper of edictal citations at Edinburgh according to the mode established  
 in regard to the execution edictally of citations and charges on warrants of  
 the Court of Session; or by sending to such keeper in a registered post-letter  
 a certified copy of such warrant or charge, of which copy the keeper shall  
 acknowledge receipt. Every citation or charge so executed edictally shall  
 be recorded in the record of edictal citations in Edinburgh in a separate  
 record of edictal citations or charges against persons furth of Scotland cited  
 or charged upon warrants proceeding from any sheriff court. Where the 45

party cited or charged has a known residence or place of business in England or Ireland a copy of the writ and citation or of the decree and charge on fourteen days' induciæ shall be posted in a registered letter to the party at such address, and the execution shall express that this has been done. The sheriff-clerk shall in all warrants to cite persons furth of Scotland insert a warrant to cite edictally, and along with the execution of edictal citation pursuer's agent shall lodge a certificate of such postal intimation and the post office registered letter receipt.

A.D. 1907.

## CUSTODY OF PROCESS.

- 10 16. Every initial writ shall after tabling remain in the custody of the sheriff-clerk, unless the sheriff shall grant a special order to the contrary. A process may be borrowed only by an agent entitled to practise in the jurisdiction, or by his duly authorised clerk, for whom he shall be responsible.
- 15 17. When any number of process is lost or destroyed, a copy thereof, authenticated in such manner as the sheriff may require, may be substituted, and shall, for the purposes of the action, be equivalent to the original.
- 20 18. In a defended action the pursuer shall lodge with the sheriff-clerk principal and duplicate interlocutor sheets and a principal and borrowing inventory of process; and the sheriff-clerk shall endorse upon all pleadings the date when the same are lodged. The principal interlocutor sheets and the borrowing inventory shall remain in the custody of the sheriff-clerk.

Custody of process.

Lost documents may be replaced by copies.

Interlocutor sheets, &amp;c., to be lodged by pursuer.

## TRANSFER OF CAUSES.

- 25 19. Where an action in which there are two or more defenders has been brought in the court of the domicile of one of them, the sheriff may transfer the cause to any other court which has jurisdiction over any of the defenders, if in his opinion it is expedient that this should be done, and an action so transferred shall proceed in all respects as if it had been originally brought in that court.
- 30 20. The sheriff may upon sufficient cause, by interlocutor stating his reasons, remit any cause to another sheriffdom, and such interlocutor, when issued by a sheriff-substitute, shall by leave of the sheriff-substitute, and within seven days only, be subject to review by the sheriff, but shall not be further subject to review.
- 35 21. Where a plea of no jurisdiction is sustained, the sheriff may, if he think proper, and upon such conditions as to costs as he may think fit, remit the cause to the sheriff before whom it appears to him it ought to have been brought, and it shall thereafter proceed in all respects as if it had been originally there brought. When such remit is made by the sheriff-substitute, the interlocutor remitting shall by leave of the sheriff-substitute and within seven days only be subject to review by the sheriff but shall not be further subject to review.

Transfer of cause to more convenient sheriffdom where several defenders in different sheriffdoms.

Sheriff on cause shown may remit to another sheriffdom.

Where plea of no jurisdiction stated, cause may be remitted to proper sheriffdom.

A.D. 1907.

## APPEARANCE.

Notice of appearance.

22. If a defender intend to state a defence he shall (except in a summary cause), before the expiry of the induciæ, lodge with the sheriff-clerk a notice of appearance in the following terms:—

[Place and date]—C. D., [design him] defender, intends to defend the action against him [and others] at the instance of A. B. [design him].

A. B. *Defender*,  
or X. Y. [add address],  
*Defender's Agent*.

## UNDEFENDED CAUSES.

10

In undefended cause decree may be granted at any time after expiry of induciæ.

23. Where a defender does not answer or lodge a notice of appearance the sheriff may at any time, after the expiry of the induciæ, upon written craving to that effect being endorsed upon the initial writ by the pursuer or his agent decern in terms of the claim or demand as set forth in the initial writ, and for expenses as the same may be certified by a note endorsed upon the initial writ by the auditor of court, subject to any restriction endorsed upon the writ or set forth in a minute by the pursuer or his agent.

15

Extract of decree in absence in seven days. Finality of decree in absence.

24. The sheriff-clerk may issue an extract of such decree after the expiry of seven days from the date of the sheriff's judgment.

20

25. A decree pronounced in absence, and which has not been recalled or brought under review by suspension, where suspension is competent, or by reduction, shall become final, and be entitled to all the privileges of a decree in foro—

(a) In six months from its date, or from the date of charge under it, where the service of the writ or of the charge has been personal:

25

(b) In any event after the lapse of twenty years from its date.

Amendment of writ in undefended action.

26. In an undefended action the sheriff may allow the pursuer or his agent to amend any error or defect in the initial writ, and may, if he see fit, order the amended writ to be served upon the defender, and may allow him to appear within such time as he may think proper. But the expense occasioned by such amendment shall not be chargeable against the defender, and such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice creditors of the defender, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any persons representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence, and any diligence which was competent upon the original writ shall be competent upon the amended writ.

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40

## REPOING.

Defender may be reponed against decree in absence.

27. At any time before implement of a decree in absence, the defender may apply to be reponed by lodging with the sheriff-clerk and serving

upon pursuer a note setting forth his proposed defence, and his explanation of his failure to appear. A.D. 1907.

28. Along with this reponing note the defender shall consign the sum of two pounds in the hands of the sheriff-clerk. Upon consignment.

5 29. Upon such consignment the sheriff, if satisfied with the defender's explanation, may recall the decree so far as not implemented, whereupon the action shall proceed in all respects as if the defender had appeared. Sheriff may recall the decree in absence.

30. If the sheriff is not satisfied with the defender's explanations he may refuse the reponing note. Or refuse to recall.

10 31. In either case the pursuer shall be entitled to uplift the consigned money. Pursuer entitled to consigned money.

32. A reponing note, when duly lodged and intimated to the pursuer or to his agent, shall operate as a sist of diligence. Reponing note to operate as sist of diligence.

15 33. Any interlocutor or order upon a reponing note, or recalling, or incidental to the recall of a decree in absence, shall be final and not subject to review. Judgment upon a reponing note final.

#### DEFENDED CAUSES.

20 34. Where appearance has been entered the sheriff-clerk shall enrol the cause for tabling on the first court day occurring after the expiry of the induciæ. Defended cause to be tabled.

25 35 An action which has not been tabled, and in which protestation has not been craved, shall drop from the roll, but within three months the sheriff may direct it to be again enrolled for tabling under such conditions as to notice, or re-service, or expenses, or otherwise as he shall think fit. If not tabled to drop from roll.

36. If the pursuer do not then table the cause, the defender or his agent, upon producing the service copy of the writ, may crave protestation for not insisting, which the sheriff may grant, and may modify the amount of protestation money payable to defender. If case not tabled defender may crave protestation.

30 37. Protestation shall not be extracted till the expiry of seven free days from the date of its granting, except where arrestments have been used, in which case extract may be given out after the lapse of forty-eight hours. Extract of protestation.

38. Upon protestation being extracted, the instance shall fall. Effect of protestation.

35 39. Before extract protestation may be recalled, and the pursuer may be allowed to proceed with his action upon making payment to the defender of the amount of the protestation money, and upon such other conditions as to the sheriff shall seem just. Recall of protestation.

40 40. When any defended action (other than a claim under the Workmen's Compensation Act) has been tabled, the sheriff of consent of parties, notwithstanding that its value exceeds fifty pounds, may, at any stage, direct that it be tried as a summary cause, and his decision as to this shall be final. Sheriff may direct any cause to be tried as a summary cause.

- A.D. 1907. Procedure in a summary cause. 41. In a summary cause the sheriff may order a condescence and defences if he thinks fit, or may make or certify a note upon the writ or separately of the pleas of parties and appoint a diet for the trial of the cause, or may order such other procedure as the circumstances seem to him to require. 5
- In non summary cause condescence within three days of tabling. Defences within six days. 42. In all other defended causes the pursuer shall at the tabling of the cause, or within three days thereafter, lodge a condescence setting forth succinctly and in articulate articles the grounds of action and his pleas in law. 10
- Enrolment for adjustment. 43. Within six days of the condescence being lodged the defender shall lodge his defences. 15
- Certified copy writ warrant for arrestment. 44. The sheriff-clerk shall, upon defences being lodged, enrol the cause for an ordinary court day occurring not less than four days thereafter for adjustment. The adjustment shall not be adjourned more than once unless upon special cause shown. 15
45. In every defended action the pursuer shall, after defences have been lodged, and before the diet for adjustment, lodge in process a copy of the initial writ and warrant thereon certified by him or his agent, which may thereafter be borrowed by the agent of any party to the process, and such certified copy shall be sufficient warrant where competent to arrest on the dependence. Separate precepts of arrestment may be issued by the sheriff-clerk upon production to him of a writ containing pecuniary conclusions upon which a warrant of citation has been granted, or of a liquid document of debt. 20
- Form of defences. 46. Defences shall be in the form of articulate answers to the condescence, having appended a note of defender's pleas, and where necessary a statement of facts founded on in defence which shall be set forth succinctly. 25
- Documents founded on to be produced before record closed. 47. Each party shall, along with his pleadings, or at latest before the closing of the record, if required by any other party in the action or by the sheriff, lodge any documents founded upon in the pleadings, so far as the same are within his custody or power. 30
- Diligence for recovery of such documents. 48. Where such documents are not produced by either party, or where they are in the hands of third parties, the sheriff may, on the motion of either party, grant commission and diligence for their recovery, and may on that account delay closing the record. 35
- Revisal may be ordered. 49. The sheriff may upon cause shown, or ex proprio motu, order a revisal of the pleadings, or may order pursuer to answer defender's separate statement of facts. 40
- Documents may be challenged open exceptione. 50. When a deed or writing is founded on by any party in a cause all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof. 40
- Caution may be ordered when action of reduction competent. 51. The sheriff may, where an objection is so stated and where an action of reduction would be competent, order the objector to find caution, or to make consignation as he shall direct. 45



52. When the pleadings have been adjusted the sheriff shall close the record. A.D. 1907.  
Closing record.
53. All alterations or additions made on the record shall be authenticated by the sheriff's initials. Alterations to be initialed by sheriff.
- 5 54. If preliminary pleas have been stated the sheriff shall first dispose of them, unless he thinks that from their being connected with the merits, or on any other ground, they should be reserved till a future stage of the cause. Preliminary pleas to be first disposed of.
- 10 55. Where a defender pleads a counter claim it shall suffice that he state the same in his defences, and the sheriff may thereafter deal with it as if it had been stated in a substantive action, and may grant decree for it in whole or in part, or for the difference between it and the claim sued on. Counter claim may be stated in defences.
- 15 56. In a defended action (including a jury cause) when any production or pleading has not been lodged or order implemented within the time required by statute or ordered by the sheriff or where in a defended action either party fails to appear by himself or his agent at any diet, or fails to make payment of any court dues or deposit, the sheriff may grant decree as craved, or of absolvitor, or may dismiss the action, with expenses, but the sheriff may upon cause shown prorogate the time for lodging any production or pleading or implementing any order. If all parties fail to appear the sheriff shall, unless sufficient reason appear to the contrary, dismiss the action. Failure of either party to appear or to implement orders of court entitles other party to decree.
- 20 57. When an agent has borrowed a process, or any part thereof, and fails to return it for any diet at which it is required, the sheriff may impose upon such agent a fine not exceeding one pound, which shall be payable to the clerk of court for behoof of His Majesty's Exchequer, but an order so imposing a fine may, on cause shown, be recalled by the sheriff who granted it. Orders made under this section shall not be subject to review. For the purposes of this section every agent practising before his court shall be subject to the jurisdiction of the sheriff. Agent failing to return process may be fined.
- 30 58. If at the time of closing the record the parties renounce probation they shall sign a minute to that effect on the interlocutor sheet, and the sheriff may order the case to be debated then or at a subsequent diet. If probation renounced parties to sign minute.
- 35 59. If proof is necessary the sheriff shall (unless the cause has been ordered for jury trial), with the least possible delay, fix a date for taking the proof, and may limit the mode of proof. Proof may be ordered.
- 40 60. The sheriff may remit to any person of skill, or other person, to report of any matter of fact; and, when such remit is made of consent of both parties, the report of such person shall be final and conclusive with respect to the matter of the remit. When such a remit is made, upon the motion of either party, the expense attending its execution shall in the first instance be paid by the party moving for it. When the remit is on joint motion, or by the sheriff ex proprio motu, the expense shall in the first instance be paid by the parties equally, unless the sheriff shall otherwise order. Remit to person of skill.
- 45

- A.D. 1907. Parties may by minute agree to cause being tried as small debt cause. 61. The parties to any action may lodge in process a minute, signed by themselves or their agents, agreeing to the cause being disposed of in the manner provided under the Small Debt Acts, whereupon the sheriff shall remit the action to his small debt court roll, and the whole powers and provisions of the Small Debt Acts shall become applicable to the cause. 5
- Diligence for recovery of documents. 62. At any time after a proof has been allowed, or an order made for jury trial, the sheriff, upon the motion of either party, may grant commission and diligence for the recovery of such documents as the sheriff shall deem relevant to the cause.
- Evidence to lie in retentis. 63. Evidence in danger of being lost may be taken to lie in retentis, and, if satisfied that it is desirable so to do, the sheriff may, upon the motion of either party at any time, either take himself, or grant authority to a commissioner to take, such evidence. 10
- Reference to oath. 64. When any person desires to refer to the oath of his adversary, he shall lodge a minute to that effect, signed by himself or his agent. If the party to whose oath reference has been made fail to appear at the diet for taking his deposition, the sheriff may hold him as confessed, and decern accordingly. 15
- Recording of evidence. 65. Evidence in a cause or a deposition, whether before the sheriff or a commissioner, may be taken down by the sheriff or commissioner, or by a clerk or shorthand writer nominated by the sheriff or commissioner, to whom the oath de fidei administratione shall be administered and evidence may be recorded in narrative form or by question and answer as the sheriff or commissioner shall direct, and the extended notes of evidence certified by such clerks or shorthand writer, shall be the notes of the oral evidence in the cause. The sheriff or commissioner may, if he think fit, dictate to the clerk or shorthand writer what he is to record. 20 25
- Sheriff may amend record of evidence. 66. If the correctness of the notes of evidence or of a deposition be questioned, the sheriff may satisfy himself in regard thereto by the examination of witnesses or otherwise, and may amend the record of evidence or a deposition. 30
- Shorthand writer's fees. 67. When a shorthand writer is so employed to record evidence, he shall in the first instance be paid, as regards commissions by the party moving for the commission, and as regards proofs or jury trials by the parties equally. The agents of parties shall be personally liable for the shorthand writer's fees. And it shall be competent for the sheriff to make an order directing payment to be made. 35
- Production of documents may be ordered. 68. The sheriff may order production of documents at any stage of the cause, and the sheriff may allow a party, at any time before judgment, to produce any document which he has failed to produce timeously, upon such conditions as to payment of expenses and allowing further proof as to the sheriff shall seem just. 40
- Proof to be taken continuously. 69. The proof shall be taken so far as possible continuously, but the sheriff may adjourn the diet from time to time.

70. The evidence of any witness or haver resident beyond the jurisdiction of the court, or who although resident within the jurisdiction resides at some place remote from the seat of the court, or who is by reason of illness, age, or infirmity unable to attend the diet of proof, or  
 5 a jury trial, may be taken by commission in like manner as evidence to lie in retentis.

A.D. 1907.

Evidence may be taken on commission.

71. A copy of an interlocutor certified by the sheriff clerk allowing a proof or fixing a diet for the trial of any action or for the examination of witnesses or havers, or fixing a date for a jury trial, shall be  
 10 sufficient warrant for citation of witnesses or havers. If any witness or haver duly cited on an induciæ of at least forty-eight hours, and after having been tendered his travelling expenses if the same shall have been demanded fail to attend a diet, either before the sheriff or before his commissioner, such witness or haver may be ordained by the sheriff to forfeit  
 15 and pay a penalty not exceeding forty shillings, unless a reasonable excuse be offered and sustained, and the sheriff may grant decree for said penalty in favour of the party on whose behalf said witness or haver was cited.

Citation of witnesses.

72. Witnesses and havers may be cited as nearly as may be in Form F hereto annexed, and the execution of citation shall be as  
 20 nearly as may be, in the Form G and an agent who cites a witness shall be personally liable for the fees of the witness.

Form of citation.

73. It shall further be competent to the sheriff to grant second diligence (which shall be effectual in any sheriffdom within Scotland without endorsement) for compelling the attendance of said witness or  
 25 haver under pain of arrest and imprisonment, until caution be found as the sheriff may require for his due attendances, the expense whereof may in like manner be decreed for against the witness or haver.

Second diligence against witness failing to attend.

74. When the sheriff, or a commissioner, repels or sustains an objection taken in the course of a proof, the objection stated, and any answer  
 30 made to it, shall, if desired by the objector, be shortly noted on the notes of evidence to the sheriff's or commissioner's dictation, but the examination of the witness shall nevertheless proceed. The sheriff or commissioner may, if he consider the objections of sufficient importance, direct the evidence objected to to be taken on a separate paper; but it shall not  
 35 be competent during the course of a proof to submit to review any judgment pronounced upon the competency of the evidence.

Objections taken in course of proof to be noted.

75. On the proof being declared closed, or within seven days thereafter, if the sheriff-substitute has not in the interval pronounced judgment, it shall be competent by leave of the sheriff-substitute to appeal to the sheriff  
 40 upon objections to the admissibility of evidence taken during the course of the proof, and the sheriff shall, with or without a hearing, dispose of such appeal with the least possible delay, and if he think that evidence accepted should not have been allowed he may delete the same from the notes of evidence, and if he think that evidence has been improperly rejected  
 45 he may appoint the same to be taken before the case is advised on its merits.

Appeal on questions of admissibility of evidence.



- A.D. 1907. 76. If any person, whether a party to the cause or other person, plead before the sheriff-substitute confidentiality with reference to documentary or oral evidence, or, on pleas of alleged hypothec or otherwise, shall object to produce documents, the sheriff-substitute shall, on the notes of evidence, minute his decision on such pleas, and any party in the cause or the party pleading confidentially by leave of the sheriff-substitute may, in open court, take an appeal to the sheriff, who shall, with or without a hearing and with the least possible delay, dispose of such appeal. 5
- Appeal on ground of confidentiality.
77. Such incidental appeal shall not remove the cause from the sheriff-substitute, who may proceed with the cause as regards points not necessarily dependent upon the ruling so appealed against. 10
- Proof to proceed notwithstanding such appeal.
78. At the close of the proof, or at an adjourned diet, if for any reason the sheriff shall see fit to postpone the hearing, the sheriff shall hear the parties or their agents, and thereafter shall pronounce judgment with the least possible delay. 15
- Parties to be heard at close of proof.

## AMENDMENT OF PLEADINGS.

79. Upon the motion of either party the sheriff may, at any stage of the cause, and upon such conditions as to expenses reserve or otherwise as he shall deem proper, allow a record to be altered or amended to the effect of determining the real question in controversy (including amendment of the instance and the initial writ and the adding of parties) notwithstanding that the conclusions of the action may thereby be enlarged or altered. 20
- Record may be amended by sheriff.
80. No such amendment shall have the effect of validating diligence used prior thereto on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the execution of such diligence. 30
- Effect of amendment.

## ABANDONMENT.

81. A pursuer may at any stage of an action before an interlocutor granting absolvitor or dismissing the action has been pronounced offer to abandon his action by lodging a minute to that effect, signed by himself or his agent, in which case, upon payment to defender of his expenses, the sheriff may dismiss the action, and pursuer may bring a new action if otherwise competent. If the pursuer fails, within fourteen days of the date of taxation, to pay the defender's expenses, the defender shall be entitled to decree of absolvitor, with expenses. 35
- Abandonment of action.

## JUDGMENT.

82. To all interlocutors, except those of a formal nature, the sheriff shall append a note setting forth the grounds upon which he has proceeded
- Sheriff to state reasons for judgment.

and in his final judgment on the merits he shall set forth his findings in fact and in law separately. A.D. 1907.

83. The sheriff may pronounce or sign any judgment or interlocutor when furth of his sheriffdom, but the date of every interlocutor shall be deemed to be the date upon which it is entered in the books of the court. Date of judgment to be date of entry in court books.

84. At any time before extract, or before the transmission of a process in which an appeal has been taken the sheriff may correct any clerical or incidental error in his judgment. Clerical error in judgment may be corrected.

10

## EXTRACT.

85. Extract of any decree, interlocutor, or order of the sheriff (other than a decree in absence or a decree for expenses), if the same shall not have been sooner appealed against, may be issued in a summary cause after the lapse of seven days; and in any other cause, after the lapse of fourteen days from its date, or at such earlier date as the sheriff shall allow extract. Time of extract.

## APPEAL.

86. A final judgment of the sheriff-substitute may if appeal be competent and unless otherwise provided be appealed to the sheriff or to the Court of Session at any time within three months of its date (but not later), if the same shall not sooner have been extracted or implemented. Any other appealable interlocutor of the sheriff-substitute may be appealed within fourteen days (but not later), if not sooner extracted. Appeal from the sheriff-substitute.

87. An appeal shall be taken by the appellant or his agent dating and signing a note on the interlocutor sheet in the following terms:-- Form of appeal.

The pursuer [or defender or other party] appeals [to the sheriff] or [to the Division of the Court of Session].

Or if the interlocutor sheet is not in the hands of the sheriff-clerk (which fact shall be certified by him), the note of appeal may be written upon a separate paper, and lodged along with the sheriff-clerk's said certificate. On appeal process to go to sheriff or clerk of Session.

88. On an appeal being taken, the sheriff-clerk shall within two days transmit the process to the sheriff or to the principal clerk of Session as the case may be, and also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal. Reclaiming note or oral hearing may be ordered. But may be dispensed with.

89. The sheriff may order a reclaiming note and answers, or may hear parties orally.

90. The sheriff may, on the motion of both parties, and if he see fit, dispose of the appeal without ordering either a reclaiming note and answers or an oral hearing.

91. Notwithstanding an appeal, the sheriff shall have power to regulate all matters relating to interim possession, to make any order for the

- A.D. 1907. pending appeal. preservation of any property to which the action relates or for its sale if perishable, or for the preservation of evidence, or to make in his discretion any interim order which a due regard to the interests of the parties may require. Such orders shall not be subject to review except by the Appellate Court at the hearing of the appeal. 5
- Appeal to Court of Session. 92. Within three months from its date (but not later) a final judgment of the sheriff, if not sooner extracted or implemented, may, if appeal be competent, be appealed to the Court of Session. Any other appealable judgment of the sheriff may, if not sooner extracted or implemented, be appealed within fourteen days (but not later). 10
- Form of appeal. 93. The party desiring so to appeal, or his agent, shall do so by writing on the interlocutor sheet (or on a separate paper, in like manner as in the case of an appeal from the sheriff substitute) a note in the following terms:—  
The pursuer [*or* defender *or* other party] appeals to the Division of the Court of Session. 15
- Sheriff-clerk to transmit process to Edinburgh. 94. On receiving such note of appeal the sheriff-clerk shall within two days transmit the process to the principal clerk of session at Edinburgh, and shall also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal. 20
- Form of appeal to Court of Session in actions advocated under this Act. 95. If any action is desired to be removed to the Court of Session in terms of sections five and thirty of this Act, the party so desiring its removal shall write a minute to that effect upon the interlocutor sheet, whereupon the sheriff-clerk shall give intimation to the other parties or their agents and shall transmit the process to the keeper of the roll of the Court of Session, who shall, under the direction of the Lord President, allocate the cause to a Division and a Lord Ordinary, and thereafter the cause shall proceed in all respects as if it had originally been raised in the Court of Session. 25 30
- Abandonment of appeal. 96. After an appeal has been noted, the appellant shall not be entitled to abandon it unless of consent of all parties, or by leave of the Appellate Court. 35
97. In sections 86, 87, 88, 89, 90, and 92 "sheriff" does not include sheriff-substitute. 35
- EXPENSES.
- Decree for expenses to include dues of extract. 98. Every decree for expenses shall be deemed to include a decree for the expense of extracting the same, and extract of such decree for expenses may be issued after the lapse of seven days unless otherwise directed by the sheriff. 40
- Decree for expenses may be extracted in agent's name. 99. Expenses allowed in any action, whether in absence or in foro, shall, unless modified at a fixed amount, be taxed before decree is granted for them, and the sheriff may allow a decree for expenses to go out and be extracted in name of the agent who conducted the cause.

100. Within two days after the lodging of the auditor's report on taxation it shall be competent to lodge a note of objections to an auditor's report, and the sheriff shall dispose of such objections in a summary manner, with or without answers. A.D. 1907.  
Objection to  
auditor's  
report.

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## WAKENING.

101. If no interlocutor shall have been pronounced in a cause for a year and a day it shall be held to have fallen asleep. Wakening  
action.

102. Where the whole of the parties or their agents subscribe a minute on the interlocutor sheet consenting to the cause being wakened the sheriff may pronounce an interlocutor wakening the cause, and thereafter proceed with it. To be by  
minute.

103. Where all parties do not so consent, the party desiring to have the cause wakened may lodge a minute to that effect, which the sheriff may order to be intimated to the other parties or their agents, and to be published in such manner as the sheriff shall direct, and the agent for the party applying for wakening shall lodge a certificate that the intimation and publication ordered have been made. If satisfied, the sheriff may thereafter pronounce an interlocutor wakening the cause, and proceed with it. Publication of  
application for  
wakening.

20

## SEQUESTRATION FOR RENT.

104. In actions for sequestration, and sale, for recovery, or in security of rent, whether brought after the term of payment or currente termino, payment of rent may be concluded for, and decree for payment of such rent or part thereof when the same has become due and payable, may be pronounced and be extracted in common form. In sequestra-  
tion for rent.

105. In the first deliverance upon a writ for sequestration for rent the sheriff may sequester the effects of a tenant, and grant warrant to inventory and secure the same and all warrants to sequester, inventory, sell, eject, or re-let shall be deemed to include authority, if need be, to open shut and lockfast places for the purpose of carrying such warrants into execution. Warrant may  
be granted to  
inventory and  
secure.

106. The sheriff may order the sequestered effects to be sold at the sight of an officer of court or other person named. Sequestered  
effects may be  
sold.

107. When a sale follows, it shall be reported within fourteen days and pursuer shall lodge the roup rolls or certified copies thereof and a state of debt. Sale to be re-  
ported within  
fourteen days.

108. In the interlocutor approving the report of sale, or by separate interlocutor, the sheriff may give decree against the defender for any balance remaining due. Sheriff may  
decree for  
balance due  
after sale.

109. The sheriff may at any stage appoint a fit person to take charge of the sequestered effects, or may require the tenant to find caution that they shall be made forthcoming. Sheriff may  
appoint care-  
taker or order  
caution.

40

A.D. 1907.

## REMOVINGS.

Action of removing where fixed term of removal.

110. An action of removing may be raised at any time, provided the tenant has bound himself to remove by writing, dated and signed within twelve months of the term of removal, or, where there is more than one lease, of the lease first in date to remove. When the tenant has not so bound himself, an action of removing may be raised at any time provided that—

- (a) In the case of a lease of lands exceeding two acres in extent for three years and upwards, an interval of not less than one year nor more than two years shall elapse between the date of notice of removal and the term of removal first in date; 10
- (b) In the case of leases of lands exceeding two acres in extent, whether such leases be written or verbal held from year to year or under tacit relocation, or for any other period less than three years, an interval of not less than six months shall elapse between the date of notice of removal and the term of removal first in date; and 15
- (c) In the case of houses let with or without land attached not exceeding two acres in extent, as also of land not exceeding two acres in extent without houses, as also of mills, fishings, shootings, and all other heritable subjects excepting land exceeding two acres in extent, and let for a year or more, forty days at least shall elapse between the date of notice of removal and the term of removal first in date. 20

Provided that nothing herein contained shall affect section 27 of the Agricultural Holdings Act, 1883: Provided also that in any defended action of removing the sheriff may order the defender to find caution for violent profits: Provided also that in actions of declarator of irritancy and removing by a superior against a vassal the pursuer shall call as parties the last entered vassal and such heritable creditors and holders of postponed ground burdens as are disclosed by a search for twenty years prior to the raising of the action, and the expense of the search shall form part of pursuer's expenses of process 25 30

Form of notice of removal.

111. Notices under sections 34, 35, and 36 of this Act shall be as nearly as may be in the Form H annexed hereto, and a letter of removal may be in the terms of Form I. 35

112. Notices under section 37 of this Act shall be as nearly as may be in the Form J hereto annexed, and such form may be used, mutatis mutandis, also for notices to the proprietor by or on behalf of the tenant.

113. Removal notices under sections 34, 35, 36, 37, and 38 of the Act may be given by a messenger-at-arms or sheriff officer, or by registered letter signed by the person entitled to give such notice, or by the law agent or factor of such person, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon on or prior to the last date upon which by law such notice must be given, addressed 40 45



[7 EDW. 7.]

*Sheriff Courts (Scotland).*

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to the person entitled to receive such notice, and bearing the particular address of such person at the time if the same be known; or if the same be not known then to the last known address of such person. A.D. 1907.

114. A certificate of notice under rule 111, dated and endorsed upon the lease or extract, or upon the letter of removal, and signed by the sheriff officer, messenger-at-arms, or by the person giving the notice, or his law agent, or factor, or an acknowledgment of notice endorsed on the lease or extract or letter of removal by the party in possession or his agent shall be sufficient evidence that notice has been given. Where there is no lease a certificate endorsed upon a copy of the notice or letter, certified to be correct, by the person, sheriff officer, messenger-at-arms, law agent, or factor sending the same, which certificate shall be signed by such party sending the notice or letter, shall also be sufficient evidence that notice has been given. A certificate of notice under rule 112, dated and endorsed upon a copy of the notice or letter signed by the party sending the notice, shall be sufficient evidence that such notice has been given. Evidence of notice to remove.

## SUMMARY REMOVINGS.

115. The action for summary removing as authorised by section 38 of this Act may be at the instance of a proprietor or his factor, or any other person by law authorised to pursue a process of removing, and be in the Form K hereto annexed. Form of action for summary removing.

116. The warrant to be granted thereon may be in the Form B hereto annexed upon two days induciæ and may be signed by the sheriff-clerk. Form of warrant.

117. If the defender fail to appear the sheriff may dispose of the cause in his absence, but if within three days the defender shall satisfy the sheriff that there was reasonable excuse for his non-appearance, the sheriff may re-hear the cause, and if decree has been granted and not implemented, may recall the decree upon such conditions as to expenses and otherwise as the sheriff shall deem reasonable. Where decree is pronounced in absence, the sheriff may give such directions as he may deem proper for the preservation of the defender's goods and effects. Decree in absence may be recalled within three days.

118. The warrant upon the petition or complaint or the defender's service copy thereof shall be sufficient warrant for the citation of witnesses. Service copy warrant sufficient to cite witnesses.

119. Such causes shall be conducted and disposed of in the summary manner in which proceedings are conducted under the Small Debt Acts and shall not be subject to review. Small debts procedure applies to summary removing.

120. When decree and warrant of ejection is granted it shall be in the Form L hereto annexed. Form of decree.

121. The sheriff may order written answers or adjourn the hearing of such causes, but where defences cannot be instantly verified, the Sheriff may order caution.

A.D. 1907. sheriff shall ordain the defender to find caution for violent profits, unless the sheriff shall dispense with caution, which he may do if he see fit.

When caution found procedure as ordinary action.

122. Where a defender has given in answers and caution for violent profits has been found or has been dispensed with, such causes shall, as nearly as may be thereafter, be conducted according to the procedure in ordinary actions of removing, and shall be subject to review in common form. 5

#### SUMMARY SUSPENSION.

Summary application for suspension of charge may be brought in court of defender's domicile.

123. Where a charge has been given on a decree of court granted by the sheriff or a decree of registration proceeding upon a bond, bill, contract, or other form of obligation registered in any sheriff court books, or in the books of council and session, or any others competent, or on letters of horning following on such decree, for payment of any sum of money not exceeding fifty pounds, exclusive of interest and expenses, the person so charged may apply in the sheriff court of his domicile for suspension on caution of such charge and diligence. 10 15

Diligence may be sisted on caution.

124. On sufficient caution being found in the hands of the sheriff-clerk for the sum charged for interest and expenses, and a sum to be fixed by the sheriff in respect of expenses to be incurred in the suspension process, the sheriff may sist diligence, order intimation and answers, and proceed to dispose of the cause in a summary manner. 20

Judgment of sheriff final on competency.

125. If objections be taken to the competency or regularity of suspension proceedings, the judgment of the sheriff-substitute, on such objections, may be appealed to the sheriff, but his judgment thereon shall be final. 25

#### ARRESTMENT.

When arrestment schedule not served personally copy to be sent by post.

126. If a schedule of arrestment has not been personally served upon an arrestee, it shall be necessary to make the arrestment effectual, that a copy of the schedule be also sent by postal registered letter to the last known place of abode of the arrestee, or if such place of abode is unknown, or if the arrestee is a firm or corporation to the arrestee's principal place of business if known, or if not known to any known place of business of the arrestee, and the officer shall in his execution certify that this has been done, and specify the said address. 30

Arrestment to be reported.

127. An arrestment used on the dependence shall fall unless the action shall have been served within seven days of the date of execution of arrestment and tabled within fourteen days after service, and when an arrestment has been executed the party using it or his agent shall forthwith report the execution to the sheriff-clerk. 35

#### FORTHCOMING AND MULTIPLEPOINDING.

Forum of action of multiplepoinding.

128. An action of forthcoming or multiplepoinding may be raised in the sheriffdom where the fund or subject in medio is situated, or in that to whose jurisdiction the arrestee or the holder of the fund is subject although the common debtor may not reside within either sheriffdom. 40

129. The party raising an action of multiplepointing shall set forth in the initial writ who is the real raiser. The sheriff may, in an action of multiplepointing, allow the real raiser his expenses preferably out of the fund in medio; and in an action of furthcoming the expenses of bringing  
5 the action shall be deemed to be part of the arrestor's claim, which may be made good out of the arrested fund or subject.

A.D. 1907.

Real raiser to be set forth.

130. Where, in an action of multiplepointing, no defences are stated, and where defences are stated and repelled, the sheriff shall order claims and, if necessary, answers within a short space.

Claims to be ordered.

10 131. Several claimants may state the facts on which they base their claims on the same paper, but, where necessary, they shall append separate claims and separate pleas in law.

Several claimants may state one paper.

132. Where there are defences in an action of furthcoming or competing claims in a multiplepointing process the procedure shall be as near  
15 as may be that in ordinary actions where defences have been lodged.

When competing claims procedure as in ordinary action.

## JURY TRIAL.

133. The jury shall consist of two special, and five common jurors, who shall be chosen from a panel of five special and ten common jurors to be cited for the diet.

Jury.

20 134. The jury shall be cited by the sheriff-clerk from the sheriff court jury book in the manner prescribed by law or in use to be followed for the citation of jurors in Scotland; and all statutory or other regulations and customs relative to the citation, non-attendance, selection and swearing of jurors shall (subject to rules 135 and 139) apply to jury trial in the  
25 sheriff court.

Citation of jury.

135. Each party in the cause shall have right to challenge one special and one common juror, but not more; and in this matter, where there are more pursuers or defenders than one, they shall act collectively and not individually.

Challenge of jurors.

30 136. Each juror empanelled shall, at the commencement of the trial, be supplied by the pursuer with a copy of the questions of fact proposed as set forth in the sheriff's interlocutor.

Jury to have copy issue. †

137. The law and practice relating to the taking of evidence in proofs before the sheriffs shall apply to jury trials. Unless all the parties appearing  
35 put in a minute (which may be signed by their agents) dispensing with a record of the proceedings, the same shall be taken by an official shorthand writer of the court, but the notes need not be extended unless, in the case of an appeal, their production shall be ordered by the appellate court, in which event it shall be the duty of the appellant to procure the extended notes,  
40 certified by the shorthand writer, and to lodge the same with the principal clerk of session.

Practice in proofs to apply.



- A.D. 1907.  
Evidence on commission. 138. When evidence has been taken to lie in retentis, if the sheriff is satisfied that the deponing witness is dead, or that he cannot attend at the trial owing to absence or infirmity or other sufficient cause, it shall be competent for the sheriff, on the motion of any party in the cause (irrespective of which party moved for the commission to take such evidence) to direct that the report of the commission be read to the jury, and when so read such report shall form part of the evidence in the cause ; but depositions shall not be read or referred to if the deponing witness attends at the trial. 5
- Exceptions. 139. Exceptions taken in the course of the trial to rulings of the sheriff in regard to admission or rejection of evidence, or in regard to points of law laid down in the course of the trial or in the sheriff's charge to the jury, shall, if required by the party taking the exception, be recorded to the sheriff's dictation upon the official shorthand notes before the jury proceed to consider their verdict. 10 15
- Addressing jury. 140. No person shall be entitled to address the jury until the leading of evidence has been concluded ; but thereafter the parties, personally or by counsel or law agent, may address the jury. One speech only on behalf of each interest represented shall be made.
- Charge to jury. 141. If the sheriff deem it necessary to charge the jury, he shall do so immediately after, or as soon as practicable after, the conclusion of the speeches, or, if none be made, after the conclusion of the evidence. 20
- Productions. 142. Documents or productions intended to be put in evidence or referred to at the trial shall be lodged with the clerk of court four days before the date fixed for the trial, but the sheriff may allow productions to be exhibited and produced at the trial if he is satisfied that they could not reasonably have been lodged earlier and that reasonable notice had been given to the other parties of intention to produce at the trial. 25
- Verdict by majority. 143. The jury may return a verdict by a majority of its number at any time not less than one hour after the jury has been enclosed. 30
- Form of verdict. 144. The verdict of the jury shall be returned in the form of specific answers to the questions proponed by the sheriff, with the addition of a statement of the amount at which they assess the damages in the event of damages being awarded.
- Verdict to be recorded. 145. The verdict returned by the jury shall be recorded upon the interlocutor sheets, and signed by the clerk of the court, and this having been done, the jury shall be discharged. 35
- And followed by interlocutor. 146. Any party in the cause may, so soon as the verdict has been so recorded or within fourteen days thereafter, move the sheriff to apply the verdict, and upon this motion the sheriff may hear parties and may make avizandum. As soon as practicable the sheriff shall issue an interlocutor applying the verdict and grant decree accordingly. In this interlocutor the sheriff shall also dispose of the question of expenses. 40

147. Where no shorthand notes of the proceedings have been taken, the interlocutor applying the verdict shall not be subject to review.

A.D. 1907.

Interlocutor  
final if no  
shorthand  
notes.

148. If shorthand notes have been taken, it shall be competent for any party in the cause within fourteen days after the date of the final interlocutor of the sheriff applying the verdict (but not later) to appeal to a division of the Court of Session by lodging with the sheriff-clerk a note of appeal in the Form M annexed hereto.

Grounds of  
appeal to Court  
of Session.

149. The sheriff-clerk shall within three days of his receiving the note of appeal notify the other parties in the cause, and transmit the process to the principal clerk of session at Edinburgh.

Transmission  
of process.

150. If the court shall order a new trial the principal clerk of session shall re-transmit the process to the sheriff-clerk, and the sheriff shall as soon as practicable fix a date of new trial, which shall proceed as herein directed as regards the original trial.

New trial.

15

## CHARGE.

151. A company, corporation, association or firm, or a board corporate or unincorporate, may be competently charged under their nominate or descriptive name at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation) or where their principal place of business is furth of Scotland, at any place of business in Scotland.

Charge  
against a  
corporation.

20

## THE POOR'S ROLL.

152. The sheriff shall annually make an order appointing the agents enrolled in his court (or, where the sheriffdom is divided into districts having separate local courts, the agents enrolled in the district courts) to meet to nominate a specified number of agents for the poor.

Agents to meet  
to nominate  
agents for poor.

25

153. Notice of such order shall be given by a copy thereof being affixed on the walls of the court-houses and sheriff-clerk's offices in the sheriffdom.

Notice of  
meeting on  
court-house  
walls.

30

154. At said meeting the agents present shall, by a majority of votes, nominate the required number of agents, and cause the nominations to be reported to the sheriff.

Nomination to  
be reported to  
sheriff.

155. The sheriff shall have power to confirm the nominations, in whole or in part, or to decline to do so.

Sheriff may  
confirm or  
refuse.

35

156. Six days before the list is submitted to the sheriff the sheriff-clerk shall notify each agent who has been nominated, and such agent may, before the nominations are confirmed, represent to the sheriff any reason why his nomination should not be confirmed.

Notice to  
agents.

157. In the event of the agents failing to nominate as above provided for, or the sheriff not confirming the nomination, the sheriff may himself make the requisite nomination, or may appoint another meeting to be held.

If agents fail  
to do so sheriff  
may nominate.

40

- A.D. 1907. 158. The agents nominated shall act as agents for the poor in the sheriffdom, or the district in which they are appointed, for one year, but they shall be eligible for re-nomination.
- Agents to act for one year.
159. The agents so nominated, shall as they themselves arrange, or as the sheriff shall direct, act as procurators for the poor in all causes, civil and criminal, including attendance at the circuit court. 5
- Agents to act as directed by sheriff.
160. The agents for the poor, in their respective districts, shall assist each other by taking precognitions, or proofs on commission, or otherwise as may be requisite and reasonable.
- Agents to assist each other.
161. In sections 152 to 157 "sheriff" does not include sheriff-substitute. 10
- Applicant to produce certificate of poverty. 162. Along with his application for the benefit of the poor's roll, the applicant shall produce a certificate signed by the inspector or an assistant inspector of poor of the parish or district where the applicant resides, bearing that the applicant is unable, through poverty, to pay for the conduct of legal proceedings. 15
- Application to be remitted to procurators for poor. 163. The sheriff shall remit the application to the procurators for the poor who shall notify the parties, and after inquiry shall make a report to the sheriff.
- If they report applicant entitled, sheriff to appoint an agent to conduct cause. 164. If they report that the applicant has a probable cause of action and is entitled to the benefit of the poor's roll, the sheriff shall appoint one of the agents to take charge of the applicant's case. 20
- Agent to conclude cause. 165. Such agent shall conduct the cause to its final issue, notwithstanding that during its progress he may have ceased to be an agent for the poor. 25
- Agent to have no claim for fees unless recovered from other party. 166. Unless expenses shall be awarded against and recovered from the opposite party, the agent shall have no claim for fees; but the litigant shall be liable to him for actual outlays incurred with the litigant's sanction.
- Agent not liable for fees. 167. The agent shall not be liable for witnesses' fees, shorthand writers' fees, or court dues unless they are recovered by the agent personally. 30
- Agent not liable for court dues. 168. Neither the agent nor the litigant shall be liable for dues of court or officers' fees, unless these are awarded against and recovered from the opposite party, in which case the litigant (or the agent, if he personally recovers the same) shall be liable. 35
- Sheriff may remove litigant from poor's roll. 169. It shall be in the power of the sheriff at any time to deprive any litigant of the benefit of the poor's roll.

[7 EDW. 7.]

## Sheriff Courts (Scotland).

41

FORM A.

A.D. 1907.

SHERIFFDOM OF

AT

A.B. [*design him; if he sues in any special character set that forth; as also where necessary relationship to defender, e.g., wife of defender or a creditor of defender, &c.*],  
 5 Pursuer.

Against

C.D. [*design him; if sued in any special character set that forth, e.g., as trustee, or as various intruder, &c.*],  
 10 Defender.

The claim or demand or complaint of the pursuer is [*here state shortly the general nature of the claim or demand or ground of appeal or cause of action, as for example:—*

- (a) For payment of £            for goods sold and delivered (or otherwise)  
 15            conform to account hereto annexed.  
 (b) For delivery of.  
 (c) For an accounting with defender as [*state character in which defender is liable to account*].  
 (d) For exoneration as holder of [*state fund or subject in medio*].  
 20 (e) For declarator that.  
 (f) For warrant to.  
 (g) For sequestration (*for rent or in bankruptcy*).  
 (h) For recall of arrestments (*used by defender in the hands of, &c.*).  
 (i) For letters of arrestment and fundandum jurisdictionem.  
 25 (j) For confirmation of byelaws.  
 (k) For appointment of judicial factor.  
 (l) That defender be ordained to (*execute work, sign deeds, remove or as the case may be*).  
 (m) That pursuer is aggrieved by (*state shortly nature of byelaw, order, &c., appealed against*).  
 30 (n) (*Otherwise as the case may be.*)

Therefore the pursuer craves the Court [*here set forth the specific decree, warrant, or order asked giving all the particulars to be embodied (if necessary) in an extract*].

35

(To be signed) A.B., Pursuer;

or

X.Y. [*add designation and business address*].

Pursuer's Agent.

A.D. 1907.

## FORM B.

[Place and date.] Grants warrant to cite the defender [or respondent] by serving a copy of the writ and warrant upon an induciæ of \_\_\_\_\_, and appoints him to answer within the sheriff court-house at \_\_\_\_\_ [in Room No. \_\_\_\_\_, or in Chambers, or as the case may be], on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ noon, under certification of being held as confessed. [When necessary add (meantime sequestrates and grants warrant to inventory and secure); or (grants warrant to arrest on the dependence) or (otherwise as the case may be).]

5

10

## FORM C.

[Place and date.] Grants warrant to cite the defender by serving a copy of the writ and warrant upon an induciæ of \_\_\_\_\_ days, and appoints him, if he intend to defend, to lodge a notice of appearance with the sheriff-clerk at \_\_\_\_\_ within the induciæ, under certification of being held as confessed. [Meantime grants interim interdict, or warrant to arrest on the dependence, or sequestrates and grants warrant to inventory; or otherwise, as the case may be.]

15

## FORM D.

[Place and date, and, if necessary, hour.] C.D., defender. You are hereby served with the foregoing [or within-written] writ and warrant, and required to answer thereto, conform to the said warrant. [If posted and if necessary add (the induciæ is reckoned from twenty-four hours after date of posting).]

20

(To be signed) P.Q., Sheriff Officer, 25  
or  
X.P. [add designation and business address].  
Pursuer's Agent.

## FORM E.

[Place and date.] I, \_\_\_\_\_, do hereby certify that upon the \_\_\_\_\_ day of \_\_\_\_\_ [if necessary add between the hours of \_\_\_\_\_ and \_\_\_\_\_] I duly cited C.D., the defender [or respondent], to answer to the foregoing [or within-written] writ. This I did by [set forth mode of service,

30

[7 EDW. 7.]

## Sheriff Courts (Scotland).

43

if by officer and not by post, add in presence of L.M. (design him), A.D. 1907.  
witness, hereto with me subscribing].

(To be signed)

P.Q., Sheriff Officer ;

L.M., Witness ;

or

X.Y [add designation and  
business address].

Pursuer's Agent.

5

## FORM F.

10 K.L. [design him], you are hereby required to attend at the Sheriff  
Court House at [street address] [if necessary, add within Court Room,  
No., , or in Chambers]. on , the day of , at  
o'clock noon, to give evidence for pursuer [or appellant or  
complainer] [or defender or respondent] in the action A.B. [design him],  
15 pursuer, against C.D. [design him], and [if necessary] you are required  
to bring with you [specify documents] under penalty of forty shillings  
if you fail to attend.

Dated this day of [if necessary  
add between the hours of and noon.]

20

[Signed] P.Q., sheriff officer ;

or

X.Y. [add designation and business address].

Pursuer's [or defender's or appellant's or respon-  
dent's] Agent.

25

## FORM G.

[Place and date.] I,  
do hereby certify that upon the day of [if necessary, add  
between the hours of and noon], I duly cited K.L. [design him],  
to attend at o'clock noon, within to  
30 give evidence for the in the action A.B. [design him],  
against C.D. [design him], and I also required him to bring with him  
[specify documents]. This I did by [set forth mode of citation].

[Signed] P.Q., sheriff officer ;

or

35

X.Y. [add designation and business address].

Pursuer's [or defender's or appellant's or respon-  
dent's] Agent.



A.D. 1907.

## FORM H.

To [name, designation, and address of party in possession].

You are required to remove from [describe subjects] at the term of  
 [or if different terms, state them and the subjects to which  
 they apply], in terms of lease [describe it] or [in terms of your letter of  
 removal of date] or [otherwise as case may be]. 5

## FORM I.

To [name and designation of addressee].

[Place and date.] I am to remove from [state subjects by usual name  
 or short description sufficient for identification] at the term of 10

K.L. [add designation and address].

If not holograph to be attested thus—

M.N. [add designation and address], witness.

## FORM J.

[Place and date.] 15

You are required to remove from [ ] that portion of  
 ground [describe it]; or the mill of [describe it]; or the shootings of the  
 lands and estate of [describe them]; or [other subjects to which this notice  
 is applicable], at the term of Whitsunday [insert year] [or Martinmas, as  
 the case may be, inserting after the year the words, being the 15th day  
 of May, or the 11th day of November, or the 28th day of May, or the  
 28th day of November, as the case may be]. 20

To K.L. [designation and address].

## FORM K

In the sheriff court of

25

at

A.B. [design him], pursuer, complains that he [or his author, as the case  
 may be], let to C.D. [design him], defender [or his author, as the case may  
 be], a dwelling-house garden, and pertinents [or other subjects, as the case  
 may be], situated at , for the period from 30

to

, and that the  
 defender refuses or delays to remove therefrom, although his term of  
 occupancy has expired, and it is necessary to obtain warrant for his  
 ejection; therefore decree ought to be granted for removing and ejecting  
 the defender, his family, sub-tenants, cottars, and dependants, with their  
 goods and gear, furth and from the said subjects [here insert date at which 35

[7 EDW. 7.]

Sheriff Courts (Scotland).

45

removal or ejection is sought], that the pursuer or others in his right may then enter to and possess the same. [If expenses are sought add, "and the defender ought to be found liable in the expenses of process and dues of extract."]

A.D. 1907.

5

[Signature of pursuer or his agent.]

## FORM L.

At the day of the sheriff [in absence of defender, or having heard parties, as the case may be] grants warrant for ejecting the said C.D., defender, and others mentioned in the complaint from the subjects therein specified, such ejection not being sooner than [here insert time appointed for ejection, and whether after a charge on such inducive as may be deemed proper or instantly]: Finds the defender liable in of expenses [or otherwise, as the case may be] and decerns.

15

[Signature of Sheriff.]

## FORM M.

At the jury trial in the action at the instance of A.B. [design him] pursuer, against C.D. [design him], defender, held at , on the day of , before sheriff [substitute], of

20

The questions of fact proponed to the jury, and their answers thereto, were as follows:—

Question 1. [State it per sheriff's interlocutor.]

Answer 1. [State it per the recorded verdict of the jury.]

25

\* \* \* \* \*

The jury awarded damages to , and assessed the same at £ .

The sheriff on pronounced the interlocutor, a copy of which is appended hereto.

30

The [state party appealing] appeals to the Division of the Court of Session upon the ground [here state the grounds conform to section 31 of the Act].

(a) That in the interlocutor complained of the verdict was erroneously applied.

35

(b) That the verdict of the jury was contrary to evidence in respect [here set forth clearly and succinctly the particulars in which

(206.)

G



A.D. 1907.

*it is alleged the evidence led and the verdict returned are inconsistent].*

(c) That evidence was unduly admitted [*or rejected*] in regard to [*here set forth shortly the fact in regard to which the evidence was admitted or rejected*].

5

(d) That the sheriff misdirected the jury in regard to [*here state shortly the point of law alleged to be misdirection*].

(e) That the damages awarded by the jury were excessive.

*M.P.*, pursuer [*or other party*],

or

*X.Y.* [*signature and business address*],

10

Agent for the

Appendix. [*Here copy interlocutor appealed against.*]

---

## SECOND SCHEDULE.

A.D. 1907.

Session and Chapter.	Short Title.	Extent of Repeal.
<b>5</b> 20 Geo. 2. c. 43	The Heritable Jurisdictions (Scotland) Act, 1746.	Section 29.
21 Geo. 2. c. 19	The Sheriffs (Scotland) Act, 1747.	Sections 10 and 11.
<b>10</b> 28 Geo. 2. c. 7	The Sheriffs (Scotland) Act, 1755.	The whole Act.
50 Geo. 3. c. 112	The Court of Session Act, 1810.	Sections 36, 37, 38, and 40, so far as these sections relate to Sheriff Court.
<b>15</b> 6 Geo. 4. c. 23	The Sheriff Courts (Scotland) Act, 1825.	Sections 1, 3, 4, 5, and 8, so far as these sections relate to civil causes in the Sheriff Court, and section 10
6 Geo. 4. c. 120	The Court of Session Act, 1825.	Section 40, so far as relating to appeal for jury trial from Sheriff Court to Court of Session.
<b>20</b> 9 Geo. 4. c. 29	The Circuit Courts (Scotland) Act, 1828.	Section 22.
11 Geo. 4 and 1 W. 4. c. 69.	The Court of Session Act, 1830.	Sections 22, 23, 24, and 32, as also in section 33 the words "and all actions of separation a mensa et thoro."
<b>25</b> 2 & 3 W. 4. c. 65.	The Representation of the People (Scotland) Act, 1832.	Section 36, so far as relating to sheriff and sheriff-substitute.
1 & 2 Vict. c. 114.	The Debtors (Scotland) Act, 1838.	Section 19.
<b>30</b> 1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act, 1838.	The whole Act, except sections 25, 27, and 28, and section 31, so far as that section relates to courts other than Sheriff Courts.
16 & 17 Vict. c. 80.	The Sheriff Courts (Scotland) Act, 1853.	The whole Act, except section 34.
<b>35</b> 27 & 28 Vict. c. 106.	The Sheriffs Substitute Act, 1864.	The whole Act.
30 & 31 Vict. c. 96.	The Debts Recovery (Scotland) Act, 1867.	The whole Act.
<b>40</b> 31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	Sections 65, 66, 67, 68, 69, 70, 73, and 79, so far as those sections relate to appeals from Sheriff Court.

A.D. 1907.

Session and Chapter.	Short Title.	Extent of Repeal.	
33 & 34 Vict. c. 86.	The Sheriff Courts (Scotland) Act, 1870.	Sections 13 and 14.	
38 & 39 Vict. c. 81.	The Sheriffs Substitute (Scotland) Act, 1875.	Sections 1 and 2.	5
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Sections 4 to 25, both inclusive. Sections 27 to 34, both inclusive. Sections 46 to 52, both inclusive. Section 54, except in so far as it relates to commissary regulations. All the schedules.	10
40 & 41 Vict. c. 50.	The Sheriff Courts (Scotland) Act, 1877.	The whole Act.	
52 & 53 Vict. c. 26.	The Small Debt Amendment (Scotland) Act, 1889.	Section 8.	15
61 & 62 Vict. c. 8.	The Sheriffs Tenure of Office (Scotland) Act, 1898.	The whole Act.	20



# Sheriff Courts (Scotland).

A

## B I L L

INTITULED

An Act to regulate and amend the Laws and practice relating to the civil procedure in Sheriff Courts in Scotland, and for other purposes.

*(Brought from the Commons 23rd August 1907.)*

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Ordered to be printed 23rd August 1907.

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[*Price 5½d.*]

(206.)

# Small Holdings and Allotments Bill. <sup>141</sup>

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## ARRANGEMENT OF CLAUSES.

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### PART I.

#### SMALL HOLDINGS.

##### *Schemes as to the Provision of Small Holdings.*

Clause.

1. Appointment of Small Holdings Commissioners.
2. Inquiries and reports by Commissioners.
3. Preparation of draft schemes.
4. Procedure as to schemes.
5. Duty of councils to carry schemes into effect.

##### *Amendments of the Small Holdings Act, 1892.*

6. Acquisition of land for small holdings to be let to tenants.
7. Letting of land acquired for small holdings.
8. Explanation of s. 18 (2) of Act of 1892.
9. Power to let small holdings to associations.
10. Provisions as to rules by county council.
11. Number of dwelling-houses allowed on small holding.
12. Power of county council to resume possession of holding on death of owner.
13. Amendment of s. 11 of the Act of 1892.
14. Provisions as to borrowing.
15. Delegation of powers to councils of boroughs or urban districts.

##### *Powers of Board of Agriculture and Fisheries.*

16. Power of Board to provide small holdings.
17. Power of Board to repay part of expenses incurred by council.†
18. Appointment of advisory and managing committees by Board.
19. Creation of special account.

(181.)

A

## PART II.

## ALLOTMENTS.

Clause.

20. Transfer of powers, &c., under Allotments Acts.
21. Amendments of Allotments Acts.
22. Compulsory acquisition of land for allotments.
23. Management of allotments.
24. Powers of county councils as to allotments.
25. Application of Allotments Acts to London.

## PART III.

## GENERAL.

*Acquisition of Land.*

26. Procedure for compulsory acquisition of land.
27. Power of council to renew tenancy of land compulsorily hired.
28. Provisions as to voluntary leasing of land for small holdings or allotments.
29. Provisions as to glebe lands.
30. Restrictions on the acquisition of land.
31. Grazing rights, &c., to be attached to small holdings or allotments.
32. Interchange of land for small holdings and allotments.
33. Power to resume possession of land hired compulsorily.
34. Compensation for loss of employment by labourers.
35. Compensation for improvements.

*Supplemental.*

36. Small holdings and allotments committees.
37. Accounts of receipts and expenditure under the Small Holdings and Allotments Acts.
38. Extension of 46 & 47 Vict. c. 61. s. 41 to small holdings.
39. Co-operative societies and credit banks.
40. Provisions as to land acquired by Commissioners.
41. Provisions as to Commissioners.
42. Local inquiries.

[7 EDW. 7.]      *Small Holdings and Allotments.*

iii

Clause.

43. Arbitrations and valuations.
44. Annual report to Parliament.
45. Saving for existing tenancies.
46. Interpretation.
47. Short title, commencement, extent, and repeal.

SCHEDULES.





A

## B I L L

INTITULED

An Act to amend the Law with respect to Small Holdings and Allotments. A.D. 1907.

**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:—

5

## PART I.

## SMALL HOLDINGS.

*Schemes as to the Provision of Small Holdings.*

10 **1.**—(1) With a view to extending the provision of small holdings, the Board of Agriculture and Fisheries (herein-after referred to as "the Board") shall appoint two or more persons possessed of a knowledge of agriculture to be Small Holdings Commissioners (herein-after referred to as the Commissioners), and may appoint such other officers for the purposes of this Act as the Board may, with the consent of the Treasury, determine.

Appointment  
of Small  
Holdings  
Commis-  
sioners.

15 (2) There shall be paid out of money provided by Parliament to the Commissioners and officers so appointed such salaries or remuneration as the Treasury may from time to time determine; and all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to such amount as  
20 may be sanctioned by the Treasury, shall (except as otherwise expressly provided by this Act) be defrayed out of money provided by Parliament.

25 **2.**—(1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand, either actual or prospective, for small holdings in the several counties, and the extent to which it is reasonably practicable, having regard  
(181.)

Inquiries and  
reports by  
Commis-  
sioners.

A.D. 1907. —1 to the provisions of the Small Holdings Act, 1892, as amended by this Act, to satisfy the demand, and for that purpose shall confer with the county councils and may employ or co-operate with such other authorities, associations, and persons as they think best qualified to assist them. 5

(2) The council of any county, borough, district, or parish may make representations to the Commissioners in respect of any such matters as aforesaid, and it shall be the duty of every council to furnish the Commissioners with such information, and to give them such other assistance, as they may reasonably 10 require for the purposes of this section.

(3) The Commissioners shall report the information acquired by them respecting any county to the Board, and shall state whether it is desirable, in the opinion of the Commissioners, that such a scheme as is herein-after mentioned should be made, and 15 may indicate the nature of the proposals which the Commissioners consider ought to be embodied in the scheme.

(4) If in the course of their inquiries the Commissioners receive any information as to the existence of a demand for allotments they shall communicate the information to the 20 councils of the county, and of the borough, urban district, or parish concerned.

Preparation  
of draft  
schemes.

3.—(1) Where the Board, after considering the report and such representations as aforesaid as respects any county, are of opinion that it is desirable that a scheme should be made, the 25 Board shall forward the report of the Commissioners with such modifications or observations (if any) as the Board think desirable to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report with such modifications (if any) as aforesaid, and in 30 preparing the drafts the council shall have regard to the proposals (if any) of the Commissioners indicated in the report.

(2) If the county council decline to undertake this duty, or within six months after receiving the report or within such extended time as may be allowed by the Board, fail to prepare 35 such one or more draft schemes as appear to the Board desirable, the Board may direct the Commissioners themselves to prepare one or more draft schemes.

(3) A draft scheme under this section may specify—

(a) the localities in which land is to be acquired for small 40 holdings ;

- (b) the approximate quantity of land to be acquired, and number, nature, and size of the small holdings to be provided, in each locality;
- 5 (c) whether, and to what extent, grazing or other similar rights should be attached to the small holdings created in pursuance of the scheme, and, if so, the approximate quantity of land or extent and nature of the rights to be acquired for the purpose;
- 10 (d) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential, or supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme.

- 15 (4) Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting two or more counties, the scheme may be prepared by the councils jointly, and may provide for joint action being taken by the councils.

- 20 4.—(1) A copy of any draft scheme under this Act shall, if prepared by a county council be sent to the Board, and if prepared by the Commissioners be sent to the Board and to any county council concerned, and the draft scheme and any modifications therein which the Board may propose to make shall  
25 be published and advertised together with notice of the time within and manner in which objections are to be sent to the Board in such manner as the Board think best adapted for informing the persons affected and for insuring publicity.

Procedure as to schemes.

- 30 (2) The Board shall consider the draft scheme and any objections thereto duly made, and may in any case and shall, if the county council object to the scheme, or in the case of a scheme prepared by the council, to any modifications therein which the Board propose to make, hold a public local inquiry, at which the county council and such other persons as the person  
35 holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard.

- (3) The Board, after considering the objections and the report of the person holding the inquiry (if any), may settle the scheme either without modification or subject to such modifications as the  
40 Board think fit, or may annul the scheme.

A.D. 1907.

Duty of  
councils  
to carry  
schemes into  
effect.

5.—(1) It shall be the duty of a county council on which obligations are imposed by a scheme to carry them into effect within such time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the Small Holdings Act, 1892, or by this Act. 5

(2) If the county council fail so to fulfil their obligations, the Board shall by order direct the Commissioners to take such steps as may be necessary for carrying the scheme into effect, and upon such order being made the Commissioners shall for the purpose have all the powers of a county council in relation to small holdings under the Small Holdings Act, 1892, and this Act, and those Acts shall apply as if references to the Commissioners were substituted for references to a county council: 10

Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme and to be properly payable by the county council shall on demand be repaid to the Board by the county council in default out of the county fund, or, in the case of a county borough, out of the borough fund or borough rate, and shall be recoverable as a debt due to the Crown, and such sums as the Board certify to have been received by the Commissioners in respect of any land acquired shall be paid to the council. 15 20

(3) If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss. 25

*Amendments of the Small Holdings Act, 1892.* 30

Acquisition  
of land for  
small hold-  
ings to be let  
to tenants.

6.—(1) A county council may for the purpose of providing small holdings for persons who desire to lease and will themselves cultivate the holdings, purchase land, whether situate within or without their county, by agreement, under and in accordance with the provisions of the Small Holdings Act, 1892, or take land on lease. 35

(2) If a county council are unable to acquire by agreement and on reasonable terms suitable land for the purpose aforesaid, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land. 40

7. Land acquired by a county council for the purposes of small holdings may be adapted for letting and let for small holdings under and in accordance with the provisions of the Small Holdings Act, 1892, as amended by this Act, and those provisions shall apply accordingly.

A.D. 1907.  
Letting of land acquired for small holdings.

8. It is hereby declared that for the purposes of subsection (2) of section eighteen of the Small Holdings Act, 1892, the expression "charge" means the net charge on the county rate calculated in accordance with regulations made by the Local Government Board after taking into account all receipts from or on account of small holdings or otherwise under the Small Holdings Act, 1892, or this Act.

Explanation of s. 18 (2) of Act of 1892.

9. In addition to the power under section four of the Small Holdings Act, 1892, of letting one or more small holdings to persons working on a co-operative system, a county council shall have power, with the consent of the Board, to let one or more holdings to any association formed for the purposes of creating or promoting the creation of small holdings, and so constituted that the division of profits amongst the members of the association is prohibited or restricted.

Power to let small holdings to associations.

10.—(1) The power to make rules conferred on a county council by section seven of the Small Holdings Act, 1892, shall, subject to the provisions of that Act, extend to the making of rules prescribing the terms and conditions on or subject to which small holdings are to be sold or let by the county council.

Provisions as to rules by county council.

(2) All rules made under the said section as so extended shall be subject to confirmation by the Board.

11. A county council may, if they think fit, relax the condition imposed by section nine of the Small Holdings Act, 1892, that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit of that or adjacent small holdings provided by the council.

Number of dwelling-houses allowed on small holding.

12.—(1) Where under subsection (2) or subsection (3) of section nine of the Small Holdings Act, 1892, the county council have power to cause or require a small holding to be sold, the council may, in the event of their requiring such holding for the purposes of the Small Holdings Act, 1892, or this Act, by notice in writing require the holding to be sold to themselves at such price as, in default of agreement, may be determined by

Power of county council to resume possession of holding on death of owner.



A.D. 1907. arbitration, and thereupon the council shall, after such date as may be specified by the notice and on production to the registrar of the land registry of evidence of service of the notice and of the payment of the sum so agreed or determined or of the tender of such payment, be registered as the proprietor of the 5 land in place of the registered proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under the Land Transfer Acts, 1875 and 1897.

(2) A notice for the purposes of this section shall be deemed to be sufficiently served if sent by registered post addressed to 10 the owner or the personal representatives of the deceased owner at his registered address or at his last known place of abode.

(3) This section shall only apply in the case where a small holding has been sold by the county council.

Amendment  
of s. 11 of  
the Act of  
1892.

13. In section eleven of the Small Holdings Act, 1892 (which 15 relates to the right of purchase if a small holding is diverted from agriculture) the words "and then to the person or persons whose lands immediately adjoin the holding" shall be repealed.

Provisions as  
to borrowing.

14.—(1) The maximum period which may be sanctioned as 20 the period for which money may be borrowed by a county council under the Small Holdings Act, 1892, shall, where the purpose for which the money is borrowed is the purchase of land under that Act or this Act, be eighty years.

(2) Where a loan is made by the Public Works Loans Com- 25 missioners to a county council for the purposes of the Small Holdings Act, 1892, as amended by this Act—

(a) The loan shall be made at the minimum rate allowed for the time being for loans out of the local loans fund; and

(b) If the Local Government Board make a recommendation 30 to that effect, the period for which the loan is made by the Public Works Loans Commissioners may exceed the period allowed under the Public Works Loans Act, 1875, and the Acts amending that Act, but the period shall not exceed the period recom- 35 mended by the Local Government Board, nor, where the purpose of the loan is the purchase of land, eighty years, or in any other case fifty years; and

(c) As between loans for different periods, the longer duration 40 of the loan shall not be taken as a reason for fixing a higher rate of interest.

15. A county council may make arrangements with the council of any borough or urban district in the county for the exercise by the council of that borough or district, on such terms and subject to such conditions as may be agreed on, of any powers of the county council in respect of the acquisition, adaptation, and management of small holdings for the borough or district, and the council of the borough or district may, as part of the arrangement, undertake to pay the whole or any part of the loss (if any) incurred in connection with those small holdings, and any sum payable in pursuance of any such undertaking shall be defrayed as part of the general expenses of the council in the execution of the Public Health Acts.

A.D. 1907.

Delegation of powers to councils of boroughs or urban districts.

*Powers of Board of Agriculture and Fisheries.*

16. The Board may, if after inquiry they think it advisable to do so with a view to demonstrating the feasibility of the establishment of small holdings in any locality, exercise the powers conferred on county councils by the Small Holdings Act, 1892, and this Act in relation to small holdings (except the powers of acquiring land compulsorily and of borrowing) and those Acts shall apply as if references to the Board were substituted for references to a county council; but the expenses of the Board shall be defrayed out of, and their receipts paid into, the small holdings account, and no part thereof shall be paid out of any rate.

Power of Board to provide small holdings.

17. The Board may, if they think fit, and subject to regulations made by the Board with the approval of the Treasury, repay or undertake to repay to a county council, out of the small holdings account, the whole or any part of the expenses incurred by the council in proceedings in relation to the acquisition of land for the purposes of small holdings, and the amount so repaid shall not be treated as part of the costs incurred by the council in relation to land for the purposes of sections four and eighteen of the Small Holdings Act, 1892, but nothing in this section shall authorise the repayment of any part of any purchase money, compensation, or rent payable in respect of the land.

Power of Board to repay part of expenses incurred by council.

18. Where the Commissioners acting in default of a county council, or the Board for the purpose of demonstrating the feasibility of the establishment of small holdings, exercise the powers of a county council under the Small Holdings Act, 1892, or this Act, the Board may appoint such advisory and managing committees as they think fit, with such powers and duties as may

Appointment of advisory and managing committees by Board.



A.D. 1907. — be conferred or imposed on them, and may, with the consent of the Treasury, pay out of the small holdings account all reasonable travelling and out-of-pocket expenses of the members of committees so appointed :

Provided that where the expenses are incurred for the purposes of the powers exercised by the Commissioners acting in default of a county council, those expenses shall be treated as expenses incurred by the Commissioners in the exercise of the powers of the county council.

Creation of special account.

**19.**—(1) For the purposes of this Act there shall be opened an account at the Bank of England, called "The Small Holdings Account."

(2) There shall be paid to this account—

(a) Such money as may from time to time be provided by Parliament towards defraying the costs and expenses of the Board directed by this Act to be paid out of the small holdings account; and

(b) All sums received by the Board and directed by this Act to be paid into the small holdings account.

(3) The costs and expenses of the Board directed by this Act to be paid out of the small holdings account shall be paid by the Board out of the money standing to that account.

(4) At the end of every financial year, accounts of the receipts and expenditure of the small holdings account shall be made up in such form, and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

(5) Payments out of, and into, the small holdings account and all other matters relating to the account, and to the money standing to the credit of the account, shall be paid and regulated in such manner as the Treasury direct.

## PART II.

### ALLOTMENTS.

35

Transfer of powers, &c., under Allotments Acts.

**20.**—(1) The powers of the Local Government Board under the Allotments Acts, except such of those powers as relate to the finance of local authorities, shall be transferred to the Board

of Agriculture and Fisheries, and if any question arises as to whether any power is a power which has been transferred under this provision the question shall be determined by the Local Government Board, whose decision shall be final. A.D. 1907.

5 (2) The powers and duties of rural district councils under the Allotments Acts shall be transferred to parish councils, and those Acts shall have effect as if references therein to the sanitary authority and the district thereof included references to the parish council and the parish, and subject to such other adaptations  
10 as may be necessary.

(3) All property acquired and all liabilities incurred by any rural district council under the Allotments Acts shall, as from an appointed day fixed by the Local Government Board either generally or as respects any particular district, by virtue of this  
15 Act be transferred to and vested in the parish council of the parish in respect of which the property was acquired or the liabilities incurred.

(4) Money borrowed by a parish council under section twelve of the Local Government Act, 1894, for the purposes of the  
20 powers and duties transferred to or conferred on the council under this Act shall not be reckoned as part of the debt of the parish for the purpose of the limitation or borrowing under the said section twelve.

(5) Sections two hundred and forty-two and two hundred and  
25 forty-three of the Public Health Act, 1875, relating to loans by the Public Works Loan Commissioners to a local authority, shall, with the necessary adaptations, apply to a loan to a parish council under the Local Government Act, 1894, or to a county council lending money to a parish council under that Act, where the  
30 purpose for which the loan is required by the parish council is the acquisition, improvement, or adaptation of land under the Allotments Acts as amended by this Act.

(6) Sections sixty-eight, seventy, seventy-two, eighty-five, eighty-six, eighty-seven, and eighty-eight of the Local Govern-  
35 ment Act, 1894 (which relate to adjustment of property and liabilities, determination of questions, local inquiries, current rates, accounts and proceedings, existing securities, and the discharge of existing debts, existing regulations, and pending contracts) shall apply as if they were herein re-enacted and in terms made  
40 applicable to this section.

A.D. 1907.  
Amendments  
of Allot-  
ments Acts.

**21.**—(1) Five acres shall be substituted for one acre in subsection (3) of section seven of the Allotments Act, 1887, as the limit of the extent of an allotment or allotments which may be held by one person.

Provided that—

5

(a) The duty of a council under the Allotments Acts, as amended by this Act, to provide allotments shall not include the duty of providing allotments exceeding one acre in extent; and

(b) any part of the land acquired by a council under the Allotments Acts or this Act which exceeds five acres may be adapted for letting and let as an allotment, if the county council are satisfied by the council that it is convenient and desirable that it should be so let and consent to such letting accordingly.

15

(2) The powers of improving and adapting land for allotments under the Allotments Acts shall include power to erect buildings and make adaptations of existing buildings, but so that not more than one dwelling-house shall be erected for occupation with any one allotment.

20

(3) A council shall have the same power of letting one or more allotments to persons working on a co-operative system or to an association formed for the purposes of creating or promoting the creation of allotments as may be exercised as respects small holdings by a county council.

25

Compulsory  
acquisition  
of land for  
allotments.

**22.** If a council are unable to acquire land by agreement and on reasonable terms under the Allotments Acts as amended by this Act, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

30

Management  
of allot-  
ments.

**23.**—(1) The powers and duties as to the management of allotments transferred to a parish council by subsection (4) of section six of the Local Government Act, 1894, shall, in the case of a parish not having a parish council, be exercised and performed by persons appointed by the parish meeting.

35

(2) The provisions of the Allotments Acts, as amended by this Act, shall apply to an allotment of which the management is transferred to a parish council under subsection (4) of section six of the Local Government Act, 1894, in like manner as if it had been acquired by the council under the general powers of the first-mentioned Acts.

40

24.—(1) The following subsection shall be substituted for subsection (1) of section two of the Allotments Act, 1890:—

A.D. 1907.

Powers of county councils as to allotments.

“It shall be the duty of a county council to ascertain the extent to which there is a demand, either actual or prospective for allotments in the several urban districts (other than boroughs) and rural parishes in the county, and the extent to which it is reasonably practicable, having regard to the provisions of the principal Act as amended by any subsequent enactment, to satisfy the demand, and for that purpose to employ or co-operate with such authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary.”

(2) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may, in his discretion, think fit to allow shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under the Allotments Act, 1890, as amended by this section, the Board may by order transfer to the Commissioners all or any of the powers of the county council under the Allotments Acts as amended by this Act in relation to the district or parish, and those Acts shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.

25. The powers conferred on sanitary authorities by the Allotments Acts as amended by this Act may in London be exercised by the London County Council, and those Acts as so amended shall apply accordingly, except that, subject to the provisions of this Act, the expenses shall be defrayed and money borrowed under and in accordance with the provisions of the Local Government Act, 1888.

Application of Allotments Acts to London.

## PART III.

## GENERAL.

35

*Acquisition of Land.*

26.—(1) Where a council propose to purchase land compulsorily under this Act, the council may, subject to the provisions of Part I. of the First Schedule to this Act, submit to the Board an order putting in force as respects the land specified

Procedure for compulsory acquisition of land.

A.D. 1907. in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) Where a council propose to hire land compulsorily, the council may submit to the Board an order for the compulsory hiring of the land specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an order for compulsory purchase, with the substitution of "hiring" for "purchase," and with the modifications set out in Part II. of that Schedule.

(3) An order under this section shall be of no force unless and until it is confirmed by the Board, and the Board may, subject to the provisions of the First Schedule to this Act, confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act, and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(4) An order under this section may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired.

(5) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase or hiring being compulsory.

(6) Where land authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the Conveyancing and Law of Property Act, 1881.

(7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the county council, and thereupon the county council may, on behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the county council, but the land shall be assured or demised to the parish council, and all expenses incurred by the county council shall be paid by the parish council:



Provided that if the parish council are aggrieved by the refusal of the county council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as  
5 the county council might have made, and this subsection shall apply as if the order had been made by the county council.

(8) If after the determination of the amount of the compensation (including in the case of land hired compulsorily the rent) to be paid to any person in respect of his interest in the  
10 land proposed to be compulsorily acquired, it appears to the council that the land cannot be let for small holdings or allotments, as the case may be, at such a rent as will secure the council from loss, the council may at any time within six weeks after the  
15 determination of the amount by notice in writing withdraw any notice to treat served on that person or on any other person interested in the land, and in such case any person on whom  
20 such a notice of withdrawal has been served shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason or in  
consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in default  
of agreement, be determined by arbitration :

Provided that in every case in which the notice of withdrawal is given by the Commissioners acting in default of the  
25 council all compensation payable under this subsection shall be paid out of the small holdings account.

27.—(1) Where a council has hired land compulsorily, for small holdings or allotments, the council may, by giving to the landlord not more than two years nor less than one year  
30 before the expiration of the tenancy notice in writing, renew the tenancy for such term, not being less than fourteen nor more than thirty-five years, as may be specified in the notice, and at such rent as, in default of agreement, may be determined by valuation by a valuer appointed by the Board, but otherwise on the same terms  
35 and conditions as the original lease, and so from time to time :

Power of council to renew tenancy of land compulsorily hired.

Provided that if on any such notice being given the landlord shall prove to the satisfaction of the Board that any land included in the tenancy is required for the amenity or convenience of any dwelling-house, then such land shall be excluded from the renewed  
40 tenancy.

A.D. 1907.

(2) In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding—

(a) due to improvements in respect of which the council would have been entitled to compensation, if instead of renewing the tenancy the council had quitted the land on the determination of the tenancy, or

(b) due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act, or

(c) due to the establishment by the council of other small holdings or allotments in the neighbourhood,

or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid.

Provisions as to voluntary leasing of land for small holdings or allotments.

**28.**—(1) Any person having power to lease land for agricultural purposes for a limited term, whether subject to any consent or conditions or not, may, subject to the like consent and conditions (if any), lease land to a council for the purposes of small holdings or allotments for a term not exceeding thirty-five years, either with or without such right of renewal as is conferred by this Act in the case of land hired compulsorily for those purposes.

(2) The like powers of leasing may be exercised, in the case of land belonging to the Crown, by the Commissioners of Woods, with the consent of the Treasury, in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy of Lancaster by deed under the seal of the duchy in the name of His Majesty his heirs and successors, and in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to that duchy.

(3) The like powers of leasing may be exercised in the case of glebe land or other land belonging to an ecclesiastical benefice by the incumbent thereof with the consent of the Ecclesiastical Commissioners alone upon such terms and conditions and in such manner as the Ecclesiastical Commissioners may approve.

**29.** In the case of glebe land or other land belonging to an ecclesiastical benefice hired by a council for the purposes of small holdings or allotments—

A.D. 1907.  
Provisions  
as to glebe  
lands.

5 (1) The provisions of the Ecclesiastical Dilapidations Act, 1871, shall not during the continuance of the tenancy be applicable to the buildings upon the land;

10 (2) At the determination of the tenancy, on the council quitting the land, or at any time within twelve months thereafter, the incumbent of the benefice to which the land belongs may apply to the Ecclesiastical Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting the land for small holdings or allotments, and on proof to the satisfaction of the Commissioners that any such buildings are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners and subject to such directions as they may give, pull down any such buildings and dispose of the materials thereof, and any proceeds shall be paid to the Commissioners to be by them applied to the improvement of the benefice in such manner as the Commissioners may direct.

25 **30.**-- (1) No land shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments which at the date of the order forms part of any park, garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house, or which at that date is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking.

Restrictions  
on the  
acquisition  
of land.

35 (2) The council in making, and the Board in confirming, an order for the compulsory acquisition of land shall have regard to the extent of land held or occupied in the locality by any owner or tenant and to the convenience of other property belonging to or occupied by the same owner or tenant, and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, or displacing any considerable number of agricultural labourers or others employed on or about the land, and for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the



A.D. 1907. existing agricultural buildings not proposed to be taken which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith.

(3) No holding of fifty acres or less in extent shall be authorised by an order under this Act to be acquired compulsorily 5 for the purposes of small holdings or allotments.

Grazing rights, &c., to be attached to small holdings or allotments.

**31.**—(1) The powers of a council to acquire land for small holdings or allotments shall include power to acquire land for the purpose of attaching to small holdings or allotments provided by the council rights of grazing and other similar rights over the 10 land so acquired, and to acquire for that purpose stints and other alienable common rights of grazing.

(2) Any rights created or acquired by the council under this section shall be attached to the small holdings or allotments in such manner and subject to such regulations as the council think 15 expedient.

(3) The powers conferred by this section shall be in addition to and not in substitution for the powers of providing common pasture conferred by section twelve of the Allotments Act, 1887.

Interchange of land for small holdings and allotments.

**32.**—(1) A county council may sell or let to a borough, 20 urban district, or parish council for the purpose of allotments any land acquired by them for small holdings, and a borough, urban district, or parish council may sell or let to the county council for the purpose of small holdings any land acquired by them for allotments, and the provisions of the Lands Clauses 25 Acts with respect to the sale of superfluous land shall not apply on any such sale.

(2) Subsection (2) of section eleven of the Allotments Act, 1887, shall apply to the proceeds of sale under this section of land acquired for allotments. 30

Power to resume possession of land hired compulsorily.

**33.** Where land has been hired by a council compulsorily under this Act or the Allotments Acts, and the land or any part thereof at any time during the tenancy thereof by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial 35 purposes, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months' previous notice in writing of his intention so to do; and if a part only of the land is resumed the rent payable by the

council shall as from the date of resumption be reduced by such sum as in default of agreement may be determined by valuation by a valuer appointed by the Board. A.D. 1907.

**34.** Where a labourer who has been regularly employed on any land acquired by a county council for small holdings, proves to the satisfaction of the county council that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the county council may pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land. Compensation for loss of employment by labourers.

**35.—(1)** Where a council has let a small holding or allotment to any tenant the tenant shall as against the council have the same rights with respect to compensation for the improvements mentioned in paragraph (27) (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, as if it had been agreed in writing that the holding or allotment should be let as a market garden : Compensation for improvements.

Provided that the tenant shall not be entitled to compensation in respect of any such improvement if executed contrary to an express prohibition in writing by the council affecting either the whole or any part of the holding or allotment; but if the tenant feels aggrieved by any such prohibition, he may appeal to the Board, who may confirm, vary, or annul the prohibition, and the decision of the Board shall be final.

(2) Where land has been hired by a council for small holdings or allotments the council shall (subject in the case of land hired by agreement to any agreement to the contrary) be entitled at the determination of the tenancy on quitting the land to compensation under the Agricultural Holdings (England) Acts, 1883 to 1906, for any improvement mentioned in paragraph (27) (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, and for any improvement mentioned in Part I. or Part II. of that schedule which was necessary or proper to adapt the land for small holdings or allotments, as if such improvements as aforesaid were improvements mentioned in Part III. of that schedule :

A.D. 1907.

Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title of the holding due to those improvements. 5

(3) The tenant of an allotment to which the Allotments Acts as amended by this Act apply may, if he so elects, claim compensation for improvements under the Allotments and Cottage Gardens (Compensation for Crops) Act, 1887; instead of under the Agricultural Holdings (England) Acts, 1883 to 1906, as 10 amended by this section, notwithstanding that the allotment exceeds two acres in extent.

(4) Subsection (5) of section seven of the Allotments Act, 1887, is hereby repealed.

*Supplemental.*

15

Small hold-  
ings and  
allotments  
committees.

**36.—(1)** Every county council shall establish a small holdings and allotments committee, consisting either wholly or partly of members of the council, but the members of the council shall be a majority, and all matters relating to the exercise and performance by the council of their powers and duties under the 20 Small Holdings Act, 1892, the Allotments Acts, and this Act (except the power of raising a rate or borrowing money) shall stand referred to the small holdings and allotments committee, and references in the Allotments Acts to the standing committee shall be construed as references to the small holdings 25 and allotments committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the small holdings and allotments committee with respect to the matter in question, and the council may also delegate to the small holdings and allotments 30 committee, with or without restrictions or conditions, as they think fit, any of their powers under the said Acts except the power of raising a rate or borrowing money.

(2) The small holdings and allotments committee may delegate any of their powers to sub-committees, consisting either wholly 35 or partly of members of the committee, and in appointing any sub-committee to which is committed the powers of management of small holdings shall have regard to the advisability of including amongst the members of the sub-committee members of the councils of the boroughs, urban districts, or parishes in 40

which the holdings are situate, or for which they are provided, and other persons acquainted with the needs and circumstances of the area for which the sub-committee acts. A.D. 1907.

**37.** Separate accounts shall be kept of the receipts and expenditure of a council under the Small Holdings Act, 1892, as amended by this Act, and under the Allotments Act as amended by this Act, and any such receipts shall, subject to the provisions of those Acts, be applicable to the purposes of those Acts respectively, but not for any other purpose except with the consent of the Local Government Board; and for the purpose of the provisions relating to the audit of accounts, any persons appointed by an urban sanitary authority under the Allotments Acts, or by a parish meeting under this Act, to exercise and perform powers and duties as to the management of allotments, shall be deemed to be officers of the sanitary authority or parish meeting, as the case may be. Accounts of receipts and expenditure under the Small Holdings and Allotments Acts.

**38.** Section forty-one of the Agricultural Holdings (England) Act, 1883, which relates to the resumption of the possession of land by landlords with a view to its use for certain purposes, shall have effect as if there were included amongst those purposes the provision of small holdings. Extension of 46 & 47 Vict. c. 61. s. 41 to small holdings.

**39.—(1)** A county council may promote the formation or extension of, and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object, or one of their objects, the provision or the profitable working of small holdings or allotments, whether in relation to the purchase of requisites, the sale of produce, credit banking or insurance or otherwise, and may employ any society as their agents for the purpose. Co-operative societies and credit banks.

**(2)** The county council, with the consent of, and subject to regulations made by, the Local Government Board, may for the purpose of assisting a society give guarantees or make grants or advances to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow under the Small Holdings Act, 1892.

**(3)** Where the Board themselves provide small holdings under the provisions of this Act, they may, with respect to any such society carrying on business or intending to carry on business in the neighbourhood of those small holdings, exercise the powers

A.D. 1907. of a county council under this section, and the provisions of this section shall apply accordingly, except that references to the Treasury shall be substituted for references to the Local Government Board, and that the expenses and receipts of the Board under this section shall be paid out of and into the small holdings 5 account.

(4) The Board with the consent of the Treasury may out of the small holdings account make grants upon such terms as the Board may determine, to any society having as its object or one of its objects the promotion of co-operation in connection 10 with the cultivation of small holdings or allotments.

Provisions  
as to land  
acquired by  
Commis-  
sioners.

40. Any land acquired by the Commissioners under this Act shall be vested in the Board, but the Board may at any time transfer the land to the council at whose expense the land was acquired, and shall so transfer the land on payment of all sums 15 due from the council in connection therewith, and on proof to the satisfaction of the Board that the council are willing to exercise and perform their powers and duties in relation thereto.

Provisions  
as to Com-  
missioners.

41. Anything by this Act required or authorised to be done by or to the Commissioners, may be done by or to any one 20 such Commissioner, and any document purporting to be signed by a Commissioner shall be received in evidence without proof of the appointment or handwriting of the Commissioner.

Local in-  
quiries.

42.—(1) The Board and the Small Holdings Commissioners and other officers of the Board shall have for the purpose of an 25 inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts.

(2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board 30 may give.

Arbitrations  
and valua-  
tions.

43.—(1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Acts, 1883 to 1906. 35

(2) Where an order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council the arbitrator or valuer, as the case may be, shall be appointed by the Lord Chief Justice of England instead of by the Board. 40



(3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board. A.D. 1907.

44. The Board shall make an annual report to Parliament of their proceedings, and of the proceedings of the Commissioners, under this Act and also of the proceedings of the several county, borough, district, and parish councils under the Small Holdings Act, 1892, the Allotments Acts, and this Act, and for that purpose every such council shall, before such date in every year as the Board may fix, send to the Board a report of their proceedings under the Small Holdings Act, 1892, the Allotments Acts, and this Act during the preceding year. Annual report to Parliament.

45. Nothing in this Act shall affect the rights and obligations under any tenancy created before the commencement of this Act under the Small Holdings Act, 1892, or the Allotments Acts. Saving for existing tenancies.

46.—(1) For the purposes of the Small Holdings Act, 1892, and this Act the expression "small holding" means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding fifty pounds. Interpretation.

(2) For the purposes of this Act—

The expression prescribed means prescribed by regulations made by the Board :

The expression "Allotments Acts" means the Allotments Acts, 1887 and 1890, as amended by the Local Government Act, 1894 :

The expression "landlord," in relation to any land compulsorily hired by a council, means the person for the time being entitled to receive the rent of the land from the council.

(3) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting: Provided that any property by this Act transferred to and vested in a parish council shall in such a case be transferred to and vested in the chairman of the parish meeting and the overseers of the parish.

47.—(1) This Act may be cited as the Small Holdings and Allotments Act, 1907, and, so far as it relates to small holdings, shall be construed with the Small Holdings Act, 1892, and may

(181.)

D

Short title, commencement, extent, and repeal.

A.D. 1907. be cited with that Act as the Small Holdings Acts, 1892 and 1907, and, so far as it relates to allotments, shall be construed with the Allotments Acts, and may be cited with those Acts as the Allotments Acts, 1887 to 1907.

(2) This Act shall come into operation on the first day of 5 January one thousand nine hundred and eight.

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

(4) The enactments mentioned in the Second Schedule to this Act are hereby repealed, except as to Scotland, to the extent specified in the third column of that schedule. 10

**SCHEDULES.**

A.D. 1907.

**FIRST SCHEDULE.****PART I.****PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A  
5 COUNCIL.**

(1) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the council and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands  
10 Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with  
15 respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

8 & 9 Vict.  
c. 20.

(2) The order shall be published by the council in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of  
20 that land as may be prescribed.

(3) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been presented, and has not  
25 been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the council and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

30 (4) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(5) An arbitrator appointed by the Board shall, so far as practicable, in assessing compensation act on his own knowledge and experience, and shall take into consideration the rent (if any) at which the land has been last  
35 let, and the annual value at which the land is assessed for the purposes of rating, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised by or



A.D. 1907. — under this Act to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(6) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding 5 anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily.

(7) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the council shall be deemed to be the promoters of the undertaking. 10

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded 15 for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, 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 20 Ecclesiastical Leasing Acts of land belonging to a benefice.

## PART II.

### PROVISIONS AS TO THE COMPULSORY HIRING OF LAND BY A COUNCIL.

(1) The Board shall make regulations for the purpose of carrying the order into effect and of protecting the council and the persons interested 25 in the land, and the order shall incorporate such regulations, together with such provisions of the Lands Clauses Acts and of sections seventy-seven to eighty-five of the Railway Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the Board necessary or expedient 30 for that purpose.

(2) The order authorising the land to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular shall provide for the insertion in the lease of covenants by the council to cultivate the land in a proper manner and (unless otherwise agreed) to 35 keep the buildings in repair and to pay to the landlord at the determination of the tenancy on the council quitting the land compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them, to observe such covenants or by reason of any user of the land by the council or such person as aforesaid, and 40 shall not authorise the breaking up of pasture unless the Board are satisfied that it can be so broken up without depreciating the value of the land, or that

the circumstances are such that small holdings cannot otherwise be successfully cultivated, and shall not confer on the council any right to take, sell, or carry away any minerals, gravel, sand, or clay except so far as may be necessary or convenient for the purpose of erecting buildings on the land or  
5 otherwise adapting the land for small holdings or allotments.

(3) The determination of—

- (a) The amount of the rent to be paid by the council for the land compulsorily hired;
- 10 (b) The amount of any other compensation to be paid by the council to any person entitled thereto in respect of the land or any interest therein, or in respect of improvements executed on the land or otherwise; and
- 15 (c) Where part only of a holding held for an unexpired term is hired, the rent to be paid for the residue of the holding during the remainder of that term;

shall in default of agreement be by valuation by a single valuer appointed by the Board.

(4) The valuer, in fixing the rent, to be paid for the land compulsorily hired, shall take into consideration the rent (if any) at which the land has  
20 been let and the annual value at which the land is assessed for purposes of rating or taxation, the loss (if any) caused to the owner by severance, and all the other circumstances connected with the land, but shall not make any allowance in respect of any use to which the land compulsorily hired might otherwise be put by the owner during the term of hiring, being a  
25 use in respect of which the owner is entitled to resume possession of the land under this Act.

(5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be  
30 provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.

(6) Any person interested in any valuation shall give the valuer all such assistance, information, and explanations as he may require, and shall  
35 produce to the valuer, or give him access to, all such books, accounts, vouchers, and other documents relating to the land to be compulsorily hired as he may require, and such expenses as the valuer certifies to have been properly incurred by any person in furnishing such assistance, information, and explanations, or otherwise, in relation to the valuation, shall be  
40 paid by the council.

(7) On the determination of any tenancy created by compulsory hiring any questions as to the amount due by the council for depreciation, shall be determined by arbitration.

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A.D. 1907.

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
50 & 51 Vict. c. 48.	The Allotments Act, 1887.	Subsections (2) and (3) and, except so far as they are applied by any other enactment, subsections (4) to (8) of section three.	5
		Section four.	
		Subsection (5) of section seven.	
		Section nine.	10
53 & 54 Vict. c. 65.	The Allotments Act, 1890.	Subsections (2), (3), and (6) of section ten, and, except so far as it relates to urban sanitary authorities, the rest of that section.	
		Subsection (2) of section eleven from "Provided that" to the end of the subsection.	15
		In section twelve, the words "if urban, or any parish in their district, if rural."	
		Section fourteen.	
55 & 56 Vict. c. 31.	The Small Holdings Act, 1892.	Subsection (1) of section two and in subsection (2) the words "by the inquiry herein-after mentioned."	20
		Subsections (1) (2) and (3) of section three.	
		Paragraph (d) of section four.	
		Subsection (2) of section six from "save that" to the end of the subsection.	25
56 & 57 Vict. c. 73	The Local Government Act, 1894.	Subsection (3) of section six from "and in the case" to the end of the subsection.	
		Subsection (2) of section one.	
		Section two.	
		Subsection (2) of section four to "Provided that"	30
56 & 57 Vict. c. 73	The Local Government Act, 1894.	In subsection (3) of section four the words "in the case of small holdings which may be let."	
		Section five.	
		In section eleven the words "and then to the person or persons whose lands immediately adjoin the holding."	35
		Section sixteen.	
56 & 57 Vict. c. 73	The Local Government Act, 1894.	In section twenty the words from "and the expression 'electoral division'" to "shall mean ward," and the definition of "county elector."	40
		In subsection (3) of section six the words "and of applying for the election of allotment managers," and "or the Allotments Act, 1890," and subsection (4) of the same section from "and for the purposes of section sixteen of the Small Holdings Act, 1892" to the end of the section.	45
		In subsection (3) of section nine, the words "or on any proceeding under the Allotments Acts, 1887 and 1890," and the words "or for the purpose of allotments, as the case may be."	50
		In subsection (5) of section nine, the words "or if the proceeding is taken on the petition of the district council, then the district council."	

A.D. 1907.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In subsection (9) of section nine, the words " when made on the petition of a district council, by that council, and in any other case." Subsection (13) of section nine, to " is not so taken." In subsection (14) of section nine, the words " otherwise than for allotments," and from " and any land purchased " to the end of the subsection. Subsections (16) (17) and (18) of section nine. Section ten.

5

10

# Small Holdings and Allotments.

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A

**B I L L**

INTITLED

An Act to amend the Law with respect  
to Small Holdings and Allotments.

*(Brought from the Commons 16th August 1907.)*

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Ordered to be printed 16th August 1907.

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(181.)

## Small Holdings and Allotments Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE EARL CARRINGTON.

Clause 3, page 2, line 38, after (" schemes ") insert the following new subsection :

(3) A county council, if they think fit may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings in their county.

Clause 15, page 7, line 3, after (" district ") insert (" as agents " for the county council ")

Clause 30, page 15, line 38, leave out from (" tenant ") to (" and ") in line 40.

page 16, line 3, after (" therewith ") insert (" and " shall also, so far as practicable, avoid displacing any considerable " number of agricultural labourers or others employed on or about " the land ")

line 4, after (" extent ") insert (" nor any " part of any such holding ")

Clause 36, page 19, line 3, after (" acts ") insert the following new subsection :

(3) Where any receipts or payments of money under this Act are entrusted by the county council to the Small Holdings and Allotments Committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.

Clause 46, page 21, line 30, after (" council ") insert the following new subsection :

(3) For the purposes of the Small Holdings Act, 1892, the Allotments Acts, and this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings, or allotments or in the purchase or redemption of land tax,

(181 a.)

or any quit rent, chief rent, tithes, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.

Clause 46, page 21, line 36, after ("parish") insert the following new subsection:

(4) Any notice required by this Act to be served or given may be sent by post.

Second schedule, page 26, leave out line 23, and insert ("section four, from 'and in the application of subsection six' to 'the end of paragraph (d)'")

---

BY THE LORD MONCKTON (*V. Galway*).

Clause 21, page 10, lines 16 to 20, leave out subsection (2).

Clause 26, page 12, lines 23 to 25, leave out subsection (5).

Clause 30, page 15, line 27, after ("ground") insert ("home farm")

---

BY THE LORD DAWNAY (*V. Downe*).

Clause 27, page 14, line 14, leave out ("or") and insert ("and he shall not reduce the rent in consequence of")

After clause 35 insert the following new clause:

. Where land has been hired by a council for small holdings or allotments the council shall give reasonable consideration to objections stated by the landlord to any applicant, and so far as may be, shall give a preference to applicants preferred by the landlord.

In the First Schedule, page 25, line 5, after ("allotments") insert ("and shall not confer any rights of sporting or the right to take the nests or eggs of any game, birds, or wild fowl")

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Small Holdings and Allotments  
Bill.

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AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL CARRINGTON,

THE LORD MONCKTON (*V. Galway*),

AND

THE LORD DAWNAY (*V. Downe*).

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19th August 1907.

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(181 a.)

## Small Holdings and Allotments Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

---

#### BY THE LORD HENEAGE.

Clause 1, page 1, line 10, leave out (" persons ") and insert (" Officers of the Board ")

line 16, leave out (" Commissioners and ")

Clause 6, page 4, line 32, after (" lease ") insert (" or to " purchase ")

Clause 30, page 15, line 28, after (" dwelling-house ") insert (" or is adjacent thereto ")

---

#### BY THE VISCOUNT HILL.

Clause 2, page 1, lines 24 and 25, leave out (" either actual " or ")

Clause 4, page 3, line 34, after (" Council ") insert (" persons who have duly lodged an objection ")

Clause 24, page 11, line 4, leave out (" either actual or " prospective ")

line 16, after (" parish ") insert (" all " persons affected ")

---

#### BY THE LORD HAVERSHAM.

Clause 2, page 1, line 25, after (" counties ") insert (" of " England and Wales ")

page 2, line 6, after (" parish ") insert (" in England " or Wales ")

(181 b.)

A

Clause 2, page 2, line 21, leave out (" councils ") and insert (" council "), and leave out (" and of the "), and leave out (" urban ")

Clause 30, page 15, line 27, leave out (" pleasure ground ") and insert (" home farm ")

Clause 34, page 17, line 10, leave out (" or ") and insert (" and ")

---

BY THE DUKE OF NORTHUMBERLAND.

Clause 2, page 2, line 3, leave out (" employ or ")

Clause 5, page 4, line 24, after (" Council ") insert the following new subsection :

(3) Before any order under this section is made by the Board, the draft thereof, together with a minute stating the circumstances under which such order is proposed or intended to be made shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament.

Clause 11, page 5, line 32, after (" benefit ") insert (" as agricultural holdings ")

Clause 24, page 11, line 9, leave out (" employ or ")

---

BY THE LORD MELDRUM (*M. Huntly*).

Clause 2, page 2, line 22, after (" concerned ") insert the following new subsection :

(5) In the course of their inquiries under this section in the several counties the commissioners shall take steps to ascertain whether any, and, if so, what provision is made in elementary and continuation schools in rural districts for instruction in rural industries, and for this purpose the commissioners shall confer with the county councils and they shall report to the Board the information acquired by them respecting any county.

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( 3 )

## BY THE LORD BARNARD.

Clause 3, page 2, line 27, leave out (" modifications or ")

---

## BY THE EARL OF CAMPERDOWN.

Clause 3, page 2, line 28, leave out from (" council ") to the end of subsection (1), and insert (" and shall take into consideration " any observations of the county council thereon and also any " alternative proposals which may be made by the council, after " which the Board shall forward to the council a statement of their " final decision, and it shall be the duty of the council to give effect " to such decision ")

line 34, leave out (" the report ") and insert (" such decision ")

line 37, leave out (" themselves ")

Clause 4, page 3, line 25, after (" time ") insert (" being not " less than thirty days after such publication and advertisement ")

Clause 15, page 7, line 11, leave out the first (" the ") and insert (" such ")

Clause 30, page 15, line 27, after (" ground ") insert (" or home " farm "), and leave out (" other land ") and insert (" is ")

line 28, after (" dwelling-house ") insert (" or is woodland ")

## IN THE SCHEDULES.

First Schedule, page 25, line 2, after (" right ") insert (" except " with the consent of the landlord "), and after (" to ") insert (" fell " or cut timber or trees nor to ")

---

## BY THE VISCOUNT ST. ALDWYN.

Clause 3, page 2, line 40, leave out (" localities ") and insert (" parishes ")

page 3, line 3, leave out (" locality ") and insert (" parish ")

Clause 4, page 3, line 31, after (" council ") insert (" or any " person affected ")

(181 b.)

A 2

Clause 4, page 3, line 40, after (“ fit ”) insert (“ and may confirm ”)

Clause 5, page 4, line 8, leave out (“ shall ”) and insert (“ may ”)

Clause 20, page 9, line 22, leave out (“ or ”) and insert (“ on ”)

Clause 21, page 10, lines 1 to 15, leave out subsection (1).

Clause 27, page 13, line 40, after (“ tenancy ”) insert :

(3) Within six months after the receipt of the notice mentioned in subsection (1) of this section, the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council shall purchase the land as if they had obtained an order authorising them to purchase the land and had served upon the landlord a notice to treat in respect thereof, and thenceforth the land shall be held by the council free from any right of resumption by the landlord under this Act ; but if the council so elect the consideration for such purchase shall be a perpetual rent-charge payable by the council of an amount to be determined in default of agreement by arbitration, but in determining such rent-charge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired is entitled under this Act to resume possession and section 44 of the Conveyancing and Law of Property Act, 1881, shall apply to every such rent-charge.

Clause 30, page 16, line 4, leave out of fifty acres or less in “ extent ”) and insert (“ which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purpose of income tax not exceeding fifty pounds ”)

Clause 33, page 17, line 3, after (“ board ”) insert (“ Provided that where the land has been hired compulsorily by the Commissioners acting in default of a county council, the right of the landlord to resume possession under this section shall in default of agreement be determined by arbitration ”)

Clause 43, page 20, line 40, after (“ Board ”) insert (“ and where such order authorizes the compulsory hiring of land by the Commissioners acting in default of a county council, the terms and conditions of the hiring shall, subject to the provisions mentioned in paragraph (2) of Part II. of the First Schedule to this Act, be determined by the arbitrator appointed under this subsection instead of in the order ”)

( 5 )

## IN THE SCHEDULES.

First Schedule, page 24, line 35, after ("to") insert ("insure  
 " to pay all taxes, rates, and charges usually borne by tenants, to")  
 line 36, after ("buildings") insert  
 ("and premises demised")  
 line 40, after ("aforesaid") insert  
 ("and shall, if the landlord has given notice in the prescribed  
 " manner that he so desires, provide for the reservation to him,  
 " and persons authorised by him, of exclusive rights of sporting  
 " and fishing over the land")  
 line 42, leave out ("that it can be so  
 " broken up without depreciating the value of the land or")  
 page 25, line 3, leave out from ("clay") to the  
 end of paragraph (2).  
 line 21, leave out ("rating or taxa-  
 " tion") and insert ("income tax")  
 line 43, after ("shall") insert ("in  
 " default of agreement")

---

## BY THE EARL OF PLYMOUTH.

Clause 3, page 3, lines 4 and 5, leave out ("or other similar  
 " rights")  
 Clause 30, page 15, lines 36 and 37, leave out ("so far as  
 " practicable")  
 Clause 33, page 16, line 36, after ("purposes") insert ("or for  
 " the making of roads, reservoirs, railways, or other similar works  
 " necessary for the improvement and development of the estate")  
 Clause 43, page 20, line 39, after ("appointed") insert ("in  
 " default of agreement between the parties")

---

## BY THE LORD BELPER.

Clause 4, page 3, line 28, after ("publicity") insert ("provided  
 " that where a draft scheme is prepared by the Commissioners it  
 " shall not be published or advertised until any county council

“ concerned has had an opportunity of stating any objections  
“ thereto to the Board, and until such objections have been con-  
“ sidered by the Board ”)

Clause 4, page 3, line 31, after (“ council ”) insert (“ still ”)!

---

BY THE EARL OF DARTMOUTH.

Clause 6, page 4, line 32, after (“ to ”) insert (“ purchase or ”)

---

BY THE EARL OF JERSEY.

Clause 6, page 4, line 40, after (“ land ”) insert the following  
new subsection :

(3) The exercise of powers under this section to acquire land  
situate without their county shall, in the case of a county borough,  
be subject to the consent of the council of any county within which  
such land or any part thereof is situate.

---

BY THE LORD MONK BRETTON.

Clause 6, page 4, line 40, after (“ land ”) insert (“ Provided  
“ that when a county council desires to acquire land outside its  
“ administrative area which is also desired by a county council  
“ administering that area, the county council administering the  
“ area shall have the prior claim ”)

---

BY THE LORD KENYON.

Clause 9, page 5, line 19, after (“ constituted ”) insert (“ under  
“ rules approved by the Board ”)

Clause 39, page 19, line 24, after (“ their ”) insert (“ principal ”)  
lines 24 and 25, leave out (“ or one of their  
“ objects ”)

lines 28, after (“ any ”) insert (“ such ”)  
page 20, line 9, after (“ its ”) insert (“ principal ”)  
lines 9 and 10, leave out (“ or one of its  
“ objects ”)

( 7 )

## IN THE SCHEDULES.

First Schedule, page 23, line 33, leave out from ("experience") to ("but") in line 36.

page 24, line 1, leave out from ("witnesses") to the end of paragraph (5).

## BY THE LORD BALFOUR.

Clause 26, page 12, line 10, after ("schedule") insert ("Provided that every such order shall provide that within six weeks after the receipt of any notice to treat in respect of the hiring of any land, the owner may by notice in writing require the council to accept a conveyance of the fee simple of the land in consideration of a perpetual rentcharge to be fixed, in default of agreement, by arbitration, but in fixing such rentcharge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired is entitled under this Act to resume possession, but after such conveyance the land shall be held by the council free from any such right of resumption by the owner under this Act")

## BY THE DUKE OF RICHMOND AND GORDON.

Clause 26, page 12, lines 20 to 22, leave out subsection (4) and insert :

(4) All land acquired under an order under this section shall be held by the council subject to all existing easements, and every such order shall provide for the creation of any new easements necessary to secure the continued use and enjoyment by the owners and occupiers of adjoining lands of all conveniences theretofore used and enjoyed over the land to be acquired, provided that notwithstanding anything contained in this subsection no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the termination of such hiring.



BY THE LORD CLINTON.

Clause 27, page 13, lines 33 and 34, leave out (" valuation  
" by a valuer appointed by the Board ") and insert (" arbitration ")  
page 14, line 2, leave out (" valuer ") and insert  
(" arbitrator ")

Clause 33, page 17, lines 2 and 3, leave out (" valuation by a  
" valuer appointed by the Board ") and insert (" arbitration ")

Clause 43, page 20, lines 38 and 39, leave out (" or valuer, as  
" the case may be ")  
page 21, line 1, leave out (" or valuer ")

IN THE SCHEDULES.

First schedule, page 25, line 16, leave out (" valuation ") and  
insert (" arbitration "), and leave out (" valuer ") and insert  
(" arbitrator agreed on between the parties, or, in default of  
" agreement ")

line 18, leave out (" valuer ") and  
insert (" arbitrator ")

lines 33 to 40, leave out paragraph (6).

---

BY THE LORD EVERSLEY,

Clause 29, page 15, line 23, after (" direct ") insert the following  
new subsection :

(3) On any application to the Board of Agriculture for their  
approval of the sale of any glebe land under the Glebe Lands Act,  
1888, otherwise than for the purpose of the Small Holdings Acts,  
1892 to 1907, or the Allotments Acts, 1887 to 1907, the Board shall  
withhold their approval if they are of opinion that the land is  
suitable for small holdings and allotments within the meaning of  
the said Acts, provided that this subsection shall not apply if the  
land is sold for building, mining, or other industrial purposes.

---

BY THE LORD BARNARD.

Clause 30, page 15, lines 24 and 25, leave out (" be authorised  
" by an order under this Act ")

page 16, lines 4 and 5, leave out (" be authorised by  
" an order under this Act ")

---

( 9 )

## BY THE LORD CLIFFORD OF CHUDLEIGH.

Clause 30, page 15, lines 25 and 26, leave out ("for the  
 " purposes of small holdings or allotments ")  
 page 16, line 6, leave out ("for the purposes of  
 " small holdings or allotments ")

Clause 31, page 16, line 8, after ("shall") insert ("subject to  
 " the restrictions by this Act imposed ")

---

## BY THE EARL OF POWIS.

Clause 35, page 18, line 4, after ("value") insert ("of the  
 " holding ")  
 line 5, leave out ("of the holding") and  
 insert ("as he or they may then require to use the land and  
 which is ")

---

## BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 39, page 19, line 32, leave out ("give guarantees or ")

---

## BY THE LORD ROBERTSON.

Clause 26, page 12, line 16, leave out from ("shall") to the end  
 of subsection (3) and insert ("empower the council to acquire the  
 " land in accordance with the provisions of this Act ")

line 19, after ("Act") insert the following  
 new subsection :

(4) If any person directly affected by any order under this  
 section feels aggrieved on the ground of the order being one which  
 is not within the scope of or made in conformity with this Act, such  
 person may, within one month after the confirmation of the order,  
 apply to the King's Bench Division of the High Court of Justice to  
 hear and determine any question of law or fact arising out of such  
 Order. Upon the hearing of every such application, the court or  
 a judge shall have power to hear and determine all questions of law  
 and fact that may arise, and judgment may be given affirming,

(181 b.)

B

modifying, or reversing the said order, and the court or a judge may make such order as to the costs of and incidental to the hearing of the said application as the court or judge may think fit.

Clause 26, page 12, lines 26 to 31, leave out subsection (6).

IN THE SCHEDULES.

First Schedule, page 23, line 9, leave out ("subject to the  
" necessary adaptations ")

page 24, line 30, leave out ("appear to the  
" Board ") and insert ("be "), and leave out ("or expedient ")

line 31, after ("purpose ") insert  
(" and the provisions of those Acts with respect to arbitration shall,  
" subject to the provisions of this Schedule, apply accordingly ")

---

BY THE LORD EBURY.

First Schedule, page 25, line 26, after (" Act ") insert (" but so  
" that in any case where part only of a holding is hired the rent to  
" be paid for such part shall, with the rent to be paid for the  
" residue of such holding, be not less than the rent theretofore paid  
" for the entire holding ")

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Small Holdings and Allotments  
Bill.

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AMENDMENTS

TO BE MOVED IN COMMITTEE.

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20th August 1907.

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(181 b.)

## Small Holdings and Allotments Bill.

### A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

---

BY THE VISCOUNT ST. ALDWYN.

Clause 24, page 11, line 20, after (“ section ”) insert (“ and  
“ have refused to comply with a representation made by the council  
“ of the urban district or parish for the compulsory acquisition of  
“ land for allotments ”)

---

BY THE LORD ZOUCHÉ OF HARYNGWORTH.

Clause 39, page 19, line 32, after the second (“ or ”) insert  
 (“ guarantee or make ”)

---

BY THE LORD ROBERTSON.

Clause 43, page 20, line 33, after (“ Act ”) insert (“ and subject  
“ to the provisions of subsection (2) of this section ”)

lines 36 and 37, leave out (“ an order has  
“ been made and confirmed authorising the compulsory acquisition  
“ of land by ”)

line 37, leave out (“ acting ”) and insert  
 (“ act ”)

lines 38 and 39, leave out (“ the arbitrator or  
“ valuer, as the case may be, shall be ”) and insert (“ all questions  
“ referred to the decision of an arbitrator under this Act, shall be  
“ determined by an arbitrator agreed upon between the parties, or  
“ in default of agreement ”)

BY THE LORD CLINTON.

First Schedule, page 23, line 12, after (" arbitrator ") insert  
(" agreed upon between the parties, or in default of agreement ")

Small Holdings and Allotments  
Bill.

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AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT ST. ALDWYN,  
THE LORD ZOUCHÉ OF  
HARYNGWORTH,  
THE LORD ROBERTSON,  
AND  
THE LORD CLINTON.

21st August 1907.

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(181 c.)

## Small Holdings and Allotments Bill.

[AS AMENDED IN COMMITTEE.]

### ARRANGEMENT OF CLAUSES.

#### PART I.

##### SMALL HOLDINGS.

###### *Schemes as to the Provision of Small Holdings.*

Clause.

1. Appointment of Small Holdings Commissioners.
2. Inquiries and reports by Commissioners.
3. Preparation of draft schemes.
4. Procedure as to schemes.
5. Duty of councils to carry schemes into effect.

###### *Amendments of the Small Holdings Act, 1892.*

6. Acquisition of land for small holdings to be let to tenants.
7. Letting of land acquired for small holdings.
8. Explanation of s. 18 (2) of Act of 1892.
9. Power to let small holdings to associations.
10. Provisions as to rules by county council.
11. Number of dwelling-houses allowed on small holding.
12. Power of county council to resume possession of holding on death of owner.
13. Provisions as to borrowing.
14. Delegation of powers to councils of boroughs or urban districts.

###### *Powers of Board of Agriculture and Fisheries.*

15. Power of Board to provide small holdings.
16. Power of Board to repay part of expenses incurred by council.
17. Appointment of advisory and managing committees by Board.
18. Creation of special account.

(200.)

A



## PART II.

## ALLOTMENTS.

## Clause.

19. Transfer of powers, &c., under Allotments Acts.
20. Amendments of Allotments Acts.
21. Compulsory acquisition of land for allotments.
22. Management of allotments.
23. Powers of county councils as to allotments.
24. Application of Allotments Acts to London.

## PART III.

## GENERAL.

*Acquisition of Land.*

25. Procedure for compulsory acquisition of land.
26. Power of council to renew tenancy of land compulsorily hired.
27. Provisions as to voluntary leasing of land for small holdings or allotments.
28. Provisions as to glebe lands.
29. Restrictions on the acquisition of land.
30. Grazing rights, &c., to be attached to small holdings or allotments.
31. Interchange of land for small holdings and allotments.
32. Power to resume possession of land hired compulsorily.
33. Compensation for loss of employment by labourers.
34. Compensation for improvements.

*Supplemental.*

35. Small holdings and allotments committees.
36. Accounts of receipts and expenditure under the Small Holdings and Allotments Acts.
37. Extension of 46 & 47 Vict. c. 61. s. 41 to small holdings.
38. Co-operative societies and credit banks.
39. Provisions as to land acquired by Commissioners.
40. Provisions as to Commissioners.
41. Local inquiries.

[7 EDW. 7.]      *Small Holdings and Allotments.*

iii

Clause.

42. Arbitrations and valuations.
43. Annual report to Parliament.
44. Saving for existing tenancies.
45. Interpretation.
46. Service by post.
47. Short title, commencement, extent, and repeal.

SCHEDULES.



## A

## B I L L

[AS AMENDED ON REPORT AND THIRD READING]

## INTITULED

An Act to amend the Law with respect to Small  
Holdings and Allotments.

A.D. 1907.

**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:—

5

## PART I.

## SMALL HOLDINGS.

*Schemes as to the Provision of Small Holdings.*

10 1.—(1) With a view to extending the provision of small holdings, the Board of Agriculture and Fisheries (herein-after referred to as "the Board") shall appoint two or more persons possessed of a knowledge of agriculture to be Small Holdings Commissioners (herein-after referred to as the Commissioners), and may appoint such other officers for the purposes of this Act as the Board may, with the consent of the Treasury, determine.

Appointment  
of Small  
Holdings  
Commis-  
sioners.

15 2) There shall be paid out of money provided by Parliament to the Commissioners and officers so appointed such salaries or remuneration as the Treasury may from time to time determine; and all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to such amount as  
20 may be sanctioned by the Treasury, shall (except as otherwise expressly provided by this Act) be defrayed out of money provided by Parliament.

25 2.—(1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand for small holdings in the several counties or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of the  
(212.)

Inquiries and  
reports by  
Commis-  
sioners.

A.D. 1907. **Small Holdings Act, 1892**, as amended by this Act, to satisfy any demand, and for that purpose shall confer with the county councils and may co-operate with such other authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary. 5

(2) The council of any county, borough, district, or parish may make representations to the Commissioners in respect of any such matters as aforesaid, and it shall be the duty of every council to furnish the Commissioners with such information, and to give them such other assistance, as they may reasonably require for the purposes of this section. 10

(3) The Commissioners shall report the information acquired by them respecting any county to the Board, and shall state whether it is desirable, in the opinion of the Commissioners, that such a scheme as is herein-after mentioned should be made, and may indicate the nature of the proposals which the Commissioners consider ought to be embodied in the scheme. 15

(4) If in the course of their inquiries the Commissioners receive any information as to the existence of a demand for allotments they shall communicate the information to the councils of the county, and of the borough, urban district, or parish concerned. 20

Preparation  
of draft  
schemes.

**3.—(1)** Where the Board, after considering the report and such representations as aforesaid as respects any county, are of opinion that it is desirable that a scheme should be made, the Board shall forward the report of the Commissioners with such modifications or observations (if any) as the Board think desirable to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report with such modifications (if any) as aforesaid, or subject to such other modifications as the Board may make after considering any representations submitted to them by the county council, and in preparing the drafts the council shall have regard to the proposals (if any) of the Commissioners indicated in the report. 35

(2) If the county council decline to undertake this duty, or within six months after receiving the report or within such extended time as may be allowed by the Board, fail to prepare such one or more draft schemes as appear to the Board desirable, the Board may direct the Commissioners to prepare one or more draft schemes. 40

[7 Edw. 7.] *Small Holdings and Allotments.*

3

(3) A county council, if they think fit may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings for their county. A.D. 1907.

(4) A draft scheme under this section may specify—

- 5 (a) the localities in which land is to be acquired for small holdings;
- (b) the approximate quantity of land to be acquired, and number, nature, and size of the small holdings to be provided, in each locality;
- 10 (c) whether, and to what extent, grazing or other similar rights to be defined in the scheme should be attached to the small holdings created in pursuance of the scheme, and, if so, the approximate quantity of land or extent and nature of the rights to be acquired
- 15 (d) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential, or supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme.

(5) Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting two or more counties, the scheme may be prepared by the 25 councils jointly, and may provide for joint action being taken by the councils.

4.—(1) A copy of any draft scheme under this Act shall, if prepared by a county council be sent to the Board, and if prepared by the Commissioners be sent to the Board and to 30 any county council concerned, and the draft scheme and any modifications therein which the Board may propose to make shall be published and advertised together with notice of the time within and manner in which objections are to be sent to the Board in such manner as the Board think best adapted for informing the 35 persons affected and for insuring publicity.

Procedure as to schemes.

(2) The Board shall consider the draft scheme and any objections thereto duly made, and may in any case and shall, if the county council object to the scheme, or in the case of a scheme prepared by the council, to any modifications therein

A.D. 1907. which the Board propose to make, hold a public local inquiry, at which the county council and such other persons as the person holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard.

(3) The Board, after considering the objections and the report of the person holding the inquiry (if any), may settle and confirm the scheme either without modification or subject to such modifications as the Board think fit, or may annul the scheme. 5

Duty of councils to carry schemes into effect.

5.—(1) It shall be the duty of a county council on which obligations are imposed by a scheme to carry them into effect within such time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the Small Holdings Act, 1892, or by this Act. 10

(2) If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss. 15

*Amendments of the Small Holdings Act, 1892.* 20

Acquisition of land for small holdings to be let to tenants.

6.—(1) A county council may for the purpose of providing small holdings for persons who desire to purchase or lease and will themselves cultivate the holdings, purchase land, whether situate within or without their county, by agreement, under and in accordance with the provisions of the Small Holdings Act, 1892, or take land on lease. 25

(2) If a county council are unable to acquire by agreement and on reasonable terms suitable land for the purpose aforesaid, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land. 30

(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which such land is situate, provided that any county council aggrieved by a refusal to give such consent may appeal to the Board, and the Board shall have power finally to determine all questions arising under this subsection and to settle the terms of arrangement (if any) between the county councils of the respective counties. 35



[7 Edw. 7.]

*Small Holdings and Allotments.*

5

7. Land acquired by a county council for the purposes of small holdings may be adapted for selling or letting and sold or let for small holdings under and in accordance with the provisions of the Small Holdings Act, 1892, as amended by this Act, and those provisions shall apply accordingly.

A.D. 1907.

Letting of land acquired for small holdings.

8. It is hereby declared that for the purposes of subsection (2) of section eighteen of the Small Holdings Act, 1892, the expression "charge" means the net charge on the county rate calculated in accordance with regulations made by the Local Government Board after taking into account all receipts from or on account of small holdings or otherwise under the Small Holdings Act, 1892, or this Act.

Explanation of s. 18 (2) of Act of 1892.

9. In addition to the power under section four of the Small Holdings Act, 1892, of letting one or more small holdings to persons working on a co-operative system, a county council shall have power, with the consent of the Board, to let one or more holdings to any association formed for the purposes of creating or promoting the creation of small holdings, and so constituted under rules approved by the Board that the division of profits amongst the members of the association is prohibited or restricted.

Power to let small holdings to associations.

10.—(1) The power to make rules conferred on a county council by section seven of the Small Holdings Act, 1892, shall, subject to the provisions of that Act, extend to the making of rules prescribing the terms and conditions on or subject to which small holdings are to be sold or let by the county council.

Provisions as to rules by county council.

(2) All rules made under the said section as so extended shall be subject to confirmation by the Board.

11. A county council may, if they think fit, relax the condition imposed by section nine of the Small Holdings Act, 1892, that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit as agricultural holdings of that or adjacent small holdings provided by the council.

Number of dwelling-houses allowed on small holding.

12.—(1) Where under subsection (2) or subsection (3) of section nine of the Small Holdings Act, 1892, the county council have power to cause or require a small holding to be sold, the council may, in the event of their requiring such holding for the purposes of the Small Holdings Act, 1892, or this Act, by notice in writing require the holding to be sold to themselves at such price as, in default of agreement, may be determined by

Power of county council to resume possession of holding on death of owner.

(212.)

B



A.D. 1907. arbitration, and thereupon the council shall, after such date as may be specified by the notice and on production to the registrar of the land registry of evidence of service of the notice and of the payment of the sum so agreed or determined or of the tender of such payment, be registered as the proprietor of the 5 land in place of the registered proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under the Land Transfer Acts, 1875 and 1897.

(2) A notice for the purposes of this section shall be deemed to be sufficiently served if sent by registered post addressed to 10 the owner or the personal representatives of the deceased owner at his registered address or at his last known place of abode.

(3) This section shall only apply in the case where a small holding has been sold by the county council.

Provisions as  
to borrowing.

**13.**—(1) The maximum period which may be sanctioned as 15 the period for which money may be borrowed by a county council under the Small Holdings Act, 1892, shall, where the purpose for which the money is borrowed is the purchase of land under that Act or this Act, be eighty years.

(2) Where a loan is made by the Public Works Loans Com- 20 missioners to a county council for the purposes of the Small Holdings Act, 1892, as amended by this Act—

(a) The loan shall be made at the minimum rate allowed for the time being for loans out of the local loans fund; and 25

(b) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loans Commissioners may exceed the period allowed under the Public Works Loans Act, 1875, and the Acts amending that Act, 30 but the period shall not exceed the period recommended by the Local Government Board, nor, where the purpose of the loan is the purchase of land, eighty years, or in any other case fifty years; and

(c) As between loans for different periods, the longer duration 35 of the loan shall not be taken as a reason for fixing a higher rate of interest.

Delegation  
of powers to  
councils of  
boroughs or

**14.** A county council may make arrangements with the council of any borough or urban district in the county for the exercise by the council of that borough or district as agents for 40

[7 EDW. 7.] *Small Holdings and Allotments.*

7

the county council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council in respect of the acquisition, adaptation, and management of small holdings for the borough or district, and the council of the borough or district may, as part of the arrangement, undertake to pay the whole or any part of the loss (if any) incurred in connection with those small holdings, and any sum payable in pursuance of any such undertaking shall be defrayed as part of the general expenses of the council in the execution of the Public Health Acts.

A.D. 1907.  
urban dis-  
tricts.

10 *Powers of Board of Agriculture and Fisheries.*

15. The Board may, if after inquiry they think it advisable to do so with a view to demonstrating the feasibility of the establishment of small holdings in any locality, exercise the powers conferred on county councils by the Small Holdings Act, 1892, and this Act in relation to small holdings (except the powers of acquiring land compulsorily and of borrowing) and those Acts shall apply as if references to the Board were substituted for references to a county council; but the expenses of the Board shall be defrayed out of, and their receipts paid into, the small holdings account, and no part thereof shall be paid out of any rate.

Power of  
Board to  
provide small  
holdings.

16. The Board may, if they think fit, and subject to regulations made by the Board with the approval of the Treasury, repay or undertake to repay to a county council, out of the small holdings account, the whole or any part of the expenses incurred by the council in proceedings in relation to the acquisition of land for the purposes of small holdings, and the amount so repaid shall not be treated as part of the costs incurred by the council in relation to land for the purposes of sections four and eighteen of the Small Holdings Act, 1892, but nothing in this section shall authorise the repayment of any part of any purchase money, compensation, or rent payable in respect of the land.

Power of  
Board to re-  
pay part of  
expenses in-  
curred by  
council.

17. Where the Commissioners acting in default of a county council, or the Board for the purpose of demonstrating the feasibility of the establishment of small holdings, exercise the powers of a county council under the Small Holdings Act, 1892, or this Act, the Board may appoint such advisory and managing committees as they think fit, with such powers and duties as may be conferred or imposed on them, and may, with the consent of the Treasury, pay out of the small holdings account all reasonable travelling and out-of-pocket expenses of the members of committees so appointed:

Appointment  
of advisory  
and manag-  
ing com-  
mittees by  
Board.

A.D. 1907.

Provided that where the expenses are incurred for the purposes of the powers exercised by the Commissioners acting in default of a county council, those expenses shall be treated as expenses incurred by the Commissioners in the exercise of the powers of the county council. 5

Creation of special account.

**18.**—(1) For the purposes of this Act there shall be opened an account at the Bank of England, called “The Small Holdings Account.”

(2) There shall be paid to this account—

(a) Such money as may from time to time be provided by Parliament towards defraying the costs and expenses of the Board directed by this Act to be paid out of the small holdings account; and

(b) All sums received by the Board and directed by this Act to be paid into the small holdings account. 15

(3) The costs and expenses of the Board directed by this Act to be paid out of the small holdings account shall be paid by the Board out of the money standing to that account.

(4) At the end of every financial year, accounts of the receipts and expenditure of the small holdings account shall be made up in such form, and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon. 20 25

(5) Payments out of, and into, the small holdings account, and all other matters relating to the account, and to the money standing to the credit of the account, shall be paid and regulated in such manner as the Treasury direct.

## PART II.

30

## ALLOTMENTS.

Transfer of powers, &amp;c., under Allotments Acts.

**19.**—(1) The powers of the Local Government Board under the Allotments Acts, except such of those powers as relate to the finance of local authorities, shall be transferred to the Board of Agriculture and Fisheries, and if any question arises as to whether any power is a power which has been transferred under this provision the question shall be determined by the Local Government Board, whose decision shall be final. 35

A.D. 1907.

(2) The powers and duties of rural district councils under the Allotments Acts shall be transferred to parish councils, and those Acts shall have effect as if references therein to the sanitary authority and the district thereof included references to the parish council and the parish, and subject to such other adaptations as may be necessary.

(3) All property acquired and all liabilities incurred by any rural district council under the Allotments Acts shall, as from an appointed day fixed by the Local Government Board either generally or as respects any particular district, by virtue of this Act be transferred to and vested in the parish council of the parish in respect of which the property was acquired or the liabilities incurred.

(4) Money borrowed by a parish council under section twelve of the Local Government Act, 1894, for the purposes of the powers and duties transferred to or conferred on the council under this Act shall not be reckoned as part of the debt of the parish for the purpose of the limitation on borrowing under the said section twelve.

(5) Sections two hundred and forty-two and two hundred and forty-three of the Public Health Act, 1875, relating to loans by the Public Works Loan Commissioners to a local authority, shall, with the necessary adaptations, apply to a loan to a parish council under the Local Government Act, 1894, or to a county council lending money to a parish council under that Act, where the purpose for which the loan is required by the parish council is the acquisition, improvement, or adaptation of land under the Allotments Acts as amended by this Act.

(6) Sections sixty-eight, seventy, seventy-two, eighty-five, eighty-six, eighty-seven, and eighty-eight of the Local Government Act, 1894 (which relate to adjustment of property and liabilities, determination of questions, local inquiries, current rates, accounts and proceedings, existing securities, and the discharge of existing debts, existing regulations, and pending contracts), shall apply as if they were herein re-enacted and in terms made applicable to this section.

20.—(1) Five acres shall be substituted for one acre in subsection (3) of section seven of the Allotments Act, 1887, as the limit of the extent of an allotment or allotments which may be held by one person :

Amendments  
of Allot-  
ments Acts.

A.D. 1907.

Provided that—

(a) The duty of a council under the Allotments Acts, as amended by this Act, to provide allotments shall not include the duty of providing allotments exceeding one acre in extent; and 5

(b) any part of the land acquired by a council under the Allotments Acts or this Act which exceeds five acres may be adapted for letting and let as an allotment, if the county council are satisfied by the council that it is convenient and desirable that it should 10 be so let and consent to such letting accordingly.

(2) The powers of improving and adapting land for allotments under the Allotments Acts shall include power to erect or permit to be erected any stable, cowhouse, or barn.

(3) A council shall have the same power of letting one or 15 more allotments to persons working on a co-operative system or to an association formed for the purposes of creating or promoting the creation of allotments as may be exercised as respects small holdings by a county council.

Compulsory acquisition of land for allotments.

21. If a council are unable to acquire land by agreement and 20 on reasonable terms under the Allotments Acts as amended by this Act, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

Management of allotments.

22.—(1) The powers and duties as to the management of 25 allotments transferred to a parish council by subsection (4) of section six of the Local Government Act, 1894, shall, in the case of a parish not having a parish council, be exercised and performed by persons appointed by the parish meeting.

(2) The provisions of the Allotments Acts, as amended by 30 this Act, shall apply to an allotment of which the management is transferred to a parish council under subsection (4) of section six of the Local Government Act, 1894, in like manner as if it had been acquired by the council under the general powers of the first-mentioned Acts. 35

Powers of county councils as to allotments.

23.—(1) The following subsection shall be substituted for subsection (1) of section two of the Allotments Act, 1890:—

“It shall be the duty of a county council to ascertain the extent to which there is a demand for allotments in the several urban districts (other than boroughs) and rural parishes in the 40



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county or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of the principal Act as amended by any subsequent enactment, to satisfy any such demand, and for that purpose to  
 5 co-operate with such authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary.”

(2) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local  
 10 inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may, in his discretion, think fit to allow shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under the Allotments Act, 1890,  
 15 as amended by this section, and have refused to comply with a representation made by the council of the urban district or parish for the compulsory acquisition of land for allotments, the Board may by order transfer to the Commissioners all or any of the powers of the county council under the Allotments Acts as  
 20 amended by this Act in relation to the district or parish, and those Acts shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.

24. The powers conferred on sanitary authorities by the  
 25 Allotments Acts as amended by this Act may in London be exercised by the London County Council, and those Acts as so amended shall apply accordingly, except that, subject to the provisions of this Act, the expenses shall be defrayed and money borrowed under and in accordance with the provisions of the  
 30 Local Government Act, 1888.

Application  
of Allotments  
Acts to  
London.

### PART III.

#### GENERAL.

#### *Acquisition of Land.*

25.—(1) Where a council propose to purchase land compul-  
 35 sorily under this Act, the council may, subject to the provisions of Part I. of the First Schedule to this Act, submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

Procedure  
for compul-  
sory acqui-  
sition of land.

A.D. 1907.

(2) Where a council propose to hire land compulsorily, the council may submit to the Board an order for the compulsory hiring of the land specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an order for compulsory purchase, with the substitution of "hiring" for "purchase," and with the modifications set out in Part II. of that Schedule. 5

(3) An order under this section shall be of no force unless and until it is confirmed by the Board, and the Board may, subject to the provisions of the First Schedule to this Act, confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall empower the council to acquire the land in accordance with the provisions of this Act. 10 15

(4) An order under this section may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired, and every such order shall if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniences theretofore used or enjoyed by them over the land to be acquired: Provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the determination of such hiring. 20 25

(5) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase or hiring being compulsory. 30

(6) Where land authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the Conveyancing and Law of Property Act, 1881. 35

(7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the county council, and thereupon the county council may, on 40

behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the county council, but the land shall be assured or demised to the parish council, and all expenses incurred by the county council shall be paid by the parish council:

A.D. 1907.

Provided that if the parish council are aggrieved by the refusal of the county council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as the county council might have made, and this subsection shall apply as if the order had been made by the county council.

(8) If after the determination of the amount of the compensation (including in the case of land hired compulsorily the rent) to be paid to any person in respect of his interest in the land proposed to be compulsorily acquired, it appears to the council that the land cannot be let for small holdings or allotments, as the case may be, at such a rent as will secure the council from loss, the council may at any time within six weeks after the determination of the amount by notice in writing withdraw any notice to treat served on that person or on any other person interested in the land, and in such case any person on whom such a notice of withdrawal has been served shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason\* or in consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in default of agreement, be determined by arbitration:

Provided that in every case in which the notice of withdrawal is given by the Commissioners acting in default of the council all compensation payable under this subsection shall be paid out of the small holdings account.

**26.**—(1) Where a council has hired land compulsorily, for small holdings or allotments, the council may, by giving to the landlord not more than two years nor less than one year before the expiration of the tenancy notice in writing, renew the tenancy for such term, not being less than fourteen nor more than thirty-five years, as may be specified in the notice, and at such rent as, in default of agreement, may be determined by valuation by a valuer appointed by the Board, but otherwise on the same terms and conditions as the original lease, and so from time to time:

Power of council to renew tenancy of land compulsorily hired.



A.D. 1907.

Provided that if on any such notice being given the landlord shall prove to the satisfaction of the Board that any land included in the tenancy is required for the amenity or convenience of any dwelling-house, then such land shall be excluded from the renewed tenancy. 5

(2) In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding—

- (a) due to improvements in respect of which the council would have been entitled to compensation, if instead 10 of renewing the tenancy the council had quitted the land on the determination of the tenancy, or
- (b) due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession 15 of the land under this Act, or

(c) due to the establishment by the council of other small holdings or allotments in the neighbourhood,

or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the 20 council had so quitted the land as aforesaid.

Provisions as to voluntary leasing of land for small holdings or allotments.

27.—(1) Any person having power to lease land for agricultural purposes for a limited term, whether subject to any consent or conditions or not, may, subject to the like consent and conditions (if any), lease land to a council for the purposes of 25 small holdings or allotments for a term not exceeding thirty-five years, either with or without such right of renewal as is conferred by this Act in the case of land hired compulsorily for those purposes.

(2) The like powers of leasing may be exercised, in the case 30 of land belonging to the Crown, by the Commissioners of Woods, with the consent of the Treasury, in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy of Lancaster by deed under the seal of the duchy in the name of His Majesty his heirs and successors, 35 and in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to that duchy.

(3) The like powers of leasing may be exercised in the case of 40 glebe land or other land belonging to an ecclesiastical benefice by

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the incumbent thereof with the consent of the Ecclesiastical Commissioners alone upon such terms and conditions and in such manner as the Ecclesiastical Commissioners may approve. A.D. 1907.

**28.** In the case of glebe land or other land belonging to an ecclesiastical benefice hired by a council for the purposes of small holdings or allotments— Provisions as to glebe lands.

- (1) The provisions of the Ecclesiastical Dilapidations Act, 1871, shall not during the continuance of the tenancy be applicable to the buildings upon the land;
- 10 (2) At the determination of the tenancy, on the council quitting the land, or at any time within twelve months thereafter, the incumbent of the benefice to which the land belongs may apply to the Ecclesiastical Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting the land for small holdings or allotments, and on proof to the satisfaction of the Commissioners that any such buildings are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners and subject to such directions as they may give, pull down any such buildings and dispose of the materials thereof, and any proceeds shall be paid to the Commissioners to be by them applied to the improvement of the benefice in such manner as the Commissioners may direct.
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- 20
- 25

**29.**—(1) No land shall be acquired compulsorily under this Act which at the date of the order forms part of any park, garden, pleasure ground, home farm, or is otherwise required for the amenity or convenience of any dwelling-house, or which is woodland not wholly surrounded by land acquired by a council under this Act or which at that date is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking or includes the site of any ancient monument, or place of historic or archæological interest. Restrictions on the acquisition of land.

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(2) The council in making, and the Board in confirming, an order for the compulsory acquisition of land shall have regard to the extent of land held or occupied in the locality by any owner or tenant and to the convenience of other property belonging to or occupied by the same owner or tenant, and shall, so far as

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A.D. 1907. — practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, and for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the existing agricultural buildings not proposed to be taken which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith, and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land. 5

(3) No holding which either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of income tax not exceeding fifty pounds, nor any part of such holding, shall be acquired compulsorily under this Act. 10

Grazing rights, &c., to be attached to small holdings or allotments.

**30.**—(1) The powers of a council to acquire land for small holdings or allotments shall, subject to the restrictions by this Act imposed, include power to acquire land for the purpose of attaching to small holdings or allotments provided by the council rights of grazing and other similar rights over the land so acquired, and to acquire for that purpose stints and other alienable common rights of grazing. 15 20

(2) Any rights created or acquired by the council under this section shall be attached to the small holdings or allotments in such manner and subject to such regulations as the council think expedient.

(3) The powers conferred by this section shall be in addition to and not in substitution for the powers of providing common pasture conferred by section twelve of the Allotments Act, 1887. 25

Interchange of land for small holdings and allotments.

**31.**—(1) A county council may sell or let to a borough, urban district, or parish council for the purpose of allotments any land acquired by them for small holdings, and a borough, urban district, or parish council may sell or let to the county council for the purpose of small holdings any land acquired by them for allotments, and the provisions of the Lands Clauses Acts with respect to the sale of superfluous land shall not apply on any such sale. 30 35

(2) Subsection (2) of section eleven of the Allotments Act, 1887, shall apply to the proceeds of sale under this section of land acquired for allotments.

Power to resume possession of land hired compulsorily.

**32.**—(1) Where land has been hired by a council compulsorily under this Act or the Allotments Acts, and the land or any part thereof at any time during the tenancy thereof by the council is 40

shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, or for the making of roads, reservoirs, railways, or other similar works necessary for the improvement and development of the estate, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months' previous notice in writing of his intention so to do; and if a part only of the land is resumed the rent payable by the council shall as from the date of resumption be reduced by such sum as in default of agreement may be determined by valuation by a valuer appointed by the Board.

A.D. 1907.

(2) Where the land has been hired compulsorily by the Commissioners acting in default of a county council, any question as to the right of the landlord to resume possession of the land or any part thereof under this section shall be determined by an arbitrator appointed by the Lord Chief Justice of England.

**33.** Where a labourer who has been regularly employed on any land acquired by a county council for small holdings, proves to the satisfaction of the county council that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the county council may pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land.

Compensation for loss of employment by labourers.

**34.—(1)** Where a council has let a small holding or allotment to any tenant the tenant shall as against the council have the same rights with respect to compensation for the improvements mentioned in paragraph (27) (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, as if it had been agreed in writing that the holding or allotment should be let as a market garden:

Compensation for improvements.

Provided that the tenant shall not be entitled to compensation in respect of any such improvement if executed contrary to an express prohibition in writing by the council affecting either the whole or any part of the holding or allotment; but if the tenant feels aggrieved by any such prohibition, he may appeal to the Board, who may confirm, vary, or annul the prohibition, and the decision of the Board shall be final.

A.D. 1907.

(2) Where land has been hired by a council for small holdings or allotments the council shall (subject in the case of land hired by agreement to any agreement to the contrary) be entitled at the determination of the tenancy on quitting the land to compensation under the Agricultural Holdings (England) Acts, 5 1883 to 1906, for any improvement mentioned in paragraph (27) (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, and for any improvement mentioned in Part I. or Part II. of that schedule which was necessary or proper to adapt the land for small holdings or allotments, as if such 10 improvements as aforesaid were improvements mentioned in Part III. of that schedule :

Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase 15 (if any) in the value to the landlord and his successors in title of the holding due to those improvements.

(3) The tenant of an allotment to which the Allotments Acts as amended by this Act apply may, if he so elects, claim compensation for improvements under the Allotments and Cottage 20 Gardens (Compensation for Crops) Act, 1887, instead of under the Agricultural Holdings (England) Acts, 1883 to 1906, as amended by this section, notwithstanding that the allotment exceeds two acres in extent.

*Supplemental.*

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Small holdings and allotments committees.

**35.—(1)** Every county council shall establish a small holdings and allotments committee, consisting either wholly or partly of members of the council, but the members of the council shall be a majority, and all matters relating to the exercise and performance by the council of their powers and duties under the 30 Small Holdings Act, 1892, the Allotments Acts, and this Act (except the power of raising a rate or borrowing money) shall stand referred to the small holdings and allotments committee, and references in the Allotments Acts to the standing committee shall be construed as references to the small holdings 35 and allotments committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the small holdings and allotments committee with respect to the matter in question, and the



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council may also delegate to the small holdings and allotments committee, with or without restrictions or conditions, as they think fit, any of their powers under the said Acts except the power of raising a rate or borrowing money. A.D. 1907.

5 (2) The small holdings and allotments committee may delegate any of their powers to sub-committees, consisting either wholly or partly of members of the committee, and in appointing any sub-committee to which is committed the powers of management of small holdings shall have regard to the advisability of  
10 including amongst the members of the sub-committee members of the councils of the boroughs, urban districts, or parishes in which the holdings are situate, or for which they are provided, and other persons acquainted with the needs and circumstances of the area for which the sub-committee acts.

15 (3) Where any receipts or payments of money under this Act are entrusted by the county council to the Small Holdings and Allotments Committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.

20 **36.** Separate accounts shall be kept of the receipts and expenditure of a council under the Small Holdings Act, 1892, as amended by this Act, and under the Allotments Act as amended by this Act, and any such receipts shall, subject to the provisions of those Acts, be applicable to the purposes of those  
25 Acts respectively, but not for any other purpose except with the consent of the Local Government Board; and for the purpose of the provisions relating to the audit of accounts, any persons appointed by an urban sanitary authority under the Allotments Acts, or by a parish meeting under this Act, to exercise and  
30 perform powers and duties as to the management of allotments, shall be deemed to be officers of the sanitary authority or parish meeting, as the case may be.

Accounts of receipts and expenditure under the Small Holdings and Allotments Acts.

**37.** Section forty-one of the Agricultural Holdings (England) Act, 1883, which relates to the resumption of the possession of  
35 land by landlords with a view to its use for certain purposes, shall have effect as if there were included amongst those purposes the provision of small holdings.

Extension of 46 & 47 Vict. c. 61. s. 41 to small holdings.

**38.—(1)** A county council may promote the formation or extension of, and may, subject to the provisions of this section,  
40 assist societies on a co-operative basis, having for their object, or one of their objects, the provision or the profitable working of

Co-operative societies and credit banks.

A.D. 1907. small holdings or allotments, whether in relation to the purchase of requisites, the sale of produce, credit banking or insurance or otherwise, and may employ as their agents for the purpose any such society as is mentioned in subsection (4) of this section.

(2) The county council, with the consent of, and subject to 5 regulations made by, the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the council think fit, and the 10 making of such grants or advances shall be a purpose for which a council may borrow under the Small Holdings Act, 1892.

(3) Where the Board themselves provide small holdings under the provisions of this Act, they may, with respect to any such 15 society carrying on business or intending to carry on business in the neighbourhood of those small holdings, exercise the powers of a county council under this section, and the provisions of this section shall apply accordingly, except that references to the Treasury shall be substituted for references to the Local Govern- 20 ment Board, and that the expenses and receipts of the Board under this section shall be paid out of and into the small holdings account.

(4) The Board with the consent of the Treasury may out of the small holdings account make grants upon such terms as the Board may determine, to any society having as its object or 25 one of its objects the promotion of co-operation in connection with the cultivation of small holdings or allotments.

**39.** Any land acquired by the Commissioners under this Act shall be vested in the Board, but the Board may at any time transfer the land to the council at whose expense the land was 30 acquired, and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the Board that the council are willing to exercise and perform their powers and duties in relation thereto.

**40.** Anything by this Act required or authorised to be 35 done by or to the Commissioners, may be done by or to any one such Commissioner, and any document purporting to be signed by a Commissioner shall be received in evidence without proof of the appointment or handwriting of the Commissioner.

**41.—(1)** The Board and the Small Holdings Commissioners 40 and other officers of the Board shall have for the purpose of an

Provisions  
as to land  
acquired by  
Commis-  
sioners.

Provisions  
as to Com-  
missioners.

Local in-  
quiries.

inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts. A.D. 1907.

(2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board may give.

**42.**—(1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Acts, 1883 to 1906. Arbitrations and valuations.

(2) Where an order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council the arbitrator or valuer, as the case may be, shall be appointed, in default of agreement between the parties, by the Lord Chief Justice of England instead of by the Board.

(3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board.

**43.** The Board shall make an annual report to Parliament of their proceedings, and of the proceedings of the Commissioners, under this Act and also of the proceedings of the several county, borough, district, and parish councils under the Small Holdings Act, 1892, the Allotments Acts, and this Act, and for that purpose every such council shall, before such date in every year as the Board may fix, send to the Board a report of their proceedings under the Small Holdings Act, 1892, the Allotments Acts, and this Act during the preceding year. Annual report to Parliament.

**44.** Nothing in this Act shall affect the rights and obligations under any tenancy created before the commencement of this Act under the Small Holdings Act, 1892, or the Allotments Acts. Saving for existing tenancies.

**45.**—(1) For the purposes of the Small Holdings Act, 1892, and this Act the expression “small holding” means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding fifty pounds. Interpretation.

(2) For the purposes of this Act—

The expression prescribed means prescribed by regulations made by the Board :

(212.)

D



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The expression "Allotments Acts" means the Allotments Acts, 1887 and 1890, as amended by the Local Government Act, 1894:

The expression "landlord," in relation to any land compulsorily hired by a council, means the person 5 for the time being entitled to receive the rent of the land from the council.

(3) For the purposes of the Small Holdings Act, 1892, the Allotments Acts, and this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small 10 holdings or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.

(4) In this Act references to a parish council shall, in the 15 case of a rural parish not having a parish council, include references to the parish meeting: Provided that any property by this Act transferred to and vested in a parish council shall in such a case be transferred to and vested in the chairman of the parish meeting and the overseers of the parish. 20

Service by post.

46. Any notice required by this Act to be served or given may be sent by registered post.

Short title, commencement, extent, and repeal.

47.—(1) This Act may be cited as the Small Holdings and Allotments Act, 1907, and, so far as it relates to small holdings, shall be construed with the Small Holdings Act, 1892, and may 25 be cited with that Act as the Small Holdings Acts, 1892 and 1907, and, so far as it relates to allotments, shall be construed with the Allotments Acts, and may be cited with those Acts as the Allotments Acts, 1887 to 1907.

(2) This Act shall come into operation on the first day of 35 January one thousand nine hundred and eight.

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

(4) The enactments mentioned in the Second Schedule to this Act are hereby repealed, except as to Scotland, to the extent 40 specified in the third column of that schedule.

\*  
SCHEDULES.

A.D. 1907.

FIRST SCHEDULE.

PART I.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND  
BY A COUNCIL.

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(1) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the council and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands

10 Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator agreed upon between the parties, or in default of agreement appointed by the Board, who shall be deemed to be an arbitrator within the meaning of

15 the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

8 & 9 Viet.  
c. 20.

(2) The order shall be published by the council in the prescribed manner, and such notice shall be given both in the locality in which the

20 land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

(3) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry,

25 confirm the order, but if such an objection has been presented, and has not been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the council and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be

30 permitted to appear and be heard at the inquiry.

(4) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(5) An arbitrator appointed under this schedule shall, so far as practicable, in assessing compensation act on his own knowledge and experience,

35 but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised by or under this Act to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

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(6) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily. 5

(7) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the council shall be deemed to be the promoters of the undertaking. 10

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, 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. 15

## PART II.

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PROVISIONS AS TO THE COMPULSORY HIRING OF LAND  
BY A COUNCIL.

(1) The Board shall make regulations for the purpose of carrying the order into effect and of protecting the council and the persons interested in the land, and the order shall incorporate such regulations, together with such provisions of the Lands Clauses Acts and of sections seventy-seven to eighty-five of the Railway Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the Board necessary or expedient for that purpose. 25

(2) The order authorising the land to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular— 30

(a) shall provide for the insertion in the lease of covenants by the council to cultivate the land in a proper manner and to pay to the landlord at the determination of the tenancy, on the council quitting the land, compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them, to observe such covenants or by reason of any user of the land by the council or such person as aforesaid, and (unless otherwise agreed) to pay all taxes, rates, and charges usually borne by tenants, to insure the buildings, and to keep the premises and buildings demised in repair; and 35 40

- (b) shall, if the landlord has given notice in the prescribed manner that he so desires, provide for the reservation to him, and persons authorised by him, of exclusive rights of fishing and sporting over the land; and
- 5 (c) shall not authorise the breaking up of pasture unless the Board are satisfied that the circumstances are such that small holdings cannot otherwise be successfully cultivated; and
- (d) shall not except with the consent of the landlord confer on the council any right to fell or cut timber or trees, or any right to
- 10 take, sell, or carry away any minerals, gravel, sand, or clay, except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments for which proper compensation shall be paid by the landlord.
- 15 (3) The determination of—
- (a) The amount of the rent to be paid by the council for the land compulsorily hired;
- (b) The amount of any other compensation to be paid by the council to any person entitled thereto in respect of the
- 20 land or any interest therein, or in respect of improvements executed on the land or otherwise; and
- (c) Where part only of a holding held for an unexpired term is hired, the rent to be paid for the residue of the holding during the remainder of that term;
- 25 shall in default of agreement be by arbitration by a single arbitrator agreed on between the parties, or, in default of agreement appointed by the Board.
- (4) The arbitrator, in fixing the rent, to be paid for the land compulsorily hired, shall take into consideration the rent (if any) at which the land has been let and the annual value at which the land is assessed for purposes
- 30 of income tax, the terms and conditions of the hiring, the loss (if any) caused to the owner by severance, and all the other circumstances connected with the land, but shall not make any allowance in respect of any use to which the land compulsorily hired might otherwise be put by the owner during the term of hiring, being a use in respect of which the owner is
- 35 entitled to resume possession of the land under this Act.
- (5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to
- 40 be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.
- (6) On the determination of any tenancy created by compulsory hiring any questions as to the amount due by the council for depreciation, shall in default of agreement be determined by arbitration.
-

A.D. 1907.

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
50 & 51 Vict. c. 48.	The Allotments Act, 1887.	Subsections (2) and (3) and, except so far as they are applied by any other enactment, subsections (4) to (8) of section three.	5
		Section four.	
		Section nine.	
		Subsections (2), (3), and (6) of section ten, and, except so far as it relates to urban sanitary authorities, the rest of that section.	10
53 & 54 Vict. c. 65.	The Allotments Act, 1890.	Subsection (2) of section eleven from "Provided that" to the end of the subsection.	
		In section twelve, the words "if urban, or any parish in their district, if rural."	15
		Section fourteen.	
		Subsection (1) of section two and in subsection (2) the words "by the inquiry herein-after mentioned."	20
55 & 56 Vict. c. 31.	The Small Holdings Act, 1892.	Subsections (1) (2) and (3) of section three.	
		Section four, from "and in the application of subsection six" to the end of paragraph (d).	
		Subsection (2) of section six from "save that" to the end of the subsection.	25
		Subsection (3) of section six from "and in the case" to the end of the subsection.	
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Subsection (2) of section one.	
		Section two.	
		Subsection (2) of section four to "Provided that"	30
		In subsection (3) of section four the words "in the case of small holdings which may be let."	
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Section five.	
		In section eleven the words "and then to the person or persons whose lands immediately adjoin the holding."	35
		Section sixteen.	
		In section twenty the words from "and the expression 'electoral division'" to "shall mean ward," and the definition of "county elector."	40
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In subsection (3) of section six the words "and of applying for the election of allotment managers," and "or the Allotments Act, 1890," and subsection (4) of the same section from "and for the purposes of section sixteen of the Small Holdings Act, 1892" to the end of the section.	45
		In subsection (3) of section nine, the words "or on any proceeding under the Allotments Acts, 1887 and 1890," and the words "or for the purpose of allotments, as the case may be."	50
		In subsection (5) of section nine, the words "or if the proceeding is taken on the petition of the district council, then the district council."	

[7 EDW. 7.] *Small Holdings and Allotments.*

27

Session and Chapter.	Short Title.	Extent of Repeal.	A.D. 1907.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	<p>In subsection (9) of section nine, the words "when made on the petition of a district council, by that council, and in any other case."</p> <p>Subsection (13) of section nine, to "is not so taken."</p> <p>In subsection (14) of section nine, the words "otherwise than for allotments," and from "and any land purchased" to the end of the subsection.</p> <p>Subsections (16) (17) and (18) of section nine.</p> <p>Section ten.</p>	—

# Small Holdings and Allotments.

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A

**B I L L**

[AS AMENDED ON REPORT AND  
THIRD READING]

INTITLED

An Act to amend the Law with respect  
to Small Holdings and Allotments.

*(Brought from the Commons 16th August 1907.)*

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Ordered to be printed 24th August 1907.

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(212.)

COMMONS AMENDMENTS TO LORDS AMENDMENTS AND  
COMMONS REASONS FOR DISAGREEING TO CERTAIN OF THE  
LORDS AMENDMENTS.

---

*Lords Amendment.*

Clause 5, page 4, line 7, leave out subsection (2).

The Commons disagree to this amendment, but propose to amend the Bill by inserting after line 24 of page 2 the following subsection :

( ) Any order made by the Board directing the Commissioners to carry a scheme into effect shall be laid before both Houses of Parliament as soon as may be after it is made.

*Lords Amendment.*

Clause 6, page 4, line 32, after (" to ") insert (" purchase or ")

The Commons disagree to this amendment for the following reason :

Because it is undesirable to give compulsory powers where the object of the acquisition of land is the sale as distinguished from the letting of small holdings.

*Lords Amendment.*

Clause 6, page 4, line 40, at end insert :

(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which such land is situate, provided that any county council aggrieved by a refusal to give such consent may appeal to the Board, and the Board shall have power finally to determine all questions arising under this subsection and to settle the terms of arrangement (if any) between the county councils of their respective counties.

(215.)

A



The Commons disagree to this amendment for the following reason :

Because it is undesirable that one county council should have power to hamper the operations of another.

*Lords Amendments.*

Clause 7, page 5, line 2, after the first (" for ") insert (" selling " or "), and after (" and ") insert (" sold or ")

The Commons disagree with these amendments for the following reason :

Because they are consequential on the Lords amendment to clause 6, page 4, line 32, to which the Commons disagree.

*Lords Amendment.*

Clause 9, page 5, line 19, after (" constituted )" insert (" under " rules approved by the Board ")

The Commons disagree to this amendment for the following reason :

Because the consent of the Board of Agriculture and Fisheries under the clause is a sufficient safeguard.

*Lords Amendment.*

Clause 11, page 5, line 33, after (" Council ") insert (" as " agricultural holdings ")

The Commons disagree to this amendment, but propose to amend the Bill by inserting in clause 11, page 5, line 33, after (" council ") the following words (" but so that the council shall " not authorise more than one dwelling-house to be erected for " occupation with any one small holding ")

*Lords Amendment.*

Clause 13, page 6, leave out the whole clause.

The Commons disagree to this amendment for the following reason :

Because it is inexpedient that an adjoining owner should have the right of pre-emption in the case of a small holding intended to be sold by the owner thereof.

( 3 )

*Lords Amendment.*

Clause 21, page 10, lines 16 to 20, leave out subsection (2) and insert :

(2) The powers of improving and adapting land for allotments under the Allotments Acts shall include power to erect or permit to be erected any stable, cowhouse, or barn.

The Commons disagree to this amendment for the following reason :

Because it may be desirable to erect a dwelling-house on certain allotments.

*Lords Amendment.*

Clause 24, page 11, line 20, after (" section ") insert (" and have  
" refused to comply with the representation made by the  
" council of the urban district or parish for the com-  
" pulsory acquisition of land for allotments ")

The Commons disagree to this amendment for the following reason :

Because the clause would not apply if an urban district or parish council were attempting to acquire land compulsorily for allotments.

*Lords Amendment.*

Clause 26, page 12, line 16, leave out from (" shall ") to the end of subsection (3) and insert (" empower the council to  
" acquire the land in accordance with the provisions of  
" this Act.")

The Commons disagree to this amendment for the following reason :

Because it is expedient that an order, when confirmed by the Board of Agriculture and Fisheries, should be final, and not liable to be questioned in courts of law.

*Lords Amendment.*

Clause 30, page 15, line 24, leave out (" authorised by an order  
" under this Act to be ")

The Commons disagree to this amendment for the following reason :

Because it is not expedient that the validity of an order should be questioned.

(215.)

A 2

*Lords Amendment.*

Clause 30, page 15, lines 25 and 26, leave out ("for the purposes of small holdings or allotments") and insert ("under this Act")

The Commons disagree with this amendment so far as it proposes to insert the words ("under this Act")

*Lords Amendment.*

Clause 30, page 15, line 27, leave out ("or other land") and insert ("home farm or is otherwise")

The Commons propose to amend this amendment by leaving out the words ("home farm"), and also to amend the Bill by inserting the word ("or") in clause 30, page 15, line 27, after the word ("garden")

*Lords Amendment.*

Clause 30, page 15, line 28, after ("dwelling-house") insert ("or which is woodland not wholly surrounded by land acquired by a council under this Act")

The Commons propose to amend this amendment by inserting after the words ("surrounded by") the words ("or adjacent to")

*Lords Amendment.*

Clause 30, page 15, line 31, after ("undertaking") insert ("or includes the site of any ancient monument or place of historic or archaeological interest")

The Commons disagree to this amendment for the following reason :

Because the Board of Agriculture and Fisheries can be trusted to prevent the taking of any land of historical or archaeological interest, which would be prejudicially affected by its inclusion in a small holding or allotment.

*Lords Amendment.*

Clause 30, page 16, line 4, leave out from ("holding") to the end of the subsection and insert ("which either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of income tax not

( 5 )

“ exceeding fifty pounds nor any part of such holding  
 “ shall be acquired compulsorily under this Act ”)

The Commons disagree to this amendment, but propose to amend the Bill by inserting in page 16, line 4, after (“ extent ”) the words (“ nor any part of any such holding ”)

*Lords Amendment.*

Clause 33, page 16, line 36, after (“ purposes ”) insert (“ or for  
 “ the making of roads, reservoirs, railways, or other  
 “ similar works necessary for the improvement and  
 “ development of the estate ”)

The Commons disagree to this amendment, but propose to amend the Bill by inserting in page 16, line 36, after (“ purposes ”) the words (“ or for roads necessary therefor ”)

*Lords Amendment.*

Clause 35, page 18, lines 13 and 14, leave out subsection (4).

The Commons disagree to this amendment for the following reason :

Because it is desirable that there should be power to erect on allotments buildings other than a toolhouse, shed, greenhouse, fowlhouse, or pigsty.

*Lords Amendment.*

Clause 43, page 20, line 39, after (“ appointed ”) insert (“ in  
 “ default of agreement between the parties ”)

The Commons disagree to this amendment for the following reason :

Because it is desirable that the arbitrator should be appointed by the Lord Chief Justice.

*Lords Amendment.*

First schedule, page 23, line 12, after (“ arbitrator ”) insert (“ agreed upon between the parties or in default of agreement ”)

The Commons disagree to this amendment for the following reason :

Because it is desirable that the arbitrator should be appointed by the Board of Agriculture and Fisheries.

*Lords Amendment.*

First Schedule, page 23, line 32, leave out ("by the Board") and insert ("under this schedule")

The Commons disagree to this amendment, but propose to amend the Bill as follows :

First Schedule, page 23, line 32, leave out ("an arbitrator appointed by the Board") and insert ("the arbitrator")

*Lords Amendment.*

First Schedule, page 23, line 33, leave out from ("experience") to ("but") in line 36.

The Commons agree to this amendment, but propose to amend the Bill by inserting in the First Schedule, page 24, after line 2, the following new paragraph :

(6) The arbitrator, in assessing the compensation to be paid for land compulsorily acquired, shall take into consideration the rent, if any, at which the land has been let and the annual value at which the land is assessed for the purposes of income tax and rating.

*Lords Amendment.*

First schedule, page 24, line 40, after ("aforesaid") insert ("and (unless otherwise agreed) to pay all taxes, rates, and charges usually borne by tenants to insure the buildings, and to keep the buildings and premises demised in repair, and shall, if the landlord has given notice in the prescribed manner that he so desires, provide for the reservation to him, and persons authorised by him, of exclusive rights of fishing and sporting over the land")

The Commons disagree to this amendment, but propose to amend the Bill by inserting in page 24, line 40, after ("aforesaid") the words ("and unless otherwise agreed, to keep the buildings and premises demised in repair"), and by inserting in page 25, line 21, after ("severance") the words ("the terms and conditions of the hiring, including any reservation of sporting or fishing rights")

*Lords Amendment.*

First Schedule, page 24, line 42, leave out ("that it can be so broken up without depreciating the value of the land or")

( 7 )

The Commons disagree to this amendment for the following reason :

Because it is expedient that there should be no prohibition against breaking up pasture which can be broken up without depreciating the value of the land.

*Lords Amendment.*

First Schedule, page 25, line 5, after (" allotments ") insert (" for which proper compensation shall be paid to the " landlord ")

The Commons propose to amend this amendment by substituting for the words proposed to be inserted the following words (" and except upon payment of compensation for minerals, " gravel, sand, or clay so used ")

*Lords Amendments.*

First Schedule, page 25, line 16, leave out (" valuation ") and insert (" arbitration "), and leave out (" valuer ") and insert (" arbitrator agreed on between the parties, or, in " default of agreement ")

line 18, leave out (" valuer ") and insert (" arbitrator ")

The Commons disagree to these amendments for the following reason :

Because the substitution of (" arbitration ") for (" valuation ") would unnecessarily increase the cost of hiring land.

*Lords Amendment.*

First Schedule, page 25, line 21, leave out (" rating or " taxation ") and insert (" income tax, the terms and " conditions of the hiring ")

The Commons propose to amend this amendment by substituting (" or rating ") for (" the terms and conditions of the hiring ")

*Lords Amendment.*

First Schedule, page 25, lines 33 to 40, leave out paragraph (6).

The Commons disagree to this amendment, but propose to amend the Bill as follows :

First Schedule, page 25, line 37, leave out (" require ") and insert (" reasonably require for the purposes of valuation ")

*Lords Amendment.*

Second Schedule, page 26, line 9, leave out (“ subsection (5) of  
“ section seven ”)

The Commons disagree to this amendment for the following  
reason :

Because it is desirable that there should be power to erect  
on allotments buildings other than a toolhouse, shed,  
greenhouse, fowlhouse, or pigsty.

Small Holdings and Allotments  
Bill.

COMMONS AMENDMENTS TO LORDS  
AMENDMENTS AND COMMONS  
REASONS FOR DISAGREEING TO  
CERTAIN OF THE LORDS AMEND-  
MENTS.

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[Price 1d.]

(215.)

## Small Landholders (Scotland) Bill.

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### ARRANGEMENT OF CLAUSES.

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Clause.

1. Crofters Acts applied throughout Scotland.
  2. Who to be landholders.
  3. Constitution of Scottish Land Court.
  4. Constitution of Agricultural Commissioners for Scotland.
  5. Moneys placed at disposal of Agricultural Commissioners.
  6. Application of moneys.
  7. Powers to facilitate the constitution of new holdings.
  8. Provisions regulating loans to landholders.
  9. Additional statutory conditions.
  10. Obligations of new holders under Public Health Act.
  11. Use by landlord of water rising on a holding.
  12. Present rent.
  13. Adjustment of rights by Land Court.
  14. Registration.
  15. Amendment of law as to enlargement of holdings.
  16. Amendment of law as to vacant holdings.
  17. Amendment of law as to renunciation of holdings.
  18. Declaration of law as to resumption of holdings.
  19. Amendment of law as to bequest of holdings.
  20. Loss of rights by heir in certain cases.
  21. Arrears of rent to be set off against compensation for improvements.
  22. Amendment of law as to regulation of common grazings.
  23. Jurisdiction of Land Court.
  24. Supplementary provisions and restrictions.
  25. Transfer of powers and duties.
  26. Transfer of property.
  27. Transfer of officers.
- (167.) A



Clause.

28. Definitions.
  29. Short title and construction.
  30. Act to apply to Crown land.
  31. Extent of Act.
  32. Commencement of Act.
  33. Repeal.
- SCHEDULE.
-

A

## B I L L

INTITULED

An Act to encourage the Formation of Small Agricultural Holdings in Scotland, and to amend the Law relating to the tenure of such Holdings (including Crofters' Holdings); to establish Agricultural Commissioners for Scotland; and for other purposes connected therewith. A.D. 1907.

**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:—

- 5     **1.** From and after the commencement of this Act, and subject to the provisions thereof, the Crofters Acts shall be read and construed as if the expression "landholder" were substituted for the expression "crofter" occurring therein, and shall have effect throughout Scotland. Crofters Acts applied throughout Scotland.
- 10     **2.—(1)** In the Crofters Acts and this Act (herein-after referred to collectively as the Landholders Acts) the word "holding" means and includes— Who to be landholders.
- 15         (i) As from the commencement of this Act, every holding which at the commencement of this Act is held by a crofter to whom in respect of such holding the Act of 1886 applies (herein-after referred to as an existing crofter);
- 20         (ii) As from the commencement of this Act, every holding which at the commencement of this Act is held by a tenant from year to year who resides on or within two miles from the holding, and by himself or his family cultivates the holding with or without hired labour (herein-after referred to as an existing yearly tenant);
- (167.)

A.D. 1907.

(iii) As from the termination of the lease, every holding which at the commencement of this Act is held under a lease for a term longer than one year by a tenant who resides on or within two miles from the holding, and by himself or his family cultivates the holding with or without hired labour (such tenant, or his heir or successor, as the case may be, holding under the lease at the termination thereof being herein-after referred to as a qualified leaseholder) ;

(iv) As from the date of registration, every holding which is constituted by the registration of an applicant in respect thereof on his application under the provisions of this Act (herein-after referred to as a new holder).

(2) In the Landholders Acts the word "landholder" means and includes, as from the respective dates above mentioned, every existing crofter, every existing yearly tenant, every qualified leaseholder, and every new holder, and the successors of every such person in the holding being his heirs or legatees.

Constitution  
of Scottish  
Land Court.

3.—(1) It shall be lawful for His Majesty, on the recommendation of the Secretary for Scotland, at any time after the commencement of this Act, and from time to time as vacancies occur to appoint not more than five persons, to be designated the Scottish Land Court (in this Act referred to as the Land Court) and to appoint one of such persons to be Chairman of the Court.

(2) One of the said persons (in this Act referred to as the legal member) shall be a person who at the date of his appointment shall be an advocate of the Scottish bar of not less than ten years standing.

(3) One of the said persons shall be a person who can speak the Gaelic language.

(4) It shall be lawful for the Secretary for Scotland to remove any member of the Land Court for inability or misbehaviour. Every order of removal shall state the reasons for which it is made, and no such order shall come into operation until it has lain before both Houses of Parliament for not less than thirty days, nor if either House passes a resolution objecting to it.

(5) If and when the legal member is temporarily unable to attend, or his office is vacant, the Secretary for Scotland may appoint to act temporarily in his place any person having the qualification required for holding the office of legal member and

the person so appointed shall during such inability or vacancy have the same powers and perform the same duties as if he were the legal member. A.D. 1907.

(6) The Secretary for Scotland shall from time to time appoint a fit person to act as principal clerk to the Land Court.

(7) The Land Court may appoint or employ such assessors, surveyors, law agents, valuers, clerks, messengers, and other persons required for the due performance of their duties, as the Treasury on the recommendation of the Secretary for Scotland may sanction.

(8) Any Crofters Commissioner or officer of the Crofters Commission in office at the commencement of this Act, who may not be appointed a member or an officer of the Land Court, shall receive such compensation as the Treasury may determine.

(9) There shall be paid to the Chairman of the Land Court a salary not exceeding two thousand pounds a year, and to each of the other members a salary not exceeding twelve hundred pounds a year, and such salaries shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

(10) There shall be paid to each of the other persons appointed or employed under this section such salary or remuneration as the Treasury may sanction; and all such salaries and remuneration and the expenses of the Land Court incurred in the execution of their duties, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(11) The Land Court shall submit such estimates and keep such accounts of their receipts and expenditure, and their accounts shall be audited in accordance with such regulations, as the Treasury may direct.

(12) It shall be lawful for the Land Court from time to time to make rules for conducting the business of the Court and for exercising the powers and authorities thereof.

4.—(1) It shall be lawful for His Majesty on the recommendation of the Secretary for Scotland, at any time after the commencement of this Act, and from time to time as vacancies occur, to appoint not more than three persons to be designated the Agricultural Commissioners for Scotland (in this Act referred to as the Agricultural Commissioners) and to appoint one of such persons to be Chairman of the Commissioners.

Constitution  
of Agricultural  
Commissioners  
for Scotland.

A.D. 1907.

(2) The Agricultural Commissioners shall be charged with the general duty of promoting the interests of agriculture, forestry, and other rural industries in Scotland, and shall also exercise and perform any powers and duties which are or may be conferred on or transferred to them under the provisions of this Act. In the discharge of their duties they shall comply with such instructions or regulations as may from time to time be issued by the Secretary for Scotland, and they shall submit an annual report of their proceedings to him, which report shall be laid before both Houses of Parliament. 10

(3) The Agricultural Commissioners may undertake the collection and preparation of statistics relating to agriculture, forestry, and other rural industries, and may make or aid in making such inquiries, experiments, and research, and collect or aid in collecting such information relating thereto as they think 15 advisable.

(4) The Agricultural Commissioners shall take such steps as they think proper for the promotion and development of agricultural organisation and co-operation.

(5) Without prejudice to the provisions of the immediately preceding subsections such one of the Agricultural Commissioners as the Secretary for Scotland shall from time to time appoint shall be designated the Commissioner for Small Holdings and shall be specially charged with the duties hereinafter committed to him. 25

(6) One of the Agricultural Commissioners shall be a person skilled in forestry.

(7) The Agricultural Commissioners shall hold office during His Majesty's pleasure. They may subject to the approval of the Secretary for Scotland appoint or employ such officers, clerks, and other persons as the Treasury may sanction. 30

(8) The Agricultural Commissioners and other persons appointed or employed under this section shall respectively receive such salary or remuneration as the Treasury may sanction, and all such salaries or remuneration and the expenses of the Agricultural Commissioners incurred in the execution of their duties, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament. 35

(9) The Agricultural Commissioners shall submit such estimates and keep such accounts of their receipts and expenditure, 40

and their accounts shall be audited in accordance with such regulations as the Treasury may direct. A.D. 1907.

(10) It shall be lawful for the Secretary for Scotland from time to time by order under his hand—

- 5 (a) To direct that from and after the date fixed by the order such powers and duties of the Board of Agriculture and Fisheries exercisable in or in relation to Scotland as may with the consent of the Treasury be specified in the order, shall be transferred to the
- 10 Agricultural Commissioners; and
- (b) To direct that from and after the date fixed by the order such powers and duties under the Congested
- 15 Districts (Scotland) Act, 1897, as may, with the consent of the Treasury, be specified in the order, shall either cease and determine, or (not being powers for the purchase of land) be exercised and performed throughout Scotland in lieu of in congested parishes or districts thereof, or made applicable, with any necessary adaptations, to the purposes of the Land-
- 20 holders Acts.

60 & 61 Vict.  
c. 53.

(11) Before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than two months, and if either House, before the expiration of such period of two months, presents an address to His Majesty against the

25 draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

(12) An order under this section may provide for all matters which appear to the Secretary for Scotland necessary or proper

30 for giving full effect to the order, or to a previous order, including with the consent of the Treasury matters relating to the adjustment and disposal of any property, debts, and liabilities which may be affected thereby, or to the employment of any officers who may be transferred and the regulation of their duties.

(13) An order duly made under this section shall take effect as if it were enacted in this Act.

5. The following moneys shall be placed at the disposal of the Agricultural Commissioners for the purposes herein-after specified:—

- 40 (a) The annual sum of fifteen thousand pounds available under subsection two of section four of the Agricultural Rates,

Moneys placed at disposal of Agricultural Commissioners.



A.D. 1907.  
59 & 60 Vict.  
c. 37.

Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896, during the continuance of that Act; and

(b) Any sums not exceeding eighty-five thousand pounds annually voted by Parliament for the said purposes. 5

Application  
of moneys.

6. The money placed at the disposal of the Agricultural Commissioners under this Act shall be applied for the purposes and in the proportions following:—

60 & 61 Vict.  
c. 53.

(a) An annual sum not less than thirty-five thousand pounds shall be paid to the Congested Districts (Scotland) Fund constituted by the Congested Districts (Scotland) Act, 1897, and shall be applied by the Agricultural Commissioners for the purposes of that Act: Provided that section four of that Act shall be construed as if the improvement or rebuilding of dwelling-houses and other buildings in congested districts and the constitution of new holdings and the enlargement of holdings in congested districts under and subject to the provisions of the Landholders Acts were respectively purposes specified in that section. The sum so payable in any year shall be fixed by the Secretary for Scotland with the consent of the Treasury; and 10 15 20

(b) The balance shall be paid to a fund to be called the Scottish Land Fund and shall be applied by the Agricultural Commissioners for the purpose of facilitating the constitution of new holdings and the enlargement of holdings under the Landholders Acts as herein-after provided. 25

Powers to  
facilitate the  
constitution  
of new hold-  
ings.

7.—(1) It shall be lawful for the landlord of any land and any other person to agree that in respect of such land such person may apply to the Land Court to be registered as a new holder under this Act, and such person may thereupon apply accordingly, and subject to the provisions of this Act may be so registered. 30

(2) It shall be the duty of the Commissioner for Small Holdings to report from time to time to the Agricultural Commissioners after due inquiry what demand for small holdings exists in any district, and after consultation (where practicable) with the landlord or landlords what land (if any) is available to meet that demand, without causing undue displacement of farm servants presently employed on or about such land, under what 35 40

conditions such land is cultivated, and what employment it affords. A.D. 1907.

(3) Where the Commissioner for Small Holdings is satisfied that there is a demand for small holdings and that suitable land exists it shall be his duty to negotiate with the landlords of suitable land with a view to the adjustment of a scheme for the registration by agreement of any one or more new holders in respect of such land.

(4) Failing agreement, such land may, otherwise than by agreement, be made available for the registration of new holders in the manner and subject to the conditions herein-after prescribed.

(5) Where a new holding is constituted by agreement, the rent agreed between the landlord and the new holder shall not if the same shall have been agreed upon for a specified period be altered by the Land Court during such period, and shall not in any case be altered by the Land Court for a period of seven years from the term at which it first becomes payable.

(6) Where, with a view to, or as incidental to, the registration of a new holder or holders in respect of any land, whether by agreement or otherwise, the Agricultural Commissioners are of opinion, upon consideration of a report by the Commissioner for Small Holdings, that assistance should be provided for the purpose of dividing, fencing, or otherwise preparing or adapting the land, making occupation roads or executing other works, such as works for the provision of drainage or water supply, or erecting or adapting a dwelling-house or dwelling-houses or other buildings, or for any similar purpose, the Agricultural Commissioners may provide such assistance by way of loan, or (except as regards dwelling-houses or other buildings) by way of gift, and subject to such conditions as they may prescribe. Conditions so prescribed and the provisions for their enforcement or, for the case of their violation shall be as effectual as if they were contained in this Act.

(7) Where the Agricultural Commissioners are of opinion that damage or injury will be done to any tenant in respect that the land forms part or the whole of his tenancy they may pay compensation as may be agreed.

(8) Where the Commissioner for Small Holdings reports that the landlord refuses to negotiate, or where, after submitting to the landlord a scheme for the constitution of one or more new holdings on the land, he reports that no agreement can be reached,



A.D. 1907. it shall be lawful for the Agricultural Commissioners, after due notice and after hearing any party who desires to be heard, to intimate to the landlord and to other parties concerned that it is in the public interest that one or more new holdings should be constituted on the land in accordance with the said scheme, and that they propose to apply to the Land Court to make an order or orders for the constitution of one or more new holdings on the land in accordance with such scheme, to be occupied by new holders, at a fair rent and upon such terms and conditions not inconsistent with the Landholders Acts as the Land Court consider just; and thereafter to apply accordingly. 5 10

(9) Before making such an order the Land Court shall give all parties having a right or interest in the land an opportunity of being heard.

(10) The Land Court shall thereafter determine, with due regard to the provisions of the Landholders Acts, and by order or orders declare— 15

(a) In respect of what land, if any, specified in the scheme, one or more holdings for new holders may respectively be constituted, and up to what date the power to constitute them otherwise than by agreement may be exercised; 20

(b) What is the fair rent for each new holding;

(c) What land, if any, specified in the scheme is to be excluded therefrom; and 25

(d) Whatever else may be necessary for the purpose of making the scheme effective and of adjusting the rights of all parties interested in or affected by the proceedings:

Provided that where the Land Court are of opinion that damage or injury will be done to the letting value of the land to be occupied by a new holder or new holders, or of any farm of which such land forms part, or to any tenant in respect that the land forms part or the whole of his tenancy, or to any landlord in respect of an obligation to take over sheep stock at a valuation, they shall require the Agricultural Commissioners, in the event of the scheme being proceeded with, to pay compensation to such amount as the Land Court determine. 30 35

(11) In or after making such an order the Land Court (without prejudice to their other powers) may do, provide, or 40

decide anything incidental to or consequential on such an order as if it were an order under section twelve of the Act of 1886, and may, if they think fit, provide for the incorporation with the order, subject to the necessary adaptations, of any provisions of the Lands Clauses Acts which appear to them requisite for carrying the order into effect. A.D. 1907.

(12) Upon such an order providing for the constitution of one or more new holdings on any land being issued the Agricultural Commissioners may proceed to make it effective by entering on the land, carrying out works, and otherwise as may be required, (due compensation to such amount as may be agreed or, as in case of dispute, may be determined by the Land Court being made for surface damage), and may negotiate with one or more duly qualified applicants with a view to their registration as new holders in respect of the land.

(13) A new holder shall not be duly qualified for registration otherwise than by agreement who does not satisfy the Agricultural Commissioners as to his ability to fulfil the obligations incumbent on him.

(14) The Agricultural Commissioners shall give reasonable consideration to objections stated by a landlord to any applicant for a new holding, and *ceteris paribus* shall give a preference to applicants preferred by the landlord.

(15) Except by agreement a new holder shall not be registered—

(a) in respect of any land being or forming part of a farm not exceeding one hundred and fifty acres occupied by a person who has no interest in any other farm; or

(b) in respect of any land being or forming part of a farm occupied subject to a lease which was in force at Whitsunday nineteen hundred and six, so long as the lease remains in force.

(16) All parties being possessed of lands or any right or interest therein who under the Lands Clauses Acts have power on behalf of themselves or of others to convey and dispose of such lands, or of such rights therein for the purposes mentioned in those Acts, shall have the like power to enter into any agreement or give any consent for the purposes of this section.

A.D. 1907.  
60 & 61 Vict.  
c. 53.

(17) Notwithstanding anything contained in the Congested Districts (Scotland) Act, 1897, the expression "landlord" in this section includes the Agricultural Commissioners in respect of any land purchased under that Act and transferred to the Commissioners under the provisions of this Act. 5

(18) Any member of the Land Court or any Agricultural Commissioner or any person authorised in writing by the Land Court or by the Agricultural Commissioners may for the purposes of the Landholders Acts enter upon and inspect any lands or buildings at all reasonable hours on any lawful day. 10

Provisions  
regulating  
loans to  
landholders.

8.—(1) The agreement for any assistance given to a landholder by way of loan under the immediately preceding section shall be recorded in the Landholders' Holdings Book, and, as recorded, shall have the effect of transferring to the Agricultural Commissioners all rights of the landholder and his statutory successors to compensation for permanent improvements up to the amount of any outstanding liability owing to the Commissioners; provided that the amount of such compensation when claimed shall in such case in the event of dispute be assessed by the Land Court and provided further that any amount due to the Commissioners from a landlord under this section may, if the Commissioners on the application of the landlord so determine be deemed to be a loan to the landlord (secured on the holding and on any buildings thereon) within the meaning of section six of the Congested Districts (Scotland) Act, 1897, to which the provisions of that section shall apply. 15 20 25

60 & 61 Vict.  
c. 53.

(2) In the event of breach by a landholder of the conditions of repayment of any loan under the immediately preceding section the Land Court may, on the application of the Agricultural Commissioners, and after consideration of any objections stated by the landlord, make an order for the removal of the landholder from the holding as if he had broken a statutory condition and for the assignation of the holding to some one person (being an applicant therefor) subject to such conditions as they see fit, and such person shall thereupon succeed to the holding of the landholder and shall be deemed to be his statutory successor. 30 35

(3) All moneys received for payment of interest or repayment of principal or otherwise in respect of any loan made by the Agricultural Commissioners under the immediately preceding section shall be paid to the fund out of which the loan was made. 40

(4) The Land Court shall, on the application of the Agricultural Commissioners or of the landlord or the landholder, append to their order fixing a fair rent for a holding a record specifying the condition of the cultivation of the holding, and of the buildings and other permanent improvements thereon, and by whom such permanent improvements have been executed or paid for.

A.D. 1907.

9. The following conditions are hereby prescribed as statutory conditions additional to or in modification of those prescribed in section one of the Act of 1886:—

Additional  
statutory  
conditions.

- 10 (1) The landholder shall by himself or his family with or  
without hired labour cultivate his holding, without  
prejudice to the right (which is hereby conferred upon  
him) to make such use thereof for subsidiary or auxiliary  
15 occupations, as in case of dispute the Land Court  
may find to be reasonable and not inconsistent with  
the cultivation of the holding; provided that the  
expression "cultivate" in this subsection shall include  
the use of a holding for horticulture or for any purpose  
of husbandry, inclusive of the keeping or breeding of  
20 live stock, poultry, or bees, and the growth of fruit,  
vegetables, and the like:
- (2) The expression "passing of this Act" in subsection four  
of section one of the Act of 1886 shall, in the applica-  
25 tion of that subsection to landholders, other than  
existing crofters and the statutory successors of  
existing crofters, be construed as meaning the date  
at which the Landholders Acts first applied to the  
holding: Provided always that nothing in the said  
subsection shall be construed as debarring a landholder  
30 from subletting his dwelling-house to holiday visitors,  
and provided further that the provision as to dwelling-  
houses in the said subsection shall not apply to a new  
holder, but a new holder and his statutory successors  
shall not without the consent in writing of the  
35 landlord and the Agricultural Commissioners erect or  
suffer to be erected on the holding more than one  
dwelling-house.
- (3) Nothing in subsection seven of section one of the Act of  
40 1886 shall be construed as precluding a landholder  
from recovering any compensation for damage by game  
which under section two of the Agricultural Holdings

A.D. 1907.

Act, 1906, is recoverable by a tenant, and the last-mentioned section shall apply accordingly with the substitution of the Land Court for arbitration.

Obligations of new holders under Public Health Act.

**10.** Where buildings or other premises within the meaning of the Public Health (Scotland) Act, 1897, have been erected on a holding by or for a new holder, all duties or liabilities imposed on the owner of such premises under any provision relating to the removal or remedy of a nuisance or the provision of a water supply contained in the said Act shall, so long as the landlord receives no rent or other consideration in respect of such buildings or other premises (and failing agreement with the landlord to the contrary), be transferred to and discharged by the landholder, and the said Act shall be read and construed accordingly. 5 10 15 20

Use by landlord of water rising on a holding.

**11.** A landlord may, on payment of compensation for any surface damage, use for any estate purpose any springs of water rising on a holding and not required for the use thereof: Provided that any dispute as to the requirements of the holding or the amount of compensation under this section shall be determined by the Land Court; and provided further that nothing herein contained shall be construed as affecting the rights of any persons other than the landlord and the landholder. 15 20

Present rent.

**12.** The rent payable by a landholder as one of the statutory conditions shall be the present rent, that is to say, the yearly rent, including money and any prestations other than money,—

- (a) In the case of existing crofters, payable for the year current at the passing of the Act of 1886, or, where the rent so payable has been altered in terms of that Act, payable for the year current at the commencement of this Act; 25
- (b) In the case of existing yearly tenants, payable for the year current at the commencement of this Act; and 30
- (c) In the case of qualified leaseholders becoming landholders, and in the case of new holders, and in the case of landholders whose holdings are enlarged, payable or fixed in respect of the last year of the lease, or at the date of registration, or at the date of enlargement, as the case may be: 35

in each case unless and until the present rent is altered in manner provided by the Landholders Acts.



13. In the case of resumption by a landlord, or in the case of an existing yearly tenant or a qualified leaseholder becoming a landholder, the rights of parties interested, so far as affected by the operation of this Act, at the date of resumption or date when such tenant or leaseholder becomes a landholder, as the case may be, shall in the event of dispute be adjusted by order of the Land Court, which order they are hereby empowered to pronounce on the application of any party interested.

A.D. 1907.  
Adjustment  
of rights by  
Land Court.

14.—(1) The procedure in connection with applications for registration under this Act shall be regulated as may be prescribed in rules of the Land Court.

Registration.

(2) Registration under this Act shall be constituted by an order of the Land Court granting registration, duly recorded, with the application on which it proceeds, in the Landholders' Holdings Book.

15.—(1) The provisions of the Act of 1886, relative to the enlargement of holdings, are hereby extended to an application for enlargement of a holding by a single landholder or two or more landholders, and shall apply in the case of an application by a single landholder as nearly as may be in the same manner and to the same effect as in the case of an application by two or more landholders.

Amendment  
of law as to  
enlargement  
of holdings.

Provided that all applications for enlargement under section eleven of the Act of 1886 shall be made to the Agricultural Commissioners, and subsections six, seven, eight, nine, ten, eleven, twelve, fifteen, sixteen, and seventeen of the section of this Act relative to the constitution of new holdings shall, with the necessary modifications, apply as fully for the purpose of applications for enlargement as for the purpose of the constitution of new holdings, and the expressions "application" and "applicants," where occurring in section twelve or section twenty-one of the Act of 1886, shall be construed as meaning an application from the Agricultural Commissioners under subsection eight aforesaid and the persons referred to in such application.

(2) Section thirteen of the Act of 1886 shall cease to have effect, provided that land shall not be deemed available land for the enlargement of a holding unless it is land in respect of which a person would be admissible to registration as a new holder under this Act and unless it belongs to the same landlord as the holding and, if arable land, unless it lies contiguous or near to land already in the occupancy of the landholder making the application; and

A.D. 1907. — provided further that a holding shall not be enlarged so that the present rent or acreage thereof shall exceed the present rent or acreage competent for a new holding under this Act.

Amendment  
of law as to  
vacant hold-  
ings.

**16.** Where by reason of renunciation, removal, failure of a statutory successor, or otherwise, a holding has at any time ceased **5** or is about to cease to be held by a landholder, the landlord shall forthwith intimate the fact in writing to the Agricultural Commissioners, and shall not, if the Land Court on their application after hearing the landlord so determine, and during such period and subject to such conditions (which shall include payment of **10** compensation to the landlord by the Agricultural Commissioners to such amount as may be agreed, or, as in case of dispute, may be determined by the Land Court, in respect of any loss arising out of such determination) as the Land Court may prescribe, be entitled without the consent of the Agricultural Commissioners to **15** let the holding otherwise than to a neighbouring landholder for the enlargement of his holding, or to a new holder :

Provided that where, under the provisions of the Landholders Acts, the holding was, otherwise than by agreement, constituted **20** as a new holding or enlarged, it shall be the duty of the Land Court, upon an application by the landlord, after hearing the Agricultural Commissioners, to assess any damage or injury done by the constitution or enlargement of the holding, as the case may be, to the landlord through non-payment of rent in respect **25** of the holding, or depreciation in the letting value of the land comprised in the holding, or through the imposition of liabilities in respect of or the payment of compensation for permanent improvements thereon, and to require the Agricultural Commissioners to pay the landlord compensation in respect of such damage or injury to such amount as the Land Court determine, **30** but nothing in this proviso contained shall apply to the case of a holding ceasing to be held by a landholder by reason of resumption by the landlord or by reason of the sale of the holding to the landholder.

Amendment  
of law as to  
renunciation  
of holdings.

**17.** Section seven of the Act of 1886 shall be amended by **35** the insertion at the end thereof of the following words:—

Provided that such notice shall not, without the consent of the Land Court, be effective unless, within two months from the date of notice, the landlord or the landholder intimates the same in writing to the Agricultural Commissioners, and provided **40**

further that **except** by agreement with the Agricultural Commissioners the landholder shall not without the like consent be entitled to renounce his tenancy so long as any liability owing by him to the Agricultural Commissioners is not wholly discharged. A.D. 1907.

5 **18.** Without prejudice to the generality of the power to authorise resumption by the landlord for some reasonable purpose having relation to the good of the holding or of the estate, conferred by section two of the Act of 1886, the feuing of land for the general development of the estate, or the occupation  
10 of a holding, being his only landed estate, by a landlord for the purpose of personally residing thereon, shall respectively be deemed a reasonable purpose as aforesaid. Declaration of law as to resumption of holdings.

**19.** Section sixteen of the Act of 1886 is hereby amended by the substitution of "Land Court" for "sheriff" wherever  
15 occurring therein, and of the words "two months" for the words "twenty-one days" occurring in subsection (a) thereof, and shall be read and construed accordingly with the necessary modifications. Amendment of law as to bequest of holdings.

**20.** Where, owing to the failure of the landholder to bequeath  
20 his tenancy or of the legatee to accept the bequest, the right of the tenancy devolves upon the heir-at-law of the landholder the landlord may give notice in writing to such heir requiring him to state whether or not he elects to accept the tenancy, and in case such heir shall not, within six weeks after the receipt of such  
25 notice, declare that he elects to accept the tenancy, his rights to the tenancy shall pass to the next heir, and the same procedure shall apply: Provided that if such heir be furth of the United Kingdom the Land Court may grant such extension of the period herein-before specified as may seem to them to be reasonable. Loss of rights by heir in certain cases.

30 **21.** If a landholder either renounces or is removed from his holding while owing any arrears of rent to the landlord the landlord shall be entitled to set off such arrears of rent, and also the rent of the outgoing crop, against any sum found to be due to the landholder or to the Agricultural Commissioners for  
35 improvements made on the holding. Arrears of rent to be set off against compensation for improvements.

**22.—(1)** In making any order for the registration of new holders or otherwise for the letting of land the Land Court may prescribe such regulations as to the exercise of pasture or grazing rights held or to be held in common as they think  
40 expedient. Amendment of law as to regulation of common grazings.



A.D. 1907.

(2) The Land Court shall cause any proceeding under the immediately preceding subsection to be intimated to any person or persons not being landholders, but having any right or interest in the pasture or grazing to which the proceeding relates, and shall hear such person or persons on his or their application, and make such inquiry as they may deem necessary, and may make applicable to such person or persons any regulations prescribed under such proceeding. 5

(3) The power to appoint a committee and to make regulations conferred by section four of the Act of 1891 may be exercised by the Land Court if they think fit without any request from a landlord or landholders interested, and without prejudice to the powers conferred by section five of the said Act any person committing a breach of any regulations made and approved under the said Act, or prescribed under this section, shall be liable on conviction before the sheriff under the Summary Jurisdiction Acts to a penalty not exceeding forty shillings, and in the case of a continuing offence to a further penalty not exceeding five shillings for each day during which such offence shall have been continued after written warning from the committee or from the Land Court, and any such penalty shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts. A person appointed by the Land Court may summon and attend any meeting of a committee under the said Act for the purpose of advising such committee in the performance of their duties, and may otherwise assist in the administration of the said Act as may be directed by the Land Court. 10 15 20 25

Jurisdiction  
of Land  
Court.

**23.**—(1) The Land Court shall be a body corporate with a common seal. Judicial notice shall be taken by all courts of justice of the corporate seal of the Land Court, and any order or other instrument purporting to be signed with it shall be received as evidence without further proof. 30

(2) For the purposes of the Landholders Acts the Land Court shall have full power and jurisdiction to hear and determine all matters, whether of law or fact, and no other court shall review or interfere in any way with the orders, determinations, or other proceedings of the Land Court: Provided that the Land Court may if they think fit, and shall on the request of any party if they consider the request reasonable, state a special case on any question of law arising in any proceedings pending before them, for the opinion of either division of the Court of Session, who are hereby authorised finally to determine the same. 35 40

(3) The Land Court may ascertain the facts in any case by hearing parties and examining witnesses, or by means of affidavits, or by such other mode of inquiry as they may deem appropriate, and may require the production of all books, 5 papers, plans, and documents relating to the case, without prejudice to the provisions of section twenty-four of the Act of 1886, they may summon and examine on oath such witnesses as they think fit to call or allow to appear before them. They may, when sitting in open court, report in writing to the Lord Ordinary on 10 the Bills any person who has been guilty of contempt of court; and the Lord Ordinary may punish such person as if the contempt had been committed in his own court. A.D. 1907.

(4) The Land Court may determine the amount of the expenses in any proceedings before the Court and the proportion 15 to be borne by the different parties.

(5) Three members of the Land Court shall be a quorum: Provided that it shall be lawful for the Land Court to delegate such of their powers as they think expedient to any one member or to any two members of the Court, with or without the assist- 20 ance of one or more land valuers, assessors, or other skilled persons, and from time to time to revoke, alter, or modify any such delegation of powers; but any order or determination arrived at under such delegation shall be subject to review upon appeal by three or more members of the Court (including where 25 such court of review consists of three members not more than one member who was a party to such order or determination) sitting together.

(6) An order of the Land Court may be presented to the sheriff, and the sheriff, if satisfied that the order has been duly 30 recorded, shall pronounce decree in conformity with such order on which execution and diligence shall proceed.

24.—(1) For the purposes of the Landholders Acts a holding shall be deemed to include any right in pasture or grazing land held or to be held by the tenant or landholder whether alone 35 or in common with others, and the site of any dwelling-house erected or to be erected on the holding or held or to be held therewith, and of any offices or other conveniences connected with such dwelling-house. Supplementary provisions and restrictions.

(2) A person shall not be held an existing yearly tenant or 40 a qualified leaseholder or be admissible to registration as a new (167.) D

A.D. 1907. holder under this Act in respect of land belonging to more than one landlord or in respect of more than one holding.

(3) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of—

(a) Any land the present rent of which within the meaning of this Act exceeds fifty pounds in money, unless such land (exclusive of any common pasture, or grazing land, held or to be held therewith) does not exceed fifty acres (but without prejudice to the power of the Land Court, in determining from time to time a fair rent, to fix a rent exceeding fifty pounds); or

(b) Any land being garden ground only, appurtenant to a house; or

(c) Any land within any burgh boundary; or

(d) Any land being or forming part of any market garden; or

(e) Any land being or forming part of any glebe, or any small holding under the Small Holdings Act, 1892, or any allotment under the Allotments (Scotland) Act, 1892, or the Local Government (Scotland) Act, 1894; or

(f) Any land that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral; or

(g) Any land being woodland, or being or forming part of the home farm of any estate, or of any policy or park, or of any pleasure ground or other land required for the amenity or convenience of any residence or farmstead; or being permanent grass park held for the purposes of a business or calling not primarily agricultural or pastoral, including that of butcher, cattle-dealer, and the like; or

(h) Any land held and used by a local authority for purposes of public recreation; or

(i) Any land acquired whether compulsorily or by agreement for any undertaking of a public nature, under the authority of any Act of Parliament or any order having the force of an Act of Parliament.

(4) A person shall not be admissible to registration as a new holder under this Act in respect of any land referred to in paragraphs (a), (b), (c), (d), or (e), or, except by agreement, in respect

of any land referred to in paragraphs (*f*), (*g*), (*h*), or (*i*) of the immediately preceding subsection. A.D. 1907.

(5) Nothing in this Act shall operate to prevent the registration of a new holder or the enlargement of a holding (whether by agreement or otherwise in either case) in respect of land comprised in a deer forest or otherwise kept or preserved mainly or exclusively for sporting purposes.

(6) Notwithstanding anything contained in subsection one of this section, the holding of any existing yearly tenant or qualified leaseholder within the meaning of this Act, shall not for the purposes of the Landholders Acts be deemed to include any lands or heritages at the commencement of this Act forming part of such holding and occupied by a sub-tenant of such existing yearly tenant or qualified leaseholder, whether paying rent or not.

(7) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of a holding referred to in section thirty-three of the Act of 1886, but nothing in that section shall operate to prevent the registration of a new holder by agreement in respect of a holding referred to therein, or the application of the Landholders Acts to such new holder and his statutory successors in respect of the holding. For the word "nor" where last occurring in that section the word "or" is hereby substituted.

(8) The provisions of section two of this Act shall extend to and include joint-tenants being existing crofters, existing yearly tenants, or qualified leaseholders; but not more than one person shall be registered as a new holder in respect of any holding, and (without prejudice to the continuance of a joint tenancy through statutory successors) where at any time after the commencement of this Act a holding is held by a single landholder, or a holding which has been held in joint tenancy ceases to be so held, it shall not be competent for more than one person to be a landholder in respect of such holding.

(9) Except so far as may be inconsistent with any express provision of this Act the tenancy of a landholder under the Landholders Acts shall, in the case of every existing crofter, be deemed to be in all respects a continuance of his tenancy as a crofter under the Crofters Acts, and all contracts and other deeds and documents shall be read and construed accordingly.

A.D. 1907.  
Transfer of  
powers and  
duties.  
60 & 61 Vict.  
c. 53.

**25.** From and after the date of the commencement of this Act the Crofters Commission established by section seventeen of the Act of 1886, and the Congested Districts (Scotland) Commissioners established by the Congested Districts (Scotland) Act, 1897, shall cease to exist, and all the powers and duties vested in or imposed on the Crofters Commission by any Act of Parliament in force at such date shall, subject to the provisions of this Act, be vested in, transferred to, and imposed on the Land Court, and all the powers and duties vested in or imposed on the Congested District (Scotland) Commissioners by the Congested Districts (Scotland) Act, 1897, shall, subject as aforesaid, be vested in, transferred to, and imposed on the Agricultural Commissioners, and except as otherwise provided by this Act all such powers and duties shall be exercised and performed by the Land Court or the Agricultural Commissioners, as the case may be, as nearly as may be in like manner and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before such date have been exercised and performed by such Commission or Commissioners respectively, and in the construction and for the purposes of any Act of Parliament, contract, or other deed, passed, entered into, or executed, or of any action or proceeding raised before such date, the name of the Land Court or the Agricultural Commissioners, as the case may be, shall be deemed to be substituted for such Commission or Commissioners respectively.

Transfer of  
property.

**26.** All property belonging to, or vested in, or held in trust for the Congested Districts (Scotland) Commissioners shall, from and after the commencement of this Act pass to and vest in and be held in trust for the Agricultural Commissioners, subject to all debts and liabilities affecting the same, and, subject to the provisions of this Act, shall be held by the Agricultural Commissioners for the purposes for which it is now held or would have been held if this Act had not passed.

Transfer of  
officers.

**27.** Such of the persons employed by the Crofters Commission as the Secretary for Scotland, with the consent of the Treasury, may determine shall, from and after the commencement of this Act, be attached to and be officers of the Land Court, and such of the persons employed by the Congested Districts (Scotland) Commissioners as the Secretary for Scotland, with the consent of the Treasury, may determine shall, from and after the commencement of this Act, be attached to and be officers of the Agricultural Commissioners; and (without prejudice to any existing rights)



persons so transferred shall thereafter, if in the case of any of such persons the Treasury so determine, be permanent civil servants of the Crown within the meaning of section seventeen of the Superannuation Act, 1859.

A.D. 1907.

22 Vict. c. 26.

5     **28.**—(1) In this Act—

Definitions.

The expression “Act of 1886” means the Crofters Holdings (Scotland) Act, 1886:

49 &amp; 50 Vict. c. 29.

The expression “Act of 1887” means the Crofters Holdings (Scotland) Act, 1887:

50 &amp; 51 Vict. c. 24.

10    The expression “Act of 1891” means the Crofters Common Grazings Regulation Act, 1891:

54 &amp; 55 Vict. c. 41.

The expression “Crofters Acts” means the Act of 1886, the Act of 1887, and the Act of 1891:

15    The expression “statutory successor” means any person who in terms of the Landholders Acts as the case may be has succeeded or may succeed to a holding whether as heir-at-law or legatee of his immediate predecessor being a crofter or landholder in occupation of the holding.

20    The expression “termination of the lease” means the expiration of the lease through the running out of the stipulated term of endurance or through the parties, or either of them, exercising their right to take advantage of a break stipulated for in the lease.

25    (2) In the Crofters Acts, the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896, and the Congested Districts (Scotland) Act, 1897, the expression “holding” shall be substituted for the expression “croft,” and the expression “crofting parish” shall be construed as meaning  
30 a parish to which the Crofters Acts applied at the commencement of this Act.

59 &amp; 60 Vict. c. 37.

60 &amp; 61 Vict. c. 53.

35    (3) In the Act of 1886 (except in the case of references to the passing or the title thereof and except in section thirty-two thereof) the expression “this Act” or “the Act” shall be construed as meaning the Landholders Acts.

40    (4) In section two of the Act of 1887 the expression “principal Act” where first occurring shall be construed as meaning the Landholders Acts, and the expression “the Crofters Holdings Act, 1886,” shall be construed as meaning the Act of 1886 or this Act, as the case may be.

A.D. 1907. (5) If not inconsistent with the context, references in any Act of Parliament to a crofter shall be construed as references to a landholder within the meaning of this Act.

Short title and construction.

29. This Act may be cited as the Small Landholders (Scotland) Act, 1907, and shall be read and construed with the Crofters Acts, and the Crofters Acts and this Act may be cited as the Small Landholders (Scotland) Acts, 1886 to 1907.

Act to apply to Crown land.

30. This Act shall apply to all Crown land.

Extent of Act.

31. This Act shall extend to Scotland only.

Commencement of Act.

32. This Act shall commence on the first day of April nineteen hundred and eight.

Repeal.

33. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

## SCHEDULE.

A.D. 1907.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 49 & 50 Vict. c. 29.	Crofters' Holdings (Scotland) Act, 1886.	In section two, the words "for fishermen" and "connected with the fishing industry." In section three, the words "shall forfeit his tenancy and." Section four.
10		In subsection three of section six, the words "at the next payment of rent."
15		In section eleven, the words "five or more," the words "to the Crofters Commission," and the word "crofting" wherever that word occurs.
		In section twelve, the word "crofting."
		Section thirteen.
20		In section fourteen, the words "for the pur- poses of a deer forest, or of a grouse moor, or for other sporting purpose."
		Section seventeen.
		Section nineteen, from the beginning thereof to the word "aforesaid," and from "who" to "Act."
25		Section twenty-two.
		Section twenty-three.
		Section twenty-four, from "and it" to end of section.
30		Section twenty-eight.
		In section thirty-two, the words "in all or any of the counties to which this Act applies and."
		In section thirty-four, from "'crofter' means" to "in money at the commencement of this Act"; and from "'holding' means" to "appurtenant to a house."
35 50 & 51 Vict. c. 24.	Crofters' Holdings (Scotland) Act, 1887.	In section two, the words from "within" to "after the passing of this Act," and from "and they" to "case."
40 51 & 52 Vict. c. 63.	Crofters' Commission (Delegation of Powers) Act, 1888.	The whole Act.
45 54 & 55 Vict. c. 41.	Crofters' Common Grazings Regulation Act, 1891.	In section two, the words "in any township or townships situated in a crofting parish or parishes within the meaning of the principal Act"; and the words "of the township."
50		In section four, the words "on the request in writing of any two crofters interested, or the landlord or landlords and"; and the words "on the request in writing of any two crofters or of the landlord."
55 59 & 60 Vict. c. 37.	Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scot- land) Act, 1896.	In subsection two of section four, the words "for the improvement of congested districts in the Highlands and Islands of Scotland."
60 & 61 Vict. c. 53.	Congested Districts (Scotland) Act, 1897.	Section one. Section two. Subsections (1) and (2) of section three.



**Small Landholders  
(Scotland).**

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A

**B I L L**

INTITULIED

An Act to encourage the Formation of Small Agricultural Holdings in Scotland, and to amend the Law relating to the tenure of such Holdings (including Crofters' Holdings); to establish Agricultural Commissioners for Scotland; and for other purposes connected therewith.

*(Brought from the Commons 9th August 1907.)*

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Ordered to be printed 9th August 1907.

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(167.)

A

## B I L L

INTITULED

An Act to further extend the principle of class legislation by enabling Shop Assistants to advance in life at the expense of existing Shopkeepers and other Ratepayers. A.D. 1907.

**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:—

- 5**     **1.** With a view to shop assistants becoming shopkeepers, the Board of Trade shall appoint two or more Small Shop Commissioners (herein-after referred to as the Commissioners) and such other officers for the purposes of this Act as the Board may determine.
- 10**     **2.** The Commissioners acting under the directions of the Board shall ascertain the extent to which there is a demand among shop assistants for small shops throughout the United Kingdom, and the local authority in each district shall, on the recommendation of the Commissioners, prepare and adopt a
- 15** scheme for providing small shops for such shop assistants who may make application for the same.
- 3.** All expenses incurred in the exercise of any powers in relation to this Act shall be charged to the borough or county fund, as the case may be, provided that such expenses shall not
- 20** exceed an equivalent of one shilling in the pound of the general district rate.





# Small Shops for Shop Assistants. [H.L.]

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A

## B I L L

INTITULED

An Act to further extend the principle of class legislation by enabling Shop Assistants to advance in life at the expense of existing Shopkeepers and other Ratepayers.

*The Lord Wenysse (E. Wenysse).*

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Ordered to be printed 7th August 1907.

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(160.)

Statute Law Revision Bill. [H.L.]

MEMORANDUM.

This Bill has been prepared in pursuance of recommendations made by the Statute Law Committee, and its object is to enable the Revised Edition of the Statutes to be brought down to a later date. This edition, which contains all the statute law actually in force, comes down to the end of the year 1886. It is proposed to bring the edition down to the end of the year 1900, *i.e.*, to the end of the last century and the late reign. The Bill formally repeals certain portions of the statute law of that period which have ceased to be "living law" and then authorises their omission from the new edition.





A

## B I L L

INTITULED

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. A.D. 1907.

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed :

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. The enactments described in the first part of the schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned ; and every part of a title, preamble, or recital specified after the words " in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.

Enactments  
in schedule  
repealed.

Provided as follows :

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future ;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act ;

(18.)

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A.D. 1907.

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to ;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges 5 thereupon or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto ;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any 10 existing status or capacity,—or any right, title, obligation, or liability, already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or 15 thing ;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, 20 restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any maner affirmed, recognised, or derived by, in, or from any enactment hereby repealed ; 25

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force ; 30

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of His Majesty's dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

Application  
of repealed  
enactments  
in local  
courts.

2. If and so far as any enactment repealed by this Act 35 applies or may have been by Order in Council applied to the court of the county palatine of Lancaster or to any inferior court of civil jurisdiction, such enactment shall be construed as if it were contained in a local and personal Act specially relating to such court and shall have effect accordingly. 40

Short title.

3. This Act may be cited as the Statute Law Revision Act, 1907.

## NOTE.

A.D. 1907.

*The entries in italics in the third column of the Schedule, with this Note, are intended to be struck out at a late stage of the Bill.*

*The schedule is intended to comprise (as the preamble to the Bill states) enactments which have ceased to be in force, otherwise than by express specific repeal, and also such parts of titles, preambles, recitals, and enacting words as are intended to be omitted in future editions of the Statutes under the authority of the Bill.*

I.—*For the purposes of the schedule six different classes of enactments are considered as having ceased to be in force, although not expressly and specifically repealed, namely, such enactments as are—*

1. *Expired.—that is, enactments which, having been originally limited to endure only for a specified period, by a distinct provision, have not been either perpetuated or kept in force by continuance, or which have merely had for their object the continuance of previous temporary enactments for periods now gone by effluxion of time:*

2. *Spent.\*—that is, enactments spent or exhausted in operation by the accomplishment of the purposes for which they were passed, either at the moment of their first taking effect, or on the happening of some event, or on the doing of some act authorised or required:*

3. *Repealed in general terms.—that is, repealed by the operation of an enactment expressed only in general terms, as distinguished from an enactment specifying the Acts on which it is to operate:*

4. *Virtually repealed.—where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one:*

5. *Superseded.—where a later enactment effects the same purposes as an earlier one, by repetition of its terms or otherwise:*

6. *Obsolete.—where the state of things contemplated by the enactment has ceased to exist, or the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or social circumstances.*

II.—*Where any enactment is comprised in the schedule on any ground not above explained, the ground of repeal sufficiently appears from the expressions used in the third column.*

III.—*The ground for the proposed repeals of enacting words and omission of preambles and recitals is, in every case, that those words, preambles, and recitals, are not necessary for the effect or construction of every enactment; accordingly no special mention is made in the third column of the schedule whenever this is the reason for any proposal.*

\* As to the use of the term spent, see 1 Blackst. Comm. 44 (14th ed.), 2nd Report of the late Statute Law Commissioners, p. 7, and Warren v. Windle, 3 East, 205.

A.D. 1907.

## THE SCHEDULE.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
50 & 51 Vict. :			
c. 1.	The Consolidated Fund (No. 1) Act, 1887.	<i>Spent.</i>	5
c. 2.	The Army (Annual) Act, 1887. In part, namely,— Preamble - - - - - Sections two and three. Schedule.	<i>Spent.</i>	10
c. 5.	The Isle of Man (Customs) Act, 1887. In part, namely,— Section two, the words “Commissioners of Her Majesty’s” occurring twice before the word “Treasury” and the words “Her Majesty’s” occurring twice before the word “Customs.”	<i>Sup. Int. Act.</i>	15
			20
c. 6.	The Supreme Court of Judicature (Ireland) Act, 1887. In part, namely,— Section one, to “this Act,” where first occurring. Section three, to “this Act.” Section four, to “this Act.”	<i>Spent.</i>	25
c. 7.	The Customs Consolidation Act, 1876, Amendment Act, 1887. In part, namely,— Preamble.		30
c. 8.	The Incumbents of Benefices Loans Extension Act, 1886, Amendment Act, 1887.	<i>Falls with repeal of Act of 1886 by S.L.R., 1898.</i>	
c. 9.	The Police Disabilities Removal Act, 1887. In part, namely,— Preamble - - - - - Section one. Schedule.	<i>Spent.</i>	35
			40
[c. 10.	The Duke of Connaught’s Leave Act, 1887.	<i>Spent.</i>	
c. 11.	The Conversion of India Stock Act, 1887. In part, namely,— Preamble - - - - -	<i>S. 9 as to part in col. 2, sup. Int. Act. Rest spent.</i>	45

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 11.— <i>cont.</i>		
5	Section six, from "and also" to the end of the section.	
	Section eight.	
10	Section nine, the words "the Governor and Company of," occurring twice and the words "and includes their successors."	
	c. 12. The Truro Bishopric and Chapter Acts Amendment Act, 1887.	
15	In part, namely,— Preamble.	
	c. 13. The Pensions (Colonial Service) Act, 1887.	
20	In part, namely,— Section two, the words "Commissioners of Her Majesty's". Section five, preamble.	<i>S. 2, as to part in col. 2, sup. Int. Act.</i>
	c. 14. The Consolidated Fund (No. 2) Act, 1887.	<i>Spent.</i>
25	c. 15. The Customs and Inland Revenue Act, 1887.	
	In part, namely :— Preamble. Sections two, seventeen, nineteen to twenty-one.	<i>Spent.</i>
30	c. 16. The National Debt and Local Loans Act, 1887.	
	In part, namely,— Section three. Section five, to "enacted as follows." Section nine, to "enacted as follows." Section nineteen, from "The expression 'Treasury'" to "of the Bank of Ireland." Sections twenty and twenty-one. Third Schedule.	<i>S. 3 falls with repeals by s. 21. S. 19 as to part in col. 2, sup. Int. Act. Rest spent.</i>
35		
40		
	c. 17. The Metropolis Management (Battersea and Westminster) Act, 1887.	<i>Spent.</i>
45	e. 18. The Trusts (Scotland) Act, 1887, Amendment Act, 1887.	<i>S. 2 rep. and rest virt. rep., 60 &amp; 61 Vict. c. 8.</i>
	c. 19. The Quarry (Fencing) Act, 1887.	
50	In part, namely,— Preamble Section two.	<i>Spent.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 20.	<p>The Criminal Law and Procedure (Ireland) Act, 1887.</p> <p>In part, namely,—</p> <p>Section four, the figure “(1)” and the preamble.</p> <p>Section six the word “ARMS” in the heading.</p> <p>Section eight.</p> <p>Section twelve, subsection (1), the words “to the Lord Lieutenant”.</p> <p>Section fourteen, the words “Commissioners of Her Majesty’s”.</p> <p>Section nineteen, the definitions of “Lord Lieutenant,” “county,” “court of assize,” and “the High Court”.</p>	<p>5</p> <p><i>As to ss. 6, 8, spent on expiry on December 31, 1906, of 44 &amp; 45 Vict. c. 5. As to ss. 12, 14, 19, Sup. Int. Act.</i></p> <p>10</p> <p>15</p> <p>20</p>
c. 21.	<p>The Water Companies (Regulation of Powers) Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p>	25
c. 24.	<p>The Crofters’ Holdings (Scotland) Act, 1887.</p> <p>In part, namely,—</p> <p>Section two, from “within” to “after the passing of this Act”.</p>	<i>Spent.</i> 30
c. 25.	<p>The Probation of First Offenders Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p>	35
c. 26.	<p>The Allotments and Cottage Gardens Compensation for Crops Act, 1887.</p> <p>In part, namely,—</p> <p>Section three - - - -</p>	<i>Spent.</i>
c. 27.	<p>The Markets and Fairs (Weighing of Cattle) Act, 1887.</p> <p>In part, namely,</p> <p>Preamble.</p>	40
c. 28.	<p>The Merchandise Marks Act, 1887.</p> <p>In part, namely,—</p> <p>Section sixteen, subsection (6), the “words Commissioners of Her Majesty’s”.</p> <p>Section sixteen, subsection (10).</p> <p>Section twenty-three, to “repealed and” and from “provided that” to end of section.</p>	<p>45</p> <p><i>As to s. 16 (6), and later part of 23, Sup. Int. Act, S. 16 (10) spent. The repeal took effect 1st January 1888, see St. R. &amp; O. Rev., 1904, “Merchandise Marks,” p. 5.</i></p> <p>50</p>

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : 5 c. 29.	The Margarine Act, 1887. In part, namely,— Preamble Section two.	<i>Spent.</i>
10 c. 30.	The Settled Lands Act (Amendment) Act, 1887. In part, namely,— Preamble.	
15 c. 32.	The Open Spaces Act, 1887. In part, namely,— Section four, the words "and this Act".	<i>These words fall with repeal of remainder of the Act by 6 Edw. 7. c. 25.</i>
20 c. 33.	The Land Law (Ireland) Act, 1887. In part, namely,— Section two Section eight, subsection (8), the words "within nine months after the passing of this Act or" and "whichever shall last happen". Section fifteen, subsection (3), the words "Her Majesty's", and "Forests and Land Revenues", and the words "Commissioners of the" twice occurring. The words "of Justice in Ireland" occurring in section eighteen, subsection (1), and sections nineteen and twenty-two. The preambles to sections twenty-four and twenty-seven. Section twenty-four, subsection (3), the words "Commissioners of Her Majesty's" and "(in this Act referred to as 'the Treasury')". Section thirty-three, subsection (2), the words "On the passing of this Act" and "subsequently". Section thirty-four, first definition, the words "of Justice".	<i>As to ss. 15 (3), 18 (1), 19, 22, 24 (3), 34, Sup. Int. Act. Rest spent.</i>
30 35 40 45 50	c. 34. The London Parks and Works Act, 1887. In part, namely,— Preamble. Section two, the words "From and after the date of transfer," the words "Her Majesty's," and the words "and Public	<i>S. 2 in part, sup. Int. Act; s. 3.; as to part in col. 2 superseded on new byelaws being made; rest spent.</i>
55		

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict : c. 34.— <i>cont.</i>	<p>“ Buildings (in this Act referred to as the ‘Commissioners of Works’) ”.</p> <p>Section three, subsection (2), from “ The general byelaws ” to the end of the subsection.</p> <p>Section four, the words “ From and after the date of transfer,” the words “ in force at the date of transfer, or thereafter to be in force,” and the proviso.</p> <p>Section five - - -</p> <p>Section seven.</p>	<p>5</p> <p>10</p> <p>15</p>
c. 35.	<p>The Criminal Procedure (Scotland) Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section one, from “ Every expression ” to “ successors ”.</p> <p>Section forty-three, to “ this Act ”.</p> <p>Section forty-four, to “ of this Act ”.</p> <p>Section forty-five, to “ of this Act ”, and the words “ from and after such commencement ”.</p> <p>Section seventy-six, to “ passing of this Act ”.</p> <p>Section seventy-seven.</p>	<p>20</p> <p><i>As to s. 1, Sup. Int. Act, s. 30 ; as to rest spent.</i></p> <p>25</p> <p>30</p>
c. 36.	<p>The Lieutenantcy Clerks Allowance Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p>	<p>35</p>
c. 37.	<p>The Public Works Loans Act, 1887.</p> <p>In part, namely,—</p> <p>Sections two and three - - -</p> <p>Section four, to “ enacted that,” and the words “ any justices in quarter sessions assembled and,” “ the Commissioners of Supply of counties and ”, and “ any grand jury making a presentment which has been previously sanctioned at presentment sessions and ”, and the words “ which may be hereafter ” thrice occurring.</p> <p>Schedule.</p>	<p>40</p> <p><i>As to s. 4, Powers of authorities now transferred to county councils. Rest spent.</i></p> <p>45</p> <p>50</p>



Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 39.	The Lunacy Districts (Scotland) Act, 1887. In part, namely,— Preamble.	
5		
c. 40.	The Savings Bank Act, 1887. In part, namely,— Section one, the preamble - Section eleven. Section twelve, from “the following Acts” to the end of the section. First and Second Schedules.	<i>As to s. 11, the first regulations under the Act came into operation 1888 and 1889 respectively. See London Gazette, September 7, 1888, and May 14, 1889.</i> <i>As to s. 12, sup. Short Titles Act, 1896. Rest spent.</i>
10		
15		
c. 41.	The Sheriff of Lanarkshire Act, 1887 -	<i>Spent. Office vacated.</i>
20		
c. 42.	The Public Libraries Consolidation (Scotland) Act, 1887. In part, namely,— Preamble. Section three, to “but” - Section four, the words “of the magistrates and council of “any burgh or”, “burgh or”, “the chief magistrate of such burgh, or, in the case of a parish”, and “burgh or”, the words from “where in any burgh” to “but in any other case”, and the words “to the chief magistrate or” and “as the case may be”. Section five, the words “burgh or” Section six, the words “in the case of a burgh, out of the “burgh general assessment “and”, “of the chief magistrate or”, and “as the case may be”. Section nine, the words “or board, as the case may be” and “or two members of the board, as the case may be”. Schedule (A), clause (1), “the chief magistrate or” and “as the case may be”, clause (2), to “ward, and”, clause (4), the words “The chief magistrate or” and “as the case may be”; clause (5), the words “The chief	<i>As to s. 3, spent. As to ss. 4 &amp; 6, rep. in general terms by 57 &amp; 58 Vict. c. 20. s. 2. As to schs. falls with that repeal. As to s. 9., rep. in general terms by 57 &amp; 58 Vict. c. 58. s. 55.</i>
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A.D. 1907.	Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. :	c. 42.— <i>cont.</i>	<p>magistrate, or", "as the case may be", and "burgh or"; clause (8), the words "the chief magistrate, or" and "as the case may be"; clause (9), to "ward, and", and the words "burgh or"; clause (12), the words "of the chief magistrate, or" and "as the case may be"; clause (13), the words "with the municipal register, or", "the chief magistrate, or", and "as the case may be"; clause (14), the words "the chief magistrate or", and "as the case may be": Form of Intimation, the words "burgh or", wherever occurring, and the word "register"; Form of Voting Papers, the words "Burgh or", occurring twice, and the word "register".</p> <p>Schedule (B), clause (1), the words "the chief magistrate, or", the words "as the case may be", occurring twice, and "burgh or", occurring twice; clause (2), the words "burgh, or" occurring thrice, and the words "as the case may be" occurring twice; clause (3), to "register, and"; clause (4), the words "on the municipal register in the case of a burgh, or" "the chief magistrate, or", "as the case may be", and "burgh, or"; clause (5), the words "The chief magistrate, or", occurring twice, and "as the case may be", occurring twice; clause (6), the words "chief magistrate, or" and "as the case may be"; Form of Notice of Public Meeting, the words "burgh, or", wherever occurring, and the words from "In the case of a burgh add" to "time being", and the words "The chief magistrate, or", "as the case may be", and "Chief Magistrate".</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 43.	<p>The Stannaries Act, 1887.</p> <p>In part, namely,—</p> <p>Sections, seven, eleven, thirteen, twenty-one, twenty-two, and twenty-nine, the words “after the commencement of this Act”.</p> <p>Section ten, the words “or eight”.</p> <p>Section thirty-one, the words “From and after the commencement of this Act”.</p> <p>Section thirty-six.</p>	<p><i>S. 10 as to pt. in col. 2 spent, s. 8 having been repealed by 59 &amp; 60 Vict. c. 45, s. 5. Rest spent.</i></p>
c. 45.	<p>The Metropolitan Police Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p>	
c. 46.	<p>The Truck Amendment Act, 1887.</p> <p>In part, namely,—</p> <p>Section one, from “The Act” to the end of the section.</p> <p>Section fourteen, from “the expression” to “other”.</p> <p>Section fifteen to “repealed.”</p> <p>Section seventeen.</p> <p>Section eighteen, paragraph (1), from “(that is to say)”.</p> <p>Schedule.</p>	<p><i>As to s. 1, sup. Short Titles Act and 59 &amp; 60 Vict. c. 44, s. 12. As to ss. 14, 18, sup. Int. Act. Rest spent.</i></p>
c. 47.	<p>The Trustee Savings Banks Act, 1887.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section one, to “1863 and 1887”.</p> <p>Section four, the definition of “Treasury”.</p>	<p><i>As to s. 1, sup. Short Titles Act, 1896. As to s. 4, sup. Int. Act.</i></p>
c. 48.	<p>The Allotments Act, 1887.</p> <p>In part, namely,—</p> <p>Section sixteen, the words “any future session of” and from “and until” to the end of the section.</p>	<p><i>Spent on establishment of County Council, see 51 &amp; 52 Vict. c. 41.</i></p>
c. 49.	<p>The Charitable Trusts Act, 1887.</p> <p>In part, namely,—</p> <p>Section two, subsection (1), the words “for England and Wales,” “Commissioners of Her Majesty’s,” and “(in this Act referred to as the Treasury”).</p> <p>Section four, the words “From and after the date fixed by</p>	<p><i>As to s. 1, sup. Short Titles Act. As to s. 2, sup. Int. Act. As to ss. 4 and 6 (b) and Sch. 2, April 1, 1889, fixed as date (see St. R. &amp; O. Rev., vol. II., Charity, E., page 14).</i></p>

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
50 & 51 Vict. : c. 49.— <i>cont.</i>	<p style="text-align: center;">“ a regulation under this sec- tion,” and the words “ From and after the said date ”.</p> <p style="text-align: center;">Section six. Second Schedule.</p>		5
c. 50.	The Appropriation Act, 1887 - -	<i>Spent.</i>	
c. 51.	<p>The Valuation of Lands (Scotland) Amendment Act, 1887. In part, namely,— Preamble.</p>		10
c. 52.	<p>The Secretary for Scotland Act, 1887. In part namely,— Preamble. Section two, the words “ From and after the commencement of this Act,” and the words “ Commissioners of Her Majesty’s.” Section four.</p>	<i>As to s. 2, sup. Int. Act. Rest spent.</i>	15
c. 53.	<p>The Escheat Procedure Act, 1887. In part, namely,— Preamble. Section two, subsections (2) and (3), the words “ of Judicature.” Section three, to “ passed and”. Schedule.</p>	<i>As to s. 2, sup. Int. Act. Rest spent.</i>	25
c. 54.	<p>The British Settlements Act, 1887. In part, namely,— Section seven, to “ Provided that ”. Schedule.</p>	<i>Spent.</i>	30
c. 55.	<p>The Sheriff’s Act, 1887. In part, namely,— Sections six and thirty-four, the word “ High ” occurring before “ Chancellor”, and the words “ of Great Britain ”, and in section six the words and “ or Middlesex ”, and the words “ of Justice ”, occurring after “ High Court ”. Sections seven, sixteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-nine, and thirty-four, the words “ of Justice ”, wherever occurring. Sections twenty-two and thirty- three, the words “ of Judica- ture ” wherever occurring.</p>	<i>Ss. 6, 33. sup., as to Mid- dlesex, 51 &amp; 52 Vict. c. 41. s. 41 (8), 46 (6); ss. 39, sch. 3, spent. As to rest, sup. Int. Act.</i>	35
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Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 55.— <i>cont.</i>		
5	Section thirty-three, the words "sheriff of Middlesex and" three times occurring, and the words "sheriff or" twice occurring.	
10	Section thirty-eight, the definitions of "Treasury" and "quarter sessions". Section thirty-nine, to "Provided that". Third Schedule.	
15	c. 57. The Deeds of Arrangement Act, 1887. In part, namely,— Section three - - - - Section five, the words "From" and after the commencement "of this Act".	<i>S. 16 falls with repeal of 46 &amp; 47 Vict. c. 52. s. 28 by 53 &amp; 54 Vict. c. 71. s. 29. As to ss. 3. 5, sup. Int. Act. Rest spent.</i>
20	Sections eight and fourteen, the words "of Judicature" wherever occurring. Sections eight, eleven, and nineteen, the words "of Justice". Section sixteen.	
25		
	c. 58. The Coal Mines Regulation Act, 1887. In part, namely,— Preamble. Section two. Section fifty-two, the words "within three months after the commencement of this Act, or" and the words " (if subsequent to the commencement of this Act)". Section sixty-eight, subsection (1). Section seventy-five, the definitions of "Secretary of State", and "the Treasury". Sections seventy-eight and seventy-nine. Sections eighty-one and eighty-two. Section eighty-four. Fourth Schedule.	<i>S. 68 (1) sup. Int. Act, s. 33. As to s. 75, sup. Int. Act. As to ss. 78-82, see Savings of Bill. Rest spent.</i>
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45		
	c. 59. The Statute Law Revision Act, 1887. In part, namely,— Schedule - - - -	<i>Spent.</i>
50		
	c. 60. The Prison (Officers' Superannuation, Scotland) Act, 1887. In part, namely,— Preamble.	<i>Spent.</i>
55	c. 61. The Local Government (Boundaries) Act, 1887.	

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Reign and Chapter,	Short Title.	Reasons for Repeal.	
50 & 51 Vict. c. 63.	The Expiring Laws Continuance Act, 1887.	<i>Expired.</i>	5
c. 64.	The Technical Schools (Scotland) Act, 1887. In part, namely,— Section two, the words from “shall commence” to “respectively. and”.	<i>Spent.</i>	10
c. 65.	The Military Tramways Act, 1887. In part, namely,— Section three, the words “one of Her Majesty’s Principal Secretaries of State (in this Act referred to as” and the bracket before the word “make”. Section five, the words “Commissioners of Her Majesty’s”.	<i>Sup. Int. Act.</i>	15 20
c. 67.	The Superannuation Act, 1887. In part, namely,— Section twelve, the definition of “Treasury”. Section thirteen, to “cited as,” and the words “and that Act”. Section fourteen and the schedule.	<i>As to “Treasury,” sup. Int. Act, s. 12 (2). As to s. 13, sup. Short Titles Act. Rest spent.</i>	25 30
e. 68.	The Pluralities Act, 1887. In part, namely,— Preamble. Section one, the words “after the passing of this Act” where first occurring. Section two, from “The Act” to “cited as the Pluralities Act, 1838”.	<i>As to s. 1 spent. As to s. 2, sup. Short Titles Act.</i>	35 40
c. 69.	The Conveyancing (Scotland) Acts (1874 and 1879) Amendment Act, 1887. In part, namely,— Preamble.		45
c. 70.	The Appellate Jurisdiction Act, 1887. In part, namely,— Preamble. Section one, the preamble.		50
c. 71.	The Coroners Act, 1887. In part, namely,— Sections six and thirty-five, the words “of Justice” wherever occurring.	<i>As to ss. 6, 35, 42, sup. Int. Act. As to ss. 38, 41, virt. rep. 60 &amp; 61 Vict.</i>	

Reign and Chapter.	Short Title.	Reasons for Repeal.
50 & 51 Vict. : c. 71.— <i>cont.</i>	<p>Section thirty-eight, from “but the” to “purposes of this Act” where first occurring.</p> <p>Section forty-one, clause (d).</p> <p>Section forty-two, the definitions of “quarter sessions,” “borough,” “Secretary of State,” “parish” and “the Lord Chancellor”.</p> <p>Section forty-five, to “Provided that”, and provisoes (1), (3) and (4).</p> <p>Third Schedule.</p>	<p><i>c. 39 ; 62 &amp; 62 Vict. c. 48.</i> <i>Rest spent. As to s. 45, see savings of Bill.</i></p>
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51 & 52 Vict. : c. 1.	The Consolidated Fund (No. 1) Act, 1888.	<i>Spent.</i>
20	c. 2. The National Debt (Conversion) Act, 1888.	
25	<p>In part, namely,—</p> <p>Preamble.</p> <p>Section one - - - - -</p> <p>Section two, subsection (1), from “for the year” to “and three and shall thereafter”.</p> <p>Section two, subsection (3), from “and the first” to the end of the subsection.</p> <p>Section two, subsection (4), from “two and three-quarters” to “shall be called”.</p> <p>Sections three to ten.</p> <p>Sections fourteen and fifteen.</p> <p>Section sixteen, subsection (2).</p> <p>Section seventeen.</p> <p>Sections twenty to twenty-four.</p> <p>Section twenty-six.</p> <p>Sections twenty-nine and thirty.</p> <p>Section thirty-two, the definitions of “the Treasury”, “High Court”, and “Lord Chancellor”, and the words “Governor and Company of the” twice occurring.</p>	<p><i>As to s. 32, Sup. Int. Act.</i> <i>Rest spent on conversion being effected. See savings of Bill.</i></p>
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c. 3.	The Statute Law Revision Act, 1888.	
50	c. 4. The Army (Annual) Act, 1888.	
55	<p>In part, namely,—</p> <p>Preamble - - - - -</p> <p>Sections two and three.</p> <p>Preamble to sections four and five.</p> <p>Sections six and seven.</p> <p>Schedule.</p>	<p><i>S. 7 falls with repeal of 44 &amp; 45 Vict. c. 58. s. 151 by 58 &amp; 59 Vict. c. 7. s. 5. Rest spent. As to s. 6, see savings of Bill.</i></p>

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
51 & 52 Vict. :			
c. 5.	The Oude and Rohilkund Railway Purchase Act, 1888. In part, namely,— Preamble - - - - - Section three, the words " after the passing of this Act ". Section eighteen, to " provide : and ".	<i>As to s. 18 falls with rep. of 22 &amp; 23 Vict. c. 35. s. 32 by 52 &amp; 53 Vict. c. 33, s. 8 : see now 56 &amp; 57 Vict. c. 53, s. 1 (d). Rest spent.</i>	5 10
c. 6.	The Metropolitan Board (Commission) Act, 1888.	<i>Spent.</i>	
c. 8.	The Customs and Inland Revenue Act, 1888. In part, namely,— Preamble. Section two - - - - - Section four, subsection (1), to " that day ". Section twenty-two, subsection (2), the words " the Commissioners of ", and subsection (4). Section twenty-three, section twenty-four, subsection (1), and sections twenty-five and twenty-six. Second and Third Schedules.	<i>As to s. 22 (2), sup. Int. Act ; s. 22 (4) relates to payments of duty before July 1, 1888. Rest spent.</i>	15 20 25
c. 9.	The Roads and Bridges (Scotland) Act, 1878, Amendment Act, 1888. In part, namely,— Preamble.		30
c. 10.	The County Electors Act, 1888. In part, namely,— Preamble. Section four, subsection (1), clause (a), the words " (sub-section one of which section " is hereby repealed) ". Section five, to " eighty-eight ". Section six, subsection (2), the words " of Justice ". Section seven, subsection (3). Section nine, the words " Commissioners of Her Majesty's ". Section ten, subsections (1), (2) and (4). Section eleven, subsection (2). Section thirteen, from " and if clerks of the peace " to the end of the section. Section fourteen from " also any " to " Parliament ". Section fifteen.	<i>As to ss. 6, 9, sup. Int. Act ; ss. 7, 14, district councils were not established in that session ; s. 10 (2) Surrey was included in S.E. Circuit by O. in C., July 28, 1893 (St. R. &amp; O. Rev., 1904, " Supreme Court E." p. 40) ; s. 11 county councils were so established t s. 15 is confined to 1888. Rest spent.</i>	35 40 45 50 55



Reign and Chapter.	Short Title.	Reasons for Repeal.
51 & 52 Vict. : c. 11.	The Westminster Abbey Act, 1888. In part, namely,— Preamble. Sections two and three - - - Section four, subsection (8), the words "of Justice". Section five, the words "Commissioners of Her Majesty's".	<i>As to s. 2 grant made; as to s. 3 transfer effected by O. in C.; as to ss. 4, 5, sup. Int. Act.</i>
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	c. 12. The Electric Lighting Act, 1888. In part, namely,— Section two, to "effect; that is to say,"	<i>Spent.</i>
15		
	c. 15. The National Debt (Supplemental) Act, 1888. In part, namely,— Section three, the preamble; in subsection (1), the words "Commissioners of Her Majesty's", and subsection (3), to "July, one thousand eight hundred and eighty-eight". Section five, to "eighty-eight", and the words "either before or after that day", and from "and as from" to the end of the section. Section seven.	<i>S. 7 falls with the proposed repeal by the Bill of 51 &amp; 52 Vict. c. 2. s. 17. As to 3 (1) sup. Int. Act. Rest spent.</i>
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	c. 16. The Consolidated Fund (No. 2) Act, 1888.	<i>Spent.</i>
35		
	c. 17. The Copyright (Musical Compositions) Act, 1888. In part, namely,— Preamble - - - - Section two, from "and section four" to the end of the section.	<i>Spent.</i>
40		
	c. 19. The Inebriates Act, 1888. In part, namely,— Preamble - - - - Section two. Section four, to "provides that", and from "two Justices of the Peace having" to "that of".	<i>Spent.</i>
45		

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
51 & 52 Vict. :			
c. 20.	The Glebe Lands Act, 1888. In part, namely,— Sections four and seven, the words "for England," wherever they occur. Section nine, the word "High," the words "of Great Britain," and the words "Commissioners of Her Majesty's," twice occurring.	<i>Sup. Int. Act.</i>	5
c. 21.	The Law of Distress Amendment Act, 1888. In part, namely,— Section three - - - - - Section four, to "Act," where first occurring. Section seven, to "Act," where first occurring and from "If any person" to "such extortion or misconduct." Section eight, to "Act," where first occurring. Section nine.	<i>As to s. 7 virt. rep. 58 &amp; 59 Vict. c. 24. s. 1. Rest spent.</i>	10 15 20 25
c. 25.	The Railway and Canal Traffic Act, 1888. In part, namely,— Section two, to "mentioned" - Section seven, subsection (1), paragraph (a), the words "which may be," "an," and from "passed" to "session" and from "any justices" to "Works". Section eight, the words "from" and after the commencement "of this Act". Section twenty-five, preamble. Section thirty-nine, subsection (1), the words "beginning on" "the first day of January" "next after the passing of" "this Act". Section thirty-nine, subsection (2), from "within" to "afterwards." Section forty, subsection (1), from "save in" to the end of the subsection, and in subsection (2), the words "before or at the time of the passing of this Act". Section forty-seven,	<i>As to s. 7 and last par. of s. 55 sup. by establishment of County Councils for each of the three kingdoms.</i> <i>As to s. 39 (2). Spent, returns having been made for 1888. See Parl. Paper 1890 [c. 6083] lxiv. 747.</i> <i>As to s. 46 (1) the Board prescribed August 10, 1889, as the date (see St. R. &amp; O. Rev. 1904, "Canal," page 1).</i> <i>S. 47 falls with repeal by s. 59 of 36 &amp; 37 Vict. c. 48, ss. 44, 37, s. 55, sup. Int. Act, ss. 57, 58 relate to business pending January 1, 1889. Rest spent.</i>	30 35 40 45 50 55

		A.D. 1907.	
Reign and Chapter.	Short Title.	Reasons for Repeal.	
5  10	51 & 52 Vict. : c. 25.— <i>cont.</i>  Section fifty-five, the definitions of "Lord Chancellor" and "Summary Jurisdiction Acts" the words "of Justice" twice occurring, and the words "and any reference to justices" in quarter sessions shall be construed to refer to a "grand jury." Sections fifty-six to fifty-nine Schedule.		
15	c. 26. The Consolidated Fund (No. 3) Act, 1888.	<i>Spent.</i>	
20	c. 27. The Supreme Court of Judicature (Ireland) Amendment Act, 1888. In part, namely,— Section two, subsection (2).	<i>Relates to appeals on matters pending August 10, 1888.</i>	
25	c. 28. The Marriages Validation Act, 1888. In part, namely,— Preamble.		
30	c. 29. The Lloyd's Signal Stations Act, 1888. In part, namely,— Preamble. Section eight, the words "Her Majesty's" where they occur before the word "Works", the words "and Public Buildings", the words "Her Majesty's" where they occur before the word "Customs", and the words "Lords Commissioners of Her Majesty's."	<i>As to pts. in column 2, sup. Int. Act.</i>	
35	Sections fourteen, fifteen, sixteen, and seventeen, the words "Her heirs or successors" wherever occurring. Section nineteen, the definition of "Postmaster-General".		
40			
45	c. 30. The Fishery (Ireland) Act, 1888. In part, namely,— Section two	<i>Sup. Int. Act, s. 12 (9).</i>	
50	c. 31. The National Defence Act, 1888. In part, namely,— Section four, subsection (8), the definitions of "Secretary of State" and "Admiralty". Section five, the preamble.	<i>As to s. 4, sup. Int. Act.</i>	

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
51 & 52 Vict. : c. 33.	The Hawkers Act, 1888. In part, namely,— Section three, subsection (1), the words "Her heirs and successors,". Section eight. Schedule.	<i>As to s. 3, sup. Int. Act. Rest spent.</i>	5
c. 35.	The Special Commission Act, 1888 -	<i>Spent.</i>	10
c. 36.	The Bail (Scotland) Act, 1888. In part, namely,— Section two, to "this Act" - Section four, from "and the Act" to "is hereby repealed". and the word "other". Section eleven.	<i>Spent.</i>	15
c. 37.	The Timber (Ireland) Act, 1888. In part, namely,— Section one, to "this Act" -	<i>Spent.</i>	20
c. 38.	The Expiring Laws Continuance Act, 1888.	<i>Expired.</i>	
c. 39.	The Public Works Loans Act, 1888. In part, namely,— Sections one to three. Section four, to "enacted that" Section six, subsection (3), the words "Commissioners of Her Majesty's". Section eight, to "enacted as follows". Schedule.	<i>S. 3 falls within rep. of 48 &amp; 49 Vict. c. 72. s. 6. by 53 &amp; 54 Vict. c. 72. s. 102. As to s. 6, sup. Int. Act. Rest spent.</i>	25 30
c. 41.	The Local Government Act, 1888. In part, namely,— Section three, paragraph (vi), and in paragraph (xiii), the words "to contagious diseases of animals." The words "on and after the appointed day" wherever they occur in sections three, seven, nine, subsection (1), fourteen, subsection (1), thirty-five, forty, forty-four, and sixty- four. The words "After the appointed day" wherever they occur in sections five, subsection (1); eleven, subsection (1); thir- teen, subsection (1); thirty- two, subsection (1); thirty-	<i>S. 3 (vi), 36 (2), 38 (1), are superseded by consoli- dation of Lunacy Acts, 53 &amp; 54 Vict. c. 5. ss. 238, (1), 240, Sch. 4, and 54 &amp; 55 Vict. c. 65. s. 29, Sch., and s. 86 (5) falls with this proposed repeal. Ss. 3 (xiii), 39 (1) (c) as to pts. in col. 2, sup. by consolidation of Diseases of Animals Acts, 57 &amp; 58 Vict. c. 57. s. 3. S. 32 (7) falls, adjustments having been made as to each county borough. S. 35 (4) expired on "main- ing" of certain roads.</i>	35 40 45 50

Reign and Chapter.	Short Title.	Reasons for Repeal.
51 & 52 Vict. : c. 41.— <i>cont.</i>		
5	eight; forty, subsection (8); and seventy-two.	<i>As to s. 42 (1), County Council, so petitioned.</i>
10	Section five, subsection (6), to "1887, and", the word "other", and from "as from" to the end of the subsection.	<i>As to s. 42 (8) (9), the sessional divisions have all been brought within the county boundaries and reconstituted.</i>
15	Section ten, subsection (1), to "this Act". The words "after such day" wherever they occur in sections twelve, subsection (1), thirteen, subsection (1).	<i>S. 42 (11) the enactments referred to fell wholly in 1896, see under s. 117 (5) below.</i>
20	Section twelve, subsection (1), from "and the Act" to the end of the subsection.	<i>S. 42 (14), Sir F. Fulton was appointed Recorder in 1900.</i>
25	The words "on the appointed day" wherever they occur in sections thirteen, subsection (2); thirty-four, subsection (2).	<i>As to s. 43 (1) (b), the indoor pauper grant has not been altered by Parliament.</i>
30	Section eighteen, sub-section (2), the words "after the first day" of January, one thousand "eight hundred and ninety-two".	<i>As to s. 50 (1) (d), boundary of York co. bor. has been subsequently modified.</i>
35	Section twenty, subsection (1), to "passing of this Act".	<i>As to s. 52, Prov. Orders have been made, 52 &amp; 53 Vict. cc. xv., xvii., xviii., cxvi., clxxii., in every case except Folkestone, and the s. is so far spent; but it seems inadvisable to repeal even subsection (2), which related to Oxford and Cambridge, and has been exercised.</i>
40	Section twenty-one to "this Act".	<i>As to s. 53, there are still cases of overlapping unions which reports refer to.</i>
45	Section twenty-four, the preamble and in subsection (1) the words "as from the thirty-first day of March next" after the passing of this "Act".	<i>As to s. 61, powers of commrs. expired, but awards, &amp;c. (8) continue in force.</i>
50	Section twenty-six, sub-section (1), to "next after the passing of this Act".	<i>S. 76 (5), (8), relate only to year 1888.</i>
55	Section twenty-nine, the words "of Justice".	<i>As to s. 83, falls within proposed rep. of s. 118 by Bill.</i>
60	Section thirty-one, section forty-two, subsection (14), and section forty-six, clause (6), the words "from and after the appointed day".	<i>S. 99 sup. Int. Act. s. 20.</i>
	Section thirty-two, sub-section (1), to "this Act, and".	<i>As to s. 100, district councils were established by 56 &amp; 57 Vict. c. 73, and "highway area" falls with rep. of other part of section. "County and Borough Police Act, 1856," defined by Short Titles Act.</i>
	Section thirty-two, subsection (7).	
	Section thirty-five, paragraph (4) (b), the word "and," where it last occurs, and clause (c).	
	Section thirty-six, subsection (2).	
	Section thirty-eight, paragraphs (1) and (4) and the words "the protection of existing officers and" in paragraph (2).	

A.D. 1907.	Reign and Chapter.	Short Title.	Reasons for Repeal.
51 & 52 Vict. : c. 41.— <i>cont.</i>		Section thirty-nine, subsection (1) the words “the Contagious Diseases (Animals) Acts, 1878 to 1886, or” and “subject to the provisions of this Act as to the members of the police force holding office on the said day”.	<i>As to s. 114, all the coroners’ districts have been brought within the London county boundary. If new fees have been appointed for London s. 115 (5) also falls.</i> 5
		Section forty-two, subsections (8), (9), (11), and in subsection (14) the words “from and after the next vacancy”.	<i>S. 116 fell on scheme (St. R. &amp; O. Rev. 1904. “London County,” p. 1), approved by Secy. of State, March 24, 1892, coming into force.</i> 10
		Section forty-three, subsection (1), paragraph (b), the words “during the five local financial years beginning on the appointed day,” “and shall, after the end of the said five local financial years,” and “continue to be reckoned in accordance with the same average number”.	<i>S. 117 (3) falls with appointment of visiting committees for Holloway, Pentonville, and Wandsworth prisons under Rules, March 10, 1890 (St. R. &amp; O., 1890, p. 930) now superseded by 1898 Order (St. R. &amp; O. Rev., 1904, “Prison, E.,” p. 1), which covers all London prisons. S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 20
		Section fifty, the word “first,” and in subsection (1), paragraph (d), the words “by the York Extension and Improvement Act, 1884”.	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 25
		Section fifty-one, the words “whether for the first election or for subsequent elections,” and clauses (4) and (5).	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 30
		Section fifty-four, subsection (2), the words “before the first day of November, one thousand eight hundred and eighty-nine,” and subsection (5).	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 35
		Section sixty-one, except subsection (8), and in that subsection the words “of Justice in England”.	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 40
		Section sixty-four, subsection (1), paragraph (b), the words “for England and Wales,” and paragraph (c), from “and any difference” to the end of the subsection.	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 45
		Section seventy-two, the words “as respects any transactions commenced.”	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 50
		Section seventy-three, subsection (1) to “this Act” and from “but until”.	<i>S. 117 (5) fell on chairman ceasing to hold office in 1906. As to parts in col. 2 of ss. 38 (2), 39 (1), 83, 114 (3), 118–120 relating to existing officers, see savings of Bill. Ss. 61 (8), 64 (1) (b), 89 (3), 100 in pt. sup. Int. Act. Rest spent.</i> 55

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
51 & 52 Vict. c. 41.— <i>cont.</i>			
5	Section seventy-six, subsections (5) and (8).		
	Section eighty-three, to "have effect:—".		
10	Section eighty-five, to "1878, and".		
	Section eighty-six so far as unrepealed.		
15	Section eighty-nine, subsection (3), the words "of Judicature".		
	Section ninety-nine.		
20	Section one hundred, the definitions of "Secretary of State", "Treasury," and "Bank of England", "highway area", "assizes", and "County and Borough Police Act, 1856"; the definitions of "district council" and "county district" from "and until such council is established" to the end of those definitions; the word "sanitary", occurring twice in the definition of "highway authority"; the words "until the establishment of district councils as aforesaid, an urban sanitary authority; and after their establishment", in the definition of "urban authority"; the words "until the establishment of district councils as aforesaid, a rural sanitary authority; and after their establishment", in the definition of "rural authority".		
25	Sections one hundred and three to one hundred and fourteen.		
	Section one hundred and fifteen, subsections (1) to (4).		
30	Section one hundred and sixteen.		
	Section one hundred and seventeen, subsections (3) and (5).		
35	Sections one hundred and eighteen to one hundred and twenty-one.		
40	Section one hundred and twenty-two, subsection (3).		
	Section one hundred and twenty-four, subsection (1).		
45	Section one hundred and twenty-six, subsection (2).		
	Section one hundred and twenty-six, subsection (2).		
50	Section one hundred and twenty-six, subsection (2).		
55	Section one hundred and twenty-six, subsection (2).		
	Section one hundred and twenty-six, subsection (2).		
	Section one hundred and twenty-six, subsection (2).		

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
51 & 52 Vict. c. 42.	<p>The Mortmain and Charitable Uses Act, 1888.</p> <p>In part, namely,—</p> <p>Section four, subsection (9), and section seven, the words “of Judicature”.</p> <p>Section thirteen, subsection (1), to “Provided that” and clauses (b), (c) and (d). Schedule.</p>	<p><i>As to s. 4 (9), (7) sup. Int. Act, s. 13 (1). Rest spent.</i></p>	5  10
c. 43.	<p>The County Courts Act, 1888.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section two.</p> <p>Sections one hundred and one and one hundred and sixty-four, the words “of Justice”, wherever they occur.</p> <p>Section one hundred and eighty-six, the definitions of “Treasury”, “Supreme Court”, and “High Court”.</p> <p>Section one hundred and eighty-eight, to “Provided that”, and provisoes (4) and (5) and in proviso (1) the words “or rule”.</p> <p>Schedule.</p>	<p><i>As to ss. 101, 164, 186, sup. Int. Act, but see definition of “Lord Chancellor” and “Treasury” in s. 186. Rest spent.</i></p>	15  20  25  30
c. 44.	<p>The Local Bankruptcy (Ireland) Act, 1888.</p> <p>In part, namely,—</p> <p>Section two, from “shall commence” to “eighty-nine, and”.</p> <p>Section four, the words “From “ and after the commencement of this Act”.</p> <p>Sections five, six, eight, and sixteen, the words “after the passing of this Act”.</p>	<p><i>Spent.</i></p>	35  40
c. 46.	<p>The Oaths Act, 1888.</p> <p>In part, namely,—</p> <p>Section six - - - -</p> <p>Schedule.</p>	<p><i>Spent.</i></p>	45
c. 47.	<p>The Law of Distress and Small Debts (Ireland) Act, 1888.</p> <p>In part, namely,—</p> <p>Section two - - - -</p> <p>The words “From and after “ the commencement of this “ Act” occurring in sections five and seven.</p>	<p><i>Spent.</i></p>	50  55



Reign and Chapter.	Short Title.	Reasons for Repeal.
51 & 52 Vict. c. 47.— <i>cont.</i>		
5	Section seven, the words "at " least one fortnight before " the commencement of this " Act, and ", and the word " afterwards ".	
10	Section sixteen, from " Such rules may be made ".	
c. 49.	The Purchase of Land (Ireland) Amendment Act, 1888. In part, namely,— Section four, the words " after the passing of this Act ".	<i>Spent.</i>
15		
c. 50.	The Patents, Designs and Trade Marks Act, 1888. In part, namely,— Preamble - - - - - Section one, the words " After " the first day of July, one " thousand eight hundred and " eighty-nine " in subsection (1), the words " shall, as " soon as may be after the " passing of this Act, and " in subsection (2). Section three. Section twenty-seven, the words " as from the commencement of this Act ", and from " but " to the end of the section. Section twenty-eight.	<i>Spent.</i>
20		
25		
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c. 51.	The Land Charges Registration and Searches Act, 1888. In part, namely,— Section two - - - - - Section five, subsection (4), the words " of Judicature ". The words " of Justice " occur- ring in sections eight and fourteen. Section eighteen, the words " at " any time after the passing " of this Act, and ", and " Commissioners of Her " Majesty's ".	<i>As to ss. 5 (4), 8, 14 sup. Int. Act. Rest spent.</i>
35		
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45		
c. 52.	The Public Health (Buildings in Streets) Act, 1888. In part, namely,— Preamble - - - - - Section three, to " repealed and ".	<i>Spent.</i>
50		



Reign and Chapter.	Short Title.	Reasons for Repeal.
51 & 52 Vict. : c. 60.— <i>cont.</i>		
5	“ or the Board of Supervision “ or ”. Section five, the definitions of “ Treasury,” “ Lord Lieu- tenant of Ireland ” and “ highlands and islands of Scotland.”	
10	Section six, the words “ Scotland and ”.	
	c. 61. The Appropriation Act, 1888 - -	<i>Spent.</i>
	c. 62. The Preferential Payments in Bank- ruptcy Act, 1888. In part, namely,— Sections five and six - - - Schedule.	<i>Spent.</i>
15		
	c. 63. The Crofters Commission (Delegation of Powers) Act, 1888. Preamble.	
20		
	c. 64. The Law of Libel Amendment Act, 1888. In part, namely,— Preamble - - - - Section two. Section eight, to “ enacted that ”.	<i>Spent.</i>
25		
	c. 65. The Solicitors Act, 1888. In part, namely,— Preamble. Section two - - - - Section five, the words “ as soon “ as may be after the passing “ of this Act ”. Section seven, the words “ and “ not registered before the “ passing of this Act ”. The words “ of Justice ” occur- ing in sections thirteen and nineteen. Section twenty. Schedule.	<i>As to ss. 13, 19, sup. Int. Act. Rest spent.</i>
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35		
40		
52 & 53 Vict. :		
c. 1.	The Consolidated Fund (No. 1) Act, 1889.	<i>Spent.</i>
45		
	c. 2. The Consolidated Fund (No. 2) Act, 1889.	<i>Spent.</i>

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
52 & 53 Vict. :			
c. 3.	The Army (Annual) Act, 1889. In part, namely,— Preamble. Sections two and three Schedule.	<i>Spent.</i>	5
c. 4.	The National Debt Redemption Act, 1889. In part, namely,— Preamble. The words “at any time after the passing of this Act and” occurring in sections four, five and six. Section ten, sub-section (1), the words “of Judicature”. Section eighteen, the definitions of “the Treasury” and “High Court” and the words “the Governor and Company of” occurring twice in the definition of “The Bank.”	<i>As to ss. 10 (1), 17, sup. Int. Act. Rest spent.</i>	10 15 20 25
c. 6.	The National Debt Act, 1889. In part, namely,— Section three, the preamble. The words “After the passing of this Act” occurring in section four, subsection (3), and section five. Section five, the words “Commissioners of Her Majesty’s.” Section six. Schedule.	<i>As to s. 5, sup. Int. Act. Rest spent.</i>	30 35
c. 7.	The Customs and Inland Revenue Act, 1889. In part, namely,— Preamble - - - Section two. Section three, subsection (1), from “on and after,” to “eighty-nine”. Section four, from “from and after” to “eighty-nine.” Section five, subsection (1), the words “of Justice”. Sections nineteen to twenty-two.	<i>As to s. 5 (1), sup. Int. Act. Rest spent.</i>	40 45
c. 10.	The Commissioners of Oaths Act, 1889. In part, namely,— Sections twelve and fourteen - Schedule.	<i>Spent.</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. :		
5	c. 11. The Sale of Horseflesh, &c., Regulation Act, 1889. In part, namely,— Preamble - - - Section eleven.	<i>Spent.</i>
10	c. 12. The Assizes Relief Act, 1889. In part, namely,— The words “of Justice” occurring in section one subsection (1), and section five. Section seven, the definition of “High Court”.	<i>Sup. Int. Act, s. 13 (3).</i>
15	c. 13. The Purchase of Land (Ireland) Amendment Act, 1889. In part, namely,— Preamble.	
20	c. 14. The Town Police Clauses Act, 1889. In part, namely,— Preamble. Section one, from “and this Act” to the end of the section.	<i>Sup. Short Titles Act.</i>
25	c. 15. The Consolidated Fund (No. 3) Act, 1889.	<i>Spent.</i>
30	c. 16. The Secretary for Scotland Act, 1889. In part, namely,— Preamble.	
35	c. 17. The London Coal Duties Abolition Act, 1889. In part, namely,— Preamble. Section one, to “eighty-nine”, and the provisoes. Section two.	<i>Spent if surplus applied to Holborn Viaduct Improvement.</i>
40	c. 18. The Indecent Advertisements Act, 1889. In part, namely,— Sections two and seven - - -	<i>S. 2 spent; 7, sup. Int. Act, s. 13 (7-10).</i>
45	c. 19. The Registration of County Electors (Extension of Time) Act, 1889.	<i>Expired.</i>
50	c. 21. The Weights and Measures Act, 1889. In part, namely,— Preamble - - - Section one, subsection (2), from “after” to “of this Act”. Section five. Section nineteen, subsection (3) to “therefore”.	<i>First Sch. rep. as from Feb. 1, 1905, by O. in C., January 12, 1905 (St. R. and O., 1905, p. 1427); s. 33 (2), sup. Int. Act, s. 33, Rest spent.</i>

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Reign and Chapter.	Short Title.	Reasons for Repeal.	
52 & 53 Vict. : c. 21.— <i>cont.</i>	Section thirty-three, subsection (2). Sections thirty-six and thirty-seven. First and Fifth Schedules.		5
c. 24.	The Master and Servant Act, 1889. In part, namely,— Schedule - - -	<i>Spent.</i>	
c. 25.	The National Portrait Gallery Act, 1889. In part, namely,— Preamble. Section one, subsection (2), the words “Her Majesty’s” and “and Public buildings”.	<i>Sup Int. Act.</i>	10 15
c. 26.	The Small Debt Amendment (Scotland) Act, 1889. In part, namely,— Preamble. Section one, from “and these Acts” Section fourteen.	<i>As to s. 1, sup. Short Titles Act. Rest spent.</i>	20
c. 27.	The Advertising Stations (Rating) Act, 1889. In part, namely,— Preamble. Section seven - - -	<i>Spent.</i>	25
c. 30.	The Board of Agriculture Act, 1889. In part, namely,— Section one, subsection (3) - Section two, subsection (1), paragraph (c), to “Treasury”, and the words “Her Majesty’s” and “and Public Buildings”. Section four, the words “at Cooper’s Hill College or elsewhere”. Section nine, subsection (2). Section ten. Section twelve, the definitions of “Treasury” and “the Privy Council”. Section thirteen, to “Provided that”, and the words “shall not affect the tenure of office, salary, or allowance of any person holding office at the passing of this Act”. First Schedule, the entries relating to the following Acts :— 41 & 42 Vict. c. 74 ; 47 & 48 Vict. c. 13 ; 47 & 48	<i>As to s. 1 (3) President appointed ; as to s. 2 (1) (c), Ordnance Survey transferred as from April 1, 1890 (St. R. &amp; O. Rev. 1904, “Ordnance Survey,” p. 1) ; as to s. 4, Cooper’s Hill College has been abolished ; as to s. 9 (2), transfer made ; as to s. 10, see savings of Bill. As to entries in Sch. I, Contagious Diseases of Animals Acts were, so far as Board’s powers are concerned, rep. and cont. 57 &amp; 58 Vict. c. 57 ; Copyhold Acts rep. and cont. 57 &amp; 58 Vict. c. 46 ; 36 &amp; 37 Vict. c. 42 rep. S.L.R. (No. 2), 1893. As to parts of ss. 2 (1), (c), 12, sup. Int. Act. Rest spent.</i>	30 35 40 45 50 55

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Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 30.— <i>cont.</i>		
5	Vict. c. 47; 49 & 50 Vict. c. 32; 36 & 37 Vict. c. 42; 4 & 5 Vict. c. 35; 6 & 7 Vict. c. 23; 7 & 8 Vict. c. 55; 15 & Vict. c. 51; 21 & 22 Vict. c. 94; 50 & 51 Vict. c. 73.	
10	Second Schedule.	
c. 33.	The Windward Islands Appeal Court Act, 1889. In part, namely,— Preamble.	
15		
c. 34.	The Telegraph (Isle of Man) Act, 1889. In part, namely,— Preamble.	
20		
c. 37.	The Companies Clauses Consolidation Act, 1889.	<i>Spent.</i>
c. 38.	The Basutoland and British Bechuana-land Marriage Act, 1889. In part namely,— Preamble.	
25		
c. 39.	The Judicial Factors (Scotland) Act, 1889. In part, namely,— Preamble. Section one, to “ thereof ”, and the words “ and Her heirs and successors ”, and “ Commissioners of Her Majesty’s ”. Section eight, to “ this Act ”. Section eleven, to “ this Act ”. Section sixteen, to “ there- after ”. Section eighteen, to “ repealed, and ”. Section twenty-three, from “ and shall ” to the end of the section.	<i>As to pt. of s. 1, sup. Int. Act, Rest spent.</i>
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40		
c. 40.	The Welsh Intermediate Education Act, 1889. In part, namely,— Section one, from “ and may ” - Section nine, the words “ Com- missioners of Her Majesty’s ” occurring twice.	<i>As to s. 1, sup. Short Titles Act; as to ss. 9. 17, sup. Int. Act; as to first part of s. 11, power cont.</i>
45		
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A.D. 1907.

Reign and Chapter	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 40.— <i>cont.</i>	Section eleven, to "Act and", and from "Nothing" to the end of the section.	<i>by Exp. Laws Cont. Act, Rest spent.</i> 5
	Section seventeen, the definitions of "Education Department" and "Charity Commis- sioners".	10
c. 42.	The Revenue Act, 1889. In part, namely,— Section one, the words "from " and after the passing of " this Act." Section five. Section eleven. Section thirty-three, the pre- amble. Sections thirty-five and thirty- six. Schedule.	<i>S. 35 sup. Int. Act. Rest Spent.</i> 15
c. 45.	The Factors Act, 1889. In part, namely,— Sections fourteen, fifteen, and sixteen.	<i>S. 16 virt. rep. 53 &amp; 54 Vict. c. 40. Rest spent.</i> 25
c. 47.	The Palatine Court of Durham Act, 1889. In part, namely,— Preamble. Sections one, nine, and ten, the word "High" where it occurs before the word "Chan- cellor", and the words "of Great Britain". Section eleven, the words "after the passing of this Act".	<i>As to ss. 1, 9, 10, sup. Int. Act. Rest spent.</i> 30
c. 48.	The County Court Appeals (Ireland) Act, 1889. In part, namely,— Section fifteen, the words "from " and after the passing of this " Act". Section seventeen, from "and in this Act".	<i>As to s. 17, sup. Int. Act. Rest spent.</i> 40
c. 49.	The Arbitration Act, 1889. In part, namely, Section twenty-five, from "shall not" to "Act, but". Section twenty-six, subsec- tion (1). Section twenty-nine. Second Schedule.	<i>As to s. 25, relates to arbi- tration pending, January 1, 1890. Rest spent.</i> 50



A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 50.	The Local Government (Scotland) Act, 1889.	
5	In part, namely,— Section four, from “Provided that” to “hereinafter provided”.	<i>As to s. 11 (3), sup. by 57 &amp; 58 Vict. c. 57. s. 60 (1), (4), sup. by 60 &amp; 61 Vict. c. 38. s. 12.</i>
10	Section eight, subsection (1), the words, “in the month of “January, in the year one “thousand eight hundred and “ninety, and” and “subsequent”.	<i>As to s. 16 (2) (c) last words, rep. 55 &amp; 56 Vict. c. 12. s. 3; rest in col. 2 falls with rep. by S. L. Rev. Act, 1894; s. 22 (6), virt. rep. 55 &amp; 56 Vict. c. 51 s. 1 (1); 30 (4) virt. rep. 57 &amp; 58 Vict. c. 58. s. 16 (1).</i>
15	Section eleven, from “on and after” to “specified,” and in paragraph (3) the words “the Contagious Diseases “(Animals) Acts and” and “paragraph (4).	<i>As to 39 (3), it is assumed that grant has been revoked; 39 (7) falls with rep. by Bill of s. 109.</i>
20	Section twelve, subsection (1), from “Provided also” to the end of the subsection.	<i>As to ss. 45-49, powers of boundary were cont. by Exp. Laws Cont. Acts, and expired Dec. 31, 1892, but s. 49 (6) is still required as affecting adjustments, s. 56. (2), virt. rep. 3 Edw. 7. c. 9. s. 2.</i>
25	The words “then on and after the appointed day” occurring in sections thirteen and fourteen.	
30	The words “After the passing of this Act” occurring in sections fifteen, subsection (1), eighty-three, subsection (4), and eighty-six.	<i>As to s. 58 (1), parts of 41 &amp; 42 Vict. c. 51., falls with rep. by S. L. Rev. Act, 1894, and 25 &amp; 26 Vict. c. 101., rep. 55 &amp; 56 Vict. c. 55. s. 6. sch. 1.</i>
35	The words “From and after the appointed day” occurring in section sixteen, subsections (1), (2), section sixty-eight, subsection (2).	<i>As to s. 105, sup. Int. Act, and as to Police Act, 1857, by Short Titles Act.</i>
40	Section sixteen, subsection (1), from “and the said Act” to the end of the subsection.	
45	Subsection (2), paragraph (a), to “repealed and,” in paragraph (b), the words “at their “first meeting in the month of “May next after the passing of “this Act, and thereafter,” and paragraph (c) from “Sections sixteen” to the end of the paragraph.	
50	The words “at their first meeting “ing in the month of May “next after the passing of this “Act, and thereafter” occurring in sections sixteen, subsection (2), paragraph (b), and seventy-seven, paragraph (1).	
55	Section nineteen. Section twenty to “passing of this Act”.	

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Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 50— <i>cont.</i>	Section twenty-one to “passing of this Act”.	5
	Section twenty-two, paragraph (6), and the concluding paragraph from “as from the thirty-first” to the end of the section.	10
	The words “on and after the appointed day” occurring in sections twenty-five, subsection (1), twenty-six, subsection (1), and fifty-five, subsection (1).	15
	Section thirty, paragraph 1, the words “on the first Tuesday of February in the year one thousand eight hundred and ninety, and” and the whole of paragraph (4).	20
	Section thirty-one from “shall be such as at the first” to “subsequent elections.”	25
	Section thirty-six, the words, “after the first election under this Act.”	
	Section thirty-seven, paragraph (1) to “enacted that”.	30
	Section thirty-nine, paragraph (1) to “this Act”, paragraph (3), from “to revoke” to “separate counties of Ross and Cromarty”, and paragraph (4) to “resignation”.	35
	Section forty, the proviso.	
	Section forty-two to “repealed and”.	40
	Section forty-four, paragraph (a) to “this Act”, and from “or in” to “day”, and paragraph (c).	
	Sections forty-five to forty-eight.	45
	Section forty-nine, subsection (1) to (5), and in subsection (6) the words “of the Boundary Commissioners as in this section mentioned”.	50
	Section fifty, subsections (2) and (3), in subsection (4) the words “or of any award or order made by the Commissioners”, and in subsection (5) the words “or in pursuance of any order	55

Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. c. 50— <i>cont.</i>	<p data-bbox="533 479 823 524">“ or award of the Commissioners under this Act ”.</p> <p data-bbox="512 539 823 629">Section fifty-one, the words “ after the expiry of the powers of the Boundary Commissioners ”.</p> <p data-bbox="512 636 823 748">Section fifty-four, subsection (2), the words “ after the first day of January one thousand eight hundred and ninety-three ”.</p> <p data-bbox="512 754 823 777">Section fifty-six, paragraph (b).</p> <p data-bbox="512 784 823 873">Section fifty-eight to “ herein referred to and ”, and the word “ other ” following the word “ all ”.</p> <p data-bbox="512 880 823 925">Section fifty-nine to “ hold office ” and the proviso.</p> <p data-bbox="512 931 823 1021">Section sixty, subsection (2), from “ the Boundary ” first occurring to “ Commissioners ” secondly occurring.</p> <p data-bbox="512 1028 823 1117">Section seventy-three, from “ Provided that ” to “ appointed day ”.</p> <p data-bbox="512 1124 823 1169">Section eighty, to “ intimated to him ”.</p> <p data-bbox="512 1176 823 1310">Section eighty-three, subsection (1), to “ shall become ”, and from “ and shall continue ” to “ period he ”, in subsection (2) the words “ after the appointed day and ”, subsection (3) to “ this section.”</p> <p data-bbox="512 1317 719 1339">Section eighty-eight.</p> <p data-bbox="512 1346 823 1391">Section ninety, the words “ on the appointed day, and ”.</p> <p data-bbox="512 1397 823 1509">Section one hundred and one, subsection (1), and in subsection (2), the words “ at the time of the transfer in this section mentioned ”.</p> <p data-bbox="512 1516 823 1538">Section one hundred and three.</p> <p data-bbox="512 1545 823 1747">Section one hundred and five, the definitions of “ Treasury ”, “ Bank of England ”, “ Summary Jurisdiction Acts ”, and “ Police Act, 1857 ”. The words “ General Provisions as to First Elections ”, immediately preceding section one hundred and six.</p> <p data-bbox="512 1753 823 1798">Sections one hundred and six to one hundred and eighteen.</p>	

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Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 53.	<p>The Paymaster-General Act, 1889.</p> <p>In part, namely,—</p> <p>Section one, the words “Commissioners of Her Majesty’s”, “in this Act referred to as the Treasury”, and “the Governor and Company of”.</p> <p>Section two.</p>	<p style="text-align: right;">5</p> <p><i>As to s. 1, sup. Int. Act, s. 2 spent.</i></p> <p style="text-align: right;">10</p>
c. 54.	<p>The Clerks of Session (Scotland) Regulation Act, 1889.</p> <p>In part, namely,—</p> <p>Preamble - - - - -</p> <p>Section one, to “determine, and”.</p> <p>Section two, to “thereafter”, and from “The present interim” to “ordinary clerk, and”.</p> <p>Section three, preamble, and the words “from and after the date at which this Act comes into operation”.</p> <p>Section four, to “filled up, but”.</p> <p>Section five, the words “And be it enacted that”, and the words “Commissioners of Her Majesty’s”, twice occurring.</p> <p>Section six, to “Edictal Citations; and”, and the words “Her heirs and successors”.</p> <p>Section seven, the word “future”.</p> <p>Section eight, the word “hereinafter”, and from “Provided that” to the end of the section.</p> <p>Section nine, to “future”.</p> <p>Section twelve, to “Act”.</p> <p>Section fourteen, from “shall” to “eighty-nine and”.</p>	<p><i>As to parts of ss. 5, 6 sup. Int. Act. Ss. 7, 8, relates to attendance and superannuation of officials appointed before October 1, 1889. Rest spent.</i></p> <p style="text-align: right;">15</p> <p style="text-align: right;">20</p> <p style="text-align: right;">25</p> <p style="text-align: right;">30</p> <p style="text-align: right;">35</p> <p style="text-align: right;">40</p>
c. 55.	<p>The Universities (Scotland) Act, 1889.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section two, from “an Act passed” to “purposes as”.</p> <p>Section three, the definition of “The Treasury”.</p> <p>Section four.</p> <p>Section five, subsection (2), to “appointed, and”, the word “future”, from “the Commissioners shall have power” to “additional assessors and”, and from “The assessor of the Senatus Academicus” to “shall appoint, and”.</p>	<p style="text-align: right;">45</p> <p><i>As to parts in col. 2. s. 2, sup. Short Titles Act; s. 3, 24, sup. Int. Act.</i></p> <p><i>As to s. 5 (3), University Courts have all been constituted.</i></p> <p><i>As to ss. 6 (10), 10-13, 18-20, powers of Comms. as extended by O. in C. (St. R. &amp; O., 1897, p. 647) expired Dec. 31, 1897.</i></p> <p style="text-align: right;">50</p> <p style="text-align: right;">55</p>

Reign and Chapter.	Short Title.	Reasons for Repeal.	
52 & 53 Vict. : c. 55.— <i>cont.</i>	<p>5 Section five, subsection (3), from “from and after the date” to the end of the subsection; subsection (4), from “and the said sections” to the end of the subsection.</p> <p>10 Section six, subsection (10), the words “After the expiration “ of the powers of the Com- “ mission ” and “after such expiration ”.</p> <p>15 Sections ten to thirteen, and the heading “Commissioners” immediately preceding section ten.</p> <p>20 Section fourteen, subsection (14), from “after the first” to “shall expire”.</p> <p>Section sixteen, subsection (2). Sections seventeen to twenty. Section twenty-two.</p> <p>25 Section twenty-three to “ninety” and the words “Her heirs and successors”.</p> <p>Section twenty-four to “eighty-nine” and the words “Her heirs and successors”, “Her Majesty’s” (occurring before “Works”), and “and Public Buildings” wherever so occurring.</p> <p>30 Section twenty-five from “(beginning” to “such powers”.</p> <p>Section twenty-six, subsection (2), from “beyond” to “moneys”.</p> <p>35 Section twenty-seven.</p> <p>Section twenty-nine to “ninety” and from “and shall during” to the end of the section.</p> <p>Section thirty-one. Section thirty-two to “be it enacted that”.</p>	<p><i>As to s. 16 (2), the College was affiliated, see Ordinance, St. Andrews No. 1.</i></p> <p><i>As to s. 22, transfer made: the vesting is effected by s. 23.</i></p> <p><i>As to s. 26 (2), it is believed no such grant was made.</i></p> <p><i>As to s. 31, composition effected.</i></p>	
c. 56.	The Poor Law Act, 1889. In part, namely,— Section two, the preamble.		
50	c. 58.	The Coinage Act, 1889	<p><i>Period for exchange expired March 31, 1890 (St. R. &amp; O., 1890, p. 225), and pre-Victorian gold was demonetised as from February 28, 1891 (St. R. &amp; O. Rev. 1904, “Coin,” p. 26).</i></p>
55			

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
52 & 53 Vict. : c. 60.	The Preferential Payments in Bankruptcy (Ireland) Act, 1889. In part, namely,— Section three - - - - Section four, subsection (5). Section seven, the words "at any time after the passing of this Act, and", occurring twice. Section eight.	<i>S. 4 (5) relates to proceedings commenced before 1 January 1890.</i> <i>Rest spent.</i>	5 10
c. 63.	The Interpretation Act, 1889. In part, namely,— Section forty-one - - - Schedule.	<i>Spent.</i>	15
c. 67.	The Expiring Laws Continuance Act, 1889.	<i>Spent.</i>	
c. 69.	The Public Bodies Corrupt Practices Act, 1889. In part, namely,— Preamble. Section three, subsection (1) -	<i>Sup. Int. Act, s. 33.</i>	20
c. 70.	The Appropriation Act, 1889 - -	<i>Spent.</i>	25
c. 71.	The Public Works Loans Act, 1889. In part, namely,— Sections one, two, and four - Section three, to "enacted as follows", and the words "as soon as may be after the passing of this Act". Sections eight, to "enacted as follows". Section nine, subsection (1). First Schedule.	<i>As to s. 9 (1), sup. Short Titles Act. Rest spent.</i>	30 35
c. 72.	The Infectious Diseases (Notification) Act, 1889. In part, namely,— Section five, so far as regards Scotland. Section seventeen, the definition of "Summary Jurisdiction Acts", and the words "the expression England" in section five shall mean Scotland.	<i>As to "Summary Jurisdiction Acts", sup. Int. Act, s. 13. Rest falls with virt. rep. as to S. of s. 5 by 60 &amp; 61 Vict. c. 38. s. 44.</i>	40 45

Reign and Chapter.	Short Title.	Reasons for Repeal.
52 & 53 Vict. : c. 74.	The Steam Trawling (Ireland) Act, 1889. In part, namely,— Section six, definition of “ Fisheries (Ireland) Acts ”.	<i>The first definition sup. Short Titles Act. The second falls with repeal of s. 3 (2) by 1 Edw. 7. c. 38. s. 1 (6).</i>
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10		
c. 76.	The Technical Instruction Act, 1889. In part, namely,— Section one, subsection (1), paragraph (d), the words “ the school board for its “ district or any part of its “ district ”; and the word “ other ”; and subsection (3). Section two, the words “ school board or ”. Section four.	<i>As to pt. in col. 2 falls with rep. as to E. by 2 Edw. 7. c. 42. ss. 25 (3), 27 (1), Sch. 4 ; 3 Edw. 7. c. 24.</i>
15		
20		
53 & 54 Vict. : c. 1.	The Consolidated Fund (No. 1) Act, 1890.	<i>Spent.</i>
25		
c. 2.	The Crown Office Act, 1890. In part, namely,— Section one, subsections (1) and (4). Schedule.	<i>Spent.</i>
30		
c. 3.	The County Councils Association Ex- penses Act, 1890. In part, namely,— Preamble.	
35		
c. 4.	The Army (Annual) Act, 1890. In part, namely,— Preamble - - - - Sections two to four. Section six. Schedule.	<i>Spent.</i>
40		
c. 5.	The Lunacy Act, 1890. In part, namely,— Section three - - - - Section thirty-eight, subsection (1), from “ dated after ” to “ this Act ” where first oc- curring, and from “ and any ” to “ after the commencement of this Act ” and the words “ such orders respectively are ”. Section one hundred and fifteen, subsection (1), the words “ before the expiration of one,	<i>Spent.</i>
45		
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A. D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
53 & 54 Vict. : c. 5.— <i>cont.</i>	<p>“ three and six years respectively from the commencement of this Act, and ”, and the word “ subsequent ”.</p> <p>Section two hundred and seven, subsection (2).</p> <p>Section two hundred and sixty-nine, subsection (8), the words “ after the commencement of this Act ”.</p> <p>Section three hundred and forty-two, to “ Provided that ”.</p> <p>Fifth Schedule.</p>	<p>5</p> <p>10</p> <p>15</p>
c. 6.	<p>The South Indian Railway Purchase Act, 1890.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section three, the words “ after the passing of this Act ”.</p>	<p><i>Spent.</i></p> <p>20</p>
c. 8.	<p>The Customs and Inland Revenue Act, 1890.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section two.</p> <p>Sections three, four, five, and six, from “ on and after ” to “ ninety.”</p> <p>Sections ten to sixteen.</p> <p>Section seventeen, subsection (2).</p> <p>Section twenty-two.</p> <p>Section twenty-four, the words “ after the passing of this Act.”</p> <p>Section twenty-five, subsection (1) to “ Scotland,” and subsection (2) to “ respectively,”</p> <p>Section twenty-eight, from “ shall be deemed to have been ” to “ eighty-six and ”.</p> <p>Section twenty-nine.</p> <p>Section thirty-one, subsection (1).</p> <p>Section thirty-six.</p> <p>First Schedule.</p> <p>Second Schedule.</p>	<p>25</p> <p><i>Sch. 1 falls with prop. rep. of s. 13. Rest spent.</i></p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>
c. 10.	<p>The Herring Fishery (Scotland) Act Amendment Act, 1890.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section three, to “ have effect : ”</p>	<p>50</p> <p><i>Spent.</i></p>



Reign and Chapter.	Short Title.	Reasons for Repeal.
53 & 54 Vict. : 5 c. 11.	The Municipal Elections (Scotland) Act, 1890. In part, namely,— Preamble. Section two, the words “from “and after the passing of this “Act”.	
10	Section three. - - -	<i>S. 3 relates to 1890 election. Rest spent.</i>
15 c. 13.	The Electric Lighting (Scotland) Act, 1890. In part, namely,— Section two, the first proviso - Section three.	<i>As to s.2, expired August 4, 1890; s. 3 relates to notices for 1890 session.</i>
20 c. 16.	The Working Classes Dwellings Act, 1890. In part, namely,— Section one, the word “sanitary”	<i>See 56 &amp; 57 Vict. c. 73, s. 21 (1); 61 &amp; 62 Vict. c. 37, s. 22 (1).</i>
25 c. 17.	The Public Health (Rating of Orchards) Act, 1890. In part, namely,— Preamble. Section one, to “ninety” where first occurring, and the proviso.	<i>Proviso relates to rates before October 1, 1890. Rest spent.</i>
30 c. 19.	The Trustees Appointment Act, 1890. In part, namely,— Preamble. Section one, from “and the said Acts”.	<i>Sup. Short Titles Act.</i>
35 c. 21.	The Inland Revenue Regulation Act, 1890. In part, namely,— Section forty, to “Provided that” Section forty-one. Schedule.	<i>Spent.</i>
40 c. 23.	The Chancery of Lancaster Act, 1890. In part, namely,— Preamble. Section three, to “of this Act”.	<i>Spent.</i>
45 c. 24.	The Deeds of Arrangement Amendment Act, 1890. In part, namely,— Section six - - -	<i>Spent.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
53 & 54 Vict. : c. 25.	The Barracks Act, 1890. In part, namely,— Preamble. Section seven, sub-section (1) from "at any time" to "ninety one," and the words "after that date."	<i>Spent.</i>	5
c. 28.	The Consolidated Fund (No. 2) Act, 1890.	<i>Spent.</i>	10
c. 30.	The Poor Law Acts (Ireland) Amend- ment, 1890. In part, namely,— Section two, subsection (1), the words "after the passing of this Act".	<i>Spent.</i>	15
c. 32.	The Anglo-German Agreement Act, 1890. In part, namely,— Preamble.		20
c. 33.	The Statute Law Revision Act, 1890. In part, namely,— Sections two and five - - - Schedules.	<i>Spent. S. 2 and sch. 2 relate to omission of certain "road" Acts of 1822 to 1835 from earlier vols. of Statutes Revised, and see s. 3 of S.L.R. (No. 2) Act, 1890. S. 5 falls with prop. rep. by Bill of sch. to S.L.R. (No. 2) Act, 1888.</i>	25 30 35
c. 34.	The Infectious Diseases (Prevention) Act, 1890. In part, namely,— Section three the letters "(a)" and "(b)". The word "sanitary" occurring after "rural" in sections three and five.	<i>Spent as to word "sani- tary", sup. 56 &amp; 57 Vict. c. 73, s. 21 (1); 61 &amp; 62 Vict. c. 37, s. 22 (1).</i>	40
c. 36.	The Removal Terms (Scotland) Act 1886 Amendment Act, 1890. In part, namely,— Section one "entered into after "the passing of this Act".	<i>Spent. Relates to contracts of service entered into before August 4, 1890.</i>	45
c. 38.	The Census (Scotland) Act, 1890 -	<i>Spent.</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
53 & 54 Vict. : c. 39.	The Partnership Act, 1890. In part, namely,— Section twenty-three, subsection (1) to "Act". Sections forty-eight and forty-nine. Schedule.	<i>Spent.</i>	
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10			
c. 42.	The Reserve Forces Act, 1890. In part, namely,— Preamble.		
c. 43.	The Education of Blind and Deaf-Mute Children (Scotland) Act, 1890. In part, namely,— Section two from "and shall" to the end of the section.	<i>Spent.</i>	
15			
c. 44.	The Supreme Court of Judicature Act, 1890. In part, namely,— Section one to "commencement of this Act", and from "This section" to the end of the section. Section seven from "shall commence" to "ninety, and", and the words "for all purposes".	<i>Last part of s. 1 relates to motions of which notice was given before August 14, 1890. "For all purposes" in s. 7 not required.</i>	
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25			
c. 45.	The Police Act, 1890. In part, namely,— Section three, subsection (3) to (5). Section seventeen, subsection (7). Section twenty-four. Section twenty-seven, the preamble. Section thirty, paragraph (1), to "of this Act" and paragraph (2). Section thirty-six, to "mentioned and". Section thirty-seven. Section thirty-eight, subsection (2) from "are in this Act" to "mentioned and". Fourth Schedule.	<i>S. 24 falls with rep. of pt. of 22 &amp; 23 Vict. c. 32, s. 24 by s. 36, sch. 4; s. 38 as to part in col. 2 sup. Short Titles Act. Rest spent.</i>	
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45			
c. 46.	The Census (Ireland) Act, 1890 - -	<i>Spent.</i>	
c. 48.	The Pharmacy Act (Ireland), 1875, Amendment Act, 1890. In part, namely,— Section four - - - Section twelve, subsection (1) to "this Act".	<i>As to s. 4 falls with rep. of pts. of 38 &amp; 39 Vict. c. 57 by S.L.R. Act (No. 2), 1893. Rest spent.</i>	
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal
53 & 54 Vict. : c. 48.— <i>cont.</i>	Section thirteen.	
	Section fourteen, to “druggists, and,” the words “this and”, the word “subsequent,” and from “Provided nevertheless” to the end of the section.	5
	Section fifteen, to “January, 1892.”	10
c. 49.	The Expiring Laws Continuance Act, 1890.	<i>Spent.</i>
c. 50.	The Public Works Loans Act, 1890. In part, namely,— Sections one to four - - - Schedule.	15 <i>Spent.</i>
c. 51.	The Statute Law Revision (No. 2) Act, 1890. In part, namely,— Schedule - - -	20 <i>Spent.</i>
c. 52.	The Railways (Ireland) Act, 1890. In part, namely,— Sections one to four - - - Section six, the definition of “the Grand Jury Acts”. First Schedule. Second Schedule.	25 <i>Spent; relates to extensions of time (now expired) for certain matters under Tramway (I.) Acts.</i>
c. 54.	The Metropolis Management Act, 1862, Amendment Act, 1890. In part, namely,— Section one; to “following, viz.”.	30 <i>Spent.</i>
c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890. In part, namely,— Section twenty-eight, subsection (2), the words “after the commencement of this Act”. Section twenty-eight, subsection (3), the word “High” twice occurring, and the words “of Great Britain”. Section forty-seven, subsection (1), the words “from time to time”. Section fifty-three, and the heading prefixed thereto. Section fifty-four, and the words “Commencement, and” in the heading prefixed thereto.	35 <i>As to ss. 28 (3), 47 (1), sup. Int. Act. Rest spent.</i> 40 45 50

Reign and Chapter.	Short Title.	Reasons for Repeal.
53 & 54 Vict. :		
5 c. 56.	The Customs Consolidation Act, 1876, Amendment Act, 1890. In part, namely,— Preamble. Section two, clause (a), the words "the Lords Commissioners of".	<i>Sup. Int. Act.</i>
10 c. 57.	The Tenants Compensation Act, 1890. In part, namely,— Preamble.	
15 c. 58.	The Parliamentary Registration Expenses (Ireland) Act, 1890. In part, namely,— Section one, subsection (2), the words "from time to time". Section one, subsection (4), from "but, as regards" to "ninety," where last occurring and the words "after that date".	<i>As to s. 1 (2) sup. Int. Act. Rest spent.</i>
20 c. 60.	The Local Taxation (Customs and Excise) Act, 1890. In part, namely,— Preamble. Section two, paragraph (iii), from "diminished" to "1890".	<i>As to s. 2 falls under proviso to 61 &amp; 62 V. c. 56, s. 2.</i>
25 c. 61.	The Census (England and Wales) Act, 1890.	<i>Spent.</i>
30 c. 63.	The Companies (Winding-up) Act, 1890. In part, namely,— Sections thirty-three and thirty-four. Second Schedule.	<i>Spent.</i>
35 c. 65.	The Allotments Act, 1890. In part, namely,— Section three, subsection (1), from "as soon" to "Act, and", and the word "thereafter".	
40 c. 66.	The Metropolis Management Amendment Act, 1890. In part, namely,— Section six, the words "after the passing of this Act". Section ten.	<i>Spent.</i>
45 c. 67.	The Police (Scotland) Act, 1890 In part, namely,— Section seventeen, subsection (1), paragraph (a) and in	<i>As to s. 30 sup. Short Titles Act. Rest spent.</i>
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A.D. 1907.	Reign and Chapter.	Short Title.	Reasons for Repeal.
	53 & 54 Vict. : c. 67.— <i>cont.</i>	<p>paragraph (b) the word "subsequent", subsection (2) from " (after " to " this Act)", and subsection (7).</p> <p>Section twenty-seven, paragraphs (1) and (5).</p> <p>Section twenty-eight, the preamble, paragraph (2), the words " after the commencement of this Act", paragraph (3), from " forthwith" to " this Act."</p> <p>Section thirty, the definition of " Police (Scotland) Act, 1857."</p> <p>Section thirty-two, to " mentioned and."</p> <p>Section thirty-three.</p> <p>Fourth Schedule.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
	c. 69.	<p>The Settled Land Act, 1890.</p> <p>In part, namely,—</p> <p>Section two, from " and may " to the end of the section.</p> <p>Section ten, subsection (1).</p>	<p><i>As to s. 2 sup. Short Titles Act. Rest spent.</i> 25</p>
	c. 70.	<p>The Housing of the Working Classes Act, 1890.</p> <p>In part, namely,—</p> <p>Section eight, subsection (1) from " if it relates " to " place", and in sub-section (2) the words " Secretary of State or " and " according to " the circumstances of the " case."</p> <p>Section forty-six, subsection (4).</p> <p>Section fifty-seven, subsection (1), from " and a Secretary of State " to the end of the subsection.</p> <p>Section one hundred and two to " Provided that ".</p> <p>Fourth and Seventh Schedules.</p>	<p><i>As to parts in col. 2 of ss. 8, 46 (4), 57 (1) sup. by transfer to L. G. B. of Secy. of State's powers (St. R. &amp; O. 1905, p. 142). As to Sch. 4 sup. (St. R. &amp; O. 1905, p. 143). Rest spent.</i> 30</p> <p>35</p> <p>40</p> <p>45</p>
	c. 71.	<p>The Bankruptcy Act, 1890 :—</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section twenty - seven, sub-section (1).</p> <p>Sections twenty-nine and thirty. Schedule.</p>	<p><i>S. 27 (1) falls with rep. of pt. of 24 &amp; 25 Vict. c. 96. s. 85, by s. 29, sch. Rest spent.</i> 50</p>
	c. 72.	<p>The Appropriation Act, 1890.</p>	<p><i>Spent.</i></p>

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
54 & 55 Vict. :			
5	c. 1. The Seed Potatoes Supply (Ireland) Act, 1890.	<i>Spent.</i>	
10	c. 2. The Transfer of Railways (Ireland) Act, 1890. In part, namely,— Section sixteen, the words “ from time to time,” where first occurring, and the words “ and from time to time revoke or amend any such rule ”.	<i>Sup. Int. Act, s. 32 (1), (3).</i>	
15	c. 4. The Technical Instruction Act, 1891. In part, namely,— Sections two and three -	<i>Ss. 2, 3 relate only to England and fall with the rep. of the Act as to E. by 2 Edw. 7. c. 42, ss. 25 (3), 27 (1), Sch. 4. 3 Edw. 7. c. 24.</i>	
20			
25	c. 5. The Army (Annual) Act, 1891. In part, namely,— Preamble - Sections two and three. Schedule.	<i>Spent.</i>	
	c. 6. The Consolidated Fund (No. 1) Act, 1891.	<i>Spent.</i>	
30	c. 7. The Seed Potatoes Supply (Ireland) Act, 1891.	<i>Spent.</i>	
	c. 8. The Tithe Act, 1891. In part, namely,— Section ten, subsection (1), from “ shall extend ” to “ that day and,” and, from “ to sums ” to “ this Act, nor,” and the words “ shall it extend ”. Section eleven. Section twelve, subsections (4) and (5), subsection (3) to “ cited as ” first occurring, and the words “ and that Act ”.	<i>As to s. 12, sup. Short Titles Act. Rest spent.</i>	
35			
40			
45	c. 9. The Registration of Certain Writs (Scotland) Act, 1891. In part, namely,— Preamble. Section one, subsection (1), and subsection (4) from “ or, except ” to the end of the subsection.	<i>Spent. S. 1 (1) relates to date of operation of Boundary Commissioners' Orders : part of (4) falls therewith.</i>	
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
54 & 55 Vict. : c. 12.	The Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891. In part, namely,— Preamble.	5
c. 13.	The Taxes (Regulation of Remuneration) Act, 1891. In part, namely,— The words “as respects the year “commencing on the sixth day “of April, one-thousand eight “hundred and ninety one, and “any subsequent year” occurring in sections one and five.	10 <i>Spent.</i> 15
c. 18.	The Registration of Electors Act, 1891. In part, namely,— Preamble.	20
c. 20.	The Pollen Fisheries (Ireland) Act, 1891. In part, namely,— Preamble Section three, to “this Act.”	<i>Spent.</i> 25
c. 21.	The Savings Banks Act, 1891. In part, namely,— Section two, subsection (2), from “The persons so named” to the end of the subsection. Section ten, the words “after “the commencement of this “Act” occurring in paragraphs (a), (b) and (c). Section eleven, to “enacted as follows” Section eighteen. First Schedule. Second Schedule.	<i>As to s. 2 (2) and sch. 1 spent on scheme being framed. Rest spent.</i> 30 35
c. 24.	The Public Accounts and Charges Act, 1891. In part, namely,— Section one, subsection (1), from “and the Act,” to the end of the subsection. The preambles to sections two, three and four.	40 <i>Spent. As to s. 5 spent if there has been a vacancy since July 3, 1891.</i> 45



Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
54 & 55 Vict. : c. 24— <i>cont.</i>			
5	Section three, from “and shall” to the end of the section. Section five, from “from and after” to “preachership” and from “and that” to the end of the section. Schedule.		
10			
c. 25.	The Customs and Inland Revenue Act, 1891. The whole Act so far as unrepealed.	<i>S. 4, rep. 3 Edw. 7. c. 46. s. 17 (1), sch. Residue spent.</i>	
15			
c. 26.	The Russian Dutch Loan Act, 1891.	<i>Spent. If as is understood all money borrowed has been repaid.</i>	
c. 27.	The Consolidated Fund (No. 2) Act, 1891.	<i>Spent.</i>	
20			
c. 28.	The Branding of Herrings (Northumberland) Act, 1891. In part, namely,— Preamble.		
25			
c. 29.	The Presumption of Life Limitation (Scotland) Act, 1891. In part, namely,— Section two - - - -	<i>Spent.</i>	
30			
c. 30.	The Law Agents and Notaries Public (Scotland) Act, 1891. In part, namely,— Section five to “repealed and”	<i>Spent.</i>	
c. 33.	The Allotments Rating Exemption Act, 1891. In part, namely.— Preamble - - - - - Section one, to “ninety-one” where first occurring and from “Provided”.	<i>Spent.</i>	
35			
40			
c. 34.	The Local Authorities Loans (Scotland) Act, 1891. In part, namely,— Section three - - - -	<i>Spent.</i>	
45			
c. 36.	The Consular Salaries and Fees Act, 1891. In part, namely,— Section four, the proviso -	<i>Spent. There is no Order in Council in force under the repealed Act.</i>	

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
54 & 55 Vict. : c. 37.	The Fisheries Act, 1891. In part, namely,— Section six, subsection (4) - Section twelve, subsections (1), (3) (4) and (5), and subsection (2), to "this section".	<i>As to s. 6 (4) Notice gazetted September 8, 1891, fixing September 15 as date.</i> <i>As to s. 12, spent on issue of Board of Trade Certi- ficate, September 23, 1891.</i>	5 10
c. 38.	The Stamp Duties Management Act, 1891. In part, namely,— Section twenty-eight to "Pro- vided that." Section twenty-nine. Schedule.	<i>Spent.</i>	15 20
c. 39.	The Stamp Act, 1891. In part, namely,— Section one hundred and twenty- three. Third Schedule.	<i>Spent.</i>	25
c. 40.	The Brine Pumping (Compensation for Subsidence) Act, 1891. In part, namely,— Section fifty-one	<i>S. 51 (costs of Act) spent.</i>	
c. 44.	The Trusts (Scotland) Amendment Act, 1891. In part, namely,— Preamble.		30
c. 46.	The Post Office Act, 1891. In part, namely,— Section one, the words "made after the passing of this Act". Section two, subsection (2) to "unstitched, but", and sub- section (3). Section thirteen. Schedule.	<i>Spent.</i>	35 40
c. 47.	The Metalliferous Mines (Isle of Man) Act, 1891. In part, namely,— Preamble.		45
c. 48.	The Purchase of Land (Ireland) Act, 1891. In part, namely,— Section one, subsection (1), the words "after the commence- ment of this Act". Section fifteen, subsection (8), the words "Scotland and".	<i>As to s. 15 (8) falls with rep. of pt. of 51 &amp; 52 Vict. c. 60 proposed by Bill. Rest spent.</i>	50

		A.D. 1907.	
Reign and Chapter.	Short Title.	Reasons for Repeal.	
5	54 & 55 Vict. : c. 48.— <i>cont.</i>	Section forty-one, the words “after the year one thousand “eight hundred and ninety- “one”.	
10		Section forty-three, subsection (1). Third Schedule.	
15	c. 50.	The Commissioners for Oaths Act, 1891. In part, namely,— Preamble.	
20	c. 51.	The Slander of Women Act, 1891. In part, namely,— Section one, the words “after the passing of this Act”.	<i>Spent.</i>
25	c. 52.	The Public Health (Scotland) Amend- ment Act, 1891. In part, namely,— Preamble.	
30	c. 53.	The Supreme Court of Judicature Act, 1891. In part, namely,— Section two, from “without prejudice” to “Act”. Section four, to “as follows”.	<i>S. 2 as to pt. in col. 2 re- lates to Judges appointed before August 6, 1891.</i>
35	c. 55.	The Appropriation Act, 1891.	<i>Spent.</i>
40	c. 56.	The Elementary Education Act, 1891. In part, namely,— Section one, the words “after the commencement of this Act”. Sections eleven and twelve. Schedule.	<i>Spent.</i>
45	c. 59.	The Public Works Loans Act, 1891. In part, namely,— Sections one and two Section three, preamble.	<i>Spent.</i>
50	c. 60.	The Expiring Laws Continuance Act, 1891.	<i>Spent.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
54 & 55 Vict : c. 64.	The Land Registry (Middlesex Deeds) Act, 1891. In part, namely,— Section three, subsection (1), the words “at the commencement of this Act” and “as from that date”. Section seven. Section eight, from “and shall” to the end of the section. Second Schedule.	<i>Spent.</i>	5
c. 65.	The Lunacy Act, 1891. In part, namely,— Section twenty-nine - - - Schedule.	<i>Spent.</i>	10
c. 67.	The Statute Law Revision Act, 1891. In part, namely,— Schedule - - -	<i>Spent.</i>	15
c. 68.	The County Councils (Elections) Act, 1891. In part, namely,— Sections four and seven - - - Schedule.	<i>Spent.</i>	20
c. 69.	The Pencil Servitude Act, 1891. In part, namely,— Section one, subsection (3) - Section two, subsection (3).	<i>Spent.</i>	25
c. 70.	The Markets and Fairs (Weighing of Cattle) Act, 1891. In part, namely,— Preamble. Section one to “this Act” - Section four, subsection (4). Schedule so far as regards England and Scotland.	<i>Sch. sup. as to E. and S. by O. of January 10, 1905 (St. R. &amp; O., 1905, p. 199).</i>	30
c. 72.	The Coinage Act, 1891 - - - In part, namely,— Section one, subsection (4) -	<i>Spent.</i>	35
c. 73.	The Mortmain and Charitable Uses Act, 1891. In part, namely,— Section three, from “and the definitions” to the end of the section.	<i>Spent.</i>	40
			45

Reign and Chapter.	Short Title.	Reasons for Repeal.	
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891. In part, namely,— Section one hundred and forty-two, subsection (1), subsection (2) to "beyond London," secondly occurring, and subsections (3), (4) and (6). Section one hundred and forty-three. Fourth Schedule.	<i>Spent.</i>	
5			
10			
15	55 & 56 Vict. c. 1.	The Millbank Prison Act, 1892. In part, namely,— Preamble. Section one, subsection (2). Schedule.	<i>Spent.</i>
20	c. 2.	The Army (Annual) Act, 1892. In part, namely,— Preamble. Sections two and three Schedule.	<i>Spent.</i>
25	c. 3.	The Consolidated Fund (No. 1) Act, 1892.	<i>Spent.</i>
	c. 5.	The Poor Law (Ireland) Act, 1892. In part, namely,— Section two to "this Act"	<i>Spent.</i>
30	c. 8.	The Hares Preservation Act, 1892. In part, namely,— Preamble.	
	c. 14.	The Indian Councils Act, 1892. In part, namely,— Section four to "enacted that"	<i>Spent.</i>
35			
	c. 16.	The Customs and Inland Revenue Act, 1892.	<i>S. 2 (2) virt. rep. 62 &amp; 63 Vict. c. 9. s. 2. Rest spent.</i>
	c. 17.	The Sheriff Courts (Scotland) Extracts Act, 1892. In part, namely,— Preamble. Section one, from "and shall" to the end of the section.	<i>Spent.</i>
40			

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
55 & 56 Vict. :			
c. 19.	The Statute Law Revision Act, 1892. In part, namely,— Schedule - - - -	<i>Spent.</i>	5
c. 20.	The Consolidated Fund (No. 2) Act, 1892.	<i>Spent.</i>	
c. 21.	The High Court of Justiciary (Scotland) Act, 1892. In part, namely,— Preamble.		10
c. 23.	The Foreign Marriage Act, 1892. In part, namely,— Section twenty-five. Section twenty-six, subsection (1), except paragraph (b) thereof. Schedule.	<i>As to s. 26 (1) (a), (c), (d), there is no O. in C. in force under the repealed Acts. Rest spent.</i>	15
c. 25.	The Taxes (Regulation of Remuneration) Act, 1892. In part, namely,— Section one, subsection (1) from "as respects" to "subsequent year".	<i>Spent.</i>	20 25
c. 31.	The Small Holdings Act, 1892. In part, namely,— Section twenty-six - - -	<i>Spent.</i>	
c. 32.	The Clergy Discipline Act, 1892. In part, namely,— Section twelve, the definition of "Church Discipline Act, 1840," section fourteen, subsection (2) and the words "instituted after the commencement of this Act" in subsection (3).	<i>As to s. 12, sup. Short Titles Act. Rest spent.</i>	30 35
c. 33.	The Appropriation Act, 1892 - - -	<i>Spent.</i>	
c. 34.	The Naval Knights of Windsor (Dissolution) Act, 1892. In part, namely,— Preamble - - - - Section one, subsection (1), the words "On the passing of this Act". Section three. Schedule.	<i>Spent.</i>	40 45
c. 36.	The Forged Transfers Act, 1892. In part, namely,— Section two, the preamble -	<i>Spent.</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.
55 & 56 Vict : c. 38.	The Police Returns Act, 1892. In part, namely,— Section two - - - -	<i>Spent.</i>
5		
c. 40.	The Superannuation Act, 1892. In part, namely,— Section five - - - - Section six, from “and those Acts”, to the end of the section.	<i>As to s. 6, sup. Short Titles Act. Rest spent.</i>
10		
c. 42.	The Irish Education Act, 1892. In part, namely,— Section fifteen, subsection (2), the words “this or”. Section sixteen. Section eighteen, subsection (1) to “ninety-two”, and subsection (4) to “Act”.	<i>As to s. 15 (2) County Councils were not established till the session 61 &amp; 62 Vict. Rest spent.</i>
15		
20		
c. 43.	The Military Lands Act, 1892. In part, namely,— Section twenty-eight, to “Provided that”. Schedule.	<i>War Office approve.</i>
25		
c. 44.	The Railway and Canal Traffic Act, 1892. In part, namely,— Preamble.	
30		
c. 45.	The Land Commissioners (Ireland) Salaries Act, 1892. In part, namely,— Section two, to “shall first happen”.	<i>Spent.</i>
35		
c. 48.	The Bank Act, 1892. In part, namely,— Section seven, subsection (1), from “and if such” to the end of the subsection. Section eight, subsections (2) and (3). Schedule.	<i>As to s. 7, charter granted August 19, 1896 (St. R. &amp; O. Rev., 1904, “Bank of England,” p. 21). Rest spent.</i>
40		
c. 49.	The Mauritius Hurricane Loan Act, 1892. In part, namely,— Preamble.	
45		

A.D. 1907.  
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Reign and Chapter.	Short Title.	Reasons for Repeal.	
55 & 56 Vict. : c. 51.	The Education and Local Taxation Account (Scotland) Act, 1892. In part, namely,— Section one, subsection (1) to “After the financial year ending the 31st day of March one thousand eight hundred and ninety-two.” Section two, the preamble.	<i>As to s. 1 (1), falls with prop. rep. by Bill of 52 &amp; 53 Vict. c. 50, s. 22 (6).</i>	5 10
c. 52.	The British Columbia (Loan) Act, 1892. In part, namely,— Preamble.		15
c. 53.	The Public Libraries Act, 1892. In part, namely,— Section three, paragraph (1) from “provided that” to the end of that paragraph, paragraph (3) and paragraph (4) from “in a municipal borough” to “urban authority and”. Section twenty-eight, subsection (1) to “Wales; and” and subsection (2). Section thirty. Second Schedule.	<i>As to s. 3 (1) and (6), pts. in col. 2 virt. rep. by rep. of s. 3, as to urban districts by 56 &amp; 57 Vict. c. 11, s. 2 (2). As to 3 (3) falls with rep. of sch. 1 by 1 Edw. 7. c. 19, s. 14. Sch. Rest spent.</i>	20 25
c. 55.	The Burgh Police (Scotland) Act, 1892. In part, namely,— Preamble. Section two - - -	<i>Spent.</i>	30
c. 56.	The Coroners Act, 1892. In part, namely,— Section two Schedule - - -	<i>Spent.</i>	35
c. 60.	The Expiring Laws Continuance Act, 1892.	<i>Spent.</i>	40
c. 61.	The Public Works Loans Act, 1892. In part, namely,— Sections one and three - - Section four, to “therefore.” Schedule.	<i>Spent.</i>	45



Reign and Chapter.	Short Title.	Reasons for Repeal.
55 & 56 Vict. : c. 62.	The Shop Hours Act, 1892. In part, namely,— Preamble. Section two - - -	<i>Spent.</i>
56 & 57 Vict. : c. 3.	The Consolidated Fund (No. 1) Act, 1893.	<i>Spent.</i>
c. 4.	The Army (Annual) Act, 1893. In part, namely,— Preamble. Sections two and three - - Section nine, subsection (8). Schedule.	<i>Spent.</i>
c. 5.	The Regimental Debts Act, 1893. In part, namely,— Sections thirty-one and thirty- two.	<i>Spent.</i>
c. 6.	The Police Disabilities Removal Act, 1893. In part, namely,— Preamble - - - Section one. Schedule.	<i>Spent.</i>
c. 7.	The Customs and Inland Revenue Act, 1893. In part, namely,— Preamble - - - Sections one, four, five and six.	<i>Spent.</i>
c. 8.	The Local Authorities Loans (Scot land) Act, 1891, Amendment Act, 1893. In part, namely,— Preamble - - - Section two, to "repealed and".	<i>Spent.</i>
c. 9.	The Municipal Corporations Act, 1893. In part, namely,— Preamble - - -	<i>Spent.</i>
c. 10.	The Police Act, 1893. In part, namely,— Section eight, subsection (1) to "repealed and".	<i>Spent.</i>
c. 11.	The Public Libraries (Amendment) Act, 1893. In part, namely,— Section one, from "and these two" to the end of the section. Section two, subsection (2).	<i>As to s. 1, sup. Short Titles Act. Rest spent.</i>



Reign and Chapter.	Short Title.	Reasons for Repeal.
56 & 57 Vict. : 5 c. 35.	The Congested Districts Board (Ireland) Act, 1893. In part, namely,— Section two, subsection (4)	<i>Falls with prop. rep. by Bill of part of 54 &amp; 55 Vict. c. 48. s. 39. (1) (c).</i>
10 c. 36.	The Law of Distress and Small Debts (Ireland) Act, 1893. In part, namely,— Section two	<i>Spent.</i>
15 c. 37.	The Liverpool Court of Passage Act, 1893. In part, namely,— Preamble.	
20 c. 39.	The Industrial and Provident Societies Act, 1893. In part, namely,— Preamble. Section two, from "shall come" to "thereof and". Section eighty. Schedule I.	<i>Spent.</i>
25 c. 40.	The Public Works Loans (No. 2) Act, 1893. In part, namely,— Section one. Section two, preamble and subsection (3). Section three. Schedule.	<i>Proposed rep. of s. 3. assumes that transfer has been made.</i>
30 c. 41.	The Irish Education Act, 1893. In part, namely,— Section one (3)	<i>Spent.</i>
35 c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893. In part, namely,— Section thirteen, subsection (2) Section seventeen.	<i>S. 13 (2) relates to children in institutions on July 1, 1894.</i>
40 c. 44.	The Sheriff Courts Consignations (Scotland) Act, 1893. In part, namely,— The words "Commissioners of Her Majesty's" occurring in sections eight and nine.	<i>As to ss. 8, 9, surplusage, —see Int. Act.</i>
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
56 & 57 Vict. :			
c. 46.	The Consolidated Fund (No. 4) Act, 1893.	<i>Spent.</i>	5
c. 47.	The Public Health (London) Act, 1891, Amendment Act, 1893. In part, namely,— Preamble.		
c. 48.	The Reformatory Schools Act, 1893. In part, namely,— Section four, from “from the beginning” to “and the said section”.	<i>Spent.</i>	10
c. 49.	The County Surveyors (Ireland) Act, 1893.	<i>24-5 Vict. c. 63. was rep. 61 &amp; 62 Vict. c. 37, s. 110, sch. 6, pt. 1. Remainder sup. 61 &amp; 62 Vict. c. 37, s. 83.</i>	15
c. 50.	The Light Railways (Ireland) Act, 1893. In part, namely,— Preamble.		20
c. 51.	The Elementary Education (School Attendance) Act, 1893. In part, namely,— Sections three and four	<i>S. 3 relates to children who were under 11 on January 1, 1894. S. 4 spent.</i>	25 30
c. 53.	The Trustee Act, 1893 In part, namely,— Sections fifty-one and fifty-four Schedule	<i>Spent.</i>  <i>It seems inadvisable to rep. concluding words of ss. 8 (4), 9 (2).</i>	35
c. 54.	The Statute Law Revision (No. 2) Act, 1893. In part, namely,— Section three Schedules.	<i>S. 3 falls with prop. rep. by Bill of Sch. of 55 &amp; 56 Vict. c. 19.</i>	40
c. 55.	The Metropolis Management (Plumstead and Hackney) Act, 1893. In part, namely,— Preamble.		45
c. 59.	The Expiring Laws Continuance Act, 1893.	<i>Spent.</i>	
c. 60.	The Appropriation Act, 1893	<i>Spent.</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
56 & 57 Vict : c. 61.	The Public Authorities Protection Act, 1893.		
5	In part, namely,— Section one, the words “ after the commencement of this Act ”.	<i>Spent.</i>	
10	Section two, from “ and in particular ” to the end of the section. Section four. Schedule.		
c. 62.	The Madras and Bombay Armies Act, 1893.		
15	In part, namely,— Section one, subsection (3) - Sections two and three. Schedule.	<i>Spent.</i>	
c. 63.	The Married Women's Property Act, 1893.		
20	In part, namely,— Section four - - - -	<i>Spent.</i>	
c. 64.	The National Debt Redemption Act, 1893.		
25	In part, namely,— Preamble.		
c. 65.	The Public Works Loans (No. 3) Act, 1893.		
30	In part, namely,— Section two. - - - -	<i>As to s. 2, it is assumed loan has been discharged.</i>	
c. 66.	The Rules Publication Act, 1893.		
35	In part, namely,— Section three, from “ made after ” to “ this Act ”.	<i>Spent.</i>	
c. 69.	The Savings Bank Act, 1893.		
40	In part, namely,— Section eight - - - - Section nine, subsections (2) and (3). Second Schedule.	<i>Section 9, subsections (2), (3), up. Short Titles Act. Rest spent.</i>	
c. 71.	The Sale of Goods Act, 1893.		
45	In part, namely,— Sections sixty and sixty-three. Schedule.	<i>Spent; as to s. 60, see savings to Bill.</i>	

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
56 & 57 Vict. : c. 73.	<p>The Local Government Act, 1894 - In part, namely,— The words “as from the appointed day, but” occurring in sections one, subsection (3), and nineteen.</p> <p>The words “As from the appointed day” occurring in sections five, subsection (2), seven, subsection (1), twenty, twenty - one, twenty - three, twenty - five, subsection (1), twenty-seven, subsections (1) and (2), and eighty-one, subsection (6).</p> <p>Section six, subsection (1), the words “subsequently to the passing of this Act”.</p> <p>Section twenty-five, subsection (1), the words “and highway boards shall cease to exist,” and from “Provided that” to the end of the subsection, and subsection (4) from “but until” to the end of the subsection.</p> <p>Section twenty-seven, subsection (1) (<i>f</i>), the words “and infant life protection”.</p> <p>Section thirty-six, subsection (13), the words “within two years after the passing of this Act, or,” the word “further,” where first occurring, and the words “two years or further.”</p> <p>Section forty-eight, subsection (7), from “and if at” to the end of the subsection.</p> <p>Section fifty-two, subsection (2).</p> <p>Section sixty-two, subsection (2), the words “After the appointed day”.</p> <p>Sections seventy - eight to eighty.</p> <p>Sections eighty-two to eighty-five.</p> <p>Section eighty-six, subsection (2).</p> <p>Section eighty nine, to “mentioned, and”.</p> <p>Second Schedule.</p>	<p><i>Proviso to s. 25 (1) and s. 82 (2), fell March 31, 1899, on last postponing order expiring.</i> 5</p> <p><i>As to s. 27 (1) (f) superseded by 60 &amp; 61 Vict. c. 57. s. 15 sch., which changes all the Local Authorities for this purpose.</i> 10 15</p> <p><i>S. 52 (2) falls with the rep. of enactments therein referred to by 2 Edw. 7. c. 42, 3 Edw. 7. c. 24. Rest spent.</i> 20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>

Reign and Chapter.	Short Title.	Reasons for Repeal.
57 & 58 Vict.:		
5	c. 1. The Consolidated Fund (No. 1) Act, 1894.	<i>Spent.</i>
10	c. 2. The Behring Sea Award Act, 1894. In part, namely,— Preamble - - - - Section seven, to “provided that.”	<i>Spent.</i>
15	c. 3. The Army (Annual) Act, 1894. In part, namely,— Preamble - - - - Sections two, three and six. Schedule.	<i>Spent.</i>
20	c. 4. The Four Courts Library Act, 1894. In part, namely,— Preamble.	
20	c. 5. The County Councils Association (Scotland) Expenses Act, 1894. In part, namely,— Preamble.	
25	c. 6. The Quarter Sessions Act, 1894. In part, namely,— Section two - - - -	<i>Spent.</i>
	c. 7. The Consolidated Fund (No. 2) Act, 1894.	<i>Spent.</i>
30	c. 11. The Public Works Loan Act, 1894. In part, namely,— Sections one and two - - - Schedule.	<i>Spent.</i>
	c. 13. The Arbitration (Scotland) Act, 1894. In part, namely,— Section one to “ Act ” - - -	<i>Spent.</i>
35	c. 15. The Music and Dancing Licences (Middlesex) Act, 1894. In part, namely,— Section two, paragraph (1), to “ ninety-four ” and paragraph (12).	<i>Spent.</i>
40	c. 16. The Supreme Court of Judicature (Procedure) Act, 1894. In part, namely,— Section seven, from “ and shall come ” to the end of the section.	<i>Spent.</i>
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
57 & 58 Vict. : c. 17.	The Colonial Officers (Leave of Absence) Act, 1894. In part, namely,— Section one, subsection (2) -	<i>Spent.</i>	5
c. 20.	The Public Libraries (Scotland) Act, 1894. In part, namely,— Section one, from "and these" to the end of the section. Section two, subsection (2).	<i>As to s. 1, see Short Titles Act, 1896. As to s. 2, spent.</i>	10.
c. 21.	The Bishopric of Bristol Amendment Act, 1894. In part, namely,— Preamble.		15
c. 23.	The Commissioners of Works Act, 1894. In part, namely,— Section one, subsection (4) - Schedule	<i>Spent.</i>	20
c. 24.	The Wild Birds Protection Act, 1894. In part, namely,— The words "after the passing of this Act" in sections two and five.	<i>Spent.</i>	25
c. 29.	The Consolidated Fund (No. 3) Act, 1894.	<i>Spent.</i>	
c. 30.	The Finance Act, 1894. In part, namely,— Sections twenty-five to thirty-three. Sections thirty-seven and thirty-eight. Section forty-one, subsection (5). Third Schedule.	<i>Spent.</i>	30
c. 31.	The Zanzibar Indemnity Act, 1894. In part, namely,— Preamble.		40
c. 32.	The Registration Acceleration Act, 1894	<i>Spent.</i>	
c. 34.	The British Museum (Purchase of Land) Act, 1894. In part, namely,— Preamble.		45



Reign and Chapter.	Short Title.	Reasons for Repeal.
57 & 58 Viet. : c. 36.	The Valuation of Lands (Scotland) Act Amendment Act, 1894. In part, namely,— Section two, the words “ for the “ year ending Whitsunday “ one thousand eight hundred “ and ninety-six and subse- “ quent years ”. Section seven, the words “ for “ the year ending Whitsunday “ one thousand eight hundred “ and ninety-five, and sub- “ sequent years ”.	<i>Spent.</i>
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15		
c. 38.	The Public Libraries (Ireland) Act, 1894. In part, namely,— Section one, subsection (9)	<i>Spent.</i>
c. 39.	The Prize Courts Act, 1894. In part, namely,— Section three, subsection (3), from “ which ” to the end of the subsection Section five.	
20		
25		
c. 42.	The Quarries Act, 1894 . In part, namely,— Section four	<i>Spent.</i>
c. 43.	The Crown Lands Act, 1894. In part, namely,— Section three, subsection (1) to “ ninety-four ” and subsection (3). Section five, subsection (1).	<i>Spent.</i>
30		
35		
c. 44.	The Heritable Securities (Scotland) Act, 1894. In part, namely,— Section two from “ and shall ” to the end of the section. Section fourteen to “ of this Act ”.	<i>Spent.</i>
40		
c. 45.	The Uniforms Act, 1894. In part, namely,— Section two, subsection (1), paragraph (a), and the letter “ (b) ”. Section five.	<i>S. 2 as to part in col. 2 expired August 25, 1900. S. 5 spent.</i>
45		
c. 46.	The Copyhold Act, 1894. In part, namely,— Section one hundred, to “ Pro- vided that ”. Third Schedule.	<i>Spent.</i>
50		

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
57 & 58 Vict. : c. 47.	The Building Societies Act, 1894. In part, namely,— Section two, subsection (5) - Section eight, subsection (2). Section twenty-five, subsection (2). Sections twenty-eight and thirty Second Schedule.	<i>S. 8 (2) relates to proceedings pending, August 25, 1895. Rest spent</i>	5     10
c. 48.	The Expiring Laws Continuance Act, 1894.	<i>Spent.</i>	
c. 49.	The Jurors (Ireland) Amendment Act, 1894. In part, namely,— Preamble. Section one to " Act " - - -	<i>Spent.</i>	15
c. 50.	The Congested Districts Board (Ireland) Act, 1894. In part, namely,— Section three, subsection (4) -	<i>Spent.</i>	20
c. 51.	The Chimney Sweepers Act, 1894. In part, namely,— Section five - - - -	<i>Spent.</i>	25
c. 53.	The London (Equalisation of Rates) Act, 1894. In part, namely,— Section three, subsections (1) and (3). Section four, subsection (2).	<i>Expired</i>	30
c. 54.	The Railway and Canal Traffic Act, 1894. In part, namely,— Section one, subsection (5), from "and in the case" to the end of the subsection.	<i>Spent. The period was never extended beyond December 31, 1898. [See S.R. &amp; O. 1898—No. 625.]</i>	35
c. 56.	The Statute Law Revision Act, 1894. In part, namely,— Section three - - - - Schedules.	<i>Spent.</i>	40
c. 57.	The Diseases of Animals Act, 1894. In part, namely,— Section fifty-eight. Section seventy-eight, subsection (1). Fifth Schedule.	<i>S. 58 spent on incorporation of Hove, August 1898. Rest spent.</i>	45

Reign and Chapter.	Short Title.	Reasons for Repeal.
57 & 58 Vict. : c. 58.	The Local Government (Scotland) Act, 1894. In part, namely,— Section three from “and from” to “exist”. Section four, subsection (3) - Section six, subsection (1), the words “from and after the establishment of the Board”. Section seven, the words, “After the establishment of the Board”. In sections fourteen and fifteen, the words “the second and subsequent” and “from and after such second election” wherever occurring. Section twenty-one, to “such day”. Section forty-six the words “The words ‘in the county’ occurring in subsection (e) of” and the words “are hereby repealed, and the said section”. Section forty-seven. Section fifty-two, subsection (1). Section fifty-five, to “schedule and” and the word “also”. Section fifty-six. Schedule I.	<i>Spent.</i>
35	c. 59. The Appropriation Act, 1894 - -	<i>Spent.</i>
c. 60.	The Merchant Shipping Act, 1894. In part, namely,— Section three hundred and seventy-three, subsection (6), from “in substitution” to the end of the subsection. Section five hundred and twenty-five, subsection (2), paragraph (c), from “to the Mercantile” to “Majesty and”. Section six hundred and seventy-six, subsection (1), paragraph (g). Section seven hundred and forty-five, subsection (1), to “Provided that”. Section seven hundred and forty-eight. Twenty-second Schedule.	<i>As to s. 373, see O. in C., March 24, 1902, S.R. and O. Rev., 1904. “Merchant Shipping,” page 142. As to ss. 525, 676, spent on decease of Her late Majesty. Rest spent.</i>
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A.D. 1907.	Reign and Chapter.	Short Title.	Reasons for Repeal.	
	58 & 59 Vict. :			
	c. 1.	The Local Government (Scotland) Act, 1895. In part, namely,— Preamble - - - - - Section two, the preamble and the words "first or any other".	<i>Spent.</i>	5
	c. 2.	The Seed Potatoes Supply (Ireland) Act, 1895.	<i>Spent.</i>	10
	c. 4.	The Consolidated Fund (No. 1) Act, 1895.	<i>Spent.</i>	
	c. 7.	The Army (Annual) Act, 1895. In part, namely,— Preamble. Sections two, three, five, and eight. Schedule.	<i>S. 8 spent by the repeal of parts of ss. 83 (6) and 190 (15) by 62 &amp; 63 Vict. c. 3. s. 6. Rest spent.</i>	15 20
	c. 11.	The Lands Clauses (Taxation of Costs) Act, 1895. In part, namely,— Section one, subsection (2) -	<i>Spent.</i>	25
	c. 13.	The Cruelty to Animals (Scotland) Act, 1895. In part, namely,— Preamble.		
	c. 14.	The Courts of Law Fees (Scotland) Act, 1895. In part, namely,— Section one, to "passing of this Act". The words "Commissioners of Her Majesty's" in sections two and four. Section four, from "and section".	<i>Spent.</i>	30 35
	c. 15.	The Consolidated Fund (No. 2) Act, 1895	<i>Spent.</i>	
	c. 16.	The Finance Act, 1895. In part, namely,— Section, one to five - - - - - Section seven, to "ninety-five". Section ten. Section thirteen, to "declared that". Sections fifteen and seventeen to nineteen. Schedule.	<i>Duties and drawback under ss. 2-5 expired July 1, 1896. Ss. 17, 18, relate to 1895-6 Income Tax. Rest spent.</i>	40 45
	c. 19.	The Court of Session Consignations (Scotland) Act, 1895. In part, namely,— Section fifteen, the words "Her Majesty's" and "and Public Buildings".	<i>Not required. See Int. Act, s. 12 (13).</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.
58 & 59 Vict. : c. 21.	The Seal Fisheries (North Pacific) Act, 1895. In part, namely,— Preamble. Section seven, subsections (5) and (6).	<i>As to s. 7 (5), the O. in C. under the repealed Act was rep. by Order under this Act (St. R. &amp; O., 1895, No. 569.) As to s. 7 (6) Act continued by Exp. Laws Cont. Act. Spent.</i>
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15	c. 22, The Out-door Relief (Ireland) Act, 1895.	
	c. 24. The Law of Distress Amendment Act, 1895. In part, namely,— Section one, from “and so much” to the end of the section.	<i>Falls with prop. rep. by Bill of pt. of s. 7 of 51 &amp; 52 Vict. c. 21.</i>
20		
	c. 27. The Market Gardeners Compensation Act, 1895. In part, namely,— Section two - - - -	<i>Spent.</i>
25		
	c. 28. The False Alarms of Fire Act, 1895. In part, namely,— Section five - - - -	<i>Spent.</i>
30		
	c. 31. The Appropriation Act, 1895 - - -	<i>Spent.</i>
	c. 32. The Local Government (Stock Transfer), Act, 1895. ~ In part, namely,— Section one, subsection (2), the words “improvement commissioners”, “local board”, “highway board”.	<i>These authorities are now superseded by district councils.</i>
35		
	c. 35. The Naval Works Act, 1895. In part, namely,— Preamble.	
40		
	c. 38. The Isle of Man (Customs) Act, 1895. In part, namely,— Section one, so far as regards spirits, tobacco, and wine.  Section two - - - - Section three. Schedule.	<i>S. 1 virt. rep.— As to spirits and tobacco, 61 &amp; 62 Vict. c. 27. s. 1. as to wine, 62 &amp; 63 Vict. c. 39. s. 1. S. 2 virt. rep., 62 &amp; 63 Vict. c. 39. s. 1. Rest spent.</i>
45		
	c. 39. The Summary Jurisdiction (Married Women) Act, 1895. In part, namely,— Sections three and twelve - Schedule.	<i>Spent.</i>
50		

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
58 & 59 Vict. :			
c. 41.	The Lands Valuation (Scotland) Amendment Act, 1895. In part, namely,— Section five, the words " From and after the commencement of this Act ".	<i>Spent.</i>	5
c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895. In part, namely,— Section four to " ninety-six " . Section twenty-nine - - - Schedule.	<i>Spent.</i>	10 15
59 Vict. Sess. 2:			
c. 1.	The Expiring Laws Continuance Act, 1895, Session 2.	<i>Spent.</i>	
c. 2.	The Public Works Loans Act, 1895, Session 2.	<i>Spent.</i>	20
c. 5.	The Public Offices (Acquisition of Site) Act, 1895, Session 2. In part, namely,— Preamble.		
c. 6.	The Appropriation Act, 1895, Session 2	<i>Spent.</i>	25
59 & 60 Vict. :			
c. 1.	The Local Government (Elections) Act, 1896. In part, namely,— Section two - - - -	<i>Act cont. by Expir. Laws Cont. Act.</i>	30
c. 2.	The Army (Annual) Act, 1896. In part, namely,— Preamble. Sections two and three. Schedule - - - -	<i>Spent.</i>	35
c. 3.	The Consolidated Fund (No. 1) Act, 1896.	<i>Spent.</i>	
c. 4.	The Local Government (Elections) (No. 2) Act, 1896.	<i>Spent: relates to 1896 elections.</i>	
c. 6.	The Naval Works Act, 1896. In part, namely,— Preamble.		40
c. 7.	The Consolidated Fund (No. 2) Act, 1896.	<i>Spent.</i>	

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
59 & 60 Vict. : 5 c. 9.	The Local Government (Determination of Differences) Act, 1896. In part, namely,— Section two - - -	<i>Spent, Validation of Orders of L.G.B.I. made before May 21, 1896.</i>	
10 c. 10.	The Dispensary Committees (Ireland) Act, 1896.	<i>Virt. rep. by abolition of dispensary committees, 61 &amp; 62 Vict. c. 37. s. 30.</i>	
15 c. 12.	The Derelict Vessels (Report) Act, 1896. In part, namely,— Section two, the words "after the passing of this Act".	<i>Spent.</i>	
20 c. 13.	The Incumbents of Benefices Loans Extension Act, 1896.	<i>Spent: relates to loan extensions granted before December 31, 1897.</i>	
25 c. 14.	The Short Titles Act, 1896. In part, namely,— Section four - - - First Schedule, the entries relating to the following Acts:— 13 Geo. 1. c. 26; 13 Geo. 1. c. 30; 5 Geo. 2. c. 18; 18 Geo. 2. c. 20; 19 Geo. 2. c. 37; 29 Geo. 2. c. 36; 31 Geo. 2. c. 41; 41 Geo. 3. U.K. c. 109; 1 & 2 Geo. 4. c. 23; 3 Geo. 4. c. 91; 5 Geo. 4. c. 96; 6 Geo. 4. c. 78; 9 Geo. 4. c. 58; 2 & 3 Will. 4. c. 85; 3 & 4 Will. 4. c. 76; 3 & 4 Will. 4. c. 77; 4 & 5 Will. 4. c. 30; 6 & 7 Will. 4. c. 11; 6 & 7 Will. 4. c. 107; 6 & 7 Will. 4. c. 115; 7 Will. 4 & 1 Vict. c. 17; 1 & 2 Vict. c. 115; 1 & 2 Vict. c. 116; 2 & 3 Vict. c. 58; 3 & 4 Vict. c. 31; 10 & 11 Vict. c. 91; 11 & 12 Vict. c. 32; 12 & 13 Vict. c. 69; 13 & 14 Vict. c. 115; 15 & 16 Vict. c. 5; 15 & 16 Vict. c. 32; 15 & 16 Vict. c. 65; 16 & 17	<i>S. 4. spent. As to sch. 1 the entries in the 2nd col. are those of wholly repealed Acts.</i>	
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
59 & 60 Vict. : c. 14.— <i>cont.</i>	Vict. c. 27 ; 16 & 17 Vict. c. 67 ; 16 & 17 Vict. c. 74 ; 19 & 20 Vict. c. 116 ; 20 Vict. c. 12 ; 23 & 24 Vict. c. 47 ; 24 & 25 Vict. c. 36 ; 24 & 25 Vict. c. 46 ; 25 & 26 Vict. c. 59 ; 26 & 27 Vict. c. 100 ; 27 & 28 Vict. c. 27 ; 27 & 28 Vict. c. 42 ; 28 & 29 Vict. c. 40 ; 28 & 29 Vict. c. 60 ; 30 & 31 Vict. c. 112 ; 34 & 35 Vict. c. 18 ; 37 & 38 Vict. c. 41 ; 37 & 38 Vict. c. 52 ; 38 & 39 Vict. c. 54 ; 39 & 40 Vict. c. 12 ; 39 & 40 Vict. c. 25 ; 39 & 40 Vict. c. 38 ; 40 & 41 Vict. c. 17 ; 41 & 42 Vict. c. 24 ; 43 & 44 Vict. c. 1.		5
	Second Schedule, the entries relating to the following groups of Acts :— The Factory and Workshop Acts, 1878 to 1895. The Friendly Societies Acts, 1875 to 1895. The Open Spaces Acts, 1877 to 1890.		10 15 20 25
c. 15.	The Diseases of Animals Act, 1896. In part, namely,— Section one, subsection (2) - Section two.	<i>Spent.</i>	30 35
c. 16.	The Agricultural Rates Act, 1896. In part, namely,— Section seven, subsection (1) - Schedule from "school" to the end of the schedule.	<i>S. 7 rep. as to school boards, 2 Edw. 7. c. 42 ; 3 Edw. 7. c. 24. ; spent as to highway boards and surveyors whose powers became March 31, 1899, wholly transferred to district councils. Sch. as to col. 2 falls with above.</i>	40 45
c. 18.	The Fisheries (Norfolk and Suffolk) Act, 1896. In part, namely,— Section one, subsections (1), (3) and (4), and subsection (2), to "this section".	<i>Spent on issue of certificate, December 8, 1896 (St. R. &amp; O., 1896, No. 1064).</i>	50 55



Reign and Chapter.	Short Title.	Reasons for Repeal.
59 & 60 Vict. : c. 19.	The Public Health Act, 1896. In part, namely,— Sections three, six, and seven - Schedule.	<i>S. 3 falls with rep. of Act as to Scotland by 60 &amp; 61 Vict. c. 38. s. 196.</i>
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c. 21.	The Liverpool Court of Passage Act, 1896. In part, namely,— Preamble - - - - - Section one, the words "and " whenever at any time after " the passing of this Act".	<i>Spent.</i>
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c. 23.	The Public Offices (Westminster) Site Act, 1896. In part, namely,— Preamble.	
20		
c. 24.	The Edinburgh General Register House Act, 1896. In part, namely,— Preamble.	<i>Spent. Compulsory powers expired, August 7, 1899, see s. 2 (2).</i>
25		
c. 25.	The Friendly Societies Act, 1896. In part, namely,— The words "continue to" in sections one, two, and four. Section one hundred and seven. Section one hundred and eight, from "shall come" to "and". Third Schedule.	<i>Spent.</i>
30		
c. 26.	The Collecting Societies and Industrial Assurance Companies Act, 1896. In part, namely,— Section eighteen - - - - - Section nineteen, from "shall come" to "and". Schedule.	<i>Spent.</i>
35		
c. 28.	The Finance Act, 1896. In part, namely,— Section one - - - - - The words "on and after the " first day of July one thou- " sand eight hundred and " ninety-six" and "on and after that day", in sections two, three, and eight.	<i>Spent.</i>
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
59 & 60 Vict. : c. 28.— <i>cont.</i>	<p>Section three, the words " on and after the same day ".</p> <p>Section nine, the words " after " the thirtieth day of June " one thousand eight hundred " and ninety-six ".</p> <p>Section twenty-five.</p> <p>Section twenty-six, subsection (3).</p> <p>Section twenty-nine.</p> <p>Section thirty-seven, preamble.</p> <p>Section forty.</p> <p>Schedule.</p>	<p>5</p> <p>10</p> <p>15</p>
c. 29.	<p>The Bishopric of Bristol Amendment Act, 1896.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section two, to " repealed, and ".</p>	<p><i>Spent.</i></p> <p>20</p>
c. 30.	<p>The Conciliation Act, 1896.</p> <p>In part, namely,—</p> <p>Section seven - - - -</p>	<p><i>Spent.</i></p>
c. 31.	<p>The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.</p> <p>In part, namely,—</p> <p>Section four - - - -</p>	<p>25</p> <p><i>Spent.</i></p>
c. 33.	<p>The Royal Naval Reserve Volunteer Act, 1896.</p> <p>In part, namely,—</p> <p>Section one, subsection (2) -</p>	<p>30</p> <p><i>Spent.</i></p>
c. 35.	<p>The Judicial Trustee Act, 1896.</p> <p>In part, namely,—</p> <p>Section six, subsection (4) -</p>	<p><i>Spent.</i></p> <p>35</p>
c. 36.	<p>The Locomotives on Highways Act, 1896.</p> <p>In part, namely,—</p> <p>Section eight, subsection (1), to " this Act ".</p> <p>Section twelve, from " and shall " to the end of the section.</p>	<p><i>Spent.</i></p> <p>40</p>

Reign and Chapter.	Short Title.	Reasons for Repeal.	
59 & 60 Vict. : c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896. In part, namely,— Section one, to “continuance thereof”. Section three, subsection (1), to “this Act”, and subsection (2). Section five, to “continuance thereof”. Section eight.	<i>Spent</i>	
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15			
c. 39.	The Expiring Laws Continuance Act, 1896.	<i>Spent.</i>	
20	c. 41.	The Local Taxation (Ireland) Estate Duty Act, 1896.	<i>Falls within rep. of s. 1 by 61 &amp; 62 Vict. c. 37. s. 48 (1).</i>
c. 42.	The Public Works Loans Act, 1896. In part, namely,— Sections one, four, and five - Schedule.	<i>Spent.</i>	
25	c. 44.	The Truck Act, 1896. In part, namely,— Section eleven - - -	<i>Spent.</i>
30	c. 45.	The Stannaries Court (Abolition) Act, 1896. In part, namely,— Section one, subsection (1), the words “On the commencement of this Act,” “except for the purpose of continuing and concluding proceedings pending in that court at that date,” “as from that date,” and “except as aforesaid,” and subsection (2), paragraph (b). Sections five and six. Schedule.	<i>Spent.</i>
35			
40			
45	c. 47.	The Land Law (Ireland) Act, 1896. In part, namely,— Section twenty - - - Section twenty-three, subsection (6). Section fifty, subsection (1). Section fifty-two. Second Schedule.	<i>Spent.</i>
50			

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
59 & 60 Vict. : c. 48.	The Light Railways Act, 1896. In part, namely,— Section one, subsection (8) - Section twenty-six, subsection (2), the words "or where " there is no town council the " police commissioners " and " or the commissioners of any police burgh."	<i>As to s. 1 (8) cont. by Exp. Laws Cont. Act. S. 26, pt. in col. 2 virt. rep. 63 &amp; 64 Vict. c. 49. s. 5.</i> 5 10
c. 49.	The Law Agents (Scotland) Act Amendment Act, 1896. In part, namely,— Section two, to " this Act " - Section three, to " this Act ". Section four, to " this Act ".	<i>Spent.</i> 15
c. 50.	The Poor Law Officers' Superannuation Act, 1896. In part, namely,— Section one, from " and shall " to the end of the section. Section twenty, to " qualification that ". Schedule.	<i>Spent.</i> 20 25
c. 53.	The Labourers (Ireland) Act, 1896. In part, namely,— Sections nine, eleven and twelve Schedule.	<i>As to s. 9, see 6 Edw. 7. c. 37. s. 37. Rest spent.</i> 30
c. 54.	The Public Health (Ireland) Act, 1896. In part, namely,— Section twenty-nine - - - - Section thirty-two, the proviso.	<i>Spent.</i>
c. 55.	The Quarter Sessions (London) Act, 1896. In part, namely,— Preamble. Section six - - - -	35 <i>S. 6, spent on appointment of Mr. Wallace, January 40 1907.</i>
c. 56.	The Wild Birds Protection Act, 1896. In part, namely,— Section one, the words " From " and after the passing of this " Act ".	<i>Spent.</i> 45

Reign and Chapter.	Short Title.	Reasons for Repeal.
59 & 60 Vict. : c. 57.	The Burglary Act, 1896. In part, namely,— Section two, subsection (1)	- <i>Not required; see Short Titles Act.</i>
5		
c. 58.	The West Highland Railway Guarantee Act, 1896. In part, namely,— Preamble.	
10		
c. 59.	The Baths and Washhouses Act, 1896. In part, namely,— Preamble. Section two, to "this Act"	- <i>Spent.</i>
15		
60 & 61 Vict. : c. 1.	The Local Government Act, 1897. In part, namely,— Section three	- <i>Spent.</i>
c. 3.	The Army (Annual) Act, 1897	- <i>Spent.</i>
20		
c. 4.	The Consolidated Fund (No. 1) Act, 1897.	<i>Spent.</i>
c. 5.	The Voluntary Schools Act, 1897. In part, namely,— Section two - - - Section four, from "Any" to "Department".	<i>S. 2 spent; s. 4 as to pt. in col. 2 falls with rep. of s. 1 by 2 Edw. 7. c. 42. and 3 Edw. 7. c. 24.</i>
25		
c. 7.	The Military Works Act, 1897. In part, namely,— Preamble.	
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c. 8.	The Trusts (Scotland) Act, 1897. In part, namely,— Section two, to "follows, viz. :—"	<i>Spent.</i>
c. 9.	The Archdeaconry of Cornwall Act, 1897. In part, namely,— Preamble. Section one, to "this Act"	- <i>Spent.</i>
35		
c. 10.	The East India Company's Officers' Superannuation Act, 1897. In part, namely,— Preamble. Sections three and four	- - <i>Ss. 3, 4, relate to confirmation of superannuation grants made before June 3, 1897.</i>
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A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
60 & 61 Vict. :		
c. 11.	<p>The Regular and Elders' Widows' Funds Act, 1897.</p> <p>In part, namely,—</p> <p>Preamble - - - - -</p> <p>Section one, to "this Act".</p> <p>Section three, to "cease and".</p> <p>Section four, to "passing of this Act" and the words "prior to the passing of this Act".</p> <p>Section five, to "date".</p>	<p>5</p> <p><i>Spent.</i></p> <p>10</p>
c. 12.	<p>The Railway Assessors (Scotland) Superannuation Act, 1897.</p> <p>In part, namely,—</p> <p>Section one, to "this Act" -</p>	<p>15</p> <p><i>Spent.</i></p>
c. 13.	<p>The Edinburgh University (Transfer of Patronage) Act, 1897.</p> <p>In part, namely,—</p> <p>Section one, to "this Act" and the words "be transferred to and in all time coming" (twice occurring), "presently exercised by Her Majesty Her heirs and successors in right of Her Crown" and "presently exercised by the said curators".</p>	<p>20</p> <p><i>Spent.</i></p> <p>25</p>
c. 17.	<p>The Supreme Court of Judicature (Ireland) Act, 1897.</p> <p>In part, namely,—</p> <p>Section one, the words "after the passing of this Act".</p>	<p>30</p> <p><i>Spent.</i></p>
c. 21.	<p>The Mersey Channels Act, 1897.</p> <p>In part, namely,—</p> <p>Section three - - - - -</p>	<p>35</p> <p><i>Spent.</i></p>
c. 22.	<p>The Market Gardeners' Compensation (Scotland) Act, 1897.</p> <p>In part, namely,—</p> <p>Section two, from "and shall" to the end of the section.</p>	<p>40</p> <p><i>Spent.</i></p>
c. 23.	<p>The Extraordinary Tithe Act, 1897.</p> <p>In part, namely,—</p> <p>Preamble.</p>	<p>45</p>
c. 24.	<p>The Finance Act, 1897.</p> <p>In part, namely,—</p> <p>Preamble.</p> <p>Section one - - - - -</p> <p>Section two, from "and the words" to the end of the section.</p>	<p><i>S. 7 falls with rep. of 16 &amp; 17 Vict. c. 67. by 3 50</i></p> <p><i>Edw. 7. c. 25. Rest spent.</i></p>

Reign and Chapter.	Short Title.	Reasons for Repeal.
60 & 61 Vict. : c. 24.— <i>cont.</i>		
5	Section three, paragraph (a), from "instead" to "1896" and paragraph (c). Section four. Section five, subsection (3).	
10	c. 25. The Patent Office (Extension) Act, 1897. In part, namely,— Preamble.	
15	c. 26. The Metropolitan Police Courts Act, 1897. In part, namely,— Section two, subsection (1) - Sections nine and ten. Schedule.	<i>Spent. As to s. 10 Act brought into operation in part Oct. 1, 1897, resi- due April 1, 1898 (St. R. &amp; O. Rev., 1904, Me- trop. Police Courts, p. 9).</i>
20	c. 27. The Public Offices (Whitehall) Site Act, 1897. In part, namely,— Preamble.	
25	c. 28. The Poor Law Officers' Superannuation Act Amendment Act, 1897. In part, namely,— Section one, from "Any female nurse" (secondly occurring) to "of the said Act".	<i>Spent: relates to nurses ap- pointed between August 14, 1896, and August 6, 1897, and giving notice under Act before Sep- tember 6, 1897.</i>
30	c. 29. The Poor Law Act, 1897. In part, namely,— Section three - - - - Schedule.	<i>Spent.</i>
35	c. 30. The Police (Property) Act, 1897. In part, namely,— Section two, subsection (5), the words "the passing of this Act or". Section three, subsection (3).	<i>Spent.</i>
40	c. 31. The Cleansing of Persons Act, 1897. In part, namely,— Section one, to "passing of this Act".	<i>Spent.</i>
45	c. 33. The Isle of Man (Church Building and New Parishes) Act, 1897. In part, namely,— Preamble.	

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
60 & 61 Vict. : c. 36.	The Out-door Relief (Ireland) Act, 1897.	<i>Spent.</i>	5
c. 38.	The Public Health (Scotland) Act, 1897. In part, namely,— Section two, from “and shall” to the end of the section. Section one hundred and ninety-six, to “schedule and”, and the word “also”. First Schedule.	<i>Spent.</i>	10
c. 39.	The Yorkshire (Coroners) Act, 1897. In part, namely,— Section one, the proviso - - - Sections two and three.	<i>As to s. 1 the districts have now been brought within the respective administrative counties. See</i>	15
c. 45.	The Archdeaconry of London (Additional Endowment) Act, 1897. In part, namely,— Preamble.	<i>O. in C.; East Riding, St. R. &amp; O., 1901, No. 196; North Riding, St. R. &amp; O., 1903, No. 536; West Riding, St. R. &amp; O., 1901, No. 197; 1904, No. 126. S. 2 relates to coroners in office, April 1, 1898, S. 3 spent.</i>	20 25 30
c. 46.	The Weights and Measures Act (Metric System), 1897. In part, namely,— Section two, subsection (2), from “and as from” to the end of the subsection.	<i>Spent as from May 19, 1898, see O. in C. (St. R. &amp; O. Rev. 1904, “Weights and Measures,” p. 25).</i>	35 40
c. 51.	The Public Works Loans Act, 1897. In part, namely,— Section three - - - Section four, subsection (1) and subsection (2), to “said day”. Sections six to nine. Section twelve, subsection (4). Schedules.	<i>Section 3 falls with rep. of 42 &amp; 43 Vict. c. 77. s. 3. by Act. Rest spent.</i>	45
c. 54.	The Expiring Laws Continuance Act, 1897.	<i>Spent.</i>	50



Reign and Chapter.	Short Title.	Reasons for Repeal.
60 & 61 Vict. : 5 c. 55.	The Wicklow Harbour Advances Act, 1897. In part, namely,— Preamble. Section one - - - - - In sections six and seven, the words "after the date of consolidation" wherever occurring. Section ten, to "consolidation" and from "and these latter" to the end of the section.	<i>Section one relates to meeting held before October 6, 1897. Rest spent.</i>
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15		
c. 56.	The Metropolis Water Act, 1897. In part, namely,— Section six, subsection (2) -	<i>Spent.</i>
20	c. 57. The Infant Life Protection Act, 1897. In part, namely,— Sections eighteen and nineteen -	<i>Spent.</i>
	c. 60. The Chaff-cutting Machines Accidents Act, 1897. In part, namely,— Section seven - - - - -	<i>Spent.</i>
25		
	c. 61. The Merchant Shipping (Exemption from Pilotage) Act, 1897. In part, namely,— Section one, the words "as from " the first day of July one " thousand eight hundred and " ninety-eight".	<i>Spent.</i>
30		
	c. 62. The Education (Scotland) Act, 1897. In part, namely,— Preamble. Section one, proviso - - -	<i>S. 1 as to pt. in col. 2 relates to grant for 1897-8.</i>
35		
	c. 64. The Constabulary (Ireland) Act, 1897 -	<i>Spent.</i>
40		
	c. 66. The Supreme Court of Judicature (Ireland) (No. 2) Act, 1897. In part, namely,— Section two. Section three, to "judge of" and the words "shall be abolished " and that Court".	<i>As to section 5 the Judgeship of the Probate and Matrimonial Division is abolished. Rest spent.</i>
45		

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
60 & 61 Vict. : c. 66.— <i>cont.</i>	Section five, to "office of Judge of" and the words "that office shall not be filled and that Division" and "then".	5
	Section six, the words "now pending or hereafter arising".	10
	Section sixteen. Schedule.	
c. 67.	The Appropriation Act, 1897 - -	<i>Spent.</i>
61 & 62 Vict. : c. 1.	The Army (Annual) Act, 1898. In part, namely,— Preamble. Sections two and three Schedule.	15 <i>Spent.</i>
c. 2.	The Registration (Ireland) Act, 1898. In part, namely,— Preamble.	20
c. 3.	The Consolidated Fund (No. 1) Act, 1898.	<i>Spent.</i>
c. 4.	The Greek Loan Act, 1898. In part, namely,— Preamble.	25
c. 6.	The Special Juries Act, 1898. In part, namely,— Section one, subsection (1) -	<i>Spent.</i> 30
c. 7.	The Bail Act, 1898. In part, namely,— Preamble.	
c. 10.	The Finance Act, 1898. In part, namely,— Preamble - - - Section one, the words "on and after the sixteenth day of May one thousand eight hundred and ninety-eight" twice occurring. Sections three and seven. Section sixteen, to "repealed and". Section eighteen. Schedule.	35 <i>Spent.</i> 40 45

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
61 & 62 Vict. : 5 c. 16.	The Canals Protection (London) Act, 1898. In part, namely,— Section six - - -	<i>Spent.</i>
10 c. 17.	The Solicitors (Ireland) Act, 1898. In part, namely,— Section three. Section six, to "commencement of this Act". Section eight, from "the year" to "ninety-nine and in" and the word "succeeding". Section sixty-three to "ninety-nine".	<i>Spent.</i>
15 19.	The Poor Law Unions' Association (Expenses) Act, 1898. In part, namely,— Preamble - - - Section two.	<i>Spent. The Association has been established. See recital to O. of February 17, 1899 (St. R. &amp; O. Rev., 1904, "Poor, E.", p. 131).</i>
20 21.	The Poor Law (Scotland) Act, 1898. In part, namely,— Section one, to "From and after the commencement of this Act" and the words "either before or after, or partly before and partly after the commencement of this Act," and the proviso. Section ten, from "shall come" to "ninety-eight."	<i>Spent. As to s. 1 prov. expired October 1, 1902, and remainder in col. 2 relates to settlements acquired before October 1, 1901.</i>
25 30		
35 c. 22.	The Statute Law Revision Act, 1898. In part, namely,— Section three - - - Schedule.	<i>Falls with repeal of schedule to 56 &amp; 57 Vict. c. 14 by Bill.</i>
40 c. 24.	The Greenwich Hospital Act, 1898. In part, namely,— Section two. - - - Section three, from "and the" to the end of the section.	<i>Spent.</i>
45 c. 25.	The Pharmacy Acts Amendment Act, 1898. In part, namely, Section eight - - - Schedule.	<i>Spent.</i>
50 c. 27.	The Isle of Man (Customs) Act, 1898. In part, namely,— Section one, subsection (2) -	<i>Spent.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
61 & 62 Vict.:			
c. 29.	The Locomotives Act, 1898. In part, namely,— Section twelve, subsection (2) - Section eighteen, subsection (1), and subsection (2), from “or for a period” to “such enact- ment”. Section twenty-one. Schedule.	<i>Spent.</i>	5 10
c. 30.	The Pauper Children (Ireland) Act, 1898. In part, namely,— Section six - - - -	<i>Spent.</i>	15
c. 31.	The Metropolitan Police Courts Act, 1898. In part, namely,— Section two, from “and shall” to the end of the section.	<i>Spent.</i>	20
c. 32.	The Consolidated Fund (No. 2) Act, 1898.	<i>Spent.</i>	
c. 36.	The Criminal Evidence Act, 1898. In part, namely,— Section seven, subsection (2) -	<i>Spent.</i>	25
c. 37.	The Local Government (Ireland) Act, 1898. In part, namely,— Section two, subsection (3) the words “after the first election”. Section nine, subsection (5) from “; and the powers” to the end of the section. Section fourteen, subsection (1), to “heretofore and”, subsec- tion (2), from “and the powers,” to the end of the subsection. Section fifteen, subsection (13). Section twenty-four to “ninety- nine”. Section thirty, from “and those” to the end of the section. Section thirty-two, from “and section three” to the end of the section. Section thirty-eight. Section forty-two, subsection (2). Section forty-eight, subsection (1), to “repealed and” and subsection (3).	<i>S. 38 fall with rep. of pt. of 3 &amp; 4 Vict. c. 108. s. 125 by 61 &amp; 62 Vict. c. 37, s. 110, sch. 6; s. 42 (2) relates to Orders to be made before Feb. 12, 1899. No such Orders were made; s. 48 (3), to payments made before March 31, 1899; ss. 104 to 107 and schs. 4, 5, to expired powers of Lord Lieut.; ss. 111-114, to first elections; s. 120 to county cess in areas on appointed day. Rest spent.</i>	30 35 40 45 50

Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
61 & 62 Vict. : c. 37— <i>cont.</i>			
5	Section fifty-five, the words “ After the appointed day ”.		
	Section fifty-eight, subsection (1), to “ passing of this Act ”, and subsection (2) to “ cease ”.		
10	Section sixty-six, to “ Local “ Government Board ” where first occurring.		
	Sections one hundred and four to one hundred and seven.		
15	Section one hundred and ten, subsection (2), to “ Provided that ”.		
	Sections one hundred and eleven to one hundred and fourteen, and one hundred and twenty.		
20	Section one hundred and twenty- two, subsection (1).		
	Section one hundred and twenty-three.		
25	Fourth, Fifth, and Sixth Schedules.		
c. 39.	The Vagrancy Act, 1898. In part, namely,— Section two, from “ and shall ” to the end of the section.	<i>Spent.</i>	
30	c. 40. The Circuit Clerks (Scotland) Act, 1898. In part, namely,— Section one - - - -	<i>Spent.</i>	
35	c. 41. The Prison Act, 1898. In part, namely,— Section twelve, the words “ passed after the commence- ment of this Act ”.	<i>S. 13 falls with express rep. by sch. As to 15 (2), 16 (2), the first Rules under the Act came into force May 1, 1899, see St. R. &amp; O., 1899, p. 1084.</i>	
40	Sections thirteen and fifteen. Section sixteen, subsection (2). Schedule.		
45	c. 42. The Trusts (Scotland) Act, 1898. In part, namely,— Preamble.		
	c. 44. The Merchant Shipping (Mercantile Marine Fund) Act, 1898. In part, namely,— Section one, subsection (1), the words “ As from the com- mencement of this Act ”, and subsection (3) to “ Fund, and ” and the words “ existing at “ the commencement of this “ Act ”.	<i>S. 6 expired, March 31, 1905. Rest spent.</i>	
50			
55			

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
61 & 62 Vict. : c. 44.— <i>cont.</i>	Section two, the words " after " the commencement of this " Act " wherever occurring.		5
	Section five, subsection (1), the words " On and after the commencement of this Act ".		10
	Sections six and eight. Section nine, subsection (3). Fourth Schedule.		
	c. 46. The Revenue Act, 1898. In part, namely,— Section seven, subsection (3) - Section fourteen, the last para- graph of subsection (5). Section fifteen, subsection (5). Sections seventeen and nineteen. Schedule.	<i>Spent.</i>	15
	c. 47. The Expiring Laws Continuance Act, 1898.	<i>Spent.</i>	20
	c. 48. The Benefice Act, 1898. In part, namely,— Section twelve, the words " at the commencement of this Act ", and " as from that date ". Section fourteen.	<i>Spent.</i>	25
	c. 49. The Vaccination Act, 1898. In part, namely,— Section one, subsection (1), from " instead of " to the end of the subsection. Section two, subsection (2). Section nine. Section ten, subsection (2). Schedule.	<i>Spent. The Act has been continued by the Expiring Laws Continuance Act.</i>	30 35
	c. 50. The Seed Supply and Potato Spraying Act, 1898.	<i>Spent.</i>	40
	c. 51. The Out-door Relief (Ireland) Act, 1898.	<i>Spent.</i>	
	c. 54. The Public Works Loans Act, 1898. In part, namely,— Sections one and two - - Schedule.	<i>Spent.</i>	45
	c. 55. The Universities and College Estates Act, 1898. In part, namely,— Section eight, subsections (1) and (2). Fourth Schedule.	<i>Spent.</i>	50

Reign and Chapter.	Short Title.	Reasons for Repeal.
5	61 & 62 Vict. : c. 56. The Local Taxation Account (Scotland) Act, 1898. In part, namely,— Section one, subsection (2)	<i>Spent.</i>
10	c. 57. The Elementary School Teachers (Superannuation) Act, 1898. In part, namely,— Section fourteen	<i>Spent.</i>
15	c. 58. The Marriage Act, 1898. In part, namely,— Section three	<i>Spent.</i>
20	c. 60. The Inebriates Act, 1898. In part, namely,— Section thirteen, the words "As " from the commencement of " this Act ". Sections twenty-eight and twenty-nine. Second Schedule.	<i>Spent.</i>
	c. 61. The Appropriation Act, 1898	<i>Spent.</i>
25	c. 62. The University of London Act, 1898. In part, namely,— Preamble Sections one to three.	<i>The powers of the Commissioners expired June 30, 1900. See St. R. &amp; O., 1899, p. 1393.</i>
30	Section four, subsection (4), the words "whether they are" and "by the Commissioners or".	
35	Section five, subsection (3), the words "The Senate or". Section seven, to "powers of the Commissioners".	
40	62 & 63 Vict. : c. 1. The Partridge Shooting (Ireland) Act, 1899. In part, namely,— Preamble.	
40	c. 2. The Consolidated Fund (No. 1) Act, 1899.	<i>Spent.</i>
45	c. 3. The Army (Annual) Act, 1899. In part, namely,— Sections two and three Section four, subsection (2). Section six. Schedule.	<i>Spent.</i>

A.D 1907.	Reign and Chapter.	Short Title.	Reasons for Repeal.
	62 & 63 Vict. : c. 7.	The Metropolis Water Act, 1899. In part, namely,— Section three - - -	<i>Falls with completion of purchase under 2 Edw. 7. c. 41.</i> 5
	c. 8.	The Infectious Disease (Notification) Extension Act, 1899. In part, namely,— Section one, subsection (1), the words “after the commencement of this Act” and from “whether” to the end of the section and subsection (2). Section three, subsections (2) and (3). Schedule.	<i>Spent.</i> 10 15
	c. 9.	The Finance Act, 1899. In part, namely,— Preamble - - - Section one. Section two, the words “as from “the fourteenth day of April “one thousand eight hundred “and ninety-nine”. Section three, the words “as “from the thirteenth day of “May one thousand eight “hundred and ninety-nine”. Section fifteen. Section seventeen, subsection (6).	<i>Spent.</i> 20 25 30
	c. 10.	The Parish Councillors (Tenure of Office) Act, 1899. In part, namely,— Preamble. Section one, subsection (1) -	<i>Spent.</i> 35
	c. 11.	The Fine or Imprisonment (Scotland and Ireland) Act, 1899. In part, namely,— Section four - - -	<i>Spent.</i> 40
	c. 12.	The Reformatory Schools Act, 1899. In part, namely,— Preamble.	45



Reign and Chapter.	Short Title.	Reasons for Repeal.	A.D. 1907.
62 & 63 Vict. : c. 13.	The Elementary Education (School Attendance) Act (1893) Amendment Act, 1899. In part, namely,— Section one, to “nine hundred” and from “Provided that nothing” to “obligation to attend school”.	<i>Proviso relates to children who were between 11 and 12 on January 1, 1900.</i>	
5			
10			
c. 14.	The London Government Act, 1899. In part, namely,— Section three, subsection (1), and in subsection (4), the words “after the year one thousand nine hundred”.  Section four, subsection (1), the words “On the appointed day” and “as from the appointed day”, subsection (2), from “and where” to the end of the subsection, and in subsection (4) the words “adopted before the appointed day”.  The words “As from the appointed day” occurring in section five, subsections (1) and (2), section six, subsection (1), and section twenty-three, subsection (3).  The words “After the appointed day” wherever occurring in section ten, subsection (2), section eleven, and section fourteen.  Section thirty-one, subsection (5).  Section thirty-three.  Section thirty-five, subsection (2).  Third Schedule.	<i>As to s. 4 (2), schemes have been made in all cases. S. 31 (5) falls with abolition of School Board for London by 3 Edw. 7. c. 24. Rest spent.</i>	
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45			
c. 17.	The Tithe Rentcharge (Rates) Act, 1899. In part, namely,— Section four, from “after the” to “ninety-nine and”.	<i>Spent.</i>	

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.	
62 & 63 Vict. : c. 18.	The Congested Districts Board (Ireland) Act, 1899. In part, namely,— Section four, subsection (2). Section five, the words “as from “ the first day of October “ one thousand eight hundred “ and ninety-nine”.	<i>S. 2 falls with rep. of 59 &amp; 60 Vict. c. 47 s. 43 (1) by Bill. S. 3 so far as in force relates only to agreements made before August 14, 1903. Rest spent.</i>	5 10
c. 19.	The Electric Lighting (Clauses) Act, 1899. In part, namely,— Section two, subsection (3) -	<i>Spent.</i>	15
c. 21.	The Shop Assistants Act, 1899. In part, namely,— Section three - -	<i>Spent.</i>	20
c. 23.	The Anchors and Chain Cables Act, 1899. In part, namely,— Section twenty, to “Provided that” and the words “Order in Council”. Third Schedule.	<i>As to s. 20, there is no Order in Council in force under the rep. Acts. Rest spent.</i>	25
c. 26.	The Metropolitan Police Act, 1899. In part, namely,— Section one, subsections (3) to (5). Schedule.	<i>Spent, except as to exist- ing officers.</i>	30
c. 29.	The Baths and Washhouses Act, 1899. In part, namely,— Preamble.		35
c. 30.	The Commons Act, 1899. In part, namely,— Section twenty-one, to “repealed and”. Section twenty-three, to “Pro- vided that”. Second Schedule.	<i>Spent.</i>	40
c. 31.	The Public Works Loans Act, 1899. In part, namely,— Sections one to four - - Schedule.	<i>Spent.</i>	45

Reign and Chapter.	Short Title.	Reasons for Repeal.
62 & 63 Vict. : 5 c. 33.	The Board of Education Act, 1899. In part, namely,— Section one, subsections (3) and (5). Section eight, subsection (2), to "Council on Education". 10 Section nine, subsection (2). Schedule.	<i>Office of Vice-President abolished August 11, 1902.</i>
c. 34.	The Expiring Laws Continuance Act, 1899.	<i>Spent.</i>
15 c. 37.	The Poor Law Act, 1899. In part, namely,— Section one, the words "(which subsections are hereby re-pealed)".	<i>Spent.</i>
20 c. 39.	The Isle of Man (Customs) Act, 1899. In part, namely,— Section one, subsection (2) -	<i>Spent.</i>
25 c. 43.	The Royal Niger Company Act, 1899. In part, namely,— Preamble. Section one - - - - Section two, subsection (3), to "this Act and".	<i>As to s. 1 payment made. Rest spent.</i>
30 c. 46.	The Improvement of Land Act, 1899. In part, namely,— Section five, subsection (1) - Section eight. Section nine, subsection (1). Second Schedule.	<i>As to s. 5 (1) falls with rep. of pt. of s. 56 by s. 8 of Act. Rest spent.</i>
35 c. 47.	The Private Legislation Procedure (Scotland) Act, 1899. In part, namely,— Section four, to "commencement of this Act". 40 Section nineteen, from "shall commence" to "hereof and".	<i>Spent.</i>
45 c. 48.	The Lincolnshire Coroners' Act, 1899. In part, namely,— Section one, the proviso - - Sections two and three.	<i>As to s. 1 the districts were brought within the respective administrative counties by O. in C., St. R. &amp; O. 1899, No. 937; 1901, No. 430. S. 2 relates to coroners holding office, January 1, 1906. S. 3 spent.</i>
50 c. 49.	The Appropriation Act, 1899 - -	<i>Spent.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
62 & 63 Vict : c. 50.	The Agriculture and Technical Instruction (Ireland) Act, 1899. In part, namely,— Section two, subsection (1), paragraph (b), the words “and the Fertilisers and Feeding Stuffs Act, 1893”. Section three, subsection (1), to “powers and duties of”, and the words “those Inspectors” where first occurring. Section fifteen, paragraph (a), the words “to the Commissioners of National Education”, and the proviso to paragraph (b). Sections thirty-two and thirty-five. Second Schedule.	5 <i>As to s. 2, Act of 1893, rep. 6 Edw. 7. c. 27., which gives administration to the Department. As to s. 3, powers of inspectors were transferred as from April 1, 1900 (S.R. &amp; O. Rev. 1904, “Department of Agriculture,” p. 1). S. 15 (b), prov. relates to financial year, 1900-1. Words in s. 15 (a) fall with rep. by s. 35 of this Act of reference to the Commissioners of Education. Rest spent.</i>
c. 51	The Sale of Food and Drugs Act, 1899. In part, namely,— Section six, subsection (3). Section eight, the proviso. Sections thirteen and twenty-seven. Section twenty-eight, subsection (2). Schedule.	<i>Proviso to s. 8 relates to margarine manufactured, &amp;c., under contract, earlier than July 20, 1899. Rest spent.</i>
63 Vict. Sess. 2. c. 1.	The Appropriation Act, 1899, Session 2	<i>Spent.</i>
c. 2.	The Treasury Bills Act, 1899 - -	<i>Spent.</i>
c. 3.	The Second Session (Explanation) Act, 1899.	<i>Falls with proposed rep. by Bill of part of 62 &amp; 63 Vict. c. 47. s. 19.</i>
63 & 64 Vict. : c. 1.	The Consolidated Fund (No. 1) Act, 1900.	<i>Spent.</i>
c. 2.	The War Loan Act, 1900. In part, namely,— Preamble.	40
c. 3.	The Consolidated Fund (No. 2) Act, 1900.	<i>Spent.</i>
c. 4.	The Census (Great Britain) Act, 1900	<i>Spent.</i>
c. 5.	The Army (Annual) Act, 1900 - - In part, namely,— Preamble. Sections two and three - - Schedule.	<i>Spent.</i>
		50

Reign and Chapter.	Short Title.	Reasons for Repeal.
63 & 64 Vict. : c. 6.	The Census (Ireland) Act, 1900.	<i>Spent.</i>
5	c. 7. The Finance Act, 1900. In part, namely,— Preamble. Section one	<i>Spent.</i>
10	The words "as from the sixth day of March nineteen hundred" wherever they occur in sections two to seven. Sections fifteen to eighteen. Schedules.	
15	c. 8. The Electoral Disabilities (Military Service) Removal Act, 1900.	} <i>Spent. Relate to service during South African War.</i>
	c. 9. The Police Reservists (Allowances) Act, 1900.	
20	c. 14. The Colonial Solicitors Act, 1900. In part, namely,— Section seven, subsections (2) and (3). Schedule.	<i>Spent.</i>
25	c. 15. The Burial Act, 1900. In part, namely,— Section twelve Section thirteen, subsection (2) Second Schedule.	<i>Spent.</i>
30	c. 18. The County Surveyors (Ireland) Act, 1900. In part, namely,— Section one, subsection (2)	<i>Spent.</i>
35	c. 19. The Land Registry (New Buildings) Act, 1900. In part, namely,— Preamble.	
40	c. 20. The Ecclesiastical Assessments (Scotland) Act, 1900. In part, namely,— Section five, from "and shall" to the end of the section.	<i>Spent.</i>
45	c. 21. The Mines (Prohibition of Child Labour Underground) Act, 1900. In part, namely,— Section one, subsection (2)	<i>Spent, on boys between 12 and 13 on 30th July 1900 attaining latter age.</i>

A.D. 1907.

Reign and Chapter.	Short Title.	Reasons for Repeal.
63 & 64 Vict. : c. 24.	The Veterinary Surgeons Amendment Act, 1900. In part, namely,— Preamble. Section two, to “and one” and the word “now”.	Spent. 5
c. 26.	The Land Charges Act, 1900. In part, namely,— Section one, subsection (3) - Section four, the words “From “and after the passing of “this Act”. Section five. Section six, subsection (2). Schedule.	Spent. As to s. 1, (3) brought into force 1/9/00 (see St. R. & O. Rev. 1904 “Land Registration E” p. 124). 10 15
c. 30.	As to section one (3) brought into force September 1900, see St. R. & O. Rev. 1904 “Land Registration E” p. 194).	20
	The Beer Retailers' and Spirit Grocers' Retail Licences (Ireland) Act, 1900. In part, namely,— Preamble. Section four, subsection (2) -	Spent. 25
c. 31.	The Isle of Man (Customs) Act, 1900. In part, namely,— Section one, the words and figures “Tea - the lb. 0 0 2”. Section two, the words “as from “the eighth day of March, “nineteen hundred” and “as “from the said eighth day of “March nineteen hundred”. Section three - - -	As to s. 1, virt. rep. 6 Edw. 7. c. 18, s. 1. Rest spent. 30 35 Spent.
c. 36.	The Public Works Loans Act, 1900. In part, namely,— Sections one to three - - - Schedule.	Spent. 40
c. 37.	The Expiring Laws Continuance Act, 1900.	Spent.
c. 39.	The Volunteer Act, 1900.	45
c. 43.	The Intermediate Education (Ireland) Act, 1900. In part, namely,— Section six - - -	Spent.

Reign and Chapter.	Short Title.	Reasons for Repeal.
63 & 64 Vict. : 5 c. 47.	The County Courts (Investment) Act, 1900. In part, namely,— Section one, subsection (2) -	<i>Falls with rep. of 60 &amp; 61 Vict. c. 37. by 6 Edw. 7. c. 58.</i>
10 c. 48.	The Companies Act, 1900. In part, namely,— Section twenty, from “and the words” to the end of the section. Section thirty-three, subsection (1). Section thirty-five. Schedule.	<i>Spent.</i>
15 c. 49.	The Town Councils (Scotland) Act, 1900. In part, namely,— Preamble - - - - Sections two and three. First Schedule.	<i>Spent.</i>
20 c. 50.	The Agricultural Holdings Act, 1900. In part, namely,— Sections twelve and thirteen - Third Schedule.	<i>Spent.</i>
25 c. 51.	The Money Lenders Act, 1900. In part, namely,— Section seven, subsection (2) -	<i>Spent.</i>
30 c. 53.	The Elementary Education Act, 1900. In part, namely,— Section eight - - - - Schedule.	<i>Spent.</i>
35 c. 54.	The Lunacy Board (Scotland) Salaries and Clerks Act, 1900. In part, namely,— Section one, to “Act” - - Section two.	<i>Spent.</i>
40 c. 56.	The Military Lands Act, 1900. In part, namely,— Section two, subsection (6) -	<i>Spent.</i>
c. 57.	The Appropriation Act, 1900 - -	<i>Spent.</i>
45 c. 58.	The Tithe Rentcharge (Ireland) Act, 1900. In part, namely,— Section twelve - - - - Schedule.	<i>Spent.</i>

A.D. 1907

Reign and Chapter.	Short Title.	Reasons for Repeal.
63 & 64 Vict. : c. 59.	The Housing of the Working Classes Act, 1900. In part, namely,— Section two, subsection (3) - Section five, subsection (1), the proviso. Section seven, the proviso. Schedule.	5  <i>Provisoes to ss. 5 (1), 7 virt. rep. by O. in C. (St. R. &amp; O. 1905, p. 142), transferring powers of Secy. of State to L.G.B. Rest spent.</i>
c. 61.	The Supplemental War Loan Act, 1900. In part, namely,— Preamble.	15
c. 63.	The Local Government (Ireland) Act, 1900. In part, namely,— Section eleven, subsection (2) -	<i>Spent.</i>
64 Vict. sess. 2: c. 1.	The Supplemental War Loan (No. 2) Act, 1900. In part, namely,— Preamble.	20
c. 2.	The Appropriation Act, 1900, session 2	<i>Spent.</i>





**Statute Law Revision.**  
**[H.L.]**

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A

**B I L L**

INTITULED

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

*The Lord Chancellor.*

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Ordered to be printed 18th March 1907.

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Statute Law Revision Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE LORD CHANCELLOR.

Clause 1, page 1, line 10, leave out (" first part of the ")

IN THE SCHEDULE.

Page 5, second column, line 15, after (" Preamble ") insert (" section thirteen ")

Page 7, second column, line 52, leave out (" Preamble ")

Page 8, second column, lines 6, 7, and 8, leave out (" section three, subsection (2) from 'The general byelaws' to the end of " subsection ")

line 16, leave out (" section five ")

Page 10, second column, line 30, after (" or ") insert (" the " burgh, or," and burgh or," and ")

lines 32 and 33, leave out (" and " burgh or," occurring twice ")

Page 13, second column, line 30, leave out (" section two ")

Page 15, second column, line 40, leave out (" and thirty ")

Page 17, second column, line 20, leave out from (" three ") to (" section ") in line 27.

Page 20, second column, lines 36 and 37, leave out (" paragraph " (vi) and in ")

line 50, after (" (1) ") insert (" twelve, " subsection (1) ")

lines 51 and 52, leave out (thirty-two, " subsection (1) ")

Page 21, second column, line 31, leave out from (" Act ") to (" section ") in line 37, and insert (" section twenty-four, subsection " (1), from ' as from ' to the end of the subsection ")

(18 a.)

A

Page 22, second column, line 7, leave out from ("or ") to "section ") in line 13.

line 27, leave out from ("number ") to ("section ") in line 33.

lines 36 and 37, leave out ("clauses " (4) and ") and insert ("clause ")

lines 44 and 45, leave out ("except " subsection (8) ") and insert ("subsection (1) to (4) (6) and (10) ")

Page 23, second column, lines 6 and 7, leave out ("section " eighty-three, to "have effect ")

lines 10 and 11, leave out ("section " eighty-six so far as unrepealed ")

line 21, after ("1856 ") insert ("and the word "and" occurring at the end of that last definition ")

line 26, leave out from ("definitions ") to ("the ") in line 29.

line 44, leave out ("fourteen ") and insert ("eight "), and also insert :

Section one hundred and nine subsection (2).

Sections one hundred and ten to one hundred and fourteen.

lines 51 and 52, leave out ("sections " one hundred and eighteen to ") and insert ("section ")

line 55, leave out from ("(3) ") to ("section ") in line 58.

Page 25, second column, line 10, after ("made ") insert ("to " the end of the section ")

line 28, leave out ("section three ")

lines 52 and 53, leave out (" " repealed and ") and insert (" " enacted that ")

Page 26, second column, line 22, leave out ("Preamble ")

Page 28, second column, line 13, after ("Preamble ") insert ("sections one to four ")

line 16, leave out ("four ")

line 17, after ("six ") insert ("sections seven to fifteen ")

lines 18 and 19, leave out ("section " ten, subsection (1), the words "of Judicature ")

line 22, after ("Court ") insert (" " The Lord Chancellor " and "Financial year ")

line 25, after ("Bank ") insert ("schedule ")

Page 32, second column, lines 18 and 19, leave out (“ section  
“ thirty-three, the preamble ”)

line 44, after (“ Act ”) insert (“ to  
“ the end of the section ”)

Page 33, second column, line 40, leave out from (“ and ”) to  
 (“ and ”) in line 44.

line 46, leave out from (“ sixteen ”)  
to (“ The ”) in line 48, and insert (“ to “ day ; and ”)

Page 34, second column, line 7, after (“ (6) ”) insert (“ from the  
“ commencement to “ Parliament ; ”)

lines 21 and 22, leave out (“ and the  
“ whole of paragraph (4) ”)

line 37, after (“ resignation ”) insert  
 (“ and paragraph (7) ”)

Page 35, second column, line 15, leave out from (“ (b) ”) to  
 (“ section ”) in line 21.

Page 36, second column, line 35, leave out from (“ hereinafter ”)  
to (“ section ”) in line 38.

Page 37, second column, line 36, leave out from (“ powers ”)  
to (“ section ”) in line 40.

Page 38, second column, line 39, leave out from (“ namely ”) to  
 (“ section ”) in line 42.

line 44, leave out from (“ Acts ”) to  
the end of the paragraph.

Page 40, second column, line 53, leave out (“ section three, to  
“ “ have effect ” ”)

Page 41, second column, line 16, leave out from (“ three ”) to  
 (“ The ”) in line 24.

Page 42, second column, lines 36 to 43, leave out lines 36 to 43,  
inclusive.

line 47, leave out (“ one ”) and insert  
 (“ two, the words ”)

line 48, after (“ Act ”) insert —

c. 37 The Foreign Jurisdiction Act, 1890.

In part, namely—

Section eighteen to “ Provided that ”

Section nineteen, subsection (2).

First schedule, the entries in the fourth  
column, and the heading “ Short Title ”  
thereto.

Third schedule.

(18 a.)

A 2

Page 44, second column, line 15, leave out from ("1890") to ("The") in line 19.

Page 46, second column, line 45, leave out ("Fourth and")

Page 48, second column, lines 46 and 47, leave out ("The preambles to sections two, three, and four")

Page 49, second column, line 38, after ("Provided") insert ("to the end of the section")

Page 50, second column, line 54, after ("and") insert ("section thirty-nine, subsection (1), paragraph (c), from "and for the purposes" to the end of that paragraph")

Page 61, second column, lines 26 and 27, leave out ("In part, namely,—“Preamble”)

Page 62, second column, line 39, leave out from ("further") to ("section") in line 43.

line 46, leave out from ("day") to ("Section") in line 52. and insert:

Section seventy-eight to sub-section (1).

Section seventy-nine.

Section eighty, subsection (1), the words "or of members of

"the local board of Woolwich, or any vestry in the county

"of London, or of auditors in the county of London," "or

"such local board or vestry as aforesaid," "or local board

"or vestry," "or there are no auditors under the Metropolis

"Management Acts, 1855 to 1890," and "local board, or

"vestry, or auditors," and subsection (2).

Section eighty-two, subsection (2).

Section eighty-four, subsections (1) to (3).

Section eighty-five, subsections (1) to (3).

Page 64, second column, line 31, after ("namely") insert ("Preamble")

Page 68, second column, line 40, after ("namely") insert ("Preamble")

Page 69, second column, line 30, leave out from ("1895") to ("The") in line 38.

Page 71, second column, lines 51 to 53, leave out ("13 & 14 Vict. c. 115.; 15 & 16 Vict c. 5.")

lines 54 and 55, leave out ("15 & 16 Vict. c. 65.")

Page 72, second column, lines 7 and 8, leave out ("20 Vict. c. 12.")

Page 72, second column, line 35, after (" 1895 ") insert :

The Justices Qualification Acts, 1731 to 1875.

The Licensing (Scotland) Acts, 1828 to 1887.

line 54, leave out from (" one ") to the end of line 56, and insert (" sub-section (1) from "and of," to " " of Suffolk " ")

Page 73, second column, line 40, after (" namely ") insert (" Preamble ")

Page 74, second column, line 22, leave out (" section two, to " repealed, and " ")

Page 75, second column, lines 8 and 9, leave out (" section one, " to " continuance thereof " ")

lines 10 and 11, leave out (" subsection " (1) to " this Act " and ")

lines 13 and 14, leave out (" section " five, to " continuance thereof " ")

line 42, after (" schedule ") insert (" c. 46. | The Appropriation Act, 1896. ")

Page 76, second column, line 12, leave out (" police burgh ")

line 39, leave out (" section six ")

Page 77, second column, line 40, leave out from (" 1897 ") to to the end of line 43, and insert (" Repealed as from November 30, " 1907. ")

Page 80, second column, lines 30 to 33, leave out lines 33 to 33, inclusive.

Page 84, second column, line 35, leave out (" section ") and insert (" subsection ")

Page 85, second column, line 33, after (" one ") insert :

Section two the words " by the existing circuit clerk of " Justiciary, and, " for the time being, " and " (as regards " the first and second assistant clerks of justiciary) "

Section three to " Provided always that. "

Page 87, second column, line 27, leave out from (" three ") to (" The ") in line 36.

Page 89, second column, line 38, after (" fourteen ") insert (" Section twenty-seven, subsection (1) the word " and " in paragraph " (a) and paragraphs (b) and (c), and subsections (3) and (4) ")

line 41, after (" thirty-three ") insert (" subsection (1) ")

Page 90, second column, line 11, leave out from (“ninety-nine”) to (“the”) in line 18.

Page 91, second column, line 33, leave out from (“schedule”) to (“the”) in line 41.

Page 92, lines 35 and 36, leave out lines 35 and 36.

second column, line 46, after (“1900”) insert :

In part, namely—

The whole Act except section nine; section eleven, subsection (3); section twelve, subsection (1); and section thirteen.

Page 93, second column, line 4, after (“1900”) insert :

In part, namely—

The whole Act except section seven, subsection (3), and section nine.

Page 94, second column, line 18, leave out from (“schedule”) to (“the”) in line 23.

line 45, leave out line 45.

Page 95, lines 4 to 7, leave out lines 4 to 7 inclusive.

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Statute Law Revision Bill [H.L.]

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AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD CHANCELLOR.

---

18th June 1907.

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(18 a.)

A

## B I L L

INTITULED

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1906. A.D. 1907.

**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:—

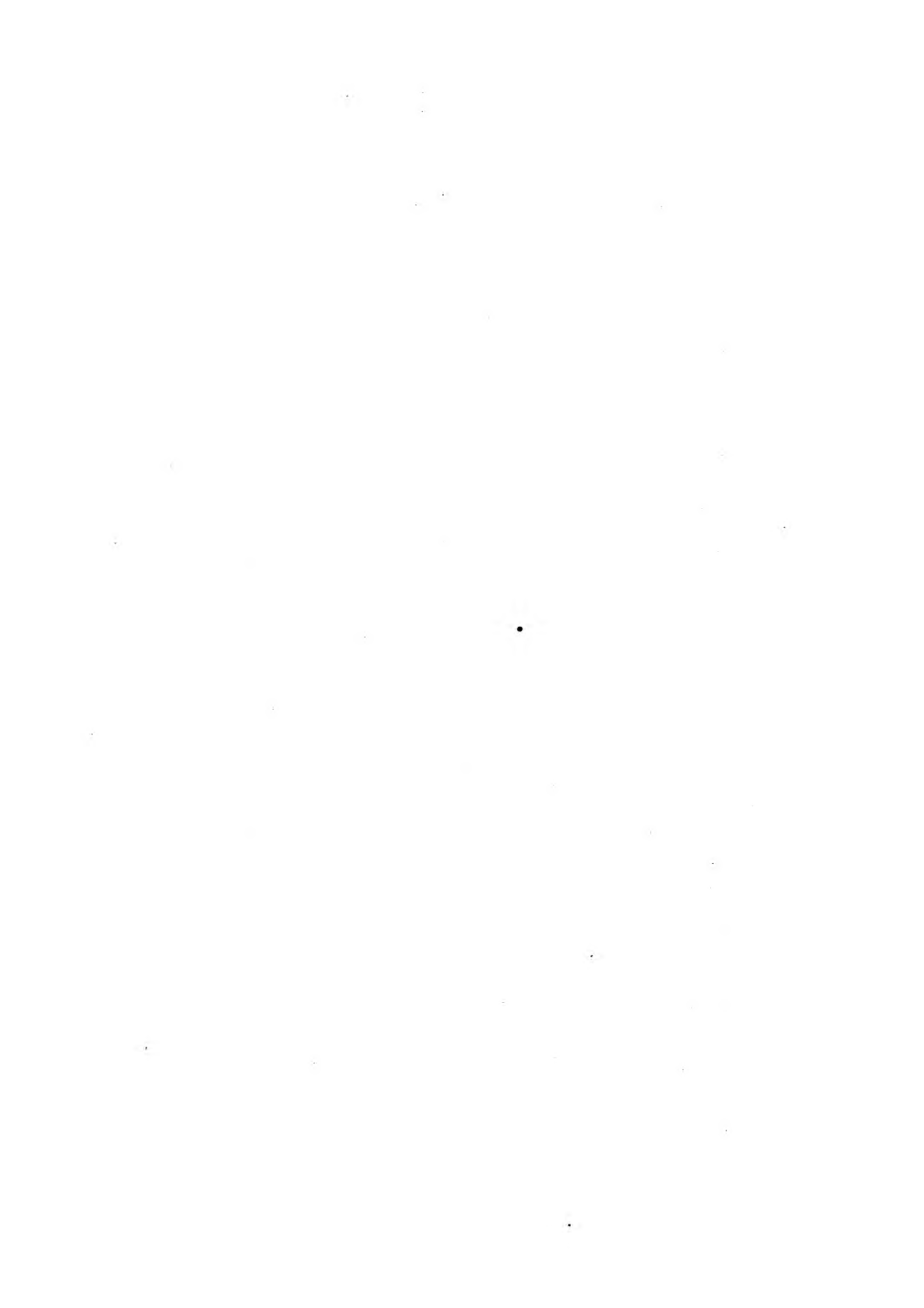
5       **1.**—(1) The Treasury may, with a view to the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums, Grant of 6,000,000*l.* for the purpose of the Telegraph Acts.  
10 not exceeding in the whole the sum of six million pounds, as may be required by the Postmaster-General for the purpose of developing the telephonic system aforesaid according to estimates approved by the Treasury.

15       (2) The Treasury may, if they think fit, with a view to provide money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities, for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

20       (3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, at such times in each year as may be fixed  
25 by the Treasury.

**2.** This Act may be cited as the Telegraph (Money) Act, 1907, and may be cited with the Telegraph Acts, 1863 to 1906. Short title.

(138.)





# Telegraph (Money).

A

## **B I L L**

INTITULED

An Act to provide for raising further  
Money for the purpose of the Tele-  
graph Acts, 1863 to 1906.

*(Brought from the Commons 29th July 1907.)*

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Ordered to be printed 29th July 1907.

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E. POSONKY, 116, Grafton Street, Dublin.

[*Price 1d.*] ]

(138.)

# Territorial and Reserve Forces Bill.

## ARRANGEMENT OF CLAUSES.

### PART I.

#### COUNTY ASSOCIATIONS.

Clause.

1. Establishment of associations.
2. Powers and duties of associations.
3. Expenses of association.
4. Regulations.

### PART II.

#### TERRITORIAL FORCE.

##### *Raising and Maintenance of Force.*

5. Raising and number of Territorial Force.

##### *Government, Discipline, and Pay.*

6. Government, discipline, and pay of Territorial Force.
7. First appointments to lowest rank of officers of the Territorial Force.

##### *Enlistment; Service; Discharge.*

8. Enlistment, term of service, and discharge.
9. Application of certain sections of the Army Act.
10. Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.
11. Enlistment into army reserve.
12. Area of service of Territorial Force.

*Training.*

Clause.

13. Preliminary training of recruits of Territorial Force.
14. Annual training.
15. Laying of draft Orders in Council relating to training before Parliament.

*Embodiment.*

16. Embodiment of Territorial Force.
17. Disembodying of Territorial Force.

*Notices.*

18. Service and publication of notices.

*Offences.*

19. Punishment for failure to attend on embodiment.
20. Punishment for failure to fulfil training conditions.
21. Wrongful sale, &c. of public property.

*Civil Rights and Exemptions.*

22. Civil rights and exemptions.

*Legal Proceedings.*

23. Trial of offences and application of penalties.
24. Supplemental provisions as to trial of offences.
25. Evidence.

*Miscellaneous.*

26. Exercise of powers vested in holder of military office.
27. Application of enactments.

*Transitory.*

28. Transitory provisions.

## PART III.

## RESERVE FORCES.

29. Enlistment and training of special reservists.
30. Agreements as to extension of service.



[7 EDW. 7.]      *Territorial and Reserve Forces.*

iii

Clause.

31. Liability of reservists to be called out.
32. Power to form battalions, &c. of reservists.
33. Amendment of 45 & 46 Vict. c. 48. s. 6 (4).

PART IV.

SUPPLEMENTAL.

34. Provisions as to orders, schemes, and regulations.
35. Definitions.
36. Special provisions as to special places.
37. Application to Scotland and the Isle of Man.
38. Short title.

SCHEDULES.



A

## B I L L

INTITULED

An Act to provide for the reorganisation of His Majesty's military forces and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces. A.D. 1907.

**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:—

5

## PART I.

## COUNTY ASSOCIATIONS.

1.—(1) For the purposes of the reorganisation under this Act of His Majesty's military forces other than the regulars, and of the administration of those forces when so reorganised, and for Establishment of associations.  
 10 such other purposes as are mentioned in this Act, an association may be established for any county in the United Kingdom, with such powers and duties in connection with the purposes aforesaid, as may be conferred on it by or under this Act.

(2) Associations shall be constituted, and the members  
 15 thereof shall be appointed and hold office in accordance with schemes to be made by the Army Council.

(3) Every such scheme shall provide—

(a) For the date of the establishment of the association :

(b) For the incorporation of the association by an appropriate name, with power to hold land for the  
 20 purposes of this Act without licence in mortmain :

(78.)

A.D. 1907.

- (c) For constituting the lieutenant of the county or such other person as the Army Council may think fit president of the association :
- (d) For the appointment of such number of officers representative of all arms and branches of the Territorial Force raised under this Act within the county (not being less than one-half of the whole number of the association), as may be specified in the scheme : 5
- (e) For the appointment by the Army Council, where it appears desirable, and after consultation with the authorities to be represented, of representatives of county and county borough councils and universities wholly or partly within the county : 10
- (f) For the appointment of such number of co-opted members as the scheme may prescribe, including, if thought desirable, representatives of the interests of employers and workmen : 15
- (g) For the appointment of a chairman and vice-chairman of the association and for defining their powers and duties : 20
- (h) For the mode of appointment, term of office, and rotation of members of the association, and the filling of casual vacancies :
- (i) For the appointment of a secretary and other officers of the association, and the accountability of such officers, and for the provision of offices : 25
- (j) For the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association :
- (k) For enabling such general officers of any part of His Majesty's forces, and not being members of the association, as may be specified in the scheme or officers deputed by them to attend the meetings of the association and to speak, but not to vote : 30
- (l) For dividing the county, where on account of its size or population it seems desirable to do so, into two or more parts, and for constituting sub-associations for the several parts, and for apportioning amongst the several sub-associations all or any of the powers and duties of the association, and regulating the relations of sub-associations to the association and to one another. 35 40

(4) A scheme may contain any consequential, supplemental, or transitory, provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme. A.D. 1907.

(5) All schemes made in pursuance of this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

10 (6) Until an Order in Council has been made under this Act for transferring to the Territorial Force the units of the Militia, Yeomanry, and Volunteers of any county, references in this section to the Territorial Force shall as respects that county be construed as including references to the Militia, Yeomanry, 15 and Volunteers.

2.—(1) It shall be the duty of an association when constituted to make itself acquainted with and conform to the plan of the Army Council for the organisation of the Territorial Force within the county and to ascertain the military resources and capabilities of the county, and to render advice and assistance to the Army Council and to such officers as the Army Council may direct, and an association shall have, exercise, and discharge such powers and duties connected with the organisation and administration of His Majesty's military forces as may for the time being be transferred or assigned to it by order of His Majesty signified under the hand of a Secretary of State or, subject thereto, by regulations under this Act, but an association shall not have any powers of command or training over any part of His Majesty's military forces. Powers and duties of associations.

30 (2) The powers and duties so transferred or assigned may include any powers conferred on or vested in His Majesty, and any powers or duties conferred or imposed on the Army Council or a Secretary of State, by statute or otherwise, and in particular respecting the following matters:—

35 (a) The organisation of the units of the Territorial Force and their administration (including maintenance) at all times other than when they are called out for training or actual military service, or when embodied:

40 (b) The recruiting for the Territorial Force both in peace and in war, and defining the limits of recruiting areas:

A.D. 1907.

- (c) The provision and maintenance of rifle ranges, buildings, magazines, and sites of camps for the Territorial Force :
- (d) Facilitating the provision of areas to be used for manœuvres :
- (e) Arranging with employers of labour as to holidays for training, and ascertaining the times of training best suited to the circumstances of civil life : 5
- (f) Establishing or assisting cadet battalions and corps and also rifle clubs, provided that no financial assistance shall be given by an association in respect of any person in a battalion or corps in a school in receipt of a parliamentary grant until such person has attained the age of sixteen : 10
- (g) The provision of horses for the peace requirements of the Territorial Force : 15
- (h) The safe custody of arms and equipment :
- (i) The supply of the requirements on mobilisation of the units of the Territorial Force within the county, in so far as those requirements are directed by the Army Council to be met locally : 20
- (j) The payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service :
- (k) The registration in conjunction with the military authorities of horses for any of His Majesty's forces : 25
- (l) The care of reservists and discharged soldiers.
- 3.—**(1) The Army Council shall pay to an association, out of money voted by Parliament for army services, such sums as, in the opinion of the Army Council, are required to meet the necessary expenditure connected with the exercise and discharge by the association of its powers and duties. 30
- (2) An association shall submit to the Army Council annually, at the prescribed time, and may submit at any other time for any special purpose, in the prescribed form and manner, a statement of its necessary requirements, and all payments to an association by the Army Council shall be made upon the basis of such statements in so far as they are approved by the Army Council. 35
- (3) Subject to regulations under this Act, all money so paid to an association shall be applicable to any of the purposes specified in the approved statements in accordance with which the money has been granted, but not otherwise except with the written consent of the Army Council : 40

Expenses of association.

[7 EDW. 7.]

*Territorial and Reserve Forces.*

5

Provided that nothing in this section shall be construed as enabling the Army Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent, without  
 5 the authority of the Treasury, in any case in which, apart from this section, the authority of the Treasury would be required.

A.D. 1907.

(4) All other money received by an association (except such money, if any, as may be received by it for specified purposes) shall be available for the purposes of any of its powers and  
 10 duties.

(5) An association shall cause its accounts to be made up annually and audited in such manner as may be prescribed, and shall send copies of its accounts as audited, together with any report of the auditors thereon, to the Army Council.

15 (6) Regulations made for the purposes of this section shall be subject to the consent of the Treasury.

4.—(1) Subject to the provisions of this Act, the Army  
 Council may make regulations for carrying this Part of this Act  
 into effect, and may by those regulations, amongst other things,  
 20 provide for the following matters :—

- (a) For regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Army Council is to be applicable :
- 25 (b) For authorising and regulating the acquisition by or on behalf of an association of land for the purposes of this Act and the disposal of any land so acquired :
- (c) For authorising and regulating the borrowing of money by an association :
- 30 (d) For authorising the acceptance of any money or other property, and the taking over of any liability, by an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over :
- 35 (e) For facilitating the co-operation of an association with any other association, or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action, and for the provision of assistance by one  
 40 association to another :

(78.)

B



A.D. 1907.

- (f) For affiliating cadet corps and battalions, rifle clubs, and other bodies to the Territorial Force or any part thereof:
- (g) For or in respect of anything by this Part of this Act directed or authorised to be done or provided by 5 regulations or to be done in the prescribed manner:
- (h) For the application for the purposes of this Part of this Act, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications 10 or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps.
- (2) All regulations made in pursuance of this Part of this Act shall be applicable to all associations, except in so far as 15 may be otherwise provided by the regulations or by any scheme made under this Part of this Act.
- (3) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made. 20

## PART II.

## TERRITORIAL FORCE.

*Raising and Maintenance of Force.*

Raising and number of Territorial Force.

5. It shall be lawful for His Majesty to raise and maintain a force, to be called the "Territorial Force," consisting of such 25 number of men as may from time to time be provided by Parliament.

*Government, Discipline, and Pay.*

Government, discipline, and pay of Territorial Force.

- 6.—(1) Subject to the provisions of this Part of this Act, it shall be lawful for His Majesty, by order signified under the 30 hand of a Secretary of State, to make orders with respect to the government, discipline, and pay of the Territorial Force, and with respect to all other matters and things relating to the Territorial Force, including any matter by this Part of this Act authorised to be prescribed or expressed to be subject to orders 35 or regulations.
- (2) The said orders may provide for the formation of men of the Territorial Force into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or



other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching men of the Territorial Force to corps, and for posting, attaching, or otherwise dealing with such men within  
5 the corps; and may provide for the constitution of a permanent staff; and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Territorial Force.

(3) Subject to the provisions of any such order, the Army  
10 Council may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section.

(4) Provided that the said orders or regulations shall not—

(a) affect or extend the term for which, or the area  
15 within which, a man of the Territorial Force is liable under this Part of this Act to serve; or

(b) authorise a man of the Territorial Force when  
belonging to one corps to be transferred without his consent to another corps; or

(c) when the corps of a man of the Territorial Force  
20 includes more than one unit, authorise him when not embodied to be posted, without his consent, to any unit other than that to which he was posted on enlistment; or

(d) when the corps of a man of the Territorial Force  
25 includes any battalion or other body of the regular forces, authorise him to be posted without his consent to that battalion or body.

(5) Where a man of the Territorial Force was enlisted  
30 or re-engaged before the date of any order or regulation under this Part of this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or  
35 attached if the said order or regulation had not been made.

(6) Orders and regulations under this section may provide for the formation of a reserve division of the Territorial Force, and may relax or dispense with any of the provisions of this Act relating to the training of the men of the Territorial Force so far  
40 as regards their application to men in the reserve division, and

A.D. 1907. may, notwithstanding anything in this section, authorise a man in the reserve division to be transferred from one corps to another, so, however, that a man in the reserve division shall not, without his consent, be transferred to a corps of another arm.

(7) All orders and general regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

First appointments to lowest rank of officers of the Territorial Force.

7. Subject to any directions which may be given by His Majesty, first appointments to the lowest rank of officer in any unit of the Territorial Force shall be given to persons recommended by the president of the association for the county, if a person approved by His Majesty is recommended by the president for any such appointment within thirty days after notice of a vacancy for the appointment has been given to the president in the prescribed manner, provided he fulfils all the prescribed conditions as to age, physical fitness, and educational qualifications; and where a unit comprises men of the Territorial Force of two or more counties, the recommendations for such appointments shall be made by the presidents of the associations for the respective counties in such rotation or otherwise as may be prescribed.

*Enlistment; Service; Discharge.*

Enlistment, term of service, and discharge.

8.—(1) Subject to the provisions of this Part of this Act, all men of the Territorial Force shall be enlisted by such persons and in such manner and subject to such regulations as may be prescribed:

Provided that every man enlisted under this Part of this Act—

- (a) Shall be enlisted for a county for which an association has been established under this Act and shall be appointed to serve in such corps for that county or for an area comprising the whole or part of that county as he may select, and, if that corps comprises more than one unit within the county, shall be posted to such one of those units as he may select:
- (b) Shall be enlisted to serve for such a period as may be prescribed, not exceeding four years, reckoned from the date of his attestation:
- (c) May be re-engaged within twelve months before the end of his current term of service for such a period

as may be prescribed not exceeding four years from the end of that term, and on re-engagement shall make the prescribed declaration before a justice of the peace or an officer, and so from time to time.

5 (2) A man enlisted in the Territorial Force, until duly discharged in the prescribed manner, shall remain subject to this Part of this Act as a man of the Territorial Force.

(3) Any man of the Territorial Force shall, except when a proclamation ordering the Army Reserve to be called out on permanent service is in force, be entitled to be discharged before 10 the end of his current term of service on complying with the following conditions :—

15 (i) Giving to his commanding officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and

(ii) Paying for the use of the association for the county for which he was enlisted such sum as may be prescribed not exceeding five pounds; and

20 (iii) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, on paying the value thereof :

25 Provided that it shall be lawful for the association for the county or for any officer authorised by the association in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, to dispense either wholly or in part with all or any of the above conditions.

30 (4) A man of the Territorial Force may be discharged by his commanding officer for disobedience to orders by him while doing any military duty, or for neglect of duty, or for misconduct by him as a man of the Territorial Force, or for other sufficient cause, the existence and sufficiency of such cause to be judged 35 of by the commanding officer :

Provided that any man so discharged shall be entitled to appeal to the Army Council who may give such directions in any such case as they may think just and proper.

(5) Where the time at which a man of the Territorial Force 40 would otherwise be entitled to be discharged occurs while a

A.D. 1907.

proclamation ordering the Army Reserve to be called out on permanent service is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the competent military authority may order.

Application  
of certain  
sections of  
the Army  
Act.

9.—(1) The following sections of the Army Act shall apply 5  
to the Territorial Force (that is to say) :—

Section eighty (relating to the mode of enlistment and attestation) ;

Section ninety-six (relating to the claims of masters to apprentices) ; 10

Section ninety-eight (imposing a fine for unlawful recruiting) ;

Section ninety-nine (making recruits punishable for false answers) ;

So much of section one hundred as relates to the validity of 15  
attestation and enlistment or re-engagement ;

Section one hundred and one (relating to the competent military authority) ; and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration 20  
being evidence.

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution—

(a) Of “Territorial Force” for “regular forces,” and of “man of the Territorial Force” for “soldier” ; 25  
and

(b) (In section one hundred) of “has not within three months “ claimed his discharge on any ground on which he “ is entitled under this subsection to do so” for “has “ received pay as a soldier of the regular forces during 30  
“ three months.”

(2) A recruit may be attested by any lieutenant or deputy-lieutenant of any county in the United Kingdom, or by an officer of the regular or Territorial forces, and the sections of the Army Act in this section mentioned, and also section 35  
thirty-three of the same Act, shall as applied to the Territorial Force be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

**10.—(1)** If a person—

A.D. 1907.

- 5 (a) Having been discharged with disgrace from any part of His Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Territorial Force without declaring the circumstances of his discharge or dismissal; or
- 10 (b) Is concerned when subject to military law in the enlistment for service in the Territorial Force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act or this Act; or
- 15 (c) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of men in the Territorial Force,

Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.

he shall be guilty of an offence, and shall, whether otherwise subject to military law or not, be liable to be tried by court martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, as the case may be, and may be taken into military custody.

(2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged for misconduct, or discharged on account of a conviction for felony or a sentence of penal servitude.

11. If a man of the Territorial Force enlists into the army reserve without being discharged from the Territorial Force, the terms and conditions of his service whilst he remains in the army reserve shall be those applicable to him as a man belonging to the army reserve, and not those applicable to him as a man of the Territorial Force.

Enlistment into army reserve.

12.—(1) Any part of the Territorial Force shall be liable to serve in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the United Kingdom.

Area of service of Territorial Force.

(2) Provided that it shall be lawful for His Majesty, if he thinks fit, to accept the offer of any part or men of the Terri-

A.D. 1907. torial Force, signified through their commanding officer, to subject themselves to the liability—

(a) to serve in any place outside the United Kingdom; or

(b) to be called out for actual military service for purposes of defence at such places in the United Kingdom 5 as may be specified in their agreement, whether the Territorial Force is embodied or not;

and upon any such offer being accepted they shall be liable, whenever required during the period to which the offer extends, to serve or be called out accordingly. 10

(3) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid, except by his own consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part. 15

*Training.*

Preliminary training of recruits of Territorial Force.

**13.**—(1) Every man of the Territorial Force shall, by way of preliminary training, during the first year of his original enlistment—

(a) If so provided by Order in Council, be trained at such 20 places within the United Kingdom, at such times, and for such periods, not exceeding in the whole the number of days specified by the Order in Council, as may be prescribed, and may for that purpose be called out once or oftener, and 25

(b) Whether such an Order in Council has been made or not, attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the service.

(2) The requirement to attend training and drills, and to 30 fulfil conditions under this section, shall be in addition to the requirement to attend training and drills, and to fulfil conditions for the purpose of annual training.

Annual training.

**14.**—(1) Subject to the provisions of this section, every man of the Territorial Force shall, by way of annual training— 35

(a) Be trained for not less than eight nor more than fifteen days in every year at such times and at such places in any part of the United Kingdom, as may be prescribed, and may for that purpose be called out once or oftener in every year: 40



- (b) Attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the service: A.D. 1907.

Provided that the requirements of this section may be  
5 dispensed with in whole or in part—

- (i) as respects any unit, by the prescribed general officer; and  
(ii) as respects an individual man, by his commanding officer subject to any general directions by the prescribed general officer.
- 10 (2) His Majesty in Council may—
- (a) Order that the period of annual training in any year of all or any part of the Territorial Force be extended, but so that the whole period of annual training be not more than thirty days in any year; or
- 15 (b) Order that the period of annual training in any year of all or any part of the Territorial Force be reduced to such time as to His Majesty may seem fit; or
- (c) Order that in any year the annual training of all or any part of the Territorial Force be dispensed with.
- 20 (3) Nothing in this section shall be construed as preventing a man, with his own consent, in addition to annual training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Part of this Act.

15 15. Before any Order in Council is made under this Act providing for preliminary training or extending the period of annual training the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an address to His  
30 Majesty against the draft or any part thereof, no further proceedings shall be taken, without prejudice to the making of a new draft Order.

Laying of draft Orders in Council relating to training before Parliament.

*Embodiment.*

35 16.—(1) Immediately upon and by virtue of the issue of a proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for His Majesty to order the Army Council from time to time to give, and when given, to revoke or vary such directions as may seem necessary or proper for embodying all or any part of the Territorial Force  
40 and in particular to make such special arrangements as they think

(78.) Embodiment of Territorial Force.

A.D. 1907. proper with regard to units or individuals whose services may be required in other than a military capacity :

Provided that where under any such proclamation directions have been issued for calling out all the men belonging to the first class of the Army Reserve, the Army Council shall, within one 5 month after such directions have been issued, issue directions for embodying all the men belonging to the Territorial Force, unless an address has been presented to His Majesty by both Houses of Parliament praying that such directions as last aforesaid be not issued, and such directions shall not, unless the emergency so 10 requires, be given until Parliament has had an opportunity of presenting such an address.

(2) Whenever, in consequence of the calling out of the whole of the first class of the Army Reserve, directions are required under this section to be given for embodying the Terri- 15 torial Force, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and 20 act in like manner as if it had stood adjourned or prorogued to the same day.

(3) Every order and all directions given under this section shall be obeyed as if enacted in this Act, and where such directions for the time being direct the embodiment of any part 25 of the Territorial Force, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and after that time shall be deemed to be embodied, and such officers and men are in this Act referred to as embodied or as the embodied part or parts of the Territorial Force. 30

Disembod-  
ing of Terri-  
torial Force.

17.—(1) It shall be lawful for His Majesty by proclamation to order that the Territorial Force be disembodied, and there- upon the Army Council shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2) Until any such proclamation of His Majesty has been 35 issued the Army Council may from time to time, as they may think expedient for the public service, give such directions as may seem necessary or proper for disembodied any embodied part of the Territorial Force, and for embodying any part of the Territorial Force not embodied, whether previously disembodied 40 or otherwise.



(3) After the date fixed by the directions for the disembodiment of any part of the Territorial Force, the officers and men belonging to that part shall be in the position of officers and men of the Territorial Force not embodied.

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*Notices.*

18. Notices required in pursuance of this Part of this Act or of the orders and regulations in force thereunder to be given to men of the Territorial Force shall be served or published in such manner as may be prescribed, and if so served or published shall be deemed to be sufficient notice, and every constable and overseer shall, when so required, by or on behalf of the Army Council conform with the orders and regulations for the time being in force under this Part of this Act with respect to the publication and service of notices, and in default shall be liable on conviction under the Summary Jurisdiction Acts, to a fine not exceeding twenty pounds.

Service and publication of notices.

*Offences.*

19.—(1) Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for assembling on embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted and punished accordingly, and may be taken into military custody.

Punishment for failure to attend on embodiment.

(2) Sections one hundred and fifty-three and one hundred and fifty-four of the Army Act shall apply with respect to deserters and desertion within the meaning of this section, in like manner as they apply with respect to deserters and desertion within the meaning of those sections, and any person who, knowing any man of the Territorial Force to be a deserter within the meaning of this section or of the Army Act, employs or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section.

(3) Where a man of the Territorial Force commits the offence of desertion under this section the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge.

(78.)

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A.D. 1907.  
Punishment  
for failure to  
fulfil training  
conditions.

**20.** Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for preliminary training, or for annual training, or fails to attend the number of drills and fulfil the other conditions relating to preliminary or annual training prescribed for his arm or branch of the service, shall be liable to forfeit to His Majesty a sum of money not exceeding five pounds recoverable on complaint to a court of summary jurisdiction by the prescribed officer, and any sums recovered by such officer shall be accounted for by him in the prescribed manner. 5 10

Wrongful  
sale, &c. of  
public pro-  
perty.

**21.** If any person designedly makes away with, sells, or pawns, or wrongfully destroys, or damages, or negligently loses anything issued to him as an officer or man of the Territorial Force, or wrongfully refuses or neglects to deliver up on demand anything issued to him as an officer or man of the Territorial Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the county association; and he shall also for any such offence of designedly making away with, selling or pawning or wrongfully destroying as aforesaid be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds. 15 20

*Civil Rights and Exemptions.*

Civil rights  
and exemp-  
tions.

**22.**—(1) The acceptance of a commission as an officer of the Territorial Force shall not vacate the seat of any member returned to serve in Parliament. 25

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting. 30

(3) If a sheriff is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under-sheriff shall be answerable for the execution of the said office in the name of the high sheriff; and the security given by the under sheriff, and his pledges to the high sheriff shall stand as a security to the King and to all persons whomsoever, for the due performance of the office of sheriff during such time. 35

(4) An officer or man of the Territorial Force shall not be compelled to serve as a peace officer or parish officer, and shall be exempt from serving on any jury. A.D. 1907.

*Legal Proceedings.*

5      **23.**—(1) Any offence under this Part of this Act, and any offence under the Army Act if committed by a man of the Territorial Force when not embodied, which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction, and on conviction by such a court shall be punishable with imprisonment for a term not exceeding three months or with a fine not exceeding twenty pounds, or with both such imprisonment and fine, but nothing in this provision shall affect the liability of a person charged with any such offence to be taken into military custody. Trial of offences and application of penalties.

15      (2) Any offence which under this Part of this Act is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act, with this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

25      (3) Any offence which under this Part of this Act is punishable on conviction by a court of summary jurisdiction may be prosecuted, and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Army Act, in like manner as if these sections were herein re-enacted and in terms made applicable to this Part of this Act, subject to the following modification (namely)—

35      Every fine imposed under this Part of this Act on a man of the Territorial Force, or recovered on a prosecution instituted under this Part of this Act shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the association of the county for which the man was enlisted.

40      (4) Where a man of the Territorial Force is subject to military law and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act may be assembled after the expiration of twenty-one days from the date

A.D. 1907. of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or has expired before the expiration of twenty-one days.

Supplemental provisions as to trial of offences.

**24.—(1)** A person charged with an offence which under this Part of this Act is cognizable both by a court-martial and by a court of summary jurisdiction, shall not be liable to be tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them, as may be prescribed :

Provided that a man who has been dealt with summarily by his commanding officer shall be deemed to have been tried by court-martial.

(2) Proceedings against an offender before either a court-martial or his commanding officer, or a court of summary jurisdiction, in respect of an offence punishable under this Part of this Act, and alleged to have been committed by him when a man of the Territorial Force, may be instituted whether the term of his service in the Territorial Force has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to his commanding officer if the alleged offender is then apprehended, or if he is not then apprehended, then within two months after the time at which he is apprehended.

(3) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may for the purposes of any proceedings against him be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as to the corps to which he properly belongs, and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act or offences within the meaning of this Part of this Act, and to give evidence of such offences against him, and if he has been convicted of more than one offence to punish him accordingly as if he had been previously convicted of any such offence.

Evidence.

**25.—(1)** Section one hundred and sixty-four of the Army Act (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man of the Territorial Force who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

(2) Section one hundred and sixty-three of the Army Act A.D. 1907. (relating to evidence) shall apply to all proceedings under this Part of this Act.

*Miscellaneous.*

- 5     **26.**—(1) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may, in relation to the Territorial Force, be exercised by or done by, to, or before any other person for the time being authorised in that behalf, according to the custom of the Service. Exercise of powers vested in holder of military office.
- 10     (2) Where by this Part of this Act, or by any order or regulation in force under this Part of this Act, any order is authorised to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such military authority, and
- 15     an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised, shall be evidence of his being so authorised.
- 20     **27.**—(1) The Army Act shall apply to the Territorial Force and officers and men thereof in like manner as it applies to the Militia, and officers and men of the Militia, except that men of the Territorial Force shall, in addition, be subject to military law when called out on actual military service for purposes of defence, and shall be liable to dismissal as a punishment, and for that purpose the amendments contained in the First Schedule to
- 25     this Act shall be made in the Army Act. Application of enactments.
- 30     (2) For the purpose of section one hundred and forty-three of the Army Act and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the Territorial Force, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of the regular forces on duty.
- 35     (3) His Majesty may by Order in Council apply, with the necessary adaptations, to the Territorial Force or the officers or men belonging to that force any enactment relating to the Militia, Yeomanry, or Volunteers, or officers or men of the Militia, Yeomanry, or Volunteers, other than enactments with respect to the raising, service, pay, discipline, or government of the Militia,
- 40     Yeomanry, or Volunteers.



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*Transitory.*Transitory  
provisions.

**28.**—(1) Where an association has been established under this Act for any county His Majesty may by Order in Council transfer to the Territorial Force such units of the Militia, Yeomanry, and Volunteers or part thereof raised in the county as may be specified in the Order, and every such unit or part thereof shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as an unit of the Territorial Force as provided by the Order, and the provisions of this Part of this Act shall apply to it accordingly. 5 10

(2) Every officer and man of an unit or part thereof mentioned in any such Order shall, from the date mentioned in that Order, be deemed to be an officer or man of the Territorial Force. Provided that nothing in this section or in any Order made thereunder shall, without his consent, affect the conditions or area of service of any person commissioned, enlisted, or enrolled before the passing of this Act. 15

(3) An Order in Council under this section may provide—

(a) For the application to officers and men who become subject thereto of the provisions of this Act as to conditions and area of service, and for the continuance of the application to officers and men who remain subject thereto, of the provisions as to conditions and area of service previously in force as respects those officers and men: 20 25

(b) For transferring to the association any property vested in a Secretary of State for the purposes of any unit to which the Order relates:

(c) For transferring to the association any property belonging to or held for the benefit of any such unit so however that all property so transferred shall as from the date of the transfer be held by the association for the benefit in like manner of the corresponding unit of the Territorial Force or for such other purposes as the association, with the consent of such corresponding unit, to be ascertained in the prescribed manner, shall direct; and any question which may arise as to whether any property is transferred to an association, or as to the trusts or purposes upon or for which it is or ought to 30 35 40

[7 EDW. 7.]

*Territorial and Reserve Forces.*

21

be held, shall be referred for the decision of the Secretary of State whose decision shall be final. A.D. 1907.

- 5 (d) For transferring to the association any liabilities of any such unit which the association is willing to assume, and providing for the discharge of any such liabilities which are not so transferred :
- 10 (e) For transferring to the association any land or interest in land acquired by the council of a county or borough on behalf of any volunteer corps to which the order relates, and any outstanding liabilities of the council incurred in respect thereof, if the council and the association consent :
- 15 (f) For continuing to any person or the holder of any office previously entitled thereto the right of recommending for first appointments or any other special privilege enjoyed as respects any unit dealt with by the Order ;

and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order.

(4) Every Order in Council made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

## PART III.

25

## RESERVE FORCES.

29.—(1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882, shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists. Enlistment and training of special reservists.

35 (2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces.

(78.)

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A.D. 1907.  
45 & 46 Vict.  
c. 48. s. 11.

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act, 1882, any special reservists may be called out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882. 5

(4) Provided that where one of the conditions on which a man was enlisted is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period. 10

Agreements  
as to exten-  
sion of ser-  
vice.

30. A Secretary of State may, by regulations under the Reserve Forces Act, 1882, authorise any special reservist having the qualifications prescribed by those regulations, to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent service, he will continue to serve until the expiration of a period, whether definite or indefinite, specified in the agreement, and if any man who enters into such an agreement is so called out he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired. 15 20

Liability of  
reservists to  
be called out.

31.—(1) A special reservist shall, if he so agrees in writing, be liable during the whole of his service in the army reserve, or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act, 1882, and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act: 25

Provided that— 30

- (a) The number of men so liable shall not at any one time exceed four thousand:
- (b) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress: 35
- (c) Any agreement under this section may provide for the revocation thereof by such notice in writing as may be therein stated:



(d) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be: A.D. 1907.

5 (e) The number of men for the time being called out under this section shall not be reckoned in the number of the forces authorised by the Annual Army Act for the time being in force.

(2) Six thousand shall be substituted for five thousand as the maximum number of men liable to be called out under section 10 one of the Reserve Forces and Militia Act, 1898, and the liability to be called out under that section may, if so agreed, extend to the first two years of a man's service in the first class of the army reserve.

15 (3) In paragraph (5) of section one hundred and seventy-six of the Army Act the words "under His Majesty's proclamation" shall be repealed.

20 **32.** Orders and regulations under the Reserve Forces Act, 1882, may provide for the formation of special reservists into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching special reservists to such corps, and for posting, attaching, or otherwise dealing with special reservists within such corps. Power to form battalions, &c. of reservists.

25 **33.** Subsection (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, 30 apply to certificates purporting to be signed by such person. Amendment of 45 & 46 Vict. c. 48. s. 6 (4).

#### PART IV.

##### SUPPLEMENTAL.

34. All Orders in Council, orders, schemes, and regulations made under this Act may be varied or revoked by subsequent 35 Orders in Council, orders, schemes, and regulations made in the like manner and subject to the like conditions, and all such Orders in Council, orders, schemes, and regulations, whilst in force, shall have effect as if enacted in this Act. Provisions as to orders, schemes, and regulations.

(78.)

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A.D. 1907.  
Definitions.

**35.**—(1) In this Act, unless the context otherwise requires,—  
The expression “county” means a county or riding of  
a county for which a lieutenant is appointed, and includes  
the City of London; and each county of a city or county  
of a town mentioned in the first column of the Second  
Schedule to this Act shall be deemed to form part of  
the county set opposite thereto in the second column  
of that schedule;

The expression “man of the Territorial Force” includes a  
non-commissioned officer;

The expression “prescribed” means prescribed by orders  
or regulations;

Other expressions have the same meaning as in the Army  
Act.

Special pro-  
visions as to  
special  
places.

**36.**—(1) The Lord Warden of the Cinque Ports may ex-  
officio be a member of the association of the county of Kent or  
of the county of Sussex, or of both, as may be provided by  
schemes under this Act.

(2) The Warden of the Stannaries may ex-officio be a  
member of the association of the county of Cornwall or of the  
county of Devon, or of both, as may be provided by schemes  
under this Act.

(3) The Lord Mayor of the City of London shall ex-officio  
be president of the association of the City of London.

(4) The Governor of the Isle of Wight shall ex-officio be a  
member of the association of the county of Southampton.

Application  
to Scotland  
and the Isle  
of Man.

**37.**—(1) In the application of this Act to Scotland the  
following modifications shall be made:—

(a) This Act shall apply to a county of a city in like  
manner as to any other county: Provided that on the  
representation or with the consent of the corporation  
of any county of a city it shall be lawful for His  
Majesty, by order signified under the hand of a  
Secretary of State, at any time after the passing of  
this Act, to declare that such county of a city shall  
for the purposes of this Act be deemed to form part  
of the county set opposite thereto in the second column  
of the Third Schedule to this Act, and to provide for  
all matters which may appear necessary or proper for  
giving full effect to the order;

- (b) The expression "county borough council" means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken; A.D. 1907.
- 5 (c) The expression "land" includes heritages;
- (d) The expression "overseer" means an inspector of poor.
- (2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications:—
- 10 (a) The Isle of Man shall be deemed to be a separate county;
- (b) References to the Governor of the Island shall be substituted for references to the lieutenant of a county;
- (c) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts;
- 15
- (d) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions.
- 20

38. This Act may be cited as the Territorial and Reserve Forces Act, 1907, and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907. Short title.

A.D. 1907,

## SCHEDULES.

## FIRST SCHEDULE.

## AMENDMENT OF ARMY ACT.

Section.	Amendment.	
S. 13 (1) (a) and (b) -	After the word "Militia" there shall be inserted the words "or Territorial Force."	5
S. 115 (7) -	After the word "Whenever" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"	
S. 115 (8) -	After the words "then if" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"	10
S. 175 -	After paragraph (3) there shall be inserted the following paragraph:— " (3A) Officers of the Territorial Force other than members of the permanent staff."	15
S. 176 -	After paragraph (6) there shall be inserted the following paragraph:— " (6A) All non-commissioned officers and men belonging to the Territorial Force— " (a) When they are being trained or exercised, either alone or with any portion of the regular forces or otherwise; and " (b) When attached to or otherwise acting as part of or with any regular forces; and " (c) When embodied; and " (d) When called out for actual military service for purposes of defence in pursuance of any agreement."	20 25
S. 181 (4) -	The words "the unit of the Territorial Force," shall be inserted after the words "officer commanding," where those words first occur, and the words "an unit of the Territorial Force," shall be inserted after those words where they secondly occur, and the words "Territorial Force," shall be inserted after the words "an officer, non-commissioned officer, or man of the."	30 35
S. 181 (4) (a) -	After the word "any" there shall be inserted the words "man of the Territorial Force or"	
S. 181 (4) (b) and (c) -	The word "Militia" shall be repealed in both places where that word occurs, and the words "of the Territorial Force or Militia" shall be inserted after the word "man" in both places where that word occurs.	40
S. 181 (6) -	After the word "Volunteers" there shall be inserted the words "or the Territorial Force."	
S. 190 (12) -	After the word "means" there shall be inserted the words "the Territorial Force."	45

## SECOND SCHEDULE.

A.D. 1907.

Names of Cities and Towns.		County.
ENGLAND.		
5	County of the city of Chester - - - -	Chester.
	County of the city of Exeter - - - -	Devon.
	County of the town of Poole - - - -	Dorset.
	County of the city of Gloucester - - - -	Gloucester.
	County of the city of Bristol - - - -	Gloucester.
	County of the city of Canterbury - - - -	Kent.
10	County of the city of Lincoln - - - -	Lincoln.
	County of the city of Norwich - - - -	Norfolk.
	County of the town of Newcastle-upon-Tyne - - - -	Northumberland.
	Borough and town of Berwick-upon-Tweed - - - -	Northumberland.
	County of the town of Nottingham - - - -	Nottingham.
15	County of the town of Southampton - - - -	Southampton.
	County of the city of Lichfield - - - -	Stafford.
	County of the city of Worcester - - - -	Worcester.
	County of the city of York - - - -	West Riding of York.
	County of the town of Kingston-upon-Hull - - - -	East Riding of York.
20	County of the town of Carmarthen - - - -	Carmarthen.
	County of the town of Haverfordwest - - - -	Pembroke.
IRELAND.		
	County of the city of Waterford - - - -	Waterford.
	County of the town of Londonderry - - - -	Londonderry.

25

## THIRD SCHEDULE.

## SCOTLAND.

Name of County of City.		County.
30	County of the city of Edinburgh - - - -	Edinburgh.
	County of the city of Glasgow - - - -	Lanark.
	County of the city of Dundee - - - -	Forfar.
	County of the city of Aberdeen - - - -	Aberdeen.

# Territorial and Reserve Forces.

---

---

A

## B I L L

INTITLED

An Act to provide for the reorganisa-  
tion of His Majesty's military forces  
and for that purpose to authorise the  
establishment of County Associations,  
and the raising and maintenance  
of a Territorial Force, and for  
amending the Acts relating to the  
Reserve Forces.

*(Brought from the Commons 20th June 1907.)*

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Ordered to be printed 20th June 1907.

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(78.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

#### T O B E M O V E D I N C O M M I T T E E .

---

#### B Y T H E D U K E O F N O R T H U M B E R L A N D .

Clause 1, page 2, line 1, after (" county or ") insert (" if he do  
" not assent then ")

line 18, after (" appointment ") insert (" by  
" the association ")

line 24, after (" appointment ") insert (" by  
" the association ")

---

#### B Y T H E L O R D B E L P E R .

Clause 1, page 2, line 10, after (" with ") insert (" and on the  
" nomination of ")

---

#### B Y T H E L O R D C H A W O R T H (*E. Meath*).

Clause 2, page 4, line 9, leave out from (" clubs ") to the end of  
paragraph (*f*).

Territorial and Reserve Forces  
Bill.

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE DUKE OF NORTHUMBERLAND,

THE LORD BELPER,

AND

THE LORD CHAWORTH (*E. Meath*).

---

*27th June 1907.*

---

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(78 a.)



## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

---

BY THE LORD HAVERSHAM.

Clause 1, page 2, line 18, leave out ("appointment") and insert ("election")

line 19, leave out ("of") and insert ("by")

---

BY THE EARL FORTESCUE.

Clause 2, page 4, line 26, after ("soldiers") insert :

(*m*) Establishing corps of civilian guides.

---

Territorial and Reserve Forces  
Bill.

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD HAVERSHAM

AND

THE EARL FORTESCUE.

2nd July 1907.

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(78 b.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

---

BY THE DUKE OF BEDFORD.

Clause 1, page 3, line 12, leave out (" militia ")  
line 14, leave out (" militia ")

---

BY THE LORD BLYTHSWOOD.

Clause 2, page 3, line 41, after (" areas ") insert (" and the  
" providing of such recruiting staff as may be necessary ")

---

BY THE EARL MANVERS.

Clause 6, page 6, line 32, after (" pay ") insert (" and allow-  
" ances ")

---

BY THE LORD MONTAGU OF BEAULIEU.

Clause 6, page 7, line 5, after (" provide ") insert (" for the  
" appointment of a regular adjutant and ")

Clause 8, page 8, line 37, leave out (" four ") and insert  
(" three ")

Territorial and Reserve Forces  
Bill.

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE DUKE OF BEDFORD,  
THE LORD BLYTHSWOOD,  
THE EARL MANVERS,

AND

THE LORD MONTAGU OF BEAULIEU.

3rd July 1907.

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(78 c.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD MONTAGU OF BEAULIEU.

In the title, page 1, line 4, leave out ("a Territorial Force") and insert ("an Army for National defence")

Clause 1, page 2, line 42, after ("another") insert ("and providing each sub-association shall not comprise less than the area now allocated to a volunteer regiment")

Clause 2, page 3, line 23, after ("organisation") insert ("equipment")

page 4, line 16, leave out paragraph (h).

Clause 6, page 6, line 32, after ("pay") insert ("and allowances")

page 7, line 6, after ("staff") insert ("including adjutants and staff sergeants who shall be members of His Majesty's regular forces")

Clause 8, page 8, line 37, leave out ("four") and insert ("three")

Clause 21, page 16, line 19, after ("association") insert ("at the request of the officer commanding the unit to which the person belongs")

Clause 22, page 17, line 3, after ("jury") insert ("and from serving in the office of high sheriff")

Clause 38, page 25, line 21, leave out ("Territorial") and insert ("National Guard")

BY THE EARL OF SCARBROUGH.

Clause 1, page 3, line 12, leave out (" Yeomanry ")  
line 14, leave out (" Yeomanry ")

**Territorial and Reserve Forces  
Bill.**

---

**AMENDMENTS**

**TO BE MOVED IN COMMITTEE**

**BY**

**THE LORD MONTAGU OF BEAULIEU**

**AND**

**THE EARL OF SCARBROUGH.**

---

*4th July 1907.*

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(78 d.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

---

BY THE EARL OF PORTSMOUTH.

Clause 1, page 1, line 8, after ("regulars") insert ("and their  
"reserves")

Clause 28, page 20, line 4, leave out ("militia")

Clause 29, page 21, line 31, after ("reservists") insert ("and a  
"special reservist may be re-engaged, and when re-engaged shall  
"continue subject to the terms of service applicable to special  
"reservists")

page 22, line 7, after ("enlisted") insert ("or  
"re-engaged")

line 10, after ("period") insert as a new  
subsection :

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful for his Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon the Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

---

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 1, page 2, line 7, leave out ("one-half") and insert ("two-thirds")

---

BY THE DUKE OF BEDFORD.

Clause 28, page 20, line 28, after (“ relates ”) insert (“ Provided  
“ that any land with the buildings upon it heretofore acquired by  
“ the council of any county or borough for military purposes  
“ within the meaning of the Military Lands Acts, shall be trans-  
“ ferred to the association of the county, and the amount expended  
“ by such council in acquiring such land and buildings shall be  
“ repaid to such council by the association ”)

---

BY THE LORD BRODRICK (*V. Middleton*).

Clause 34, page 23, at the beginning of the clause insert :

Every Order in Council required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session ; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such Rule or Order may be annulled, His Majesty may thereupon by Order in Council annul the same ; and the Order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

---

BY THE DUKE OF NORTHUMBERLAND.

Leave out clause 34.

---

BY THE MARQUESS OF SALISBURY.

At the beginning of Part III., page 25, insert the following new clause :

.- (1) From and after the passing of this Act, the militia shall become part of the regular forces, but shall continue in all respects to be subject to the Militia Act, 1882, except as hereinafter provided.



( 3 )

(2) Section 12 of the Militia Act, 1882, shall not apply to any militiaman enlisted or re-engaged after the passing of this Act, and in lieu thereof the following provision shall apply :

Any part of the militia shall be liable to serve in any part of the United Kingdom, and when embodied to serve elsewhere.

(3) Any militiaman serving at the date of the passing of this Act may make a voluntary offer, certified by his commanding officer, to serve under the same conditions as a militiaman enlisted after the passing of this Act, and thereupon for the remainder of the term of his service the provisions of this section shall apply to him in the same manner as they apply to a militiaman enlisted after the passing of this Act.

---

Territorial and Reserve Forces  
Bill.

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF PORTSMOUTH,  
THE LORD ZOUCHÉ OF  
HARRYNGWORTH,  
THE DUKE OF BEDFORD,  
THE LORD BRODRICK (*V. Milleton*),  
THE DUKE OF NORTHUMBERLAND,  
AND  
THE MARQUESS OF SALISBURY.

---

*5th July 1907.*

---

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(78 c.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

T H E L O R D L O V A T .

Clause 1, page 2, line 42, after (“ another ”) insert the following new paragraph :

(*m*) For the grouping of county associations into divisional associations in the case where the size of counties, numbers of population, or distribution of Territorial Army units makes such grouping desirable.

Clause 2, page 4, line 6, leave out from (“ training ”) to the end of paragraph (*e*).

lines 14 to 16, leave out paragraphs (*g*) and (*h*).

line 20, after (“ locally ”) insert (“ which requirements shall be defined by the Army Council before the passing of this Act ”)

Clause 5, page 6, line 27, after (“ Parliament ”) insert (“ Provided always that the number of men provided for by Parliament in the Territorial Forces at the passing of the Act shall be not less than the number of men actually in the Auxiliary Forces prior to the passing of such Act ”)

Clause 14, page 12, line 37, leave out (“ fifteen ”) and insert (“ eighteen ”)

Territorial and Reserve Forces  
Bill

---

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD LOYAL.

6th July 1907.

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(78 f.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

---

BY THE LORD SALTOUN.

Clause 3, page 4, line 29, leave out (“in the opinion of the  
“ Army Council ”)

---

BY THE LORD LOVAT.

Clause 4, page 5, line 39, after (“action”) insert (“in the  
“ organisation and administration of divisions, brigades, and other  
“ military bodies ”)

---

BY THE LORD RAGLAN.

Clause 12, page 11, line 35, after (“ Kingdom ”) insert (“ the  
“ Channel Isles and the Isle of Man ”)  
line 37, after (“ Kingdom ”) insert (“ the  
“ Channel Isles and the Isle of Man ”)  
page 12, line 3, after (“ Kingdom ”) insert (“ the  
“ Channel Isles and the Isle of Man ”)  
line 5, after (“ Kingdom ”) insert (“ the  
“ Channel Isles and the Isle of Man ”)

---

BY THE LORD BRODRICK (*V. Middleton*).

Clause 15, page 13, line 27, leave out ("thirty") and insert ("forty")

line 29, leave out ("thirty") and insert ("forty")

Clause 28 page 20, line 10, after ("accordingly") insert (" Provided that the said Order in Council shall specify any change " in the condition of service of the Yeomanry or Volunteer Forces, " and that any further change shall be similarly notified by Order " in Council ")

---

BY THE EARL OF PORTSMOUTH.

After clause 33, insert the following new clause :

Commissions  
in reserve of  
officers not  
to vacate  
seat in  
Parliament.

. The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any members returned to serve in Parliament.

---



**Territorial and Reserve Forces  
Bill.**

---

**AMENDMENTS**

TO BE MOVED IN COMMITTEE

BY

THE LORD SALTOUN,  
THE LORD LOVAT,  
THE LORD RAGLAN,  
THE LORD BRODRICK (*V. Milleton*),  
AND  
THE EARL OF PORTSMOUTH.

---

*Six July 1907.*

---

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(78g.)



# Territorial and Reserve Forces Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### PART I.

#### COUNTY ASSOCIATIONS.

Clause.

1. Establishment of associations.
2. Powers and duties of associations.
3. Expenses of association.
4. Regulations.

### PART II.

#### TERRITORIAL FORCE.

##### *Raising and Maintenance of Force.*

5. Raising and number of Territorial Force.

##### *Government, Discipline, and Pay.*

6. Government, discipline, and pay of Territorial Force.
7. First appointments to lowest rank of officers of the Territorial Force.

##### *Enlistment ; Service ; Discharge.*

8. Enlistment, term of service, and discharge.
9. Application of certain sections of the Army Act.
10. Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.
11. Enlistment into army reserve.
12. Area of service of Territorial Force.

(102.)

A

*Training.*

Clause.

13. Preliminary training of recruits of Territorial Force.
14. Annual training.
15. Laying of draft Orders in Council relating to training before Parliament.

*Embodiment.*

16. Embodiment of Territorial Force.
17. Disembodying of Territorial Force.

*Notices.*

18. Service and publication of notices.

*Offences.*

19. Punishment for failure to attend on embodiment.
20. Punishment for failure to fulfil training conditions.
21. Wrongful sale, &c. of public property.

*Civil Rights and Exemptions.*

22. Civil rights and exemptions.

*Legal Proceedings.*

23. Trial of offences and application of penalties.
24. Supplemental provisions as to trial of offences.
25. Evidence.

*Miscellaneous.*

26. Exercise of powers vested in holder of military office.
27. Application of enactments.

*Transitory.*

28. Transitory provisions.

## PART III.

## RESERVE FORCES.

29. Enlistment and training of special reservists.
30. Agreements as to extension of service.

[7 EDW. 7.]      *Territorial and Reserve Forces.*

iii

Clause.

31. Liability of reservists to be called out.
32. Power to form battalions, &c. of reservists.
33. Transfer of Militia battalions to reserve.
34. Amendment of 45 & 46 Vict. c. 48. s. 6 (4).
35. Commissions in reserve of Officers not to vacate seat in Parliament.

#### PART IV.

##### SUPPLEMENTAL.

36. Provisions as to orders, schemes, and regulations.
37. Definitions.
38. Special provisions as to special places.
39. Application to Scotland and the Isle of Man.
40. Short title.

SCHEDULES.



## A

## B I L L

[AS AMENDED IN COMMITTEE]

## INTITULED

An Act to provide for the reorganisation of His Majesty's military forces and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces. A.D. 1907.

**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:—

5

## PART I.

## COUNTY ASSOCIATIONS.

- 1.**—(1) For the purposes of the reorganisation under this Act of His Majesty's military forces other than the regulars and their reserves, and of the administration of those forces when so reorganised, and for such other purposes as are mentioned in this Act, an association may be established for any county in the United Kingdom, with such powers and duties in connection with the purposes aforesaid, as may be conferred on it by or under this Act. Establishment of associations.
- 15** (2) Associations shall be constituted, and the members thereof shall be appointed and hold office in accordance with schemes to be made by the Army Council.
- (3) Every such scheme shall provide—
- 20** (a) For the date of the establishment of the association :
- (b) For the incorporation of the association by an appropriate name, with power to hold land for the purposes of this Act without licence in mortmain :
- (102.)

A.D. 1907.

- (c) For constituting the lieutenant of the county or failing him such other person as the Army Council may think fit president of the association :
- (d) For the appointment of such number of officers representative of all arms and branches of the Territorial Force raised under this Act within the county (not being less than one-half of the whole number of the association), as may be specified in the scheme : 5
- (e) For the appointment by the Army Council, where it appears desirable, and after consultation with, and on the recommendation of the authorities to be represented, of representatives of county and county borough councils and universities wholly or partly within the county : 10
- (f) For the appointment of such number of co-opted members as the scheme may prescribe, including, if thought desirable, representatives of the interests of employers and workmen : 15
- (g) For the election by the association of a chairman and vice-chairman of the association and for defining their powers and duties : 20
- (h) For the mode of appointment, term of office, and rotation of members of the association, and the filling of casual vacancies :
- (i) For the appointment by the association subject to the approval of the Army Council of a secretary and other officers of the association, and the accountability of such officers, and for the provision of offices : 25
- (j) For the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association : 30
- (k) For enabling such general officers of any part of His Majesty's forces, and not being members of the association, as may be specified in the scheme or officers deputed by them to attend the meetings of the association and to speak, but not to vote : 35
- (l) For dividing the county, where on account of its size or population it seems desirable to do so, into two or more parts, and for constituting sub-associations 40

[7 Edw. 7.]

*Territorial and Reserve Forces.*

3

for the several parts, and for apportioning amongst the several sub-associations all or any of the powers and duties of the association, and regulating the relations of sub-associations to the association and to one another.

A.D. 1907.

5

(4) A scheme may contain any consequential, supplemental, or transitory, provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme.

(5) All schemes made in pursuance of this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made. Every scheme required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such scheme may be annulled, such scheme shall be so annulled and shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(6) Until an Order in Council has been made under this Act for transferring to the Territorial Force the units of the Yeomanry and Volunteers of any county, references in this section to the Territorial Force shall as respects that county be construed as including references to the Yeomanry and Volunteers.

2.—(1) It shall be the duty of an association when constituted to make itself acquainted with and conform to the plan of the Army Council for the organisation of the Territorial Force within the county and to ascertain the military resources and capabilities of the county, and to render advice and assistance to the Army Council and to such officers as the Army Council may direct, and an association shall have, exercise, and discharge such powers and duties connected with the organisation and administration of His Majesty's military forces as may for the time being be transferred or assigned to it by order of His Majesty signified under the hand of a Secretary of State or, subject thereto, by regulations under this Act, but an association shall not have any

Powers and  
duties of  
associations.

A.D. 1907. powers of command or training over any part of His Majesty's military forces.

(2) The powers and duties so transferred or assigned may include any powers conferred on or vested in His Majesty, and any powers or duties conferred or imposed on the Army Council or a Secretary of State, by statute or otherwise, and in particular respecting the following matters:—

- (a) The organisation of the units of the Territorial Force and their administration (including maintenance) at all times other than when they are called out for training or actual military service, or when embodied: 10
- (b) The recruiting for the Territorial Force both in peace and in war, and defining the limits of recruiting areas:
- (c) The provision and maintenance of rifle ranges, buildings, magazines, and sites of camps for the Territorial Force: 15
- (d) Facilitating the provision of areas to be used for manœuvres:
- (e) Arranging with employers of labour as to holidays for training, and ascertaining the times of training best suited to the circumstances of civil life: 20
- (f) Establishing or assisting cadet battalions and corps and also rifle clubs.
- (g) The provision of horses for the peace requirements of the Territorial Force: 25
- (h) The safe custody of arms and equipment:
- (i) The supply of the requirements on mobilisation of the units of the Territorial Force within the county, in so far as those requirements are directed by the Army Council to be met locally: 30
- (j) The payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service:
- (k) The registration in conjunction with the military authorities of horses for any of His Majesty's forces: 35
- (l) The care of reservists and discharged soldiers.

Expenses of association.

3.—(1) The Army Council shall pay to an association, out of money voted by Parliament for army services, such sums as, in the opinion of the Army Council, are required to meet the



necessary expenditure connected with the exercise and discharge by the association of its powers and duties. A.D. 1907.

(2) An association shall submit to the Army Council annually, at the prescribed time, and may submit at any other time for any special purpose, in the prescribed form and manner, a statement of its necessary requirements, and all payments to an association by the Army Council shall be made upon the basis of such statements in so far as they are approved by the Army Council.

(3) Subject to regulations under this Act, all money so paid to an association shall be applicable to any of the purposes specified in the approved statements in accordance with which the money has been granted, but not otherwise except with the written consent of the Army Council:

Provided that nothing in this section shall be construed as enabling the Army Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent, without the authority of the Treasury, in any case in which, apart from this section, the authority of the Treasury would be required.

(4) All other money received by an association (except such money, if any, as may be received by it for specified purposes) shall be available for the purposes of any of its powers and duties.

(5) An association shall cause its accounts to be made up annually and audited in such manner as may be prescribed, and shall send copies of its accounts as audited, together with any report of the auditors thereon, to the Army Council.

(6) Regulations made for the purposes of this section shall be subject to the consent of the Treasury.

4.—(1) Subject to the provisions of this Act, the Army Council may make regulations for carrying this Part of this Act into effect, and may by those regulations, amongst other things, provide for the following matters:— Regulations.

(a) For regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Army Council is to be applicable:

(b) For authorising and regulating the acquisition by or on behalf of an association of land for the purposes of this Act and the disposal of any land so acquired:

(c) For authorising and regulating the borrowing of money by an association:

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- (d) For authorising the acceptance of any money or other property, and the taking over of any liability, by an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over: 5
- (e) For facilitating the co-operation of an association with any other association, or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action in the organisation and administration of divisions, brigades, and other military bodies, and for the provision of assistance by one association to another: 10
- (f) For affiliating cadet corps and battalions, rifle clubs, and other bodies to the Territorial Force or any part thereof: 15
- (g) For or in respect of anything by this Part of this Act directed or authorised to be done or provided by regulations or to be done in the prescribed manner:
- (h) For the application for the purposes of this Part of this Act, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps. 20 25

(2) All regulations made in pursuance of this Part of this Act shall be applicable to all associations, except in so far as may be otherwise provided by the regulations or by any scheme made under this Part of this Act. 30

(3) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

## PART II.

## TERRITORIAL FORCE.

35

*Raising and Maintenance of Force.*

Raising and number of Territorial Force.

5. It shall be lawful for His Majesty to raise and maintain a force, to be called the "Territorial Force," consisting of such number of men as may from time to time be provided by Parliament. 40

*Government, Discipline, and Pay.*

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6.—(1) Subject to the provisions of this Part of this Act, it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to  
 5 the government, discipline, and pay and allowances of the Territorial Force, and with respect to all other matters and things relating to the Territorial Force, including any matter by this Part of this Act authorised to be prescribed or expressed to be subject to orders or regulations.

Government,  
discipline,  
and pay of  
Territorial  
Force.

10 (2) The said orders may provide for the formation of men of the Territorial Force into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring,  
 15 or attaching men of the Territorial Force to corps, and for posting, attaching, or otherwise dealing with such men within the corps; and may provide for the constitution of a permanent staff, including adjutants and staff sergeants who shall be members of His Majesty's regular forces; and may regulate the  
 20 appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Territorial Force.

(3) Subject to the provisions of any such order, the Army Council may make general or special regulations with respect to any matter with respect to which His Majesty may make  
 25 orders under this section.

(4) Provided that the said orders or regulations shall not—

- (a) affect or extend the term for which, or the area within which, a man of the Territorial Force is liable under this Part of this Act to serve; or  
 30 (b) authorise a man of the Territorial Force when belonging to one corps to be transferred without his consent to another corps; or  
 (c) when the corps of a man of the Territorial Force includes more than one unit, authorise him when  
 35 not embodied to be posted, without his consent, to any unit other than that to which he was posted on enlistment; or  
 (d) when the corps of a man of the Territorial Force includes any battalion or other body of the regular  
 40 forces, authorise him to be posted without his consent to that battalion or body.

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(5) Where a man of the Territorial Force was enlisted or re-engaged before the date of any order or regulation under this Part of this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made. 5

(6) Orders and regulations under this section may provide for the formation of a reserve division of the Territorial Force, and may relax or dispense with any of the provisions of this Act relating to the training of the men of the Territorial Force so far as regards their application to men in the reserve division, and may, notwithstanding anything in this section, authorise a man in the reserve division to be transferred from one corps to another, so, however, that a man in the reserve division shall not, without his consent, be transferred to a corps of another arm. 15

(7) All orders and general regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

First appointments to lowest rank of officers of the Territorial Force.

7. Subject to any directions which may be given by His Majesty, first appointments to the lowest rank of officer in any unit of the Territorial Force shall be given to persons recommended by the president of the association for the county, if a person approved by His Majesty is recommended by the president for any such appointment within thirty days after notice of a vacancy for the appointment has been given to the president in the prescribed manner, provided he fulfils all the prescribed conditions as to age, physical fitness, and educational qualifications; and where a unit comprises men of the Territorial Force of two or more counties, the recommendations for such appointments shall be made by the presidents of the associations for the respective counties in such rotation or otherwise as may be prescribed. 20 25 30

*Enlistment; Service; Discharge.*

Enlistment, term of service, and discharge.

8.—(1) Subject to the provisions of this Part of this Act, all men of the Territorial Force shall be enlisted by such persons and in such manner and subject to such regulations as may be prescribed: 35

Provided that every man enlisted under this Part of this Act— 40

(a) Shall be enlisted for a county for which an association has been established under this Act and shall be

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- appointed to serve in such corps for that county or for an area comprising the whole or part of that county as he may select, and, if that corps comprises more than one unit within the county, shall be posted to such one of those units as he may select:
- 5 (b) Shall be enlisted to serve for such a period as may be prescribed, not exceeding four years, reckoned from the date of his attestation:
- 10 (c) May be re-engaged within twelve months before the end of his current term of service for such a period as may be prescribed not exceeding four years from the end of that term, and on re-engagement shall make the prescribed declaration before a justice of the peace or an officer, and so from time to time.
- 15 (2) A man enlisted in the Territorial Force, until duly discharged in the prescribed manner, shall remain subject to this Part of this Act as a man of the Territorial Force.
- (3) Any man of the Territorial Force shall, except when a proclamation ordering the Army Reserve to be called out on permanent service is in force, be entitled to be discharged before the end of his current term of service on complying with the following conditions:—
- 25 (i) Giving to his commanding officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and
- (ii) Paying for the use of the association for the county for which he was enlisted such sum as may be prescribed not exceeding five pounds; and
- 30 (iii) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, on paying the value thereof:
- 35 Provided that it shall be lawful for the association for the county or for any officer authorised by the association in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, to dispense either wholly or in part with all or any of the above conditions.
- 40 (4) A man of the Territorial Force may be discharged by his commanding officer for disobedience to orders by him while



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Provided that any man so discharged shall be entitled to 5  
appeal to the Army Council who may give such directions  
in any such case as they may think just and proper.

(5) Where the time at which a man of the Territorial Force would otherwise be entitled to be discharged occurs while a proclamation ordering the Army Reserve to be called out on 10  
permanent service is in force, he may be required to prolong his  
service for such further period, not exceeding twelve months, as  
the competent military authority may order.

Application  
of certain  
sections of  
the Army  
Act.

9.—(1) The following sections of the Army Act shall apply  
to the Territorial Force (that is to say):— 15

Section eighty (relating to the mode of enlistment and  
attestation);

Section ninety-six (relating to the claims of masters to  
apprentices);

Section ninety-eight (imposing a fine for unlawful re- 20  
cruiting);

Section ninety-nine (making recruits punishable for false  
answers);

So much of section one hundred as relates to the validity of  
attestation and enlistment or re-engagement; 25

Section one hundred and one (relating to the competent  
military authority); and

So much of section one hundred and sixty-three as relates  
to an attestation paper, or a copy thereof, or a declaration  
being evidence. 30

And the said sections shall apply in like manner as if they  
were herein re-enacted, with the substitution—

(a) Of “Territorial Force” for “regular forces,” and of  
“man of the Territorial Force” for “soldier”;  
and 35

(b) (In section one hundred) of “has not within three months  
“claimed his discharge on any ground on which he  
“is entitled under this subsection to do so” for “has  
“received pay as a soldier of the regular forces during  
“three months.” 40

(2) A recruit may be attested by any lieutenant or deputy-lieutenant of any county in the United Kingdom, or by an officer of the regular or Territorial forces, and the sections of the Army Act in this section mentioned, and also section 5 thirty-three of the same Act, shall as applied to the Territorial Force be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

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10.—(1) If a person—

- 10 (a) Having been discharged with disgrace from any part of His Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Territorial Force without declaring the circumstances of his discharge or dismissal; or
- 15 (b) Is concerned when subject to military law in the enlistment for service in the Territorial Force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act or this Act; or
- 20 (c) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of men in the Territorial Force,

Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.

25 he shall be guilty of an offence, and shall, whether otherwise subject to military law or not, be liable to be tried by court martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, as the case may be, and may be taken into military custody.

30 (2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged for misconduct, or discharged on account of a conviction for felony or a sentence of penal servitude.

35 11. If a man of the Territorial Force enlists into the army reserve without being discharged from the Territorial Force, the terms and conditions of his service whilst he remains in the army reserve shall be those applicable to him as a man belonging to the army reserve, and not those applicable to him as a man of 40 the Territorial Force.

Enlistment into army reserve.

A.D. 1907.  
 Area of  
 service of  
 Territorial  
 Force.

**12.**—(1) Any part of the Territorial Force shall be liable to serve in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the United Kingdom.

(2) Provided that it shall be lawful for His Majesty, if he thinks fit, to accept the offer of any part or men of the Territorial Force, signified through their commanding officer, to subject themselves to the liability—

(a) to serve in any place outside the United Kingdom; or

(b) to be called out for actual military service for purposes of defence at such places in the United Kingdom as may be specified in their agreement, whether the Territorial Force is embodied or not;

and upon any such offer being accepted they shall be liable, whenever required during the period to which the offer extends, to serve or be called out accordingly.

(3) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid, except by his own consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.

#### *Training.*

Preliminary  
 training of  
 recruits of  
 Territorial  
 Force.

**13.**—(1) Every man of the Territorial Force shall, by way of preliminary training, during the first year of his original enlistment—

(a) If so provided by Order in Council, be trained at such places within the United Kingdom, at such times, and for such periods, not exceeding in the whole the number of days specified by the Order in Council, as may be prescribed, and may for that purpose be called out once or oftener, and

(b) Whether such an Order in Council has been made or not, attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the service.

(2) The requirement to attend training and drills, and to fulfil conditions under this section, shall be in addition to the requirement to attend training and drills, and to fulfil conditions for the purpose of annual training.



14.—(1) Subject to the provisions of this section, every man of the Territorial Force shall, by way of annual training—

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Annual training.

5 (a) Be trained for not less than eight nor more than fifteen or in the case of the mounted branch eighteen days in every year at such times and at such places in any part of the United Kingdom, as may be prescribed, and may for that purpose be called out once or oftener in every year:

10 (b) Attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the service:

Provided that the requirements of this section may be dispensed with in whole or in part—

15 (i) as respects any unit, by the prescribed general officer; and  
(ii) as respects an individual man, by his commanding officer subject to any general directions by the prescribed general officer.

(2) His Majesty in Council may—

20 (a) Order that the period of annual training in any year of all or any part of the Territorial Force be extended, but so that the whole period of annual training be not more than thirty days in any year; or

25 (b) Order that the period of annual training in any year of all or any part of the Territorial Force be reduced to such time as to His Majesty may seem fit; or

(c) Order that in any year the annual training of all or any part of the Territorial Force be dispensed with.

30 (3) Nothing in this section shall be construed as preventing a man, with his own consent, in addition to annual training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Part of this Act.

35 15. Before any Order in Council is made under this Act providing for preliminary training or extending the period of annual training the draft thereof shall be laid before each House of Parliament for a period of not less than forty days during the Session of Parliament, and if either of those Houses before the expiration of those forty days presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken, without prejudice to the making of a  
40 new draft Order.

Laying of draft Orders in Council relating to training before Parliament.

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*Embodiment.*Embodiment  
of Territorial  
Force.

16.—(1) Immediately upon and by virtue of the issue of a proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for His Majesty to order the Army Council from time to time to give, and when given, 5 to revoke or vary such directions as may seem necessary or proper for embodying all or any part of the Territorial Force and in particular to make such special arrangements as they think proper with regard to units or individuals whose services may be required in other than a military capacity: 10

Provided that where under any such proclamation directions have been issued for calling out all the men belonging to the first class of the Army Reserve, the Army Council shall, within one month after such directions have been issued, issue directions for embodying all the men belonging to the Territorial Force, unless 15 an address has been presented to His Majesty by both Houses of Parliament praying that such directions as last aforesaid be not issued, and such directions shall not, unless the emergency so requires, be given until Parliament has had an opportunity of presenting such an address. 20

(2) Whenever, in consequence of the calling out of the whole of the first class of the Army Reserve, directions are required under this section to be given for embodying the Territorial Force, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a 25 proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day. 30

(3) Every order and all directions given under this section shall be obeyed as if enacted in this Act, and where such directions for the time being direct the embodiment of any part of the Territorial Force, every officer and man belonging to that part shall attend at the place and time fixed by those directions, 35 and after that time shall be deemed to be embodied, and such officers and men are in this Act referred to as embodied or as the embodied part or parts of the Territorial Force.

Disembodiment  
of Territorial  
Force.

17.—(1) It shall be lawful for His Majesty by proclamation to order that the Territorial Force be disembodied, and there- 40 upon the Army Council shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2) Until any such proclamation of His Majesty has been issued the Army Council may from time to time, as they may think expedient for the public service, give such directions as may seem necessary or proper for disembodying any embodied part of the Territorial Force, and for embodying any part of the Territorial Force not embodied, whether previously disembodyed or otherwise.

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(3) After the date fixed by the directions for the disembodyment of any part of the Territorial Force, the officers and men belonging to that part shall be in the position of officers and men of the Territorial Force not embodied.

*Notices.*

18. Notices required in pursuance of this Part of this Act or of the orders and regulations in force thereunder to be given to men of the Territorial Force shall be served or published in such manner as may be prescribed, and if so served or published shall be deemed to be sufficient notice, and every constable and overseer shall, when so required, by or on behalf of the Army Council conform with the orders and regulations for the time being in force under this Part of this Act with respect to the publication and service of notices, and in default shall be liable on conviction under the Summary Jurisdiction Acts, to a fine not exceeding twenty pounds.

Service and publication of notices.

*Offences.*

19.—(1) Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for assembling on embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted and punished accordingly, and may be taken into military custody.

Punishment for failure to attend on embodiment.

(2) Sections one hundred and fifty-three and one hundred and fifty-four of the Army Act shall apply with respect to deserters and desertion within the meaning of this section, in like manner as they apply with respect to deserters and desertion within the meaning of those sections, and any person who, knowing any man of the Territorial Force to be a deserter within

A.D. 1907. — the meaning of this section or of the Army Act, employs or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section.

(3) Where a man of the Territorial Force commits the offence of desertion under this section the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge. 5

Punishment for failure to fulfil training conditions.

20. Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for preliminary training, or for annual training, or fails to attend the number of drills and fulfil the other conditions relating to preliminary or annual training prescribed for his arm or branch of the service, shall be liable to forfeit to His Majesty a sum of money not exceeding five pounds recoverable on complaint to a court of summary jurisdiction by the prescribed officer, and any sums recovered by such officer shall be accounted for by him in the prescribed manner. 15 30

Wrongful sale, &c. of public property.

21. If any person designedly makes away with, sells, or pawns, or wrongfully destroys, or damages, or negligently loses anything issued to him as an officer or man of the Territorial Force, or wrongfully refuses or neglects to deliver up on demand anything issued to him as an officer or man of the Territorial Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the county association; and he shall also for any such offence of designedly making away with, selling or pawning or wrongfully destroying as aforesaid be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds. 20 25 30

#### *Civil Rights and Exemptions.*

Civil rights and exemptions.

22. —(1) The acceptance of a commission as an officer of the Territorial Force shall not vacate the seat of any member returned to serve in Parliament.

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting. 35

(3) If a sheriff is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under-sheriff shall be answerable for the execution of the said office in the name of the high sheriff; and the security given by the under sheriff, and his pledges to the high sheriff shall stand as a security to the King and to all persons whomsoever, for the due performance of the office of sheriff during such time. A.D. 1907.

(4) An officer or man of the Territorial Force shall not be compelled to serve as a peace officer or parish officer, and shall be exempt from serving on any jury.

*Legal Proceedings.*

23.—(1) Any offence under this Part of this Act, and any offence under the Army Act if committed by a man of the Territorial Force when not embodied, which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction, and on conviction by such a court shall be punishable with imprisonment for a term not exceeding three months or with a fine not exceeding twenty pounds, or with both such imprisonment and fine, but nothing in this provision shall affect the liability of a person charged with any such offence to be taken into military custody. Trial of offences and application of penalties.

(2) Any offence which under this Part of this Act is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act, with this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

(3) Any offence which under this Part of this Act is punishable on conviction by a court of summary jurisdiction may be prosecuted, and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Army Act, in like manner as if those sections were herein re-enacted and in terms made applicable to this Part of this Act, subject to the following modification (namely)—

Every fine imposed under this Part of this Act on a man of the Territorial Force, or recovered on a prosecution



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instituted under this Part of this Act shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the association of the county for which the man was enlisted.

(4) Where a man of the Territorial Force is subject to 5 military law and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or 10 has expired before the expiration of twenty-one days.

Supplemental provisions as to trial of offences.

24.—(1) A person charged with an offence which under this Part of this Act is cognizable both by a court-martial and by a court of summary jurisdiction, shall not be liable to be tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them, as may be prescribed : 15

Provided that a man who has been dealt with summarily by his commanding officer shall be deemed to have been tried by court-martial. 20

(2) Proceedings against an offender before either a court-martial or his commanding officer, or a court of summary jurisdiction, in respect of an offence punishable under this Part of this Act, and alleged to have been committed by him when a man of the Territorial Force, may be instituted whether the term 25 of his service in the Territorial Force has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to his commanding officer if the alleged offender is then apprehended, or if he is not then apprehended, then 30 within two months after the time at which he is apprehended.

(3) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may for the purposes of any proceedings against him be deemed to belong to any one or more of the corps to which he 35 has been appointed or transferred as well as to the corps to which he properly belongs, and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act or offences within the meaning of this Part of this Act, and 40 to give evidence of such offences against him, and if he has been

convicted of more than one offence to punish him accordingly as if he had been previously convicted of any such offence. A.D. 1907.

**25.**—(1) Section one hundred and sixty-four of the Army Act (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man of the Territorial Force who is tried by a civil court, whether he is or is not at the time of such trial subject to military law. Evidence.

(2) Section one hundred and sixty-three of the Army Act (relating to evidence) shall apply to all proceedings under this Part of this Act.

*Miscellaneous.*

**26.**—(1) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may, in relation to the Territorial Force, be exercised by or done by, to, or before any other person for the time being authorised in that behalf, according to the custom of the Service. Exercise of powers vested in holder of military office.

(2) Where by this Part of this Act, or by any order or regulation in force under this Part of this Act, any order is authorised to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such military authority, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised, shall be evidence of his being so authorised.

**27.**—(1) The Army Act shall apply to the Territorial Force and officers and men thereof in like manner as it applies to the Militia, and officers and men of the Militia, except that men of the Territorial Force shall, in addition, be subject to military law when called out on actual military service for purposes of defence, and shall be liable to dismissal as a punishment, and for that purpose the amendments contained in the First Schedule to this Act shall be made in the Army Act. Application of enactments.

(2) For the purpose of section one hundred and forty-three of the Army Act and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the Territorial Force, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of the regular forces on duty.

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(3) His Majesty may by Order in Council apply, with the necessary adaptations, to the Territorial Force or the officers or men belonging to that force any enactment relating to the Militia, Yeomanry, or Volunteers, or officers or men of the Militia, Yeomanry, or Volunteers, other than enactments with respect to the raising, service, pay, discipline, or government of the Militia, Yeomanry, or Volunteers. 5

*Transitory.*

Transitory provisions.

28.—(1) Where an association has been established under this Act for any county His Majesty may by Order in Council transfer to the Territorial Force such units of the Yeomanry and Volunteers or part thereof raised in the county as may be specified in the Order, and every such unit or part thereof shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as an unit of the Territorial Force as provided by the Order, and the provisions of this Part of this Act shall apply to it accordingly. 10 15

(2) Every officer and man of an unit or part thereof mentioned in any such Order shall, from the date mentioned in that Order, be deemed to be an officer or man of the Territorial Force. Provided that nothing in this section or in any Order made thereunder shall, without his consent, affect the conditions or area of service of any person commissioned, enlisted, or enrolled before the passing of this Act. 20

(3) An Order in Council under this section may provide— 25

(a) For the application to officers and men who become subject thereto of the provisions of this Act as to conditions and area of service, and for the continuance of the application to officers and men who remain subject thereto, of the provisions as to conditions and area of service previously in force as respects those officers and men: 30

(b) For transferring to the association any property vested in a Secretary of State for the purposes of any unit to which the Order relates: 35

(c) For transferring to the association any property belonging to or held for the benefit of any such unit so however that all property so transferred shall as from the date of the transfer be held by the association for the benefit in like manner of the corresponding 40



- unit of the Territorial Force or for such other purposes as the association, with the consent of such corresponding unit, to be ascertained in the prescribed manner, shall direct; and any question which may arise as to whether any property is transferred to an association, or as to the trusts or purposes upon or for which it is or ought to be held, shall be referred for the decision of the Secretary of State whose decision shall be final.
- 5
- 10 (d) For transferring to the association any liabilities of any such unit which the association is willing to assume, and providing for the discharge of any such liabilities which are not so transferred :
- 15 (e) For transferring to the association any land or interest in land acquired by the council of a county or borough on behalf of any volunteer corps to which the order relates, and any outstanding liabilities of the council incurred in respect thereof, if the council and the association consent :
- 20 (f) For continuing to any person or the holder of any office previously entitled thereto the right of recommending for first appointments or any other special privilege enjoyed as respects any unit dealt with by the Order ;
- 25 and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order.
- (4) Every Order in Council made under this section shall be laid before both Houses of Parliament as soon as may be after
- 30 it is made.

## PART III.

## RESERVE FORCES.

- 29.—(1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882, shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists, and a special reservist may be re-engaged, and when re-engaged shall continue subject to the terms of service applicable to special reservists.
- 35
- 40

Enlist-  
ment and  
training of  
special  
reservists.

A.D. 1907.

—

(2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, 5 in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces.

45 & 46 Vict.  
c. 48. s. 11.

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act, 1882, any special reservists may be called 10 out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882.

(4) Provided that where one of the conditions on which a man was enlisted or re-engaged is that he shall not be called out 15 for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period.

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful 20 for His Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon the Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation 25 into effect.

Agreements  
as to extension  
of service.

**30.** A Secretary of State may, by regulations under the Reserve Forces Act, 1882, authorise any special reservist having the qualifications prescribed by those regulations, to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent 30 service, he will continue to serve until the expiration of a period, whether definite or indefinite, specified in the agreement, and if any man who enters into such an agreement is so called out he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his 35 term of service were still unexpired.

Liability of  
reservists to  
be called out.

**31.—(1)** A special reservist shall, if he so agrees in writing, be liable during the whole of his service in the army reserve, or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or com- 40 munication to Parliament as is mentioned in section twelve of the

Reserve Forces Act, 1882, and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act: A.D. 1907.

Provided that—

- 5 (a) The number of men so liable shall not at any one time exceed four thousand :
- (b) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress :
- 10 (c) Any agreement under this section may provide for the revocation thereof by such notice in writing as may be therein stated :
- (d) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be :
- 15 (e) The number of men for the time being called out under this section shall not be reckoned in the number of the forces authorised by the Annual Army Act for the time being in force.
- 20

(2) Six thousand shall be substituted for five thousand as the maximum number of men liable to be called out under section one of the Reserve Forces and Militia Act, 1898, and the liability to be called out under that section may, if so agreed, extend to the first two years of a man's service in the first class of the army reserve.

25

(3) In paragraph (5) of section one hundred and seventy-six of the Army Act the words "under His Majesty's proclamation" shall be repealed.

30 **32.** Orders and regulations under the Reserve Forces Act, 1882, may provide for the formation of special reservists into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching special reservists to such corps, and for posting, attaching, or otherwise dealing with special reservists within such corps. Power to form battalions, &c. of reservists.

35

**33.**—(1) His Majesty may by Order in Council transfer to the Army Reserve such battalions of the Militia as may be specified in the order, and every battalion so transferred shall Transfer of Militia battalions to reserve.

40

A.D. 1907. from the date mentioned in the order be deemed to have been lawfully formed under this Part of this Act as a battalion of special reservists.

(2) As from the said date every officer of any battalion so transferred shall be deemed to be an officer in the reserve of officers, and every man in such battalion shall be deemed to be a special reservist, and the order may contain such provisions as may seem necessary for applying the provisions of the Reserve Forces Act, 1882, as amended by this Act, to those officers and men :

Provided that if any officer or man in any battalion so transferred at the time of each transfer indicates his objection, nothing in the order shall affect his existing conditions of service.

Amendment  
of 45 & 46  
Vict. c. 48.  
s. 6 (4).

**34.** Subsection (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, apply to certificates purporting to be signed by such person.

Commissions  
in reserve of  
officers not to  
vacate seat in  
Parliament.

**35.** The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any member returned to serve in Parliament.

#### PART IV.

##### SUPPLEMENTAL.

Provisions as  
to orders,  
schemes, and  
regulations.

**36.** Every Order in Council required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such rule or order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same. All Orders in Council, orders, schemes, and regulations made under this Act may be varied or revoked by subsequent Orders in Council,

orders, schemes, and regulations made in the like manner and subject to the like conditions. A.D. 1907.

**37.**—(1) In this Act, unless the context otherwise requires,— Definitions.

5       The expression “county” means a county or riding of  
a county for which a lieutenant is appointed, and includes  
the City of London; and each county of a city or county  
of a town mentioned in the first column of the Second  
Schedule to this Act shall be deemed to form part of  
10       the county set opposite thereto in the second column  
of that schedule;

The expression “man of the Territorial Force” includes a  
non-commissioned officer;

The expression “prescribed” means prescribed by orders  
or regulations;

15       Other expressions have the same meaning as in the Army  
Act.

**38.**—(1) The Lord Warden of the Cinque Ports may ex- Special pro-  
visions as to  
special  
places.  
officio be a member of the association of the county of Kent or  
of the county of Sussex, or of both, as may be provided by  
20 schemes under this Act.

(2) The Warden of the Stannaries may ex-officio be a  
member of the association of the county of Cornwall or of the  
county of Devon, or of both, as may be provided by schemes  
under this Act.

25       (3) The Lord Mayor of the City of London shall ex-officio  
be president of the association of the City of London.

(4) The Governor or Deputy Governor of the Isle of Wight  
shall ex-officio be a member of the association of the county of  
Southampton.

30       **39.**—(1) In the application of this Act to Scotland the Application  
to Scotland  
and the Isle  
of Man.  
following modifications shall be made:—

(a) This Act shall apply to a county of a city in like  
manner as to any other county: Provided that on the  
representation or with the consent of the corporation  
of any county of a city it shall be lawful for His  
35       Majesty, by order signified under the hand of a  
Secretary of State, at any time after the passing of  
this Act, to declare that such county of a city shall  
for the purposes of this Act be deemed to form part

A.D. 1907.

of the county set opposite thereto in the second column of the Third Schedule to this Act, and to provide for all matters which may appear necessary or proper for giving full effect to the order;

(b) The expression "county borough council" means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken;

(c) The expression "land" includes heritages;

(d) The expression "overseer" means an inspector of poor.

(2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications:—

(a) The Isle of Man shall be deemed to be a separate county;

(b) References to the Governor of the Island shall be substituted for references to the lieutenant of a county;

(c) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts;

(d) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions.

Short title.

**40.** This Act may be cited as the Territorial and Reserve Forces Act, 1907, and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907.



## SCHEDULES.

A.D. 1907.

## FIRST SCHEDULE.

## AMENDMENT OF ARMY ACT.

Section.	Amendment.
5 S. 13 (1) (a) and (b)	- After the word "Militia" there shall be inserted the words "or Territorial Force."
S. 115 (7)	- - After the word "Whenever" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"
10 S. 115 (8)	- - After the words "then if" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"
S. 175	- - - After paragraph (3) there shall be inserted the following paragraph:—
15 S. 176	- - - " (3A) Officers of the Territorial Force other than members of the permanent staff."
	- After paragraph (6) there shall be inserted the following paragraph:—
20	" (6A) All non-commissioned officers and men belonging to the Territorial Force—
	" (a) When they are being trained or exercised, either alone or with any portion of the regular forces or otherwise; and
25	" (b) When attached to or otherwise acting as part of or with any regular forces; and
	" (c) When embodied; and
	" (d) When called out for actual military service for purposes of defence in pursuance of any agreement."
30 S. 181 (4)	- - - The words "the unit of the Territorial Force," shall be inserted after the words "officer commanding," where those words first occur, and the words "an unit of the Territorial Force," shall be inserted after those words where they secondly occur, and the words "Territorial Force," shall be inserted after the words "an officer, non-commissioned officer, or man of the."
35 S. 181 (4) (a)	- - After the word "any" there shall be inserted the words "man of the Territorial Force or"
40 S. 181 (4) (b) and (c)	- The word "Militia" shall be repealed in both places where that word occurs, and the words "of the Territorial Force or Militia" shall be inserted after the word "man" in both places where that word occurs.
S. 181 (6)	- - - After the word "Volunteers" there shall be inserted the words "or the Territorial Force."
45 S. 190 (12)	- - - After the word "means" there shall be inserted the words "the Territorial Force."

A.D. 1907.

## SECOND SCHEDULE.

Names of Cities and Towns.	County.
ENGLAND.	
County of the city of Chester - - - - -	Chester.
County of the city of Exeter - - - - -	Devon.
County of the town of Poole - - - - -	Dorset.
County of the city of Gloucester - - - - -	Gloucester.
County of the city of Bristol - - - - -	Gloucester.
County of the city of Canterbury - - - - -	Kent.
County of the city of Lincoln - - - - -	Lincoln.
County of the city of Norwich - - - - -	Norfolk.
County of the town of Newcastle-upon-Tyne - - - - -	Northumberland.
Borough and town of Berwick-upon-Tweed - - - - -	Northumberland.
County of the town of Nottingham - - - - -	Nottingham.
County of the town of Southampton - - - - -	Southampton.
County of the city of Lichfield - - - - -	Stafford.
County of the city of Worcester - - - - -	Worcester.
County of the city of York - - - - -	West Riding of York.
County of the town of Kingston-upon-Hull - - - - -	East Riding of York.
County of the town of Carmarthen - - - - -	Carmarthen.
County of the town of Haverfordwest - - - - -	Pembroke.
IRELAND.	
County of the city of Waterford - - - - -	Waterford.
County of the town of Londonderry - - - - -	Londonderry.

## THIRD SCHEDULE.

25

## SCOTLAND.

Name of County of City.	County.
County of the city of Edinburgh - - - - -	Edinburgh.
County of the city of Glasgow - - - - -	Lanark.
County of the city of Dundee - - - - -	Forfar.
County of the city of Aberdeen - - - - -	Aberdeen.

30





# Territorial and Reserve Forces.

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to provide for the reorganisa-  
tion of His Majesty's military forces  
and for that purpose to authorise the  
establishment of County Associations,  
and the raising and maintenance  
of a Territorial Force, and for  
amending the Acts relating to the  
Reserve Forces.

*(Brought from the Commons 20th June 1907.)*

Ordered to be printed 9th July 1907.

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(102.)

**Territorial and Reserve Forces Bill.****A M E N D M E N T****TO BE MOVED ON REPORT****BY****THE VISCOUNT ESHER.**  

---

Clause 2, page 4, line 23, after the word ("clubs") insert  
("provided that no financial assistance out of money voted by  
Parliament shall be given by an association in respect of any  
person in a battalion or corps in a school in receipt of a  
parliamentary grant until such person has attained the age of  
sixteen")

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**Territorial and Reserve Forces  
Bill.**

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**AMENDMENT**

**TO BE MOVED ON REPORT**

**BY**

**THE VISCOUNT ESHER.**

11th July 1907

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(102 a.)

**Territorial and Reserve Forces Bill.****A M E N D M E N T S****TO BE MOVED ON REPORT.**

---

**BY THE EARL OF DUNDONALD.**

Clause 7, page 8, line 23, after ("county") insert ("after consultation with the officer commanding the division, whom failing, the officer commanding the brigade to which the unit belongs")

---

**BY THE EARL FORTESCUE.**

Clause 16, page 14, line 38, after ("Force") insert the following new subsection :

(4) It shall be lawful when the Territorial Force or any part of it is embodied, to billet the officers, men, and horses belonging to it on other premises than those licensed for the sale of intoxicating liquors.

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Territorial and Reserve Forces  
Bill.

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AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF DUNDONALD

AND

THE EARL FORTESCUE.

15th July 1907.

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(102 b.)

**Territorial and Reserve Forces Bill.**

A M E N D M E N T S

T O B E M O V E D O N R E P O R T.

BY THE EARL OF PORTSMOUTH.

Clause 1, page 3, line 13, leave out from (“ Parliament ”) to the end of subsection (5).

Clause 27, page 20, line 7, after (“ Volunteers ”) insert (“ and every such Order in Council shall be laid before both Houses of Parliament ”)

Clause 28, page 21, line 20, leave out paragraph (f).  
lines 29 and 30, leave out (“ as soon as may be after it is made ”)

Clause 29, page 22, line 25, after (“ effect ”) insert the following new subsection :

(5) A special reservist who enlists into the Regular Forces shall upon such enlistment be deemed to be discharged from the Army Reserve.

Clause 33, page 24, line 9, leave out (“ Act, 1882 ”) and insert (“ Acts, 1882 to 1906 ”)  
line 12, leave out (“ each ”) and insert (“ such ”)  
line 13, after (“ service ”) insert the following new subsection :

(3) All Orders in Council made under this section shall be laid before both Houses of Parliament.

Clause 36, page 24, line 25, after (“ Council ”) insert (“ or scheme ”)  
line 31, leave out (“ on which the said House shall have sat ”)  
line 32, leave out (“ rule or order ”) and insert (“ order or scheme ”)  
line 33, after (“ order ”) insert (“ or scheme ”)

Bill 299707 9719291 b.

BY THE ~~EARL~~ FORTESCUE.

Clause 1, page 3, line 29, after ("volunteers") insert the following new subsection:

(7) The chairman of the association may receive such remuneration as the association think reasonable.

Clause 5, page 6, line 33, after ("made") insert the following new subsection:

(4)—(a) Any county association or associations may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

(b) Any association appointing a joint committee under this subsection may delegate to it any power which such association might exercise for the purpose for which the committee is appointed.

(c) Subject to the terms of delegation any such joint committee shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.

(d) The costs of a joint committee shall be defrayed by the associations by whom it has been appointed, in such proportion as may be agreed between them, and the accounts of such joint committees and their officers shall for the purposes of the provisions of this Act be deemed to be accounts of the associations appointing them and of their officers.

BY THE LORD BLYTHSWOOD.

Clause 3, page 5, line 29, after ("Treasury") insert the following new subsection:

(7) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members of such association in carrying out the provisions of this Act.



BY THE DUKE OF BEDFORD.

Clause 8, page 9, line 14, after ("time") insert the following new subsection:

- (d) Shall be warned before attestation that he may be asked to serve outside the United Kingdom in time of national emergency, and his attestation paper shall contain a certificate that the attesting officer has explained the same to the recruit.

Clause 16, page 14, line 38, after ("Force") insert the following new subsection:

- (4) It shall be lawful for a Secretary of State at any time when occasion appears to require to call out any portion or any of the men belonging to the Territorial Army to aid the civil power in the preservation of peace.

Clause 29, page 21, at the beginning of the clause insert the following new subsection:

- (1) The application of the provisions of Part III. of this Act to the militia shall be deferred for a period of two years.

BY THE LORD MONTAGU OF BEAULIEU.

Clause 22, page 17, line 11, after ("jury") insert ("and field officers of the Territorial Army shall not be required to serve in the office of high sheriff")

Clause 27, page 19, line 27, after the second ("militia") insert ("when undergoing military training of any kind")

Territorial and Reserve Forces Bill

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THE LORD MONTAGU OF BEAULIEU  
DUKE OF BEDFORD  
BY MONTAGU OF BEAULIEU  
THE LORD MONTAGU OF BEAULIEU

1011 1011 1011

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[A100 311]

(105 c)

Territorial and Reserve Forces  
Bill.

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AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF PORTSMOUTH,  
THE EARL FORTESCUE,  
THE LORD BLYTHSWOOD,  
THE DUKE OF BEDFORD,

AND

THE LORD MONTAGU OF BEAULIEU.

---

16th July 1907.

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(102 c.)

## Territorial and Reserve Forces Bill.

### A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE EARL OF JERSEY.

---

Clause 38, page 25, line 29, after ("Southampton") insert the following new subsection :

(5) Nothing in this Act shall affect the raising and levying of the Trophy Tax as heretofore in the City of London, but the proceeds of the tax so levied may be applied by His Majesty's Commissioners of Lieutenancy for the City of London, if the Royal London Militia Battalion is re-constituted as a battalion of the Army Reserve, for any purposes connected with that battalion, and may also, if His Majesty's Commissioners of Lieutenancy for the City of London in their discretion see fit, be applied for the purposes of any of the powers and duties of the association of the City of London under this Act.

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Territorial and Reserve Forces  
Bill.

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AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF JERSEY.

17th July 1907

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(102 d.)

**Territorial and Reserve Forces Bill.**

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**A M E N D M E N T S**

**T O B E M O V E D O N R E P O R T .**

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**BY THE EARL OF PORTSMOUTH.**

Clause 6, page 7, line 18, leave out (" shall ") and insert (" may ")

---

**BY THE EARL BATHURST.**

Clause 29, page 22, line 11, after (" training ") insert (" which shall include musketry training ")

---

“ transferred to the estate or interest in such property of the unit  
“ to the property of which the order relates ; but, subject to this  
“ provision, the interest of any beneficiary other than such unit  
“ shall not, without the consent of such beneficiary, be affected.  
“ The order may, if it be deemed proper, having regard to the  
“ special circumstances of any case, provide for the appointment  
“ of special trustees to act together with or to the exclusion of the  
“ association in regard to any such property and such special  
“ trustees may be the existing trustees of such property.”)

**Territorial and Reserve Forces  
Bill.**

**A M E N D M E N T S**

TO BE MOVED ON THIRD READING

BY

THE LORD LOVAT,

THE EARL OF MOUNTLEDGUMBE,

THE EARL OF PORTSMOUTH,

AND

THE MARQUESS OF SALISBURY.

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(122 b.)

# Territorial and Reserve Forces Bill.

[AS AMENDED ON REPORT.]

## ARRANGEMENT OF CLAUSES.

### PART I.

#### COUNTY ASSOCIATIONS.

Clause.

1. Establishment of associations.
2. Powers and duties of associations.
3. Expenses of association.
4. Regulations.
5. Joint committees of associations.

### PART II.

#### TERRITORIAL FORCE.

##### *Raising and Maintenance of Force.*

6. Raising and number of Territorial Force.

##### *Government, Discipline, and Pay.*

7. Government, discipline, and pay of Territorial Force.
8. First appointments to lowest rank of officers of the Territorial Force.

##### *Enlistment ; Service ; Discharge.*

9. Enlistment, term of service, and discharge.
10. Application of certain sections of the Army Act.
11. Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.
12. Enlistment into army reserve.
13. Area of service of Territorial Force.

(122.)

A

*Training.*

Clause.

14. Preliminary training of recruits of Territorial Force.
15. Annual training.
16. Laying of draft Orders in Council relating to training before Parliament.

*Embodiment.*

17. Embodiment of Territorial Force.
18. Disembodying of Territorial Force.

*Notices.*

19. Service and publication of notices.

*Offences.*

20. Punishment for failure to attend on embodiment.
21. Punishment for failure to fulfil training conditions.
22. Wrongful sale, &c. of public property.

*Civil Rights and Exemptions.*

23. Civil rights and exemptions.

*Legal Proceedings.*

24. Trial of offences and application of penalties.
25. Supplemental provisions as to trial of offences.
26. Evidence.

*Miscellaneous.*

27. Exercise of powers vested in holder of military office.
28. Application of enactments.

*Transitory.*

29. Transitory provisions.

## PART III.

## RESERVE FORCES.

30. Enlistment and terms of service of special reservists.
31. Agreements as to extension of service.



[7 EDW. 7.]      *Territorial and Reserve Forces.*

iii

**Cause.**

32. Liability of reservists to be called out.
33. Power to form battalions, &c. of reservists.
34. Transfer of Militia battalions to reserve.
35. Amendment of 45 & 46 Vict. c. 48. s. 6 (4).
36. Commissions in reserve of Officers not to vacate seat in Parliament.

**PART IV.**

**SUPPLEMENTAL.**

37. Provisions as to orders, schemes, and regulations.
38. Definitions.
39. Special provisions as to special places.
40. Application to Scotland and the Isle of Man.
41. Short title.

**SCHEDULES.**



## A

## B I L L

[AS AMENDED ON REPORT]

## INTITULED

An Act to provide for the reorganisation of His Majesty's military forces and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces. A.D. 1907.

**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:—

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## PART I.

## COUNTY ASSOCIATIONS.

1.—(1) For the purposes of the reorganisation under this Act of His Majesty's military forces other than the regulars and their reserves, and of the administration of those forces when Establishment of associations.  
 10 so reorganised, and for such other purposes as are mentioned in this Act, an association may be established for any county in the United Kingdom, with such powers and duties in connection with the purposes aforesaid, as may be conferred on it by or under this Act.

15 (2) Associations shall be constituted, and the members thereof shall be appointed and hold office in accordance with schemes to be made by the Army Council.

(3) Every such scheme shall provide—

(a) For the date of the establishment of the association :  
 20 (b) For the incorporation of the association by an appropriate name, with power to hold land for the purposes of this Act without licence in mortmain :

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- (c) For constituting the lieutenant of the county or failing him such other person as the Army Council may think fit president of the association :
- (d) For the appointment of such number of officers representative of all arms and branches of the Territorial Force raised under this Act within the county (not being less than one-half of the whole number of the association), as may be specified in the scheme : 5
- (e) For the appointment by the Army Council, where it appears desirable, and after consultation with, and on the recommendation of the authorities to be represented, of representatives of county and county borough councils and universities wholly or partly within the county : 10
- (f) For the appointment of such number of co-opted members as the scheme may prescribe, including, if thought desirable, representatives of the interests of employers and workmen : 15
- (g) For the election by the association of a chairman and vice-chairman of the association and for defining their powers and duties : 20
- (h) For the mode of appointment, term of office, and rotation of members of the association, and the filling of casual vacancies :
- (i) For the appointment by the association subject to the approval of the Army Council of a secretary and other officers of the association, and the accountability of such officers, and for the provision of offices : 25
- (j) For the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association : 30
- (k) For enabling such general officers of any part of His Majesty's forces, and not being members of the association, as may be specified in the scheme, or officers deputed by them, to attend the meetings of the association and to speak, but not to vote : 35
- (l) For dividing the county, where on account of its size or population it seems desirable to do so, into two or more parts, and for constituting sub-associations 40

for the several parts, and for apportioning amongst the several sub-associations all or any of the powers and duties of the association, and regulating the relations of sub-associations to the association and to one another.

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(4) A scheme may contain any consequential, supplemental, or transitory, provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme.

(5) All schemes made in pursuance of this Part of this Act shall be laid before both Houses of Parliament.

(6) Until an Order in Council has been made under this Act for transferring to the Territorial Force the units of the Yeomanry and Volunteers of any county, references in this section to the Territorial Force shall as respects that county be construed as including references to the Yeomanry and Volunteers.

2.—(1) It shall be the duty of an association when constituted to make itself acquainted with and conform to the plan of the Army Council for the organisation of the Territorial Force within the county and to ascertain the military resources and capabilities of the county, and to render advice and assistance to the Army Council and to such officers as the Army Council may direct, and an association shall have, exercise, and discharge such powers and duties connected with the organisation and administration of His Majesty's military forces as may for the time being be transferred or assigned to it by order of His Majesty signified under the hand of a Secretary of State or, subject thereto, by regulations under this Act, but an association shall not have any powers of command or training over any part of His Majesty's military forces.

Powers and duties of associations.

(2) The powers and duties so transferred or assigned may include any powers conferred on or vested in His Majesty, and any powers or duties conferred or imposed on the Army Council or a Secretary of State, by statute or otherwise, and in particular respecting the following matters:—

(a) The organisation of the units of the Territorial Force and their administration (including maintenance) at all times other than when they are called out for training or actual military service, or when embodied;

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- (b) The recruiting for the Territorial Force both in peace and in war, and defining the limits of recruiting areas: 5
- (c) The provision and maintenance of rifle ranges, buildings, magazines, and sites of camps for the Territorial Force: 5
- (d) Facilitating the provision of areas to be used for manœuvres: 5
- (e) Arranging with employers of labour as to holidays for training, and ascertaining the times of training best suited to the circumstances of civil life: 10
- (f) Establishing or assisting cadet battalions and corps and also rifle clubs, provided that no financial assistance out of money voted by Parliament shall be given by an association in respect of any person in a battalion or corps in a school in receipt of a parliamentary grant 15 until such person has attained the age of sixteen.
- (g) The provision of horses for the peace requirements of the Territorial Force: 15
- (h) Providing accommodation for the safe custody of arms and equipment: 20
- (i) The supply of the requirements on mobilisation of the units of the Territorial Force within the county, in so far as those requirements are directed by the Army Council to be met locally, such requirements where practicable to be embodied in regulations: 25
- (j) The payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service: 25
- (k) The registration in conjunction with the military authorities of horses for any of His Majesty's forces: 30
- (l) The care of reservists and discharged soldiers. 30

Expenses of association.

**3.—(1)** The Army Council shall pay to an association, out of money voted by Parliament for army services, such sums as, in the opinion of the Army Council, are required to meet the necessary expenditure connected with the exercise and discharge 35 by the association of its powers and duties.

(2) An association shall submit to the Army Council annually, at the prescribed time, and may submit at any other time for any special purpose, in the prescribed form and manner, a statement

of its necessary requirements, and all payments to an association by the Army Council shall be made upon the basis of such statements in so far as they are approved by the Army Council. A.D. 1907.

(3) Subject to regulations under this Act, all money so paid to an association shall be applicable to any of the purposes specified in the approved statements in accordance with which the money has been granted, but not otherwise except with the written consent of the Army Council:

Provided that nothing in this section shall be construed as enabling the Army Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent, without the authority of the Treasury, in any case in which, apart from this section, the authority of the Treasury would be required.

(4) All other money received by an association (except such money, if any, as may be received by it for specified purposes) shall be available for the purposes of any of its powers and duties.

(5) An association shall cause its accounts to be made up annually and audited in such manner as may be prescribed, and shall send copies of its accounts as audited, together with any report of the auditors thereon, to the Army Council.

(6) Regulations made for the purposes of this section shall be subject to the consent of the Treasury.

(7) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members of such association in carrying out the provisions of this Act.

4.—(1) Subject to the provisions of this Act, the Army Council may make regulations for carrying this Part of this Act into effect, and may by those regulations, amongst other things, provide for the following matters:—

(a) For regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Army Council is to be applicable:

(b) For authorising and regulating the acquisition by or on behalf of an association of land for the purposes of this Act and the disposal of any land so acquired:

(c) For authorising and regulating the borrowing of money by an association:



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- (d) For authorising the acceptance of any money or other property, and the taking over of any liability, by an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over: 5
- (e) For facilitating the co-operation of an association with any other association, or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action in the organisation and administration of divisions, brigades, and other military bodies, and for the provision of assistance by one association to another: 10
- (f) For affiliating cadet corps and battalions, rifle clubs, and other bodies to the Territorial Force or any part thereof: 15
- (g) For or in respect of anything by this Part of this Act directed or authorised to be done or provided by regulations or to be done in the prescribed manner:
- (h) For the application for the purposes of this Part of this Act, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps. 25

(2) All regulations made in pursuance of this Part of this Act shall be applicable to all associations, except in so far as may be otherwise provided by the regulations or by any scheme made under this Part of this Act. 30

(3) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

Joint committees of associations.

5.—(1) Any county associations may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested. 35

(2) Any association appointing a joint committee under this subsection may delegate to it any power which such association might exercise for the purpose for which the committee is appointed. 40

(3) Subject to the terms of delegation any such joint committee shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.



(4) The costs of a joint committee shall be defrayed by the associations by whom it has been appointed, in such proportion as may be agreed between them, and the accounts of such joint committees and their officers shall for the purposes of the provisions of this Act be deemed to be accounts of the associations appointing them and of their officers.

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## PART II.

## TERRITORIAL FORCE.

*Raising and Maintenance of Force.*

10 6. It shall be lawful for His Majesty to raise and maintain a force, to be called the "Territorial Force," consisting of such number of men as may from time to time be provided by Parliament.

Raising and number of Territorial Force.

*Government, Discipline, and Pay.*

15 7.—(1) Subject to the provisions of this Part of this Act, it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, and pay and allowances of the Territorial Force, and with respect to all other matters and  
20 things relating to the Territorial Force, including any matter by this Part of this Act authorised to be prescribed or expressed to be subject to orders or regulations.

Government, discipline, and pay of Territorial Force.

(2) The said orders may provide for the formation of men of the Territorial Force into regiments, battalions, or other military  
25 bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching men of the Territorial Force to corps, and for  
30 posting, attaching, or otherwise dealing with such men within the corps; and may provide for the constitution of a permanent staff, including adjutants and staff sergeants who shall, except in special circumstances certified by the general officer commanding, be members of His Majesty's regular forces; and may regulate the appointment, rank, duties, and numbers of the  
35 officers and non-commissioned officers of the Territorial Force.

(3) Subject to the provisions of any such order, the Army Council may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section.

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- (4) Provided that the said orders or regulations shall not—
- (a) affect or extend the term for which, or the area within which, a man of the Territorial Force is liable under this Part of this Act to serve; or
  - (b) authorise a man of the Territorial Force when 5 belonging to one corps to be transferred without his consent to another corps; or
  - (c) when the corps of a man of the Territorial Force includes more than one unit, authorise him when not embodied to be posted, without his consent, to 10 any unit other than that to which he was posted on enlistment; or
  - (d) when the corps of a man of the Territorial Force includes any battalion or other body of the regular forces, authorise him to be posted without his 15 consent to that battalion or body.

(5) Where a man of the Territorial Force was enlisted or re-engaged before the date of any order or regulation under this Part of this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, 20 transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made.

(6) Orders and regulations under this section may provide for the formation of a reserve division of the Territorial Force, and 25 may relax or dispense with any of the provisions of this Act relating to the training of the men of the Territorial Force so far as regards their application to men in the reserve division, and may, notwithstanding anything in this section, authorise a man in the reserve division to be transferred from one corps to 30 another, so, however, that a man in the reserve division shall not, without his consent, be transferred to a corps of another arm.

(7) All orders and general regulations made under this section shall be laid before both Houses of Parliament as soon as may be 35 after they are made.

First ap-  
pointments  
to lowest  
rank of  
officers of the  
Territorial  
Force.

8. Subject to any directions which may be given by His Majesty, first appointments to the lowest rank of officer in any unit of the Territorial Force shall be given to persons recom- 40 mended by the president of the association for the county, if a person approved by His Majesty is recommended by the president for any such appointment within thirty days after notice of a vacancy for the appointment has been given to the president in

the prescribed manner, provided he fulfils all the prescribed conditions as to age, physical fitness, and educational qualifications; and where a unit comprises men of the Territorial Force of two or more counties, the recommendations for such appointments shall be made by the presidents of the associations for the respective counties in such rotation or otherwise as may be prescribed.

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*Enlistment; Service; Discharge.*

9.—(1) Subject to the provisions of this Part of this Act, all men of the Territorial Force shall be enlisted by such persons and in such manner and subject to such regulations as may be prescribed:

Enlistment,  
term of service,  
and discharge.

Provided that every man enlisted under this Part of this Act—

- 15 (a) Shall be enlisted for a county for which an association has been established under this Act and shall be appointed to serve in such corps for that county or for an area comprising the whole or part of that county as he may select, and, if that corps comprises more than one unit within the county, shall be posted to such one of those units as he may select:
- 20 (b) Shall be enlisted to serve for such a period as may be prescribed, not exceeding four years, reckoned from the date of his attestation:
- 25 (c) May be re-engaged within twelve months before the end of his current term of service for such a period as may be prescribed not exceeding four years from the end of that term, and on re-engagement shall make the prescribed declaration before a justice of the peace or an officer, and so from time to time.
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(2) A man enlisted in the Territorial Force, until duly discharged in the prescribed manner, shall remain subject to this Part of this Act as a man of the Territorial Force.

(3) Any man of the Territorial Force shall, except when a proclamation ordering the Army Reserve to be called out on permanent service is in force, be entitled to be discharged before the end of his current term of service on complying with the following conditions:—

- 40 (i) Giving to his commanding officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and

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- (ii) Paying for the use of the association for the county for which he was enlisted such sum as may be prescribed not exceeding five pounds; and
- (iii) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being 5 public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, paying the value thereof :

Provided that it shall be lawful for the association for the 10 county or for any officer authorised by the association in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, to dispense either wholly or in part with all or any of the above conditions.

(4) A man of the Territorial Force may be discharged by 15 his commanding officer for disobedience to orders by him while doing any military duty, or for neglect of duty, or for misconduct by him as a man of the Territorial Force, or for other sufficient cause, the existence and sufficiency of such cause to be judged of by the commanding officer : 20

Provided that any man so discharged shall be entitled to appeal to the Army Council who may give such directions in any such case as they may think just and proper.

(5) Where the time at which a man of the Territorial Force would otherwise be entitled to be discharged occurs while a 25 proclamation ordering the Army Reserve to be called out on permanent service is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the competent military authority may order.

Application  
of certain  
sections of  
the Army  
Act.

10.—(1) The following sections of the Army Act shall apply 30 to the Territorial Force (that is to say) :—

Section eighty (relating to the mode of enlistment and attestation) ;

Section ninety-six (relating to the claims of masters to apprentices) ; 35

Section ninety-eight (imposing a fine for unlawful recruiting) ;

Section ninety-nine (making recruits punishable for false answers) ;

So much of section one hundred as relates to the validity of attestation and enlistment or re-engagement; A.D. 1907.

Section one hundred and one (relating to the competent military authority); and

- 5 So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration being evidence.

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution—

- 10 (a) Of “Territorial Force” for “regular forces,” and of “man of the Territorial Force” for “soldier”; and
- (b) (In section one hundred) of “has not within three months  
15 “claimed his discharge on any ground on which he  
“is entitled under this subsection to do so” for “has  
“received pay as a soldier of the regular forces during  
“three months.”

- (2) A recruit may be attested by any lieutenant or deputy-lieutenant of any county in the United Kingdom, or by an  
20 officer of the regular or Territorial forces, and the sections of the Army Act in this section mentioned, and also section thirty-three of the same Act, shall as applied to the Territorial Force be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

- 25 11.—(1) If a person—

- (a) Having been discharged with disgrace from any part of His Majesty’s forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Territorial Force without declaring the circumstances of his discharge or dismissal; or  
30 (b) Is concerned when subject to military law in the enlistment for service in the Territorial Force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act or this Act; or  
35 (c) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of men in the Territorial Force,  
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Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.



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(2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged for misconduct, or discharged on account of a conviction for felony or a sentence of 10 penal servitude.

Enlistment  
into army  
reserve.

12. If a man of the Territorial Force enlists into the army reserve without being discharged from the Territorial Force, the terms and conditions of his service whilst he remains in the army reserve shall be those applicable to him as a man belonging to 15 the army reserve, and not those applicable to him as a man of the Territorial Force.

Area of  
service of  
Territorial  
Force.

13.—(1) Any part of the Territorial Force shall be liable to serve in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the 20 United Kingdom.

(2) Provided that it shall be lawful for His Majesty, if he thinks fit, to accept the offer of any part or men of the Territorial Force, signified through their commanding officer, to subject themselves to the liability— 25

(a) to serve in any place outside the United Kingdom; or

(b) to be called out for actual military service for purposes of defence at such places in the United Kingdom as may be specified in their agreement, whether the Territorial Force is embodied or not; 30

and upon any such offer being accepted they shall be liable, whenever required during the period to which the offer extends, to serve or be called out accordingly.

(3) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid, except by his own 35 consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.

*Training.*

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14.—(1) Every man of the Territorial Force shall, by way of preliminary training, during the first year of his original enlistment—

Preliminary training of recruits of Territorial Force.

- 5 (a) If so provided by Order in Council, be trained at such places within the United Kingdom, at such times, and for such periods, not exceeding in the whole the number of days specified by the Order in Council, as may be prescribed, and may for that purpose be called out once or oftener; and
- 10 (b) Whether such an Order in Council has been made or not, attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the service.
- 15 (2) The requirement to attend training and drills, and to fulfil conditions under this section, shall be in addition to the requirement to attend training and drills, and to fulfil conditions for the purpose of annual training.

15.—(1) Subject to the provisions of this section, every man of the Territorial Force shall, by way of annual training—

Annual training.

- 20 (a) Be trained for not less than eight nor more than fifteen, or in the case of the mounted branch eighteen, days in every year at such times and at such places in any part of the United Kingdom, as may be prescribed, and may for that purpose be called out once or oftener in every year:
- 25 (b) Attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the service:
- 30 Provided that the requirements of this section may be dispensed with in whole or in part—
- (i) as respects any unit, by the prescribed general officer; and
- (ii) as respects an individual man, by his commanding officer subject to any general directions by the prescribed general officer.
- 35 (2) His Majesty in Council may—
- (a) Order that the period of annual training in any year of all or any part of the Territorial Force be extended, but so that the whole period of annual training be not more than thirty days in any year; or
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- (b) Order that the period of annual training in any year of all or any part of the Territorial Force be reduced to such time as to His Majesty may seem fit; or
- (c) Order that in any year the annual training of all or any part of the Territorial Force be dispensed with. 5

(3) Nothing in this section shall be construed as preventing a man, with his own consent, in addition to annual training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Part of this Act.

Laying of draft Orders in Council relating to training before Parliament.

16. Before any Order in Council is made under this Act 10 providing for preliminary training or extending the period of annual training the draft thereof shall be laid before each House of Parliament for a period of not less than forty days during the Session of Parliament, and if either of those Houses before the expiration of those forty days presents an address to His 15 Majesty against the draft or any part thereof, no further proceedings shall be taken, without prejudice to the making of a new draft Order.

*Embodiment.*

Embodiment of Territorial Force.

17.—(1) Immediately upon and by virtue of the issue of a 20 proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for His Majesty to order the Army Council from time to time to give, and when given, to revoke or vary such directions as may seem necessary or proper for embodying all or any part of the Territorial Force 25 and in particular to make such special arrangements as they think proper with regard to units or individuals whose services may be required in other than a military capacity:

Provided that where under any such proclamation directions have been issued for calling out all the men belonging to the first 30 class of the Army Reserve, the Army Council shall, within one month after such directions have been issued, issue directions for embodying all the men belonging to the Territorial Force, unless an address has been presented to His Majesty by both Houses of Parliament praying that such directions as last aforesaid be not 35 issued, and such directions shall not, unless the emergency so requires, be given until Parliament has had an opportunity of presenting such an address.

(2) Whenever, in consequence of the calling out of the whole of the first class of the Army Reserve, directions are 40 required under this section to be given for embodying the Territorial Force, if Parliament be then separated by such adjourn-



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*Territorial and Reserve Forces.*

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ment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and  
 5 act in like manner as if it had stood adjourned or prorogued to the same day.

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(3) Every order and all directions given under this section shall be obeyed as if enacted in this Act, and where such directions for the time being direct the embodiment of any part  
 10 of the Territorial Force, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and after that time shall be deemed to be embodied, and such officers and men are in this Act referred to as embodied or as the embodied part or parts of the Territorial Force.

15 **18.**—(1) It shall be lawful for His Majesty by proclamation to order that the Territorial Force be disembodied, and thereupon the Army Council shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

Disembod-  
ing of Terri-  
torial Force.

(2) Until any such proclamation of His Majesty has been  
 20 issued the Army Council may from time to time, as they may think expedient for the public service, give such directions as may seem necessary or proper for disembodiment of any embodied part of the Territorial Force, and for embodying any part of the Territorial Force not embodied, whether previously disembodied  
 25 or otherwise.

(3) After the date fixed by the directions for the disembodiment of any part of the Territorial Force, the officers and men belonging to that part shall be in the position of officers and men of the Territorial Force not embodied.

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*Notices.*

**19.** Notices required in pursuance of this Part of this Act or of the orders and regulations in force thereunder to be given to men of the Territorial Force shall be served or published in such manner as may be prescribed, and if so served or published shall  
 35 be deemed to be sufficient notice, and every constable and overseer shall, when so required, by or on behalf of the Army Council conform with the orders and regulations for the time being in force under this Part of this Act with respect to the publication and service of notices, and in default shall be liable on conviction  
 40 under the Summary Jurisdiction Acts, to a fine not exceeding twenty pounds.

Service and  
publication  
of notices.

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*Offences.*Punishment  
for failure to  
attend on  
embodiment.

**20.**—(1) Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed, in the prescribed manner, fails to appear at the time and place appointed for assembling on 5  
embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted 10  
and punished accordingly, and may be taken into military custody.

(2) Sections one hundred and fifty-three and one hundred and fifty-four of the Army Act shall apply with respect to deserters and desertion within the meaning of this section, in like manner as they apply with respect to deserters and desertion 15  
within the meaning of those sections, and any person who, knowing any man of the Territorial Force to be a deserter within the meaning of this section or of the Army Act, employs or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section. 20

(3) Where a man of the Territorial Force commits the offence of desertion under this section the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge. 25

Punishment  
for failure to  
fulfil training  
conditions.

**21.** Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for preliminary training, or for annual training, or fails to attend the number of drills and fulfil the 30  
other conditions relating to preliminary or annual training prescribed for his arm or branch of the service, shall be liable to forfeit to His Majesty a sum of money not exceeding five pounds recoverable on complaint to a court of summary jurisdiction by the prescribed officer, and any sums recovered by such 35  
officer shall be accounted for by him in the prescribed manner.

Wrongful  
sale, &c. of  
public pro-  
perty.

**22.** If any person designedly makes away with, sells, or pawns, or wrongfully destroys, or damages, or negligently loses anything issued to him as an officer or man of the Territorial Force, or wrongfully refuses or neglects to deliver up on demand 40  
anything issued to him as an officer or man of the Territorial

Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the county association; and he shall also for any such offence of designedly making away with, selling or pawning or wrongfully destroying as  
5 aforesaid be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

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*Civil Rights and Exemptions.*

23.—(1) The acceptance of a commission as an officer of the Territorial Force shall not vacate the seat of any member returned  
10 to serve in Parliament.

Civil rights  
and exemp-  
tions.

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or  
15 returning from such voting.

(3) If a sheriff is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under-sheriff shall be answerable for the execution of the said office in the name of  
20 the high sheriff; and the security given by the under sheriff, and his pledges to the high sheriff shall stand as a security to the King and to all persons whomsoever, for the due performance of the office of sheriff during such time.

(4) An officer or man of the Territorial Force shall not be  
25 compelled to serve as a peace officer or parish officer, and shall be exempt from serving on any jury, and a field officer of the Territorial Army shall not be required to serve in the office of high sheriff.

*Legal Proceedings.*

30 24.—(1) Any offence under this Part of this Act, and any offence under the Army Act if committed by a man of the Territorial Force when not embodied, which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction, and on conviction by such a court shall be punishable  
35 with imprisonment for a term not exceeding three months or with a fine not exceeding twenty pounds, or with both such imprisonment and fine, but nothing in this provision shall affect the liability of a person charged with any such offence to be taken into military custody.

Trial of  
offences and  
application  
of penalties.

A.D. 1907.

(2) Any offence which under this Part of this Act is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act, with 5 this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

(3) Any offence which under this Part of this Act is punishable on conviction by a court of summary jurisdiction may be 10 prosecuted, and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Army Act, in like manner as if those sections were herein re-enacted and in terms made applicable to this 15 Part of this Act, subject to the following modification (namely)—

Every fine imposed under this Part of this Act on a man of the Territorial Force, or recovered on a prosecution instituted under this Part of this Act shall, notwithstanding anything in any Act or charter or in the said 20 sections to the contrary, be paid to the association of the county for which the man was enlisted.

(4) Where a man of the Territorial Force is subject to military law and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act may be 25 assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or has expired before the expiration of twenty-one days.

Supplemental provisions as to trial of offences.

**25.—**(1) A person charged with an offence which under 30 this Part of this Act is cognizable both by a court-martial and by a court of summary jurisdiction, shall not be liable to be tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them, as may be prescribed : 35

Provided that a man who has been dealt with summarily by his commanding officer shall be deemed to have been tried by court-martial.

(2) Proceedings against an offender before either a court-martial or his commanding officer, or a court of summary 40 jurisdiction, in respect of an offence punishable under this Part

of this Act, and alleged to have been committed by him when a man of the Territorial Force, may be instituted whether the term of his service in the Territorial Force has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to his commanding officer if the alleged offender is then apprehended, or if he is not then apprehended, then within two months after the time at which he is apprehended.

A.D. 1907.

(3) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may for the purposes of any proceedings against him be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as to the corps to which he properly belongs, and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act or offences within the meaning of this Part of this Act, and to give evidence of such offences against him, and if he has been convicted of more than one offence to punish him accordingly as if he had been previously convicted of any such offence.

**26.**—(1) Section one hundred and sixty-four of the Army Act (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man of the Territorial Force who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

Evidence.

(2) Section one hundred and sixty-three of the Army Act (relating to evidence) shall apply to all proceedings under this Part of this Act.

*Miscellaneous.*

**27.**—(1) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may, in relation to the Territorial Force, be exercised by or done by, to, or before any other person for the time being authorised in that behalf, according to the custom of the Service.

Exercise of powers vested in holder of military office.

(2) Where by this Part of this Act, or by any order or regulation in force under this Part of this Act, any order is authorised to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such military authority, and



A.D. 1907. — an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised, shall be evidence of his being so authorised.

Application  
of enact-  
ments.

**28.**—(1) The Army Act shall apply to the Territorial Force and officers and men thereof in like manner as it applies to the Militia, and officers and men of the Militia, except that men of the Territorial Force shall, in addition, be subject to military law when called out on actual military service for purposes of defence, and shall be liable to dismissal as a punishment, and for that purpose the amendments contained in the First Schedule to this Act shall be made in the Army Act. 5

(2) For the purpose of section one hundred and forty-three of the Army Act and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the Territorial Force, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of the regular forces on duty. 15

(3) His Majesty may by Order in Council apply, with the necessary adaptations, to the Territorial Force or the officers or men belonging to that force any enactment relating to the Militia, Yeomanry, or Volunteers, or officers or men of the Militia, Yeomanry, or Volunteers, other than enactments with respect to the raising, service, pay, discipline, or government of the Militia, Yeomanry, or Volunteers, and every such order in council shall be laid before both Houses of Parliament. 20 25

*Transitory.*

Transitory  
provisions.

**29.**—(1) Where an association has been established under this Act for any county His Majesty may by Order in Council transfer to the Territorial Force such units of the Yeomanry and Volunteers or part thereof raised in the county as may be specified in the Order, and every such unit or part thereof shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as an unit of the Territorial Force as provided by the Order, and the provisions of this Part of this Act shall apply to it accordingly. 30 35

(2) Every officer and man of an unit or part thereof mentioned in any such Order shall, from the date mentioned in that Order, be deemed to be an officer or man of the Terri- 40

Force. Provided that nothing in this section or in any Order made thereunder shall, without his consent, affect the conditions or area of service of any person commissioned, enlisted, or enrolled before the passing of this Act. A.D. 1907.

5 (3) An Order in Council under this section may provide—

- 10 (a) For the application to officers and men who become subject thereto of the provisions of this Act as to conditions and area of service, and for the continuance of the application to officers and men who remain subject thereto, of the provisions as to conditions and area of service previously in force as respects those officers and men:
- 15 (b) For transferring to the association any property vested in a Secretary of State for the purposes of any unit to which the Order relates:
- 20 (c) For transferring to the association any property belonging to or held for the benefit of any such unit so however that all property so transferred shall as from the date of the transfer be held by the association for the benefit in like manner of the corresponding unit of the Territorial Force or for such other purposes as the association, with the consent of such corresponding unit, to be ascertained in the prescribed manner, shall direct; and any question which may arise as to whether any property is transferred to an association, or as to the trusts or purposes upon or for which it is or ought to be held, shall be referred for the decision of a Secretary of State whose decision shall be final.
- 30 The corresponding unit of the territorial force shall, in the event of any such transfer, become entitled, notwithstanding the terms of any trust, limitation, or condition affecting the property so transferred to the estate or interest in such property of the unit to the property of which the order relates; but, subject to this provision, the interest of any beneficiary other than such unit shall not, without the consent of such beneficiary, be affected. The order may, if it be deemed proper, having regard to the special circumstances of any case, provide for the appointment of special trustees to act together with or to the exclusion of the association in regard
- 35  
40

A.D. 1907.

to any such property and such special trustees may be the existing trustees of such property :

- (d) For transferring to the association any liabilities of any such unit which the association is willing to assume, and providing for the discharge of any such liabilities which are not so transferred : 5
- (e) For transferring to the association any land or interest in land acquired by the council of a county or borough on behalf of any volunteer corps to which the order relates, and any outstanding liabilities of the council incurred in respect thereof, if the council and the association consent : 10

and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order. 15

(4) Every Order in Council made under this section shall be laid before both Houses of Parliament.

## PART III.

## RESERVE FORCES.

Enlistment and terms of service of special reservists.

30.—(1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882, shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists, and a special reservist may be re-engaged, and when re-engaged shall continue subject to the terms of service applicable to special reservists. 20 25

(2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces. 30 35

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act, 1882, any special reservists may be called out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882. 40

45 & 46 Vict.  
c. 48. s. 11.



(4) Provided that where one of the conditions on which a man was enlisted or re-engaged is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period. A.D. 1907.

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful for His Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(6) A special reservist who enlists into the regular forces shall upon such enlistment be deemed to be discharged from the army reserve.

31. A Secretary of State may, by regulations under the Reserve Forces Act, 1882, authorise any special reservist having the qualifications prescribed by those regulations, to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent service, he will continue to serve until the expiration of a period, whether definite or indefinite, specified in the agreement, and if any man who enters into such an agreement is so called out he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired. Agreements as to extension of service.

32.—(1) A special reservist shall, if he so agrees in writing, be liable during the whole of his service in the army reserve, or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act, 1882, and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act: Liability of reservists to be called out.

35 Provided that—

(a) The number of men so liable shall not at any one time exceed four thousand:

(b) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress:

(129.)

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A.D. 1907: one of the Reserve Forces and Militia Act, 1898, and the liability  
 — to be called out under that section may, if so agreed, extend to the  
 first two years of a man's service in the first class of the army  
 reserve.

(3) In paragraph (5) of section one hundred and seventy-six 5  
 of the Army Act the words "under His Majesty's proclamation"  
 shall be repealed.

Power to  
 form bat-  
 talions, &c.  
 of reservists.

**33.** Orders and regulations under the Reserve Forces Act,  
 1882, may provide for the formation of special reservists into 10  
 regiments, battalions, or other military bodies, and for the formation  
 of such regiments, battalions, or other military bodies into corps,  
 either alone or jointly with any other part of His Majesty's forces,  
 and for appointing, transferring, or attaching special reservists to  
 such corps, and for posting, attaching, or otherwise dealing with  
 special reservists within such corps. 15

Transfer of  
 Militia bat-  
 talions to  
 reserve.

**34.**—(1) His Majesty may by Order in Council transfer  
 to the Army Reserve such battalions of the Militia as may be  
 specified in the order, and every battalion so transferred shall  
 from the date mentioned in the order be deemed to have been  
 lawfully formed under this Part of this Act as a battalion of 20  
 special reservists.

(2) As from the said date every officer of any battalion so  
 transferred shall be deemed to be an officer in the reserve of  
 officers, and every man in such battalion shall be deemed to be a  
 special reservist, and the order may contain such provisions as 25  
 may seem necessary for applying the provisions of the Reserve  
 Forces Acts, 1882 to 1906, as amended by this Act, to those  
 officers and men:

Provided that unless any officer or man in any battalion so  
 transferred indicates his assent to such transfer certified by his 30  
 commanding officer nothing in the order shall affect his existing  
 conditions of service.

(3) All Orders in Council made under this section shall be laid  
 before both Houses of Parliament.

Amendment  
 of 45 & 46  
 Vict. c. 48.  
 s. 6 (4).

**35.** Subsection (4) of section six of the Reserve Forces Act, 35  
 1882, which makes a certificate purporting to be signed by an  
 officer appointed to pay men belonging to the army reserve  
 evidence in certain cases, shall, where a person other than an  
 officer is appointed to pay men belonging to the army reserve,  
 apply to certificates purporting to be signed by such person. 40

Provided that unless any officer or man in any battalion so transferred indicates his assent to such transfer certified by his commanding officer nothing in the order shall affect his existing conditions of service. A.D. 1907.

5 (3) All Orders in Council made under this section shall be laid before both Houses of Parliament.

35 Subsection (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve 10 evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, apply to certificates purporting to be signed by such person. Amendment of 45 & 46 Vict. c. 48. s. 6 (4).

36. The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any member 15 returned to serve in Parliament. Commissions in reserve of officers not to vacate seat in Parliament.

#### PART IV.

##### SUPPLEMENTAL.

37.—(1) Every Order in Council or scheme required by this Act to be laid before each House of Parliament shall be so laid 20 within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days, praying that any such order or scheme may 25 be annulled, His Majesty may thereupon by Order in Council annul the same, and the order or scheme so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

30 (2) All Orders in Council, orders, schemes, and regulations made under this Act may be varied or revoked by subsequent Orders in Council, orders, schemes, and regulations made in the like manner and subject to the like conditions.

38.—(1) In this Act, unless the context otherwise requires,— 35 The expression "county" means a county or riding of a county for which a lieutenant is appointed, and includes the City of London; and each county of a city or county of a town mentioned in the first column of the Second (129.) Definitions.

A.D. 1907.

Schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule;

The expression "man of the Territorial Force" includes a non-commissioned officer; 5

The expression "prescribed" means prescribed by orders or regulations;

Other expressions have the same meaning as in the Army Act.

Special provisions as to special places

**39.**—(1) The Lord Warden of the Cinque Ports may ex-officio be a member of the association of the county of Kent or of the county of Sussex, or of both, as may be provided by schemes under this Act. 10

(2) The Warden of the Stannaries may ex-officio be a member of the association of the county of Cornwall or of the county of Devon, or of both, as may be provided by schemes under this Act. 15

(3) The Lord Mayor of the City of London shall ex-officio be president of the association of the City of London.

(4) The Governor or Deputy Governor of the Isle of Wight shall ex-officio be a member of the association of the county of Southampton. 20

(5) Nothing in this Act shall affect the raising and levying of the Trophy Tax as heretofore in the City of London, but the proceeds of the Tax so levied may be applied by His Majesty's Commissioners of Lieutenancy for the City of London, if the Royal London Militia Battalion is re-constituted as a battalion of the Army Reserve, for any purposes connected with that battalion, and may also, if His Majesty's Commissioners of Lieutenancy for the City of London in their discretion see fit, be applied for the purposes of any of the powers and duties of the association of the City of London under this Act. 25 30

Application to Scotland and the Isle of Man.

**40.**—(1) In the application of this Act to Scotland the following modifications shall be made:—

(a) This Act shall apply to a county of a city in like manner as to any other county: Provided that on the representation or with the consent of the corporation of any county of a city it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, at any time after the passing of 35 40

this Act, to declare that such county of a city shall for the purposes of this Act be deemed to form part of the county set opposite thereto in the second column of the Third Schedule to this Act, and to provide for all matters which may appear necessary or proper for giving full effect to the order; A.D. 1907.

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(b) The expression "county borough council" means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken;

10

(c) The expression "land" includes heritages;

(d) The expression "overseer" means an inspector of poor.

(2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications:—

15

(a) The Isle of Man shall be deemed to be a separate county;

(b) References to the Governor of the Island shall be substituted for references to the lieutenant of a county;

20

(c) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts;

25

(d) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions.

41. This Act may be cited as the Territorial and Reserve Forces Act, 1907, and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907. Short title.

30

A.D. 1907.

## SCHEDULES.

## FIRST SCHEDULE.

## AMENDMENT OF ARMY ACT.

Section.	Amendment.	
S. 13 (1) (a) and (b) -	After the word "Militia" there shall be inserted the words "or Territorial Force."	5
S. 115 (7) -	After the word "Whenever" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"	
S. 115 (8) -	After the words "then if" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"	10
S. 175 -	After paragraph (3) there shall be inserted the following paragraph:— " (3A) Officers of the Territorial Force other than members of the permanent staff."	15
S. 176 -	After paragraph (6) there shall be inserted the following paragraph:— " (6A) All non-commissioned officers and men belonging to the Territorial Force— " (a) When they are being trained or exercised, either alone or with any portion of the regular forces or otherwise; and " (b) When attached to or otherwise acting as part of or with any regular forces; and " (c) When embodied; and " (d) When called out for actual military service for purposes of defence in pursuance of any agreement."	20
S. 181 (4) -	The words "the unit of the Territorial Force," shall be inserted after the words "officer commanding," where those words first occur, and the words "an unit of the Territorial Force," shall be inserted after those words where they secondly occur, and the words "Territorial Force," shall be inserted after the words "an officer, non-commissioned officer, or man of the."	30
S. 181 (4) (a) -	After the word "any" there shall be inserted the words "man of the Territorial Force or"	35
S. 181 (4) (b) and (c) -	The word "Militia" shall be repealed in both places where that word occurs, and the words "of the Territorial Force or Militia" shall be inserted after the word "man" in both places where that word occurs.	40
S. 181 (6) -	After the word "Volunteers" there shall be inserted the words "or the Territorial Force."	
S. 190 (12) -	After the word "means" there shall be inserted the words "the Territorial Force."	45



## SECOND SCHEDULE.

A.D. 1907.

Names of Cities and Towns.		County.
ENGLAND.		
5	County of the city of Chester - - - -	Chester.
	County of the city of Exeter - - - -	Devon.
	County of the town of Poole - - - -	Dorset.
	County of the city of Gloucester - - - -	Gloucester.
	County of the city of Bristol - - - -	Gloucester.
	County of the city of Canterbury - - - -	Kent.
10	County of the city of Lincoln - - - -	Lincoln.
	County of the city of Norwich - - - -	Norfolk.
	County of the town of Newcastle-upon-Tyne - - - -	Northumberland.
	Borough and town of Berwick-upon-Tweed - - - -	Northumberland.
	County of the town of Nottingham - - - -	Nottingham.
15	County of the town of Southampton - - - -	Southampton.
	County of the city of Lichfield - - - -	Stafford.
	County of the city of Worcester - - - -	Worcester.
	County of the city of York - - - -	West Riding of York.
	County of the town of Kingston-upon-Hull - - - -	East Riding of York.
20	County of the town of Carmarthen - - - -	Carmarthen.
	County of the town of Haverfordwest - - - -	Pembroke.
IRELAND.		
	County of the city of Waterford - - - -	Waterford.
	County of the town of Londonderry - - - -	Londonderry.

25

## THIRD SCHEDULE.

## SCOTLAND.

Name of County of City.		County.
30	County of the city of Edinburgh - - - -	Edinburgh.
	County of the city of Glasgow - - - -	Lanark.
	County of the city of Dundee - - - -	Forfar.
	County of the city of Aberdeen - - - -	Aberdeen.

# Territorial and Reserve Forces.

A

## B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to provide for the reorganisa-  
tion of His Majesty's military forces  
and for that purpose to authorise the  
establishment of County Associations,  
and the raising and maintenance  
of a Territorial Force, and for  
amending the Acts relating to the  
Reserve Forces.

*(Brought from the Commons 20th June 1907.)*

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Ordered to be printed 23rd July 1907.

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(129.)



A

## B I L L

## INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Audenshaw Urban District Council Tramway Huddersfield Corporation Tramway Leeds Corporation Tramways Taunton Tramways (Extension) and West Ham Corporation Tramways. A.D. 1907.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.  
c. 78.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

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

1. This Act may be cited as the Tramways Orders Confirmation Act 1907. Short title.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirmation  
of Orders in  
schedule.

(47.)

A

A.D. 1907.

SCHEDULE.LIST OF ORDERS.

- AUDENSHAW URBAN DISTRICT COUNCIL TRAMWAY.—Order authorising the Urban District Council of Audenshaw in the County of Lancaster to construct the tramway in their district authorised by the Audenshaw Urban District Tramway Order 1899. 5
- HUDDERSFIELD CORPORATION TRAMWAY.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct an additional tramway in the said Borough and for other purposes. 10
- LEEDS CORPORATION TRAMWAYS.—Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional tramways in their City.
- TAUNTON TRAMWAYS (EXTENSION).—Order authorising the Taunton Electric Traction Company Limited to construct an additional tramway in the Borough of Taunton in the County of Somerset. 15
- WEST HAM CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of West Ham to construct tramways in their Borough.

## AUDENSHAW URBAN DISTRICT COUNCIL.

A.D. 1907.

*Order authorising the Urban District Council of Audenshaw in the County of Lancaster to construct the Tramway in their District authorised by the Audenshaw Urban District Tramway Order 1899.*

*Audenshaw  
Urban District  
Council.*

- 5
1. This Order may be cited as the Audenshaw Urban District Council Tramway Order 1907 and the Audenshaw Urban District Tramway Order 1899 and this Order may be jointly cited as the Audenshaw Urban District Council Tramway Orders 1899 and 1907. Short and collective titles.
- 10 2. The urban district council of Audenshaw shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." Promoters.
- 15 3. The whole of the sections and the schedule of the Audenshaw Urban District Tramway Order 1899 with the exception of section 1 (Short title) the proviso to section 2 (Incorporation of Acts) section 4 (Promoters) and section 26 (For protection of Postmaster-General) are hereby incorporated in this Order and this Order shall be read and construed as if such sections and schedule were specifically enacted and set out herein. Powers of construction, &c.
- 20 4. Section 30 (except subsections 1 and 5 thereof) of the Tramways Act 1870 in its application to the tramways undertaking of the Promoters shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath. Application of section 30 of Tramways Act 1870 to overhead wires.
- 25 5.—(a) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. For protection of Postmaster-General.
- 30 (b) In the event of the tramway or any part thereof being worked electricity the following provisions shall have effect:—
- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration:
- 35
- 40
- (47.) A 2

A.D. 1907.

*Audenshaw  
Urban District  
Council.*

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary 5 to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than 10 twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either 15 general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall 20 be referred to arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such 25 works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working 30 of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade 35 regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the 40 telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any 45

act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

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*Audenshaw*  
*Urban District*  
*Council.*

- 5
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- 10
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- 15
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- 20
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- 25
- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the tramways of the Promoters.
- 30

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HUDDERSFIELD CORPORATION.

*Huddersfield*  
*Corporation.*

*Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct an additional Tramway in the said Borough and for other purposes.*

35

1. This Order may be cited as the Huddersfield Corporation Tramway Order 1907. Short title.
2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. Incorporation of Act.
- 40

A.D. 1907.  
 Huddersfield  
 Corporation.  
 Interpretation.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order the same respective meanings Provided that in this Order—

The expression "the tramway" means the tramway and works by this Order authorised; 5

The expression "the tramway undertaking" includes the tramway undertakings respectively authorised by the Huddersfield Improvement Act 1880 the Huddersfield Corporation Act 1882 the Huddersfield Tramways and Improvement Act 1890 the Huddersfield Corporation Act 1897 the Huddersfield Corporation Tramways Order 1897 the Huddersfield Corporation Tramways Order 1898 the Huddersfield Corporation Tramways Order 1900 the Huddersfield Corporation Tramways Act 1900 the Huddersfield Corporation Tramways Order 1903 and the Huddersfield Corporation Act 1906; and 10

The expression "the Corporation" means the Mayor Aldermen and Burgesses of the County Borough of Huddersfield acting by the Council. 15

The Promoters.

4. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of tramway.

5. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade the tramway hereinafter described with all proper rails plates girders stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof: 20 25

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section. 30

The tramway authorised by this Order will be wholly situate in the borough of Huddersfield and is—

Tramway No. 1 about 6 furlongs 8·41 chains in length commencing in Blackmoorfoot Road at a point opposite Crosland Hill Road passing thence along or over the said Blackmoorfoot Road and Barton Road and there terminating by a junction with the existing tramway of the Corporation at a point about three yards north-east of Park Road. 35

Tramway No. 1 will be laid as a single line except between the following points where it will be laid as a double line (that is to say):— 40

In Barton Road between two points respectively 90 yards and 24 yards south-west of Ivy Street and between two points respectively 9 yards south-west and 57 yards north-east of Charles Street.



[7 Edw. 7.]

*Tramways Orders Confirmation.*

7

The proposed tramway shall be constructed on the same gauge as the existing tramways of the Promoters that is to say on a gauge of four feet seven and three quarter inches and there shall not be run thereon carriages or trucks adapted for use on railways.

A.D. 1907.

*Huddersfield Corporation.*

- 5 6. The tramway shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licencees may in respect of the tramway exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions
- 10 restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramway or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon
- 15 by them as they are authorised to demand and take in respect of the tramways authorised by the Huddersfield Corporation Tramways Order 1897 Provided that nothing in this Order shall be deemed to extend the provisions of section 23 of the Act of 1900 to the tramway by this Order authorised or to authorise the taking of lands otherwise than by
- 20 agreement.

Tramway to form part of tramway undertaking.

7. Nothing in this Order contained shall exempt the Promoters or any person using the tramway or the tramway from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority
- 25 of Parliament of the maximum rates of tolls or charges authorised by this Order.

Saving for general Acts.

## LEEDS CORPORATION.

*Leeds Corporation.*

- 30 *Order authorising the Lord Mayor Aldermen and Citizens of the City of Leeds to construct additional Tramways in their City.*

1. This Order may be cited as the Leeds Corporation Tramways Order 1907. Short title.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions
- 35 of this Order are hereby incorporated with this Order:—

Incorporated of Acts.

The Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking):

- 40 Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if

A.D. 1907.  
 Leeds  
 Corporation.

the words "but nothing in this Act contained shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages" were omitted from that section.

The Promoters.

3. The lord mayor aldermen and citizens of the city of Leeds acting by the Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of tramways.

4. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets wire stables carriage-houses engine-houses sheds buildings works and conveniences connected therewith.

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways authorised by this Order will be wholly situate within the city and are as follows (that is to say):—

Tramway No. 1 (4 furlongs 6·22 chains in length whereof 2 furlongs 8·13 chains are single line and 1 furlong 8·09 chains are double line) commencing in Hunslet Road by a junction with the existing tramway in that road at a point 12 yards north-west of the intersection of the centre lines of Holdsworth Street and Hunslet Road thence proceeding into and along South Accommodation Road in an easterly direction and terminating in Easy Road by a junction with the existing tramway in that road at the termination of that tramway :

Tramway No 1 will be laid as a single line except at the following places where it will be double:—

(a) In Hunslet Road and South Accommodation Road from the commencement of the tramway for a distance of 32 yards measured in an easterly direction ;

(b) In South Accommodation Road from a point 7 yards west of the intersection of the centre lines of Orchard Street and South Accommodation Road for a distance of 50 yards measured in an easterly direction ;

(c) In South Accommodation Road from a point 17 yards east of the intersection of the centre lines of Parson Street and South Accommodation Road for a distance of 48 yards measured in an easterly direction ;



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 Leeds  
 Corporation.

- (d) In South Accommodation Road from a point 2 yards east of the intersection of the centre lines of Clarence Road and South Accommodation Road for a distance of 208 yards measured in an easterly direction ;
- 5 (e) In South Accommodation Road from a point 7 yards north of the intersection of the centre lines of Prospect Avenue and South Accommodation Road for a distance of 50 yards ;
- 10 (f) In South Accommodation Road and Easy Road from a point in South Accommodation Road 12 yards north of the intersection of the centre lines of Bank Farm Street and South Accommodation Road to the termination of the tramway in Easy Road :
- Tramway No. 2 (5 furlongs 1·70 chains in length whereof 3 furlongs 8·60 chains are double line and 1 furlong 3·10 chains are single line) commencing in Kirkgate by a junction with the existing tramway in that road at a point 18 yards west of the intersection of the centre lines of East Street and Kirkgate thence proceeding into and along East Street in a south-easterly direction to and terminating in Cross Green Lane at the intersection of the centre lines of Lawrence Street and Cross Green Lane :
- 15
- 20 Tramway No. 2 will be laid as a double line except at the following places where it will be single:—
- (a) In Kirkgate and East Street from the commencement of the tramway for a distance of 15 yards measured in an easterly direction along the line of tramway ;
- 25 (b) In East Street from a point 20 yards west of the easterly corner of the Crown Point Axle Works for a distance of 82 yards measured in an easterly direction ;
- (c) In East Street from a point 22 yards west of the intersection of the line if extended of the western party wall of the Waterloo Inn and the centre line of East Street for a distance of 100 yards measured in an easterly direction ;
- 30 (d) In East Street from a point 17 yards east of the intersection of the centre lines of Hill House Court and East Street for a distance of 82 yards measured in an easterly direction ;
- 35 (e) In Cross Green Lane from a point 10 yards west of the intersection of the centre lines of Lawrence Street and Cross Green Lane to the termination of the tramway ;
- 40 Tramway No. 3 (1 mile 3 furlongs 0·6 chain in length whereof 6 furlongs 2·7 chains are double line and 4 furlongs 7·9 chains are single line) wholly situate in Otley Road commencing by a junction with the existing tramway in that road at the termination of that tramway and terminating at the city boundary at Lawnswood :

A.D. 1907.

*Leeds Corporation.*

Tramway No. 3 will be laid as double line except at the following places where it will be single :—

(a) From the intersection of the centre lines of the gateway to Weetwood Mount and Otley Road for a distance of 197 yards measured in a northerly direction ; 5

(b) From a point 127 yards north of the intersection of the centre lines of the Drive from Weetwood Hall and Otley Road for a distance of 340 yards measured in a northerly direction ;

(c) From a point 177 yards north of the intersection of the centre lines of Otley Road and Old Otley Road for a distance 10 of 500 yards measured in a northerly direction ;

(d) From a point 17 yards south of the city boundary at Lawnswood to the termination of the tramway.

Application of provisions of Leeds Corporation (Consolidation) Act 1905 to tramways authorised by this Order.

5. The powers and provisions with regard to tramways contained in the Leeds Corporation (Consolidation) Act 1905 shall apply to the tramways 15 by this Order authorised as if they were Corporation tramways as defined by section 4 of that Act provided that nothing in this Order shall be deemed to authorise the affixing of posts brackets wires or other apparatus to any house or building without the consent of the owners and occupiers thereof.

*Taunton (Extension).*

### TAUNTON (EXTENSION).

20

*Order authorising the Taunton Electric Traction Company Limited to construct an additional Tramway in the Borough of Taunton in the County of Somerset.*

#### *Preliminary.*

Short title.

1. This Order may be cited as the Taunton Tramways (Extension) 25 Order 1907.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where 30 the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order (unless the context otherwise requires) the same respective meanings and in this Order— 35

The expression "the Order of 1900" means the Taunton Tramways Order 1900 ;

The expression "the tramway" means the tramway and works authorised by this Order or (as the case may be) any part thereof ;

[7 Edw. 7.] *Tramways Orders Confirmation.* 11

The expression "the tramways of 1900" means the tramways and works authorised by the Order of 1900 or (as the case may be) any part thereof; A.D. 1907.  
Taunton  
(*Extension*).

5 The expression "the undertaking" means the undertaking by this Order authorised;

The expression "the undertaking of 1900" means the undertaking authorised by the Order of 1900.

*Promoters.*

4. The Taunton Electric Traction Company Limited shall be the Promoters. The Promoters.  
10 Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

*Construction of Tramway.*

5. The Promoters may construct and thereafter maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway hereinafter described with all proper rails points cross-overs plates sleepers offices weigh-bridges stables carriage-houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same. Power to construct tramway.

The tramway authorised by this Order will be situate wholly within the parish of St. James Within in the borough of Taunton in the county of Somerset and is :—

25 A tramway (single and double line) wholly in the borough of Taunton and parish of St. James Within in the county of Somerset commencing in Station Road 25 yards or thereabouts north of the south corner of the Great Western Railway engine shed by a junction with the existing tramways passing thence into and along and terminating  
30 in Kingston Road 10 yards or thereabouts north of the north-west corner of Salisbury Street where it joins with Kingston Road.

The said tramway will be 3 furlongs 2·82 chains in length and will be a single line except between the following points where it will be a double line viz. :—

- 35 (1) From the commencement of the tramway for a distance of 6 chains in a northerly direction :
- (2) From a point 33 yards or thereabouts south of the centre of St. Andrew's Road for a distance of 73 yards or thereabouts measured in a northerly direction.
- 40 (3) From a point 12 yards or thereabouts south of the centre of Gladstone Street for a distance of 73 yards or thereabouts in a northerly direction :

(47.)

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*Taunton*  
*(Extension).*  
Extending to  
this Order  
certain provisions  
of  
Order of 1900.

6. The following provisions of the Order of 1900 and the schedule annexed thereto shall so far as the same are applicable extend and apply as varied by this Order to the tramway and the undertaking in like manner in every respect as if the tramway and the undertaking formed part of the tramways of 1900 and the undertaking of 1900 and for the purpose of such application the expression "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramway and the undertaking as defined by this Order (that is to say):—

- Section 5 (Lands by agreement).
- Section 7 (For the protection of the Great Western Railway 10  
Company).
- Section 8 (Position in road of tramways).
- Section 9 (Gauge of tramways).
- Section 10 (Provision as to construction of tramways).
- Section 12 (Promoters and road authority may contract for repairing 15  
road and constructing tramways).
- Section 13 (Application of road materials excavated in construction  
of works).
- Section 14 (Rails of tramways).
- Section 15 (Penalty for not maintaining rails and road in good 20  
condition).
- Section 16 (Local authority to have access to sewers).
- Section 17 (Tramways to be kept on level of surface of road).
- Section 18 (Additional crossovers &c.).
- Section 19 (Temporary tramways). 25
- Section 20 (As to manholes).
- Section 21 (As to removal of snow).
- Section 22 (Tramways not to be opened until certified by Board of  
Trade).
- Section 23 (Provisions as to motive power). 30
- Section 24 (Mechanical power works).
- Section 25 (Mechanical power works to be subject to section 30 of  
Tramways Act 1870).
- Section 26 (Byelaws).
- Section 27 (Amendment of Tramways Act 1870 as to byelaws by 35  
local authority).
- Section 28 (Special provisions as to use of electrical power as motive  
power).
- Section 30 (Traffic on tramways).
- Section 31 (Promoters not bound to carry animals goods &c.). 40
- Section 32 (Provision as to conveyance of animals goods &c. in  
separate carriages).

[7 EDW. 7.]

*Tramways Orders Confirmation.*

13

- Section 33 (Carriages constructed for use on railways not to be used). A.D. 1907.  
 Section 34 (As to the use of bells).  
 Section 35 (Service of cars). Taunton  
(Extension).  
 5 Section 36 (Local authorities and road authorities may use tramways for certain purposes).  
 Section 37 (Agreements between Promoters and road authorities as to user and for facilitating traffic on tramways).  
 Section 38 (Tolls for passengers).  
 Section 39 (As to fares on Sundays and holidays).  
 10 Section 40 (Passengers' luggage).  
 Section 41 (Cheap fares for labouring classes).  
 Section 42 (Rates and charges for animals goods &c.).  
 Section 43 (Payment of rates).  
 Section 44 (Periodical revision of rates and charges).  
 15 Section 46 (Saving as to powers of borrowing on mortgage).  
 Section 47 (Orders &c. of the Board of Trade).  
 Section 48 (Recovery and application of penalties).  
 Section 49 (Form and delivery of notices).  
 Section 50 (Provisions as to arbitration).  
 20 Section 51 (Saving for general Acts).  
 The Schedule.
- 7.—(1) Sections 29 (For the protection of Postmaster-General) and 45 (As to purchase of the undertaking by local authority) of the Order of 1900 are hereby repealed. Amendment of  
Order of 1900.
- 25 (2) Section 32 (Provision as to conveyance of animals goods &c. in separate carriages) of the Order of 1900 shall be read and construed as if the words  
 “or to parcels not exceeding 56 pounds in weight”  
 had been added at the end of that section.
- 30 8. Where in any road in which a double line of the tramway by this Order authorised is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and when required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other. Cross-overs to  
be constructed  
in certain  
cases.
- 35 9.—(A) Notwithstanding anything in this Order or in the Order of 1900 contained if any of the works by this Order or the Order of 1900 authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. For protection  
of Postmaster-  
General.
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A.D. 1907.

*Taunton*  
*(Extension).*

(B) In the event of the tramway or the tramways of 1900 being worked by electricity the following provisions shall have effect:—

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking and the undertaking of 1900 in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking and the undertaking of 1900 to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration: 5 10 15
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking or the undertaking of 1900 the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection: 20
- (3) Before any electric line is laid down or any act or work for working the tramway or the tramways of 1900 by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be referred to arbitration: 25 30 35
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order or by the Order of 1900 authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking or of the undertaking of 1900 the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the 40 45



purposes of this Order or of the Order of 1900 at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electric tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations :

A.D. 1907.

*Trunton*  
(Extension).

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- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
  - (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
  - (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
  - (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
  - (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
  - (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
  - (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :

A.D. 1907.  
*Taunton*  
*(Extension).*

Purchase of  
 tramway and  
 tramways of  
 1900.

(12) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramway or any of the tramways of 1900.

10. Notwithstanding anything in this Order or in the Order of 1900 or in the Tramways Act 1870 contained—

(1) The powers of purchase given by section 43 of the Tramways Act 1870 shall not as regards the undertaking or the undertaking of 1900 be exercisable by the local authority in whose district the tramway or the tramways of 1900 are situate on the terms of purchase in the said section mentioned until the expiration of forty years from the date of the passing of the Act confirming this Order;

The period of twenty-one years mentioned in section 43 of the Tramways Act 1870 shall in respect of the undertaking and of the undertaking of 1900 be deemed to be a period of forty years from the date of the passing of the Act confirming this Order and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of forty years:

(2) The powers of purchase given by section 43 of the Tramways Act 1870 shall be exercisable as regards the undertaking and the undertaking of 1900 at the expiration of a period of 33 years from the passing of the Act confirming this Order upon payment to the Promoters of the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expense of the reference to be borne and paid as the referee directs and in such cases the period and the terms of purchase in the said section 43 mentioned shall as regards the said undertaking be deemed to be the respective period of 33 years and the terms of purchase by this sub-section prescribed:

(3) The undertaking and the undertaking of 1900 shall only be purchaseable by the local authority at one and the same time.

*West Ham*  
*Corporation.*

#### WEST HAM CORPORATION.

*Order authorising the Mayor Aldermen and Burgesses of the County Borough of West Ham to construct Tramways in their Borough.*

Short title.

1. This Order may be cited as the West Ham Corporation Tramways Order 1907.



[7 Edw. 7.]

*Tramways Orders Confirmation.*

17

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except  
5 where the same are inconsistent with or expressly varied by this Order.

A.D. 1907.  
—  
*West Ham Corporation.*  
Incorporation  
of Acts.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order—

Interpretation.

10 The expression "the Act of 1898" "the Act of 1900" "the Act of 1902" and "the Order of 1904" means respectively the West Ham Corporation Act 1898 the West Ham Corporation Act 1900 the West Ham Corporation Act 1902 and the West Ham Corporation Tramways Order 1904 ;

15 The expression "the borough" means the county borough of West Ham ;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough acting by the council ;

The expression "the tramways" means the tramways and works by this Order authorised ;

20 The expression "the tramway undertaking" means and includes the tramways and works connected therewith authorised by the Act of 1900 the Act of 1902 and the Order of 1904 and the tramways in the borough authorised by the Leyton Urban District Council Act of 1904 and this Order and any tramways and works connected  
25 therewith which have been or may be purchased by the Corporation or which for the time being belong to the Corporation ;

The expression "mechanical power" has the meaning assigned to it by the Act of 1898.

4. The corporation shall be the Promoters for the purpose of this Order  
30 and are in this Order referred to as the Promoters

The Promoters.

5. The Promoters may—

35 (A) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for the purposes of the tramway undertaking but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estate ;

Lands by  
agreement.

40 (B) By agreement from time to time purchase and acquire for the purpose of the tramway undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on  
45 leases of the same shall be applied solely in repayment of

(47.)

C

A.D. 1907.

*West Ham Corporation.*

outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

Provided that they shall not at any time hold for such purposes under the provisions of this Order more than two acres of land in addition to the lands which they are already authorised to hold for those purposes Provided always that nothing in this Order shall exonerate the Promoters from every indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of tramways.

6. The Promoters may subject to the provisions of this Order—

(A) Construct and maintain in accordance with the plans and sections deposited at the offices of the Board of Trade for the purpose of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways herein-after described with all proper rails points junctions plates works and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters or for the purposes thereof;

(B) Erect or construct on any lands acquired or appropriated under the powers of this Order any offices stables sheds workshops stores waiting rooms or other buildings yards works and conveniences for the purposes of the tramways undertaking and provide same with all necessary or convenient fixtures fittings and furniture :

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways will be wholly situate within the borough and are as follows (that is to say):—

Tramway No. 1 (2 furlongs 7·80 chains or thereabouts in length) commencing in the High Street Plaistow by a junction with the existing tramway of the Corporation in that street at a point 28 yards or thereabouts north of the junction of that street with Balaam Street Plaistow passing thence in an easterly direction along the said High Street into and along Greengate Street to and terminating by a junction with the existing tramway of the Corporation in Barking Road at a point 20 yards or thereabouts north-east of the junction of Greengate Street with that road :

Tramway No. 1 will be laid as a double line throughout :

A.D. 1907.

5 Tramway No. 1A (1·80 chains or thereabouts in length) commencing  
in Balaam Street Plaistow by a junction with the existing tramway  
of the Corporation in that street at a point 10 yards or thereabouts  
south of the junction of that street with High Street Plaistow  
passing thence in an easterly direction into and along High Street  
Plaistow and terminating in that street by a junction with  
10 Tramway No. 1 hereinbefore described at a point 32 yards or  
thereabouts east of the junction of the High Street Plaistow with  
Balaam Street :

*West Ham  
Corporation.*

Tramway No. 1A will be laid as a single line throughout :

15 Tramway No. 1B (1·20 chains or thereabouts in length) commencing  
by a junction with Tramway No. 1 hereinbefore described at a point  
12 yards or thereabouts north-west of the junction of Greengate  
Street with Barking Road passing thence in a southerly direction  
into and along Barking Road and terminating in that road by a  
junction with the existing tramway of the Corporation at a  
point 13 yards or thereabouts south-west of the junction of  
Greengate Street with Barking Road :

20 Tramway No. 1B will be laid as a double line throughout :

25 Tramway No. 2 (1 mile 1 furlong 4 chains or thereabouts in length)  
of which 1 furlong 1·60 chains are single line and 1 mile  
2 40 chains are double line commencing in Greengate Street by  
a junction with the Tramway No. 1 hereinbefore described at a  
point 20 yards or thereabouts north-west of the junction of  
Greengate Street with Barking Road passing thence in a southerly  
direction across the said Barking Road into and along Prince  
Regent's Lane to and terminating in Connaught Road by a junction  
with the existing tramway of the Corporation in that road at  
30 a point 14 yards or thereabouts east of the junction of Prince  
Regent's Lane with Connaught Road :

Tramway No. 2 will be laid as a double line except for the following  
distances and at the following places where it will be laid as  
a single line (that is to say) :—

35 (A) In Prince Regent's Lane for a distance of 5·80 chains  
or thereabouts commencing at a point 36 yards or thereabouts  
south of the junction of Prince Regent's Lane with Barking  
Road and terminating at a point 47 yards or thereabouts south  
of the junction of Sussex Street with Prince Regent's Lane ;

40 (B) In Prince Regent's Lane for a distance of 5·80 chains  
or thereabouts commencing at a point 27 yards or thereabouts  
south of the junction of Randolph Road with Prince Regent's  
Lane and terminating at a point 28 yards or thereabouts south  
of the junction of Prince of Wales Road with Prince Regent's  
45 Lane :

(47.)

C 2

A.D. 1907.

West Ham  
Corporation.

Provided always that Tramway No. 2 shall not be constructed unless and until the Corporation shall have passed a resolution approving of the intention to construct the same under and subject to the same conditions and provisions as a resolution of a local authority approving an intended application for a Provisional Order and such resolution shall have been approved by the Board of Trade :

Tramway No. 2A (1·10 chains or thereabouts in length) commencing by a junction with the existing tramway of the Corporation in Barking Road at a point 12 yards or thereabouts north-east of the junction of Prince Regent's Lane with Barking Road passing thence in a southerly direction into and along Prince Regent's Lane and terminating in Prince Regent's Lane by a junction with Tramway No. 2 hereinbefore described at a point 12 yards or thereabouts south of the junction of Prince Regent's Lane with Barking Road :

Tramway No. 2A will be laid as a double line throughout :

Tramway No. 3 (1 furlong 8·10 chains or thereabouts in length) commencing in the roadway of the Iron Bridge Canning Town at the point at which the boundary of the Borough of West Ham crosses that bridge by a junction with Tramway No. 10 authorised by the London County Council (Tramways and Improvements) Act 1906 at the termination thereof passing thence in an easterly direction along the said roadway into and along Barking Road and terminating by a junction with the existing tramway of the Corporation at its termination in that road at a point opposite the junction of Burnham Street with Barking Road :

Tramway No. 3 will be laid as a double line throughout.

As to construction of tramways in widened roads.

7. If any widening or any part of any widening of Greengate Street or Prince Regent's Lane shall be completed before the commencement of the construction of any tramway authorised to be constructed by this Order in the portion of the street or road so widened the Promoters may with the consent of the Board of Trade construct such tramway in the centre of the portion of the street or road as so widened.

Extending to this Order certain provisions of Acts of 1898 1900 and 1902 and Order of 1904.

8. Subject to the provisions of this Order the provisions hereinafter mentioned of the West Ham Corporation Acts and of the Order of 1904 shall so far as they are applicable in that behalf extend and apply *mutatis mutandis* to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking authorised by this Order formed part of the tramway undertaking and for the purposes of tolls rates and charges the tramways shall be deemed to form part of the tramway undertaking Provided that in the application of the said provisions the expressions referring to the tramways and tramway undertakings regulated or authorised by the said Acts and Order and the expression "this Act" shall be construed to mean respectively the

tramways and the undertaking by this Order authorised and this Order A.D. 1907.  
The provisions of the said Acts and Order hereinbefore referred to are:—

*West Ham  
Corporation.*

The Act of 1898—

- 5 Section 6 (Corporation to work tramways);
- Section 8 (Power to work tramways by mechanical power);
- Section 9 (As to laying down and maintaining works necessary for  
using mechanical power);
- Section 10 (As to use of electric power);
- Section 12 (Byelaws);
- 10 Section 13 (Amendment of the Tramways Act 1870 as to byelaws  
by local authorities);
- Section 14 (Orders and byelaws);
- Section 15 (As to recovery of penalties):

The Act of 1900—

- 15 Section 28 (For protection of the Great Eastern Railway Company):  
Provided that in the application of the said section 28 to the  
tramways by this Order authorised subsection (5) of the said  
section shall be read as if Tramway No. 3 by this Order autho-  
rised were substituted in the said subsection for Tramways No. 6  
20 and No. 9 therein mentioned and as if the words "entrance to  
the Canning Town Station" were substituted for the words  
"respective entrances to the Custom House and Forest Gate  
Stations";
- Section 30 (As to interference with northern main outfall sewer);
- 25 Section 33 (Inspection by Board of Trade);
- Section 34 (Tramways to be kept on level of surface of road);
- Section 35 (Further provisions as to construction of tramway);
- Section 36 (As to rails of tramways);
- Section 37 (Power to make interlacing lines &c. and crossings);
- 30 Section 38 (Power to make crossings &c.);
- Section 39 (Application of road materials excavated in construction  
of works);
- Section 41 (Temporary tramways to be made where necessary);
- Section 46 (For protection of observatories);
- 35 Section 47 (Regulations);
- Section 53 (Provision as to general Tramway Acts):

The Act of 1902—

- Section 13 (For protection of Postmaster-General);
- Section 15 (Penalty for not maintaining rails and roads);
- 40 Section 45 (Tramway revenue):

A.D. 1907.  
*West Ham  
Corporation.*

The Order of 1904—

Section 9 (Gauge and width of carriages);

Section 11 (Attachment of brackets to buildings);

Section 12 (Mortgage may include rents):

Provided that nothing in this Order shall empower the Promoters to 5  
construct any station for generating electrical power nor any works  
outside the borough nor to create or to permit a nuisance.

Application of  
section 30 of  
Tramways Act  
1870 to over-  
head wires.

9. Section 30 (except subsections 1 and 5 thereof) of the Tramways  
Act 1870 in its application to the tramways shall have effect as if wires 10  
or apparatus laid in a road included wires or apparatus erected or carried  
over a street road or footpath.

Working  
agreements.

10.—(1) Subject to the provisions of this Order the Promoters may—

(a) Enter into and carry into effect contracts and agreements with  
any person authorised (whether expressly or otherwise) to 15  
enter into such contracts or agreements and owning or  
working any tramways connecting with any of the tramways  
of the Promoters with respect to—

(i) The formation of junctions between the tramways and  
the tramways belonging to such person;

(ii) The working running over using maintaining and 20  
managing by either of the contracting parties of the  
tramways or any of the tramways of the other and the  
fixing collecting apportionment and distribution of the  
rates and profits arising therefrom or of a rent for the  
same; 25

(iii) The supply under any agreement for the tramways  
of either of the contracting parties being worked and  
used by the other of motive power or of engines carriages  
and plant necessary for the purposes of such agreement  
Provided that no electrical energy shall be supplied or 30  
shall continue to be supplied by the Promoters under this  
section in any district in which any local authority or  
person shall be supplying energy under statutory authority  
without the consent in writing of such local authority or  
person; 35

(iv) The management regulation interchange collection  
transmission and delivery of traffic coming from or destined  
for the undertakings of the contracting parties;

(v) The appointment of officers and servants and generally 40  
all such matters as may be deemed desirable for enabling  
the tramways of the contracting parties to be worked in  
connection:

(b) Confirm subject to this section any such contracts and agreements  
entered into before the confirmation of this Order.



[7 EDW. 7.]

*Tramways Orders Confirmation.*

23

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

A.D. 1907.

*West Ham  
Corporation.*

(3) In this section the word "tramways" includes light railways and parts of tramways and light railways.

# Tramway Orders Confirmation. [H.L.]

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A

## B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Andenshaw Urban District Council Tramway Huddersfield Corporation Tramway Leeds Corporation Tramway Taunton Tramways (Extension) and West Ham Corporation Tramways.

*The Lord Granard (E. Granard).*

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Ordered to be printed 1st May 1907.

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E. RUSSELL, 116, Grafton Street, Dublin.

[Price 2½d.]

(47.)



A

## B I L L

INTITULED

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal. A.D. 1907.

**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:—

5     1.—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest on any loan raised by the Colony of the Transvaal for the purposes set out in the First Schedule to this Act, not exceeding in the aggregate an amount of stock sufficient to  
10 raise five million pounds, or stock of a nominal amount of five million pounds, whichever is least, and also the sinking fund payments for the repayment of the principal of the loan as fixed in accordance with this Act.

Power to  
Treasury to  
guarantee  
Transvaal  
loan.

(2) Subsections (2) to (6) of section one of the South African  
15 Loan and War Contribution Act, 1903, which are set out in the Second Schedule to this Act, with the modifications shown in that schedule shall apply with respect to the guarantee, and the raising, of the loan under this Act as if they were herein re-enacted.

3 Edw. 7.  
c. 27.

20     (3) The Treasury may guarantee the payment of sums secured by any Transvaal Treasury bills, or other securities which may be issued with their approval by the Governor of the Colony of the Transvaal, for the purpose of temporarily raising any sums in anticipation of the loan in the same manner as they may  
25 guarantee the interest on and the sinking fund payments for the loan, and the provisions of this section shall apply with respect to any such guarantee accordingly.

2. This Act may be cited as the Transvaal Loan (Guarantee) Act, 1907.  
(201.)

Short title.

A.D. 1907.

## SCHEDULES.

## FIRST SCHEDULE.

	£	
1. Land and agricultural bank	2,500,000	5
2. Railways, public works, irrigation, agricultural settle- ment, and development, and any expenses of and incidental to the issue of the loan	-	-
	-	The balance.

## SECOND SCHEDULE.

SUBSECTIONS (2) TO (6) OF SECTION 1 OF THE SOUTH AFRICAN  
LOAN AND WAR CONTRIBUTION ACT, 1903.†Power to  
Treasury to  
guarantee  
loans.

1. (1) \* \* \* \* \*

(2) A guarantee shall not be given in pursuance of this Act until the  
Government of the Transvaal have provided to the satisfaction of the  
Treasury and the Secretary of State—(a) for raising, appropriating, and duly applying the loan for the  
purposes and in the manner set out in the *First* Schedule to  
this Act, subject to any arrangements which may be made for  
the application of savings on one head of expenditure to  
another head of expenditure:(b) for the establishment and regulation of a sinking fund for the  
purpose of the repayment within a period not exceeding fifty  
years from the *first day of July nineteen hundred and eight*  
of the principal of the loan:(c) for charging on the general revenues and assets of the colony or  
on any other revenues or assets which may be made available  
for the purpose, with priority over any charges not existing at  
the date of the passing of this Act, the principal and interest  
of the loan and any sinking fund payments for the repayment  
of the principal of the loan:(d) for charging on the general revenues and assets of the colony  
immediately after the last-mentioned charge the repayment to  
the Treasury of any sum issued out of the Consolidated Fund

† Modifications are shown in italics.

[7 EDW. 7.]

*Transvaal Loan (Guarantee).*

3

under this Act on account of the guarantee of the loan, with A.D. 1907.  
interest thereon at the rate of four per cent. per annum :

(e) for raising or securing the raising of sufficient money to meet the above charges.

5 (3) If any loan guaranteed under this Act is raised by stock to which the Colonial Stock Act, 1877, applies, section nineteen of that Act shall 40 & 41 Vict. c. 59. not apply.

(4) Every Act or Ordinance of the Legislature of the Transvaal which in any way impairs the validity or priority of any such charge  
10 shall, so far as it impairs the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

(5) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of  
15 the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(6) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee  
20 as soon as may be after any guarantee is so given or any sum is so issued.

**Transvaal Loan  
(Guarantee).**

A

**B I L L**

INTRODUCED

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal.

*(Brought from the Commons 22nd August 1907.)*

Ordered to be printed 22nd August 1907.

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E. PONSORRY, 116, Grafton Street, Dublin.

[Price 4d.]

(201.)

## A

## B I L L

## INTITULED

An Act to substitute a Statutory Declaration for the Certificate required under Section two of the Vaccination Act, 1898, of Conscientious Objection. A.D. 1907.

**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:—

- 5     **1.** The Vaccination Act, 1898, shall be read as if the following section were substituted for section two of that Act:—
- Substitution of statutory declaration as to conscientious objection for certificate of justices. 61 & 62 Vict. c. 49.
- 10         (1) No parent or other person shall be liable to any penalty under section twenty-nine or section thirty-one of the Vaccination Act, 1867, if within four months from the birth of the child either parent or such other person, as the case may be, makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child and within seven days thereafter delivers or sends by post the declaration to the vaccination officer of the district.
- 15         (2) A statutory declaration made for the purposes of this section shall be exempt from Stamp Duty.
- 20         (3) A statutory declaration for the purposes of this section shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

**2.** Section two of the Vaccination Act, 1898, is hereby repealed, but the repeal shall not affect the operation of any certificate obtained before the commencement of this Act. Repeal.

A.D. 1907.  
Commence-  
ment and  
short title.

3.—(1) This Act shall come into operation on the first day of January nineteen hundred and eight.

(2) This Act may be cited as the Vaccination Act, 1907, and may be cited with the Vaccination Acts, 1867 to 1898.

## SCHEDULE.

5

### FORM OF DECLARATION,

I, *A.B.*, of \_\_\_\_\_ in the parish of \_\_\_\_\_ in the county of \_\_\_\_\_ being the parent [or person having the custody] of a child named *C.D.*, who was born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, do hereby solemnly and sincerely declare that I 10 conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. 15

Signed, *A.B.*

Declared before me, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
*E.F.*,  
a Commissioner for Oaths [or Justice of the Peace, or other officer 20 authorised to receive a statutory declaration].

603

Vaccination (Scotland) Bill.  
[H.L.]

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AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD BALFOUR.

6th August 1907.

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[Price 1/4.]

(128 a.)



## A

## B I L L

## INTITULED

An Act to amend the Law with respect to Vaccination A.D. 1907.  
 in Scotland by authorising a statutory declaration of  
 conscientious objection. —

**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 :—

5 **1.**—(1) No parent or other person shall be liable to any Statutory  
 declaration  
 as to con-  
 scientious  
 objection  
 and exemp-  
 tion from  
 penalties. 1  
 26 & 27 Vict.  
 c. 108.  
 penalty under section seventeen or section eighteen of the  
 Vaccination (Scotland) Act, 1863, if, within six months from  
 the birth of the child he makes a statutory declaration that he  
 conscientiously believes that vaccination would be prejudicial to  
 10 the health of the child, and within seven days thereafter delivers  
 the declaration to the registrar of the district in which such child  
 was born and registered. A registrar to whom such a declaration  
 is duly delivered shall not, so far as regards the child named  
 therein, carry out the procedure as to intimation and transmission  
 15 prescribed by the said sections in respect of the failure to transmit  
 to him the certificate in those sections mentioned.

(2) A registrar shall keep such record of statutory declara-  
 tions as may be prescribed by the Registrar-General, and shall  
 furnish to any local authority executing the Public Health 60 & 61 Vict.  
 c. 38.  
 20 (Scotland) Act, 1897, within his district such periodical returns  
 of statutory declarations as may be required of him and  
 approved by the Local Government Board for Scotland, and  
 for each declaration intimated in any such return he shall be  
 paid by the local authority the sum of twopence, and the  
 25 local authority shall provide the forms on which such returns  
 (128.)

A.D. 1907. are to be made and shall pay for their transmission by letter post.

(3) A registrar shall at any reasonable time allow searches to be made in such record of statutory declarations, and shall upon demand give a copy certificated under his hand of any entry 5 therein on payment of the fee for a search and certificate respectively prescribed by section fifteen of the Vaccination (Scotland) Act, 1863.

(4) A statutory declaration made for the purposes of this Act shall be exempt from stamp duty. 10

(5) A statutory declaration for the purposes of this Act shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

(6) In the application of this Act to a child born before the passing thereof there shall be substituted for the period of six 15 months from the birth of the child the period of six months from the passing of this Act.

Short title  
and extent.

2. This Act shall apply to Scotland only, and may be cited as the Vaccination (Scotland) Act, 1907, and the Vaccination (Scotland) Act, 1863, and this Act shall be construed together as 20 one Act and may be cited collectively as the Vaccination (Scotland) Acts, 1863 to 1907.

[7 EDW. 7.]

*Vaccination (Scotland).*

3

SCHEDULE.

A.D. 1907.

## FORM OF DECLARATION.

I, *A.B.*, of \_\_\_\_\_, in the parish of \_\_\_\_\_, being the  
 father (or mother or person having the care, nurture, or custody) of a child  
 5 named *C.D.*, who was born at \_\_\_\_\_ on the \_\_\_\_\_ day of  
 \_\_\_\_\_ 19\_\_\_\_, do hereby solemnly and sincerely declare that I  
 conscientiously believe that vaccination would be prejudicial to the health  
 of the child, and I make this solemn declaration conscientiously believing  
 the same to be true and by virtue of the provisions of the Statutory  
 10 Declarations Act, 1835.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
 (Signed) *A.B.*

Declared before me at \_\_\_\_\_ on the \_\_\_\_\_ day of  
 19\_\_\_\_.  
 15 (Signed) *E.F.*,  
 A Justice of the Peace (or Magistrate  
 or Judge Ordinary).

Vaccination (Scotland).

[H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection.

*The Lord Hamilton of Dalzell.*

(Ordered to be printed 7th August 1907.)

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(161.)

## Whale Fisheries (Scotland) Bill.

### ARRANGEMENT OF CLAUSES.

Clause.

1. Prohibition of exercise of whaling industry without licence.
2. Licences may be granted by Fishery Board for Scotland on certain conditions.
3. Offences by holder of licence or persons employed by him.
4. Inspection of whaling factories, &c.
5. Saving for certain whales and whaling industries.
6. Penalties.
7. Local inquiry.
8. Definition.
9. Application, commencement, and short title.





A.D. 1907.

interested, within fourteen days after the publication of such notice as aforesaid to lodge with the Board objections to the granting of any such licence, and the Board shall consider any such objections, and, after such inquiry, if any, as they may think necessary, shall 5 grant or refuse such licence :

- (3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to 10 any other site, unless and until such other site shall have been approved by the Board, and their approval shall have been endorsed on the licence :
- (4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer ; 15 provided that the Board shall, on the application of any person who before the first day of January one thousand nine hundred and seven has erected a factory or station for the prosecution of the whaling industry, authorise such person by special permission 20 endorsed on his licence, to use or employ not more than three additional whaling steamers, when the Board, after due inquiry, are satisfied that such additional steamer or steamers are necessary for the full and proper working of such factory or station as 25 it existed at that date :
- (5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the 30 prosecution of the whaling industry before the date mentioned in the immediately preceding subsection :
- (6) The Board may at any time, on the application of the holder of a licence, cancel the licence, or in the case of the holder of a licence endorsed with a special 35 permission vary the number of whaling steamers (but in no case to exceed four) the use of which is authorised thereby ; but it shall not be lawful to transfer or assign any licence without the consent of the Board, and any transfer or assignment shall be 40 endorsed upon the licence :



- (7) There shall be paid to the Board in respect of every licence issued under the provisions of this Act a sum of one hundred pounds for each whaling steamer the use of which is authorised thereby and such sum shall be payable on the issue of the licence and thereafter annually during its continuance: A.D. 1907.
- 5
- (8) Every licence shall be subject to all the conditions contained in this Act, and it shall be lawful for the Board, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, without compensation to cancel any licence or to suspend any licence for a specified period.
- 10
- 15 **3.**—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for
- 20 manufacture. Offences by holder of licence or persons employed by him.
- (2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the Board, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.
- 25 (3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.
- 30 (4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.
- 35 (5) No holder of a licence or person employed by him shall kill or shoot any herring-hog whale, or any whale which is accompanied by a calf.
- (6) No holder of a licence or person employed by him shall in any year pursue, kill, or shoot whales between the first day of
- 40 November and the thirty-first day of March, both days inclusive,

A.D. 1907. or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe. 5

(7) In this section the expression "mile" means a nautical mile.

(8) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(9) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area. 10

Inspection of whaling factories, &c.

4.—(1) The Board shall give every assistance in carrying out the provisions of this Act and, where necessary, shall employ their officers to facilitate its execution, and may, with the consent of the Secretary for Scotland, provide for the inspection of the factories or stations and vessels employed by the holders of licences, and such holders of licences and all persons employed by them shall give all reasonable facilities for such inspection, and shall make such returns on any matter connected with their whaling business as the Board may from time to time prescribe, and if required by the Board shall verify such returns by statutory declaration. 25

(2) The expenses incurred in any year by the Board in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament.

Saving for certain whales and whaling industries.

5.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore. 30

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry. 35

6. Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on summary conviction to a penalty not exceeding one hundred pounds, and on failure to make payment of the penalty which may have been imposed immediately or within a specified period shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts. Every offence under this Act may be prosecuted in any sheriff court which the Board may declare by a notice under the hand of the Chairman of or the Secretary to the Board to the procurator fiscal of such sheriff court to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

A.D. 1907.

Penalties.

7. For the purposes of this Act subsection one of section ninety-three of the Local Government (Scotland) Act, 1889, respecting the holding of local inquiries shall apply as if it were enacted herein with the substitution of the Board for the Secretary for Scotland; provided that the nomination of a person to hold an inquiry shall be certified by writing under the hand of the Chairman of or the Secretary to the Board, and such person shall be paid his reasonable expenses and such remuneration as may be approved by the Treasury.

Local inquiry.

52 &amp; 53 Vict. c. 50.

8. In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise.

Definition.

9.—(1) This Act shall apply to Scotland only, and shall commence on the first day of January one thousand nine hundred and eight.

Application, commencement, and short title.

(2) This Act may be cited as the Whale Fisheries (Scotland) Act, 1907.

**Whale Fisheries  
(Scotland).**

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**B I L L**

INTITLED

An Act to regulate Whale Fisheries  
in Scotland.

*(Brought from the Commons 23rd August 1907.)*

Ordered to be printed 23rd August 1907.

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(209.)













