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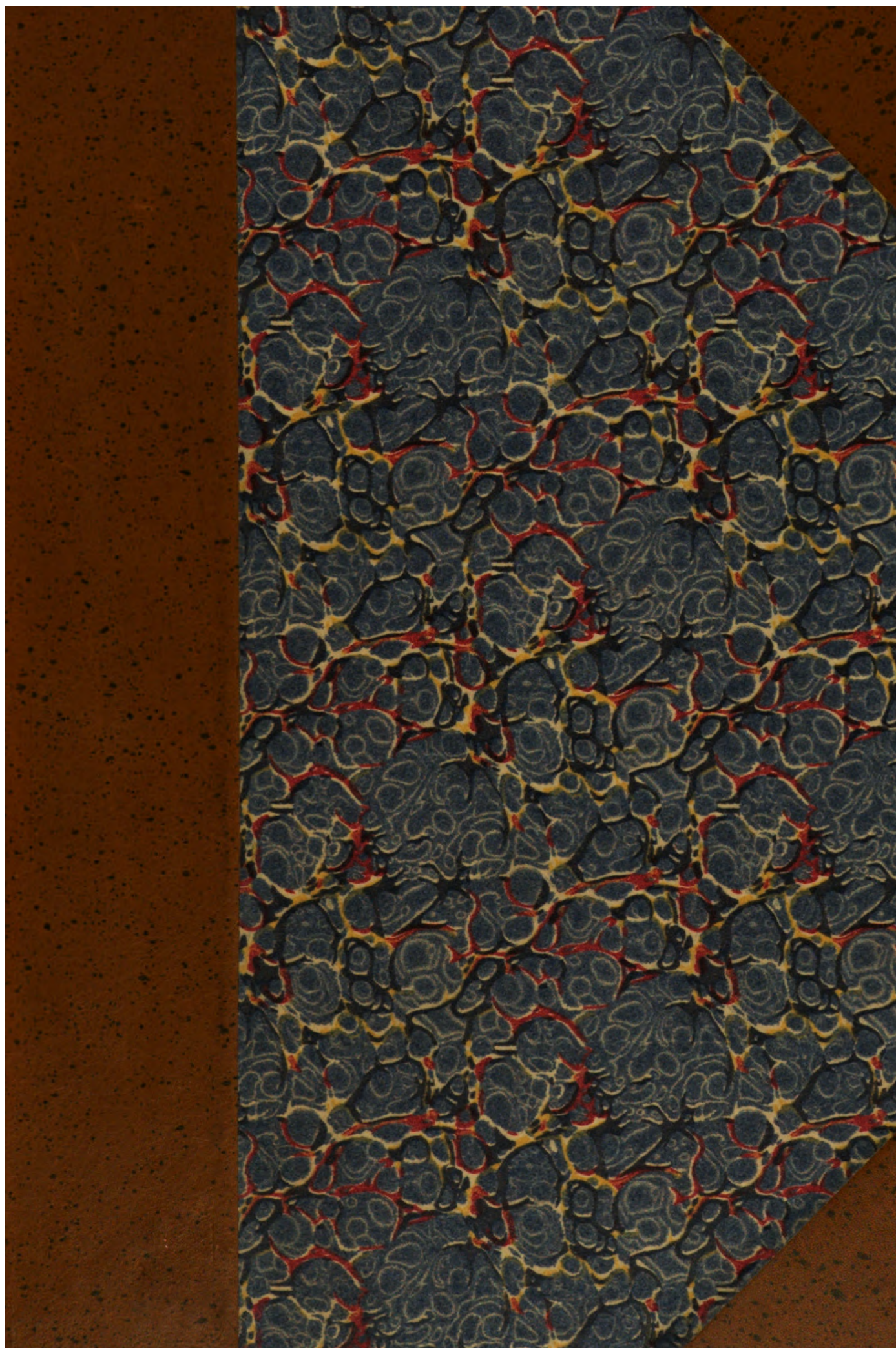
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Pp Eng Lords 1957/58 / 4



SESSIONAL PAPERS
PRINTED BY ORDER
OF
THE HOUSE OF LORDS
IN THE
Session 1957-58
(6 & 7 ELIZABETH II)
ARRANGED IN FOUR VOLUMES

VOL. IV

PART I.—PUBLIC BILLS
THE SUBJECTS ALPHABETICALLY ARRANGED
REA - - - YAR
PART II.—MISCELLANEOUS

1957-58



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A
B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of certain Charities in the County Borough of Reading. A.D. 1958

WHEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-seven reported that they had approved and certified a Scheme for the application or management of the following Charities in the County Borough of Reading:—

1. The Consolidated General Almshouse Charities of Reading ;
2. The Charity of Thomas Barkshire ;
3. The Charity of Thomas Cooke ;
4. The Charity of Edward Simeon for the Obelisk in the Market Place ;
5. The Charity of Martin Hope Sutton ;
6. The Charity of William Vine,

all of which Charities are together known as the Municipal (General) Charities ;

7. The Consolidated Church Almshouse Charities of Reading :

And whereas it is expedient that the Scheme as the same is fully set out and defined in the Schedule to this Act should be confirmed :

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

A.D. 1958 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:—

Confirmation
of Scheme.

1. The said Scheme is hereby confirmed:

Provided always that nothing in this Act or in the said Scheme
shall be held to interfere with the ordinary jurisdiction over 5
endowed charities now exercisable by the High Court of Justice
and the Charity Commissioners.

Short title.

2. This Act may be cited as the Reading Almshouse and
Municipal Charities Scheme Confirmation Act, 1958.

SCHEDULE

A.D. 1958

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING
CHARITIES IN THE COUNTY BOROUGH OF READING:—

- 5 1. The Consolidated General Almshouse Charities of Reading comprised in a Scheme confirmed by the Act 24 and 25 Vict. c. 23 and in Schemes of the Charity Commissioners of the 27th August 1888 and the 28th February 1899 ;
- 10 2. The Charity of Thomas Barkshire, founded by will proved in the Principal Registry on the 23rd November 1880, for the inmates of the almshouses under the control of the Trustees of the Municipal (General) Charities ;
- 15 3. The Charity of Thomas Cooke, founded by second codicil to will proved with three codicils thereto in the Prerogative Court of Canterbury in November 1811, for the almshouses founded by John Webb ;
- 20 4. The Charity of Edward Simeon for the Obelisk in the Market Place, founded by gift on or about the 7th January 1805 and comprised in a Scheme of the said Commissioners of the 2nd January 1912 ;
- 25 all of which Charities are together known as the Municipal (General) Charities ;
- 30 7. The Consolidated Church Almshouse Charities of Reading, comprised in the above-mentioned Scheme confirmed by the Act 24 and 25 Vict. c. 23 and in a Scheme of the said Commissioners of the 2nd March 1915, being one of the Municipal (Church) Charities.

1. *Administration of Charities.*—The above-mentioned Charities and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the Charities shall be
35 administered and managed so as to give effect to the provisions of this Scheme.

2. *Titles.*—(1) The Charities numbered 1, 2, 5, 6 and 7 above shall be administered and managed together under the title of the Reading Consolidated Almshouse Charities (hereinafter referred to
40 as the Almshouse Charities).

(2) The Almshouse Charities and the Charity numbered 4 above shall be administered and managed together under the title of the Reading General Municipal Charities (hereinafter referred to as the Municipal Charities).

45 CHARITY NUMBERED 3 ABOVE.

3. *Administration.*—The Charity numbered 3 above (hereinafter referred to as the Charity) and the endowments thereof shall be administered and managed by the Trustees hereinafter appointed.

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SCH.
—cont.

4. *Trustees.*—The Trustees for the time being of the Charity of John Webb being one of the Municipal (Church) Charities in the County Borough of Reading acting in accordance with their usual procedure shall be the Trustees of the Charity.

5. *Application of income.*—The said Trustees shall apply the clear yearly income of the Charity in manner provided for the application of the income of the said Charity of John Webb. 5

MUNICIPAL CHARITIES.

6. *Administration.*—The Municipal Charities and the endowments thereof shall be administered and managed by the body of Trustees 10 hereinafter constituted.

TRUSTEES.

7. *Trustees.*—The body of Trustees shall consist when complete of sixteen competent persons being

One Ex-officio Trustee, 15
Three Nominated Trustees and
Twelve Co-optative Trustees.

8. *Ex-officio Trustee.*—The Ex-officio Trustee shall be
The Vicar for the time being of the Ecclesiastical Parish of
St. Mary, Reading. 20

9. *Nominated Trustees.*—The Nominated Trustees shall be nominated by the Trustees for the time being of the said Municipal (Church) Charities (hereinafter referred to as the Church Trustees) and shall be appointed for a term of four years by a resolution of the Trustees at a meeting of their body. The Nominated Trustees 25 may be but need not be members of the body of Church Trustees.

10. *First Nominated Trustees.*—The following persons shall be the first Nominated Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office as nominees of the Church Trustees for four years from the date 30 of this Scheme :—

Ernest Dorrell, of 46 Coley Avenue, Retired Grocer,
Henry Frank Dunster, of 26 King's Road, Estate Agent, and
Arthur Frederick Goodall, of 8 Monk's Way, Retired Printer,
all in Reading. 35

11. *Co-optative Trustees.*—The Co-optative Trustees shall be persons residing or carrying on business in or near the County Borough of Reading as constituted from time to time.

12. *First Co-optative Trustees.*—(1) The following persons shall be ten of the first Co-optative Trustees and subject to the provisions 40 hereinafter contained for determination of trusteeship shall be entitled to hold office for life :—

Muriel Clark, of 30 Shinfield Road, Married Woman,
Mary Katharine Logan Dahne, of 17 Conisboro Avenue,
Caversham, Married Woman, 45
Amy Hesketh Gardener, of 58 Liebenrood Road, Married
Woman,

Frank Humphrys Lewis, of 25 King Street, Jeweller,
Hilda Dorothy Rowell, of 63 Alexandra Road, Widow,
Charles William Neal Sharp, of 22 Northcourt Avenue, Chartered
Auctioneer and Estate Agent,

A.D. 1958

SCH.
—*cont.*

- 5 Arthur Fernley Short, of 266 Wokingham Road, Gentleman,
Lady Maude Evelyn Sibly, of 21 Brooklyn Drive, Emmer Green,
Enid Marion Smith, of 72 Elmhurst Road, Married Woman,
and
Eric Steward Smith, of 164 Friar Street, Architect,
10 all in the County Borough of Reading.

(2) The two remaining first Co-optative Trustees shall be appointed by the Trustees at a special meeting of the Trustees to be held as soon as possible after the date of this Scheme and shall each hold office for a term of five years.

- 15 13. *Future Co-optative Trustees.*—Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees to be passed at a special meeting.

14. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or on any subsequent entry into
20 office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

15. *Determination of trusteeship.*—Any Co-optative Trustee who ceases to be qualified as aforesaid, any Nominated or Co-optative
25 Trustee who is absent from all meetings of the Trustees during a period of two years and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

- 30 16. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of nominated Trustee shall cause notice thereof to be given as soon as possible to the Church Trustees. Any competent Trustee may be re-appointed.
35 No vacancy in the office of Co-optative Trustee shall be filled until after the lapse of one calendar month from its occurrence.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

17. *Ordinary meetings.*—The Trustees shall hold at least two ordinary meetings in each year.

- 40 18. *First meeting.*—The first meeting of the Trustees shall be summoned by William Edward Moeran Blandy, of 1 Friar Street, Reading, Solicitor, or if he fails for two calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

19. *Chairman.*—The Trustees at their first ordinary meeting in
45 each year shall elect one of their number to be chairman of their meetings until the commencement of the first ordinary meeting in the following year. The chairman shall always be eligible for re-

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SCH.

→cont.

election. If at any meeting the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Trustees present shall choose one of their number to be chairman of the meeting.

20. *Special meetings.*—A special meeting may be summoned at any time by the chairman or any two Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed. 5

21. *Quorum.*—There shall be a quorum when five Trustees are present at a meeting.

22. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he has or has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote. 15

23. *General power to make regulations.*—Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Municipal Charities and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank and the custody of documents. 20

24. *Clerk.*—The Trustees may appoint some fit person to be their clerk and to hold office during their pleasure and may pay to him (not being a Trustee) such reasonable salary as they think fit.

MANAGEMENT OF LANDS.

25

45 & 46 Vict.
c. 80.

25. *Allotments Extension Act, 1882.*—The Trustees shall let and otherwise manage in conformity with the provisions of the Allotments Extension Act, 1882, such of the lands belonging to the Municipal Charities as are subject to the provisions of section 4 of that Act. The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the said Act any portion of the land belonging to the Municipal Charities other than buildings and the appurtenances of buildings. 30

26. *Management and letting of lands.*—Subject as aforesaid the Trustees shall let and otherwise manage all the lands belonging to the Municipal Charities not required to be retained or occupied for the purposes thereof. In every case the Trustees shall give public notice of the intention to let any land in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court. 40

27. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent, when necessary the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants. 50

28. *Repair and insurance.*—The Trustees shall keep in repair and insure for full value against fire all the buildings of the Municipal Charities not required to be kept in repair and insured by the lessees or tenants thereof.

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SCH.
—cont.

5 EXPENSES OF MANAGEMENT.

29. *Expenses of management.*—The Trustees shall first defray—

10 (a) The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Almshouse Charities out of the income of the Almshouse Charities ;

15 (b) All the proper costs, charges and expenses of and incidental to the administration and management of the Municipal Charities out of the income of the Municipal Charities and as between the Almshouse Charities and the Charity numbered 4 above so far as may be rateably.

CHARITY NUMBERED 4 ABOVE.

20 30. *Upkeep of Obelisk.*—Subject to the payments aforesaid the Trustees shall apply the yearly income of the Charity numbered 4 above or a sufficient part thereof in or towards defraying the cost of keeping in repair the Obelisk in the Market Place in the County Borough of Reading.

25 31. *Obelisk Repair Fund.*—(1) Subject to any further Order or Orders of the Charity Commissioners the fund provided pursuant to clause 3 of the above-mentioned Scheme of the 2nd January 1912 for the extraordinary repair or improvement of the said Obelisk shall be maintained henceforth as follows.

30 (2) The Trustees shall pay any income of the said Charity numbered 4 not applied as aforesaid to The Official Trustees of Charitable Funds for the credit of the account entitled Obelisk Repair Fund established pursuant to the said clause 3. The said Official Trustees shall invest any income so paid and the income of the sum of £953 10s. 4d. 3½ per cent. War Stock specified in the schedule hereto and of any other investments for the time being standing to the credit of the said account at compound interest in
35 the purchase in their name to the credit of the said account of one or more of the stocks, funds and securities (other than real securities) authorised by law for the investment of trust funds.

40 (3) All investments standing to the credit of the said account may be applied from time to time for the repair, improvement, embellishment and rebuilding of the said Obelisk and for the improvement of the amenities of the site thereof.

ALMSHOUSE CHARITIES.

45 32. *Charity of Deane and Pocock.*—Subject to the payments aforesaid the Trustees shall pay 5 per cent. of the yearly income of the Charity of Deane and Pocock being one of the said Charities numbered 1 to the Churchwardens for the time being of the Parishes of Frilsham and Yattendon in the Royal County of Berkshire to be applied for the benefit of the poor of those parishes in such ways

A.D. 1958

SCH.
 —cont.

as the said Churchwardens think fit. The Trustees shall apply the remainder of the said yearly income in manner hereinafter provided for the application of the yearly income of the Almshouse Charities.

33. *Almshouse Charities.*—Subject to the payments aforesaid the Trustees shall apply the yearly income of the Almshouse Charities in manner following and in the following order of priority:— 5

First in keeping in proper repair the vault of Mary Love in the church of St. Laurence, Reading.

Secondly in maintaining an Extraordinary Repair Fund in accordance with the provisions hereinafter contained. 10

Thirdly in giving effect to the provisions hereinafter contained for the benefit of the almspeople of the Almshouse Charities and otherwise for the benefit of the said almspeople or any of them in such manner as the Trustees think fit from time to time. 15

34. *Pensioners.*—Nothing contained in this Scheme shall prejudice the interests of the existing pensioners of the Charities numbered 1 above.

35. *Extraordinary Repair Fund.*—(1) Subject to any further Order or Orders of the Charity Commissioners a fund for the extraordinary repair, improvement or rebuilding of the almshouses belonging to the Almshouse Charities shall be provided and maintained as follows. 20

(2) The Official Trustees of Charitable Funds shall transfer in their books to the credit of an account to be entitled Extraordinary Repair Fund the sum of £198 2s. 11d. 3 per cent. Savings Bonds, 1965–75, standing in their name to the credit of an account entitled Repair and Rebuilding Fund specified in the schedule hereto and accretions or additions thereto. 25

(3) The Trustees shall pay to the said Official Trustees a yearly sum of not less than £150 out of the income of the Almshouse Charities. 30

(4) The said Official Trustees shall invest the income of the above-mentioned sum of stock and the yearly sum so paid at compound interest in the purchase in their name to the credit of the said Extraordinary Repair Fund of one or more of the stocks, funds and securities (other than real securities) authorised by law for the investment of trust funds. 35

ALMSHOUSES AND ALMSPEOPLE.

36. *Almshouses.*—The thirty-two almshouses belonging to the Almshouse Charities and the property heretofore occupied therewith shall be appropriated and used for the residence of almspeople in conformity with the provisions of this Scheme. 40

37. *Saving for existing almspeople.*—Appointments of almspeople under this Scheme shall be made without prejudice to the interests of the existing almspeople. 45

38. *Qualifications of almspeople.*—(1) The almspeople shall be poor persons of good character who (except in special cases to be approved by the Charity Commissioners) have resided in the County Borough of Reading as constituted from time to time for not less than three years next preceding the time of appointment. 50

(2) At least ten of the almspeople shall be members of the Church of England.

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SCH.

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39. *Attendance in illness.*—The Trustees may provide the almspeople at the cost of the Almshouse Charities with any necessary attendance in case of illness or permanent infirmity.

40. *Notice of vacancy.*—No appointment of an almsperson shall be made by the Trustees until a sufficient notice of an existing vacancy specifying the qualifications required from candidates has been published in the County Borough of Reading by advertisement or otherwise so as to give due publicity to the intended appointment but it shall not be necessary to publish a notice if a vacancy occurs within six calendar months after the last notice of a vacancy has been published.

41. *Applications for appointment.*—All applications for appointment shall be made in writing to the Trustees or their clerk in such manner as the Trustees direct. Before appointing any applicant to be an almsperson the Trustees shall require him or her to attend in person unless he or she is physically disabled or the Trustees are of opinion that special circumstances render this unnecessary. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for appointment.

42. *Selection of almspeople.*—Every almsperson shall be selected under the following conditions :—

- (1) After full investigation of the character and circumstances of the applicants.
- (2) Where claims are equal preference shall be given to those applicants who have resided longest in the County Borough of Reading.

For the purposes of this clause the Trustees may avail themselves of the services of any charity organisation society or other like agency.

43. *Appointments of almspeople.*—Every appointment of an almsperson shall be made by the Trustees at a special meeting.

44. *Records.*—The Trustees shall provide and keep a book in which shall be entered the name, age and description of every person appointed to be an almsperson, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

45. *Absence from almshouses.*—No almsperson shall be absent from the almshouses for a period exceeding 24 hours without having first notified the Warden or the clerk of the Trustees. No almsperson shall be absent for more than 7 days at any one time or more than 28 days in any one year without the consent in writing of the Trustees.

46. *Rooms not to be let.*—No almsperson shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to suffer any person to share the occupation of the same or of any part thereof.

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SCH.
—cont.

47. *Warden and Welfare Officer.*—The Trustees may appoint a Warden and a Welfare Officer dismissible at their pleasure to perform such duties as may be necessary for the superintendence and care of the almspeople at such reasonable salaries as the Trustees think fit and may allot to the Warden a room or rooms in the almshouses as a residence for her while she holds office as Warden. 5

48. *Removal of almspeople.*—(1) The following persons may be removed from being almspeople :—

- (a) Any almsperson who in the opinion of the Trustees is guilty of insobriety, insubordination, breach of regulations or immoral or improper conduct ; 10
- (b) Any almsperson who in the opinion of the Trustees no longer has the required qualifications ;
- (c) Any almsperson who has been appointed without having the required qualifications ; 15
- (d) Any almsperson who is suffering from mental or other disease or infirmity rendering him or her unfit to remain an almsperson.

(2) Upon the removal of any almsperson or Warden the Trustees shall take possession of the room or rooms occupied by him or her. 20

(3) Any almsperson removed under section (1) of this clause on account of mental or other disease or infirmity may be re-appointed on recovery without previous notice being given of the vacancy and need not have the qualification as to residence.

49. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of the almspeople but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme and by such regulations may provide that the almspeople shall render such assistance to each other and to the Warden as is within their power. 25 30

GENERAL PROVISIONS

50. *Investment of cash.*—All sums of cash now or at any time belonging to the Charities and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible under the authority of a further Order of the Charity Commissioners in the name of The Official Trustees of Charitable Funds. 35

51. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by each body of Trustees. All proper accounts in relation to the Charities shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts. 40

52. *Appropriation of benefits.*—The appropriation of the benefits of the Charities shall be made by each body of Trustees from time to time at meetings of their body and not separately by any individual Trustee or Trustees ; provided that the Trustees from time to time 45

may appoint two or more members of their body to be a committee for dealing with any cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.

A.D. 1958
SCH.
—cont.

53. *Trustees not to be personally interested.*—No trustee shall take or hold any interest in property belonging to the Charities otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charities.

54. *Charities not to relieve public funds.*—The funds or income of the Charities shall not in any case be applied in relief of rates, taxes or other public funds.

55. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish from time to time Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

56. *Questions under Scheme.*—Any questions as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Court or the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

57. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

SCHEDULE

Description	Tenant, person liable or persons in whose name invested	Gross yearly income
		£ s. d.
1. The Consolidated General Almshouse Charities of Reading		
The following land and buildings situate in the County Borough of Reading:—		
Land on the south side of Castle Street with the almshouses thereon.	In hand	—
43 Market Place	G. M. Brown Limited	350 0 0
44 and 45 Market Place	Max Stone Limited	600 0 0
Reading Spiritualist Church	Trustees of Reading Spiritualist Church	100 0 0
19 and 20 St. Mary's Butts	Collier and Catley Limited	350 0 0
128 Southampton Street	} Assignees of Owen Phillips	5 5 4
130 do. do.		4 18 9
132 do. do.		4 18 9
134 do. do.		4 18 9
136 do. do.		4 18 9
138 do. do.		4 18 9
140 do. do.	} Assignees of George Skelton Lewis	3 10 0
5 West Hill		3 10 0
7 do.	Assignees of George Shorter	3 7 6
9 do.	Assignees of Herbert Alfred Hutchins ...	3 7 6
11 do.	Assignees of George May	3 11 3
13 do.	Assignees of George Skelton Lewis ...	3 10 0
15 do.		

SCHEDULE—continued

Description	Tenant, person liable or persons in whose name invested	Gross yearly income
The following land situate in the Parish of Burghfield in the Royal County of Berkshire:—		£ s. d.
9/12ths share of Salter's Piddle	William E. Craig	9 11 2
Meadow land	H. & G. Simmonds Limited	9 0 0
Allotment at Trash Green	William E. Craig	10 0 0
Perpetual yearly rentcharges issuing out of the following land or properties:—		
Land situate in the said Parish of Burgh- field and formerly called Kirtons.	Henry Arthur Benyon	4 0 0
The Reading Methodist Chapel... ..	Trustees of the Reading Methodist Chapel	1 0 0
Land situate at Hartley in the Parish of Shinfield in the Royal County of Berkshire.	John Bucknell	3 6 8
Land situate at Hartley aforesaid	Henry Arthur Benyon	1 13 4
2 Butter Market in the County Borough of Reading.	S. A. Album	4 0 0
Land situate at Whitley in the said County Borough of Reading.	Reading Co-operative Society	5 0 0
Land situate in the Parish of Great Hor- wood in the County of Buckingham.	R. Matthews	4 0 0
£5,096 7s. 8d. 4 per cent. Consolidated Stock	The Official Trustees of Charitable Funds	203 17 0
£1,213 1s. 6d. 3½ per cent. Conversion Stock, 1961 or after.	do. do.	42 9 2
£501 16s. 6d. 3½ per cent. Conversion Stock, 1961 or after (accumulations of income).	do. do.	17 11 2
£7,077 11s. 2d. 3½ per cent. War Stock ...	do. do.	247 14 2
£464 17s. 3d. 3 per cent. Savings Bonds, 1955-65.	do. do.	13 18 10
£58 5s. 2d. 3 per cent. Savings Bonds, 1965-75.	do. do.	1 14 10
£241 19s. 8d. 2½ per cent. Treasury Stock, 1975 or after.	do. do.	6 1 0
£7,294 5s. 3d. 2½ per cent. Consolidated Stock.	do. do.	182 7 0
£51 1s. 6d. 2½ per cent. Annuities ...	do. do.	1 5 8
£198 2s. 11d. 3 per cent. Savings Bonds, 1965-75 (Repair and Rebuilding Fund).	do. do.	Dividends accumulating at compound interest.
(Charity of Deane and Pocock)		
The following land and buildings situate in the said County Borough of Reading:—		
34 London Street... ..	Parnell's The Printers Limited	75 0 0
87 do.	Boyd and Murley Limited	250 0 0
£2,074 16s. 3d. 4 per cent. Consolidated Stock.	The Official Trustees of Charitable Funds	82 19 10
2. The Charity of Thomas Barkshire		
The endowment of this Charity is included in the above-mentioned sum of £7,294 5s. 3d. 2½ per cent. Consolidated Stock belonging to The Consolidated General Almshouse Charities of Reading.	—	—
3. The Charity of Thomas Cooke		
£700 2½ per cent. Consolidated Stock ...	The Official Trustees of Charitable Funds	17 10 0
£381 6s. 6d. cash (accumulations of income)	In hand	—

SCHEDULE—*continued*

Description.	Tenant, person liable or persons in whose name invested.	Gross Yearly Income.
		£ s. d.
<i>4. The Charity of Edward Simeon for the Obelisk</i>		
£90 8s. 11d. 3½ per cent. War Stock ...	The Official Trustees of Charitable Funds	3 3 2
£1,000 2½ per cent. Consolidated Stock ...	do. do.	25 0 0
£935 10s. 4d. 3½ per cent. War Stock (Obelisk Repair Fund set up pursuant to clause 3 of the above-mentioned Scheme of the 2nd January 1912).	do. do.	Dividends accumulating at compound interest.
<i>5. The Charity of Martin Hope Sutton</i>		
£95 12s. 4d. 2½ per cent. Consolidated Stock	The Official Trustees of Charitable Funds	2 7 8
<i>6. The Charity of William Vine</i>		
£1,078 2s. 3d. Reading Corporation 3 per cent. Stock, 1962.	The Official Trustees of Charitable Funds	32 6 10
<i>7. The Consolidated Church Almshouse Charities of Reading</i>		
Land situate on the south side of Castle Street in the said County Borough of Reading with the almshouses thereon.	In hand 	—
3/12ths share of land known as Salter's Piddle aforesaid.	William E. Craig 	3 8 2
A perpetual yearly rentcharge of £20 charged upon or issuing out of Waterloo Farm in the said Parish of Shinfield.	Henry Arthur Benyon 	20 0 0
A perpetual yearly rentcharge of £40 charged upon or issuing out of land called Great and Little Garstons situate in the said Parish of Shinfield.	Mrs. M. A. Hutchinson 	40 0 0
£19 8s. 5d. 3 per cent. Savings Bonds, 1965-75.	The Official Trustees of Charitable Funds	11 8
£6 2½ per cent. Treasury Stock, 1975 or after	do. do.	3 0
£7,737 6s. 10d. 2½ per cent. Consolidated Stock.	do. do.	193 8 8

NOTES.—(1) The land and rentcharges belonging to the Consolidated General Almshouse Charities of Reading were vested in The Official Trustee of Charity Lands by an Order of the Charity Commissioners of the 11th August 1899.

(2) The land and rentcharges belonging to The Consolidated Church Almshouse Charities of Reading were vested in the said Official Trustee by an Order of the said Commissioners of the 7th October 1892.

Sealed by Order of the Board this 31st day of December 1957.

**Reading Almshouse and
Municipal Charities Scheme
Confirmation**

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of certain Charities in the County Borough of Reading.

Brought from the Commons 2nd May 1958

Ordered to be printed 2nd May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 0d. net

(85)

(37749)

Recreational Charities Bill [H.L.]

EXPLANATORY MEMORANDUM

The main object of this Bill is to give statutory recognition to the charitable nature of certain trusts and institutions which exist for the purpose of providing recreational or similar facilities, or whose purposes include the provision of such facilities, in the interests of social welfare. Many such trusts and institutions were commonly regarded as charitable until the case of *Commissioners of Inland Revenue v. Baddeley* [1955] A.C. 572; but the governing instruments often contain terms similar to those considered in that case, and considerable apprehension has been felt as to the effect of it.

Clause 1 of the Bill deals generally with these trusts and institutions, both present and future. Clause 2 deals with the special case of certain miners' welfare trusts established wholly or partly with moneys set aside under statute for the benefit only of those connected with coalmining. These clauses operate retrospectively to validate what has been done in the past on the then accepted view of the law; but clause 3 contains savings and exceptions which in particular safeguard past transactions entered into on the contrary view; clause 3 (4) and (5) also provide that the Bill is not to confer retrospective relief from income tax or stamp duty if it goes beyond the practice of the Inland Revenue up to the date when the *Baddeley* case was decided in the court of first instance.

The Bill in general applies only to England and Wales. The law of Scotland as to public trusts is different, and the corresponding problem does not arise. In Northern Ireland, the Northern Irish Parliament has power to legislate about the law of charity, and clause 4 removes any limitation on their powers which would prevent their passing a corresponding Bill. In certain cases, however, statutory references to charity in Acts applying outside England and Wales (notably the Income Tax Acts) are construed in accordance with the English law of charity; clause 6 (2) ensures that in these cases the Bill will operate to extend the references in their application to Scotland or Northern Ireland.

A

B I L L

INTITULED

An Act to declare charitable under the law of England and Wales the provision in the interests of social welfare of facilities for recreation or other leisure-time occupation, to make similar provision as to certain trusts heretofore established for carrying out social welfare activities within the meaning of the Miners' Welfare Act, 1952, to enable laws for corresponding purposes to be passed by the Parliament of Northern Ireland, and for purposes connected therewith. A.D. 1957

BE it enacted by the Queen'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) Subject to the provisions of this Act, it shall be and be deemed always to have been charitable to provide, or assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare: General provision as to recreational and similar trusts, etc.

10 Provided that nothing in this section shall be taken to derogate from the principle that a trust or institution to be charitable must be for the public benefit.

(2) The requirement of the foregoing subsection that the facilities are provided in the interests of social welfare shall not be treated as satisfied unless—

(a) the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended; and

(21)

A.D. 1957

(b) either—

(i) those persons have need of such facilities as aforesaid by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances; or

5

(ii) the facilities are to be available to the members or female members of the public at large.

(3) Subject to the said requirement, subsection (1) of this section applies in particular to the provision of facilities at village halls, community centres and women's institutes, and to the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation, and extends to the provision of facilities for those purposes by the organising of any activity.

Miners' welfare trusts.

15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 23.

2.—(1) Where trusts declared before the seventeenth day of 15 December, nineteen hundred and fifty-seven, required or purported to require property to be held for the purpose of activities which are social welfare activities within the meaning of the Miners' Welfare Act, 1952, and at that date the whole or part of the property held on those trusts or of any property held with that 20 property represented an application of moneys standing to the credit of the miners' welfare fund or moneys provided by the Coal Industry Social Welfare Organisation, those trusts shall be treated as if they were and always had been charitable.

(2) For the purposes of this section property held on the same 25 trusts as other property shall be deemed to be held with it, though vested in different trustees.

Savings and other provisions as to past transactions.

3.—(1) Nothing in this Act shall be taken to restrict the purposes which are to be regarded as charitable independently of this Act.

30

(2) Nothing in this Act—

(a) shall apply to make charitable any trust, or validate any disposition, of property if before the seventeenth day of December, nineteen hundred and fifty-seven, that property or any property representing or forming part 35 of it, or any income arising from any such property, has been paid or conveyed to, or applied for the benefit of, the persons entitled by reason of the invalidity of the trust or disposition; or

(b) shall affect any order or judgment made or given 40 (whether before or after the passing of this Act) in legal proceedings begun before that day; or

(c) shall require anything properly done before that day, or anything done or to be done in pursuance of a contract entered into before that day, to be treated for any 45 purpose as wrongful or ineffectual.

(3) Except as provided by subsections (4) and (5) of this section, nothing in this Act shall require anything to be treated for the purposes of any enactment as having been charitable at a time before the date of the passing of this Act, so as to invalidate anything done or any determination given before that date. A.D. 1957

(4) For the purposes of income tax, this Act shall not require anything to be treated as having been charitable at a time before the date of the passing of this Act unless it would have been so treated in accordance with the practice applied by the Commissioners of Inland Revenue immediately before the eighteenth day of December, nineteen hundred and fifty-two; but, subject to that and to paragraphs (a) and (b) of subsection (2) of this section, there shall be made all such adjustments, whether by way of repayment of tax, additional assessment or otherwise, as are made necessary in relation to income tax by the retrospective operation of sections one and two of this Act, and nothing in the Income Tax Act, 1952, shall preclude the repayment by virtue of this Act of tax for the year 1946-47 or a subsequent year of assessment if a claim is made in that behalf to the Commissioners of Inland Revenue within two years from the date of the passing of this Act. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.

(5) As respects stamp duty on any instrument executed before the date of the passing of this Act, this Act shall not require anything to be treated as having been charitable for the purposes of subsection (1) of section fifty-four of the Finance Act, 1947 (which excepted instruments in favour of charities from certain increases of stamp duty under that Act), unless it would have been so treated in accordance with the practice applied by the Commissioners of Inland Revenue immediately before the eighteenth day of December, nineteen hundred and fifty-two; but subject to that and to paragraphs (a) and (b) of subsection (2) of this section, where more stamp duty has been paid on an instrument executed on or after the said eighteenth day of December and before the date of the passing of this Act than ought to have been paid having regard to sections one and two of this Act, the provisions of sections ten and eleven of the Stamp Duties Management Act, 1891, shall apply as if a stamp of greater value than was necessary had been inadvertently used for the instrument, and relief may be given accordingly, and may be so given notwithstanding that, in accordance with the provisions of section twelve of the Stamp Act, 1891, the instrument had been stamped before the passing of this Act with a particular stamp denoting that it was duly stamped. 10 & 11 Geo. 6. c. 35. 54 & 55 Vict. c. 38. 54 & 55 Vict. c. 39.

An application for relief under the said section ten as applied by this subsection may be made at any time within two years from the date of the passing of this Act, notwithstanding that it is made outside the time limited by that section.

A.D. 1957

Powers of
Parliament
of Northern
Ireland.
10 & 11 Geo. 5.
c. 67.

4. Nothing in the Government of Ireland Act, 1920, shall preclude the Parliament of Northern Ireland from making, in relation to the law of charity in Northern Ireland, laws for purposes similar to the purposes of section one of this Act.

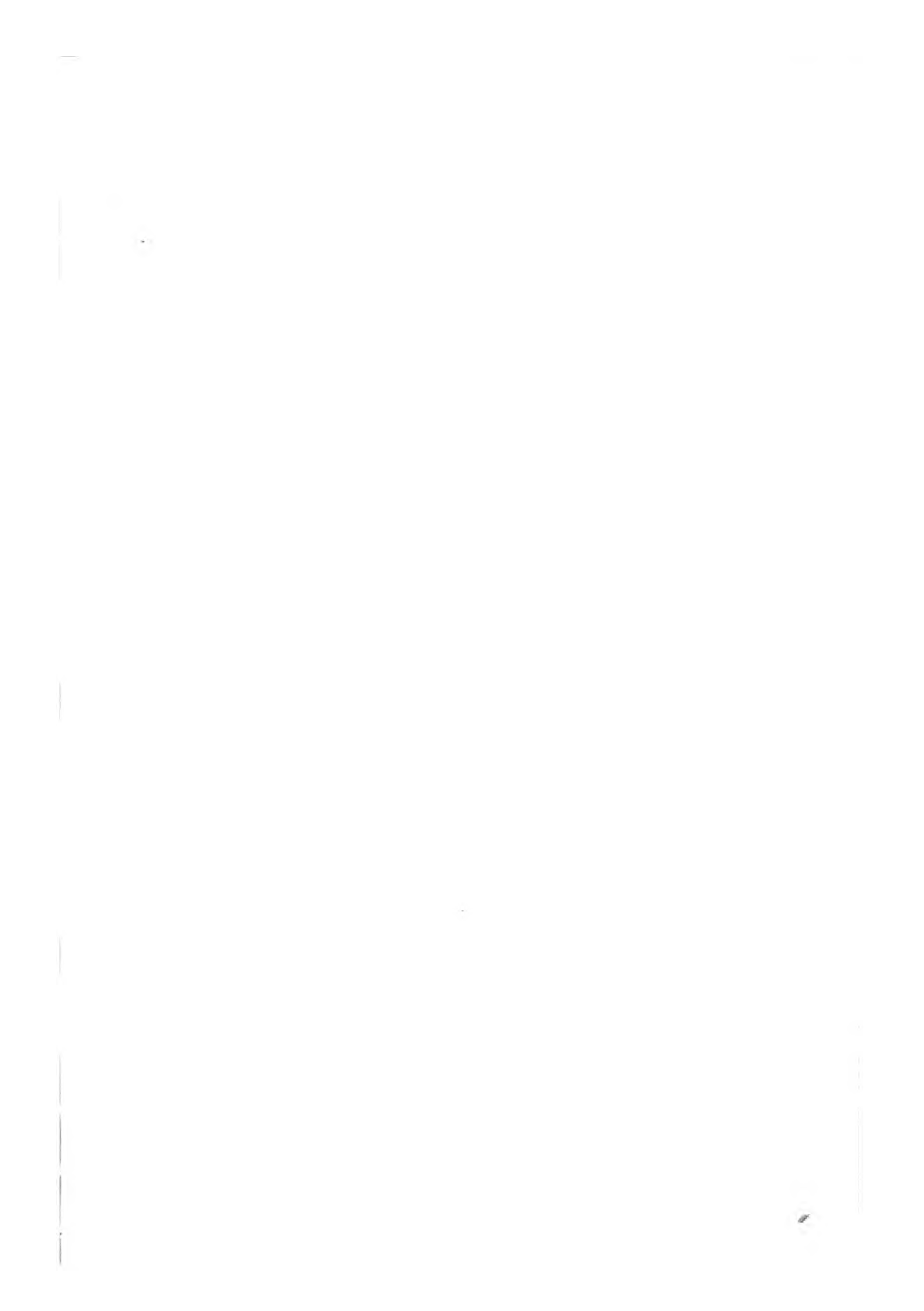
Application to
Crown.

5. This Act, and (except in so far as the contrary intention appears) any enactment of the Parliament of Northern Ireland passed for purposes similar to section one of this Act, shall bind the Crown. 5

Short title
and extent.

6.—(1) This Act may be cited as the Recreational Charities Act, 1957. 10

(2) Sections one and two of this Act shall affect the law of Scotland and Northern Ireland only in so far as they affect the operation of the Income Tax Acts or of other enactments in which references to charity are to be construed in accordance with the law of England and Wales. 15



Recreational Charities [H.L.]

A

B I L L

INTITLED

An Act to declare charitable under the law of England and Wales the provision in the interests of social welfare of facilities for recreation or other leisure-time occupation, to make similar provision as to certain trusts heretofore established for carrying out social welfare activities within the meaning of the Miners' Welfare Act, 1952, to enable laws for corresponding purposes to be passed by the Parliament of Northern Ireland, and for purposes connected therewith.

The Lord Chancellor

Ordered to be printed 16th December 1957

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net.

(21)

(37268)

Recreational Charities Bill [H.L.]

AMENDMENT TO BE MOVED IN COMMITTEE

BY THE LORD CONESFORD

CLAUSE 1

Page 2, line 7, after (“ or ”) insert (“ the male members or the ”)

Recreational Charities Bill [H.L.]

A M E N D M E N T
TO BE MOVED IN COMMITTEE
BY
THE LORD CONESFORD

23rd January, 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3*d.* net
(21 *a*) (37353)

A
B I L L

INTITULED

An Act to amend sections two and three of the Road Transport Lighting Act, 1957, so as to permit the use of amber coloured reflectors on the pedals of bicycles and tricycles. A.D. 1958

BE it enacted by the Queen'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) Section two of the Road Transport Lighting Act, 1957, shall have effect as if the following subsection were inserted therein:— Reflectors on bicycles and tricycles.

10 “ (3) Paragraph (b) of subsection (1) of this section shall not prevent a bicycle or tricycle from carrying amber coloured reflectors which are attached to or incorporated in or form part of the pedals of such bicycle or tricycle notwithstanding that any of such reflectors show a light to the rear.” 5 & 6 Eliz. 2. c. 51.

15 (2) Section three of the Road Transport Lighting Act, 1957, shall have effect as if the following proviso were inserted therein:—

“ Provided that in the case of a bicycle or tricycle the provisions of this section shall not apply to amber coloured reflectors which are attached to or incorporated in or form part of the pedals of such bicycle or tricycle.”

20 2.—(1) This Act may be cited as the Road Transport Lighting (Amendment) Act, 1958. Short title, citation and extent.

(2) The Road Transport Lighting Act, 1957, and this Act may be cited together as the Road Transport Lighting Acts, 1957 and 1958.

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

**Road Transport Lighting
(Amendment)**

A

B I L L

INTITLED

An Act to amend sections two and three of the Road Transport Lighting Act, 1957, so as to permit the use of amber coloured reflectors on the pedals of bicycles and tricycles.

Brought from the Commons 11th March 1958

Ordered to be printed 11th March 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3d. net

(45)

(37531)

A
B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners
for the application or management of the General
Charity known as the Royal Institution of Great Britain.

A.D. 1958

WHEREAS the Charity Commissioners in their Report to
Her Majesty of their proceedings during the year one
thousand nine hundred and fifty-seven reported that they
had approved and certified a Scheme for the application or
5 management of the General Charity known as the Royal
Institution of Great Britain:

And whereas it is expedient that the Scheme as the same is
fully set out and defined in the Schedule to this Act should be
confirmed:

10 Be it therefore enacted by the Queen'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 said Scheme is hereby confirmed:

15 Provided always that nothing in this Act or in the said Scheme
shall be held to interfere with the ordinary jurisdiction over
endowed charities now exercisable by the High Court of Justice
and the Charity Commissioners.

Confirmation
of Scheme.

2. This Act may be cited as the Royal Institution of Great
20 Britain Charity Scheme Confirmation Act, 1958.

Short title.

A.D. 1958

SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING
CHARITY:—

The Charity known as The Royal Institution of Great Britain
administered by The Members of The Royal Institution of
Great Britain under Letters Patent dated the 13th January
40 Geo. III as confirmed and extended by the Act 50 Geo.
III c. li (Local and Personal). 5

1. Subject as hereinafter provided every Manager and Visitor of the
Charity shall be elected for a term of three years from and among 10
the Members of the above-mentioned body corporate who have not
been Managers or Visitors in the preceding year. At the second
annual meeting of the Members after the date of this Scheme and at
every annual meeting thereafter one third in number as nearly as
may be of the Managers and also of the Visitors shall retire. Those 15
who have been Managers or Visitors longest shall retire first and
in case of doubt shall be determined by lot in default of agreement.

2. The power of the Members of the Institution present at their
annual meeting to elect by ballot not only a President, Treasurer and
Secretary but also Managers and Visitors shall extend if the Members 20
shall make a Bye-law for the purpose to electing in the ballot by
postal vote when not present at the annual meeting.

3. A General Monthly Meeting of the Members of the Institution
shall be held every year in the month of October instead of in the
month of August. 25

4. The Charity Commissioners in the exercise of their ordinary
jurisdiction upon application duly made under the common seal of
the body corporate called The Members of The Royal Institution of
Great Britain may establish from time to time Schemes for the altera-
tion of any of the provisions of the above-mentioned Act 50 Geo. III 30
c. li (Local and Personal) and of this Scheme as if those provisions
had been made by the founder in the case of a Charity having a
founder.

5. The date of this Scheme shall be the date of the Act of Parlia-
ment confirming the same. 35

Sealed by Order of the Board this 31st day of December 1957.

**Royal Institution
of Great Britain Charity
Scheme Confirmation**

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the General Charity known as the Royal Institution of Great Britain.

Brought from the Commons 2nd May 1958

Ordered to be printed 2nd May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 4d. net

(86)

(37750)

A
B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the St. James's Dwellings Charity in the City of Westminster.

A.D. 1958

WHEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-seven reported that they had approved and certified a Scheme for the application or management of the Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster:

And whereas it is expedient that the Scheme as the same is fully set out and defined in the Schedule to this Act should be confirmed:

10 Be it therefore enacted by the Queen'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 said Scheme is hereby confirmed:

Confirmation
of Scheme.

15 Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the St. James's Dwellings Charity Short title.
20 Scheme Confirmation Act, 1958.

A.D. 1958

SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING
CHARITY :—

The Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster, regulated by a Scheme of the High Court of Justice (Chancery Division) of the 3rd August 1885 as affected or supplemented by the City of Westminster (St. James) Scheme, 1901, and a Scheme of the Charity Commissioners of the 4th November 1932.

1. *Administration of Charity.*—The above-mentioned Charity and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme by the Mayor, Aldermen and Councillors of the City of Westminster the Trustees thereof.

2. *Saving for existing beneficiaries.*—The provisions of this Scheme shall have effect without prejudice to the rights of the existing beneficiaries of the Charity to the benefits awarded to them under the provisions of the above-mentioned Scheme of the 3rd August 1885 namely accommodation allotted in the existing St. James's Dwellings during the currency of the interest of the Charity therein or equivalent benefits approved by the Charity Commissioners and thereafter by being allotted accommodation provided in accordance with the following provisions of this Scheme.

3. *Investment of cash.*—All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible under the authority of a further Order of the Charity Commissioners in the name of The Official Trustees of Charitable Funds.

PROVISION OF NEW BUILDINGS

4. *Acquisition of site.*—Subject to the approval of the Charity Commissioners the Trustees may acquire a site in the City of Westminster suitable for the erection of buildings as hereinafter mentioned.

5. *Erection of buildings.*—The Trustees may erect on the said site in accordance with plans and specifications to be approved by the said Commissioners buildings suitable for the accommodation of the beneficiaries of the Charity and may include in the said plans provision for a part or parts of the said buildings intended to be let for commercial or other purposes.

6. *Provision of cost.*—The Trustees may apply in or towards defraying the cost of acquiring the said site and of erecting buildings as aforesaid such part of the investments belonging to the Charity and specified in the schedule hereto as the said Commissioners approve.

7. *Borrowing.*—For the purpose of defraying part of the said cost the Trustees may borrow upon the security of a mortgage or charge of the said site and the buildings to be erected such additional

sums as the said Commissioners authorise to be repaid not later than 80 years from the date of the borrowing and otherwise upon such terms as the said Commissioners by Order provide.

A.D. 1958

SCH
—cont

8. *Appropriation and use of buildings.*—(1) The Trustees shall
5 appropriate and use a sufficient part of the said buildings for the accommodation of such number of resident beneficiaries of the Charity (hereinafter referred to as residents) as the Charity Commissioners shall approve from time to time. The residents shall be qualified as hereinafter provided.

10 (2) The Trustees may let for commercial or other purposes in accordance with the provisions hereinafter contained any part of the buildings not appropriated and used as aforesaid.

9. *Letting.*—In every case the Trustees shall give public notice of the intention to let any part of the buildings in such manner as
15 they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

20 10. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the
25 rent or non-performance of the covenants.

11. *Repair and insurance.*—The Trustees shall keep in repair and insure for full value against damage or destruction by fire any part of the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

30 APPLICATION OF INCOME

12. *Future provisions.*—Upon the completion of the erection of the said buildings the Trustees shall apply the yearly income of the Charity in accordance with the following provisions of this Scheme.

13. *Expenses of management.*—The Trustees shall first defray out
35 of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

14. *Extraordinary Repair Fund.*—(1) Subject to any further Order
40 or Orders of the Charity Commissioners a fund for the extraordinary repair, improvement or rebuilding of the buildings belonging to the Charity shall be provided and maintained as follows.

(2) The Trustees shall pay to The Official Trustees of Charitable Funds out of the income of the Charity a yearly sum of not less
45 amount than the Charity Commissioners by Order prescribe from time to time and the said Official Trustees shall invest the yearly sum so paid at compound interest in the purchase in their name to the credit of an account to be entitled Extraordinary Repair

A.D. 1958 Fund of one or more of the stocks, funds and securities (other
SCH. than real securities) authorised by law for the investment of trust
—cont. funds.

15. *Benefit of residents.*—Subject to the payments aforesaid the Trustees shall apply the income of the Charity in giving effect to the provisions hereinafter contained for the benefit of the residents and otherwise for the benefit of the residents or any of them in such manner as the Trustees think fit from time to time. 5

RESIDENTS

16. *Qualification of residents.*—(1) The residents shall be or shall have been elderly workers being poor persons of good character who reside or have resided in the City of Westminster preference being given to those who reside or have resided in the area of the Ancient Parish of St. James, Westminster. 10

(2) Married couples may be appointed if either the husband or wife is qualified for appointment as aforesaid. 15

17. *Attendance in illness.*—The Trustees may provide the residents at the cost of the Charity with any necessary attendance in case of illness or permanent infirmity.

18. *Contributions.*—The Trustees may make it a condition of appointing or permitting any person to be or remain a resident that he or she shall contribute towards the cost of maintaining the part of the buildings belonging to the Charity and appropriated for use by the residents such a weekly sum not exceeding such amount as the Charity Commissioners may prescribe from time to time. 20 25

19. *Notice of vacancy.*—No appointment of a resident shall be made by the Trustees until a sufficient notice of a vacancy specifying the qualifications required from candidates has been published in the City of Westminster by advertisement or otherwise so as to give due publicity to the intended appointment but it shall not be necessary to publish a notice if a vacancy occurs within twelve calendar months after the last notice of a vacancy has been published. Notices may be according to the Form annexed hereto. 30

20. *Application for appointment.*—All applications for appointment shall be made in writing to the Trustees or the Clerk to the Trustees in such manner as the Trustees direct. Before appointing any applicant to be a resident the Trustees shall require him or her to attend in person unless he or she is physically disabled or the Trustees are of opinion that special circumstances render this unnecessary. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for appointment. 35 40

21. *Selection of residents.*—Every resident shall be selected under the following conditions :—

(1) After full investigation of the character and circumstances of the applicants. 45

A.D. 1958

SCH.
—*cont.*

(2) Where claims are equal preference shall be given to those applicants who have resided longest in the area of the Ancient Parish of St. James, Westminster, and in default of applicants resident in that area then to those applicants who have resided longest in the City of Westminster.

5

For the purposes of this clause the Trustees may avail themselves of the services of any charity organisation society or other like agency.

22. *Appointments of residents.*—Every appointment of a resident shall be made by the Trustees or any committee to which that duty may be delegated.

10

23. *Records.*—The Trustees shall provide and keep a register in which shall be entered the name, age and description of every person appointed to be a resident, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

15

24. *Absence from buildings.*—No resident shall be absent from the room or rooms allotted to him or her in the buildings of the Charity for a period exceeding 72 hours without the consent in writing of the Trustees or their clerk or other duly authorised officer.

20

25. *Rooms not to be let.*—(1) Except as hereinafter provided no resident shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to suffer any person to share the occupation of the same or of any part thereof.

25

(2) The Trustees may permit a resident to share the room or rooms allotted to him or her with a female who is a relative of that resident and is not qualified for appointment as aforesaid.

26. *Nurse, Warden or Superintendent.*—The Trustees may appoint a Nurse, Warden or Superintendent dismissible at their pleasure to perform such duties as may be necessary for the superintendence and care of the residents at such reasonable salary as they think fit and may allot to the Nurse, Warden or Superintendent accommodation in the buildings of the Charity as a residence while he or she holds office. The Trustees may appoint a married couple to hold any such offices jointly.

35

27. *Removal of residents.*—(1) The following persons may be removed from being residents :—

40

(a) Any resident who in the opinion of the Trustees is guilty of insobriety, insubordination, breach of regulations or immoral or improper conduct ;

(b) Any resident who in the opinion of the Trustees no longer has the required qualifications ;

45

(c) Any resident who has been appointed without having the required qualifications ;

(d) Any resident who is suffering from mental or other disease or infirmity rendering him or her unfit to remain a resident.

(2) Upon the removal of any resident, Nurse, Warden or Superintendent the Trustees shall take possession of the room or rooms occupied by him or her.

50

A.D. 1958

SCH.
—cont.

(3) Any resident removed under section (1) of this clause on account of mental or other disease or infirmity may be re-appointed on recovery without previous notice being given of the vacancy and need not have the qualification as to residence.

28. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of the residents but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme and by such regulations may provide that the residents shall render such assistance to each other and to the Nurse, Warden, or Superintendent as is within their power. 5 10

GENERAL PROVISIONS.

29. *Committees.*—The Trustees from time to time may delegate all or any of their powers and duties as Trustees of the Charity to such Committees of the Trustees acting as the Metropolitan Borough Council of the City of Westminster as they think fit. 15

30. *Charity not to relieve public funds.*—The funds or income of the Charity shall not in any case be applied in relief of rates, taxes or other public funds.

31. *Accounts.*—All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts. 20

32. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish from time to time Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder. 25

33. *Questions under Scheme.*—Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Court or the Charity Commissioners upon such application made to them for the purpose as they think sufficient. 30

34. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same. 35

FORM OF NOTICE

In the matter of the Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster.

Notice is given that a vacancy exists for a resident of this Charity. 40

Elderly workers being poor persons of good character resident in the City of Westminster are eligible for appointment. Preference will be given to applicants who are resident in the area of the Ancient Parish of St. James, Westminster. Married couples may be appointed if either the husband or wife is qualified as aforesaid. 45

A.D. 1958
SCH.
—cont.

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Clerk to the Trustees.

Buildings situate on the west side of Ingestre Place and the south side of Silver Place in the City of Westminster numbered 9, 10 and 11 15 in Ingestre Place and 3 and 4 in Silver Place and known as the St. James's Dwellings, held for the unexpired residue of the term of 19 years from the 25th December 1944 at the yearly rent of £50 created and reserved by a lease dated the 22nd August 1946.

£15,264 13s. 10d. 3½ per cent. Conversion Stock, 1969.

£29,455 9s. 4d. 2½ per cent. Savings Bonds, 1964–67.

£2,531 8s. 10d. Commonwealth of Australia 3 per cent. Registered Stock, 1975-77.

30 Sealed by Order of the Board this 20th day of December 1957.

**St. James's Dwellings Charity
Scheme Confirmation**

A

B I L L

INTITULÉD

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the St. James's Dwellings Charity in the City of Westminster.

Brought from the Commons 2nd May 1958

Ordered to be Printed 2nd May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net

(87)

(37751)

Slaughterhouses Bill

EXPLANATORY MEMORANDUM

Clause 1 amends Part IV of the Food and Drugs Act, 1955, so as to provide that slaughterhouse licences shall not be refused unless—

- (i) the premises fail to conform to certain requirements relating to hygiene and the prevention of cruelty to animals;
- (ii) local restrictions are in force and on any appeal against the proposed refusal by the local authority of a licence in pursuance of those restrictions the Minister consents to the refusal; or
- (iii) the local authority are required to refuse an application for a licence under Clause 4, 5 or 6.

Subsection (3) repeals the power of local authorities to pass resolutions, and provides for the revocation of existing resolutions, restricting the granting of slaughterhouse licences for reasons other than the availability of public slaughterhouse facilities to persons requiring them. The prohibition under s. 64 of the 1955 Act on the granting of licences for new slaughterhouses except with the Minister's consent is also repealed.

Clause 2 deals generally with the licensing of slaughterhouses where local restrictions are in force and in particular makes provision for appeal to the Minister where the local authority proposes to refuse an application for, or cancel, a licence by virtue of a restrictive resolution or powers under a local Act.

Clause 3 requires local authorities to submit reports on the existing and probable future requirements of their district for slaughterhouse facilities and on the existing and prospective slaughterhouse facilities to meet these requirements. The reports are not to be submitted earlier than nine months after the coming into force for newly licensed slaughterhouses of regulations prescribing minimum standards, and are to contain the authority's recommendation as to the date which the Minister should fix for the regulations to apply to all slaughterhouses in their district.

Clause 4 provides that new slaughterhouse licences applied for after the submission of a local authority report are not to be granted without the Minister's approval.

Clause 5 prohibits in certain cases the licensing of a slaughterhouse in which a dwelling forms part of the building in which animals are slaughtered, and makes it an offence to use any part of such a building as a dwelling unless that part has been continuously appropriated as a dwelling since before the passing of the Bill.

Clause 6 deals with special grounds for the refusal of applications for licences where there has been undue delay in the preparation of premises for use as a slaughterhouse, or the applicant will be unable, or has abandoned his intention, to proceed, and with appeals against certain refusals.

Clause 7 amends s. 151 (1) of the Factories Act, 1937, so as to provide that any premises used as a slaughterhouse or as a knacker's yard shall be a factory for the purposes of the Factories Acts, 1937 and 1948.

Clause 8 amends the Slaughter of Animals Acts to provide that the Minister may, after consulting interests concerned, prescribe methods other than stunning by which animals may be anaesthetised for slaughtering. The Clause and the Second Schedule also make minor amendments to those Acts with a view to their consolidation.

Clause 9 provides that regulations may be brought into force for different classes or descriptions of premises and for different areas on different days, and provides that authorised officers of the Ministry shall have powers of entry to slaughterhouses and to knackers' yards for the purpose of ascertaining whether there is or has been any contravention of hygiene regulations made under Section 13 of the Food and Drugs Act, 1955. The Clause also provides that in certain circumstances a court may cancel a licence where it has found that an offence has been committed.

Clause 10 provides that grants may be made to local authorities towards their expenses in inspecting meat at slaughterhouses in certain circumstances.

Except for the application of the Factories Acts, 1937 and 1948, to slaughterhouses and knackers' yards the Bill does not extend to Scotland (*Clause 15 (2)*).

Slaughterhouses Bill

ARRANGEMENT OF CLAUSES

Provision of slaughterhouse facilities

Clause

1. Licensing of slaughterhouses—general.
2. Licensing of slaughterhouses where local restrictions in force.
3. Reports on slaughterhouse facilities.
4. Grant of new slaughterhouse licences after submission of report.
5. Isolation of slaughterhalls from dwellings.
6. Special grounds for, and appeals against, certain refusals.

Regulation of slaughterhouses and knackers' yards

7. Safety, health and welfare of persons employed in slaughterhouses and knackers' yards.
8. Amendment of Slaughter of Animals Acts, 1933 to 1954.
9. Additional provisions with respect to certain regulations and byelaws.

Miscellaneous and general

10. Grants for meat inspection at slaughterhouses.
11. Local inquiries.
12. Financial provisions.
13. Interpretation, etc.
14. Provisions relating to London.
15. Short title and extent.

SCHEDULES:

First Schedule—Provisions with respect to reference of certain applications to Minister.

Second Schedule—Minor amendments of Slaughter of Animals Acts, 1933 to 1954.

A

B I L L

INTITULED

An Act to make provision with respect to slaughter-houses and knackers' yards and the slaughter of animals; and for purposes connected therewith. A.D. 1958

BE it enacted by the Queen'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 *Provision of slaughterhouse facilities*

1.—(1) Section sixty-four of the principal Act (which provides that except with the consent of the Minister a slaughterhouse licence shall not be granted or renewed in respect of any premises not previously used as a slaughterhouse) is hereby repealed. Licensing of slaughter-houses—general.

10 (2) Where an application for the grant or renewal of a slaughterhouse licence is made to a local authority in respect of any premises to which, if they were used as a slaughterhouse, both construction regulations made under section thirteen of the principal Act and construction regulations made under section
15 two of the Act of 1954, being in each case regulations made after the passing of this Act, would apply, then—

(a) subject to subsections (3) and (4) of section sixty-six of the principal Act (which provide for appeals), the authority shall not grant or renew the licence unless they are satisfied that all construction regulations for the time being in force, being regulations made under the said section thirteen or under the said section two, are, or

20

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by the date on which the licence or renewed licence comes into force will be, complied with in respect of the premises;

(b) without prejudice to the foregoing paragraph, the authority shall not refuse the application unless— 5

(i) they are not satisfied, on the premises being represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, that all the requirements of all regulations with respect to slaughterhouses for the time being in force under the said section thirteen, of all construction regulations for the time being in force under the said section two and of all byelaws, if any, made by the authority and for the time being in force under section sixty-eight of the principal Act are, or within a reasonable time will be, complied with in respect of the premises; or 10

(ii) they are required to refuse the application by section two, four, five or six of this Act; or

(iii) in a case to which subsection (4) of section two of this Act applies, the Minister has consented to the refusal; 20

and this subsection shall apply in relation to the grant, renewal or refusal of an express authorisation under subsection (3) of section sixty-two of the principal Act for the use of premises for or in connection with the slaughter of horses as it applies to the grant, renewal or refusal of a slaughterhouse licence in respect of those premises; and section sixty-five of the principal Act shall not apply in any case to which this subsection applies. 25

(3) No resolution under section seventy-six of the principal Act (which confers power on a local authority to restrict by resolution the grant or renewal of slaughterhouse licences where the authority are satisfied that the slaughterhouse facilities available in their district are adequate for the time being) shall be passed by a local authority or approved by the Minister after the passing of this Act, and the Minister shall require a local authority to revoke any resolution for the time being having effect under the said section seventy-six or under section seventy-five of the principal Act (which confers the like power by reason of the provision of slaughterhouse facilities by that or another local authority) if at any time it appears to him— 35 40

(a) in the case of a resolution under the said section seventy-six, that the slaughterhouse facilities available in the authority's district do not for the time being include at least one public slaughterhouse which complies with the 45

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following conditions, that is to say, that the providing authority are the occupiers and that facilities for the slaughter of animals at the slaughterhouse, whether by servants of the providing authority or otherwise, are open to all persons requiring them;

(b) in the case of a resolution under the said section seventy-five, that there is no public slaughterhouse provided by that authority which for the time being complies with the conditions aforesaid or, as the case may be, that the slaughterhouse facilities provided by another authority do not for the time being include at least one public slaughterhouse which complies with those conditions;

and the local authority shall comply with the requirement and, as soon as practicable after the revocation of the resolution, cause notice of the revocation to be published in one or more local newspapers circulating in their district.

(4) Without prejudice to the last foregoing subsection, in the said section seventy-five, for paragraph (b) of subsection (1) (which authorises the passing of a resolution under that section where the local authority are of opinion that slaughterhouse facilities in their district ought to be abolished or reduced having regard to such facilities provided by another authority) there shall be substituted the following paragraph:—

“(b) are of opinion that, having regard to the availability of slaughterhouse facilities provided by another authority, slaughterhouse facilities within their district ought to be abolished or reduced, or ought not to be increased, or are not required”;

and, accordingly, after the word “and”, in the first place where it occurs in the said subsection (1), there shall be inserted the words “any such resolution may also provide”.

(5) The Minister may by regulations—

(a) require slaughterhouse licences and applications for the grant or renewal of such licences to be in such form and to contain such particulars of all premises to which the licence or application relates as may be prescribed by the regulations;

(b) require local authorities to keep such records of all slaughterhouse licences granted by them, including the particulars aforesaid, and to furnish the Minister with such information in connection with the grant of slaughterhouse licences, as may be so prescribed;

and each local authority shall make any such records as aforesaid or copies thereof available during reasonable hours at some convenient place or places in their district for inspection by any person without charge.

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Licensing of
slaughter-
houses where
local
restrictions in
force.

2.—(1) Where after the passing of this Act an application for the grant of a new slaughterhouse licence is received by a local authority with respect to whose district there is for the time being in force—

- (a) a resolution having effect under section seventy-five or section seventy-six of the principal Act; or 5
- (b) a provision of a local Act whereby, notwithstanding the grant of such a licence, the use as a slaughterhouse of the premises to which the application relates would be unlawful, 10

the three next following subsections shall have effect notwithstanding anything in the resolution or provision in question; and, while any licence granted or renewed in pursuance of those subsections is in force and any terms, conditions or restrictions imposed by or under any local Act are complied with, nothing in any such provision of a local Act as aforesaid shall prevent, or 15 subject any person to any penalty by reason of, the use of those premises as a slaughterhouse or the slaughter of animals on those premises.

(2) Not later than two months after receiving such an application as aforesaid, the local authority shall either— 20

- (a) serve notice in writing on the applicant that they intend to refuse the application unless before the expiration of the period of twenty-one days commencing with the date of service of the notice he requires the authority in writing to submit the application to the Minister, and that no other appeal will lie against that refusal; or 25
- (b) if they think fit, themselves submit the application to the Minister;

and where a notice has been served by the authority under paragraph (a) of this subsection and at the expiration of the period referred to in that paragraph the authority have not been required by the applicant to submit the application to the Minister, the authority shall forthwith refuse the application. 30

(3) Where in pursuance of the last foregoing subsection a local authority are required or determine to submit an application to the Minister, the provisions of the First Schedule to this Act shall have effect, and the Minister— 35

- (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or 40
- (b) if he is satisfied as aforesaid, shall direct that, save as required by section five or section six of this Act, the application shall not be refused unless the authority 45

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are not, in relation to the premises in respect of which the application is made, satisfied as mentioned in paragraph (b) of subsection (2) of section one of this Act or, in a case to which that subsection does not apply, as mentioned in subsection (1) or subsection (2) of section sixty-five of the principal Act,

and the authority shall comply with any direction given under this subsection.

(4) Where in the case of any premises—

- (a) a new slaughterhouse licence in respect thereof has been granted in pursuance of a direction under the last foregoing subsection; or
- (b) those premises have under subsection (3) of the said section seventy-five been exempted from the operation of a resolution having effect under that section; or
- (c) since the passing of such a resolution as aforesaid a slaughterhouse licence in respect of those premises has been granted in the exercise of a power reserved for the local authority under the said subsection (3) as originally enacted,

the local authority shall not refuse any subsequent application for the grant or renewal of a slaughterhouse licence in respect of the same premises (not being an application for the grant of a new slaughterhouse licence) unless—

- (i) the Minister has given his consent in accordance with subsection (7) of this section; or
- (ii) the authority are not, in relation to the premises, satisfied as mentioned in paragraph (b) of the last foregoing subsection; or
- (iii) the authority are required to refuse the application by section five or section six of this Act.

(5) Where any such subsequent application in respect of any premises as is referred to in the last foregoing subsection is refused otherwise than on the grounds specified in paragraph (ii) or (iii) of that subsection, any person having an interest in the premises or in any land held therewith, being an interest of which the value is reduced in consequence of the refusal, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction; and subsections (3), (4) and (6) of section seventy-eight of the principal Act shall apply for the purposes of compensation under this subsection as if any reference in those subsections to the said section seventy-eight were a reference to this subsection:

A.D. 1958 Provided that no such amount shall be payable if either—

- (a) a previous application for the grant or renewal of a slaughterhouse licence in respect of those premises has been refused otherwise than on the grounds specified in the said paragraph (ii) or (iii) at a time when the last foregoing subsection or subsection (4) of section seventy-five of the principal Act applied thereto; or 5
- (b) the use of those premises as a slaughterhouse has previously been terminated by virtue of a resolution under the said section seventy-five or of such a provision 10 of a local Act as is mentioned in the next following subsection.

(6) Where by virtue of any provision of a local Act a local authority have power to terminate the use of any premises as a slaughterhouse without the agreement of the occupier and 15 otherwise than on the grounds of injury or danger to the public health, of nuisance, of the unsuitability of the premises, or of failure to make use of those premises as a slaughterhouse, the authority shall not exercise that power in relation to any premises except with the consent of the Minister given in accordance with 20 the next following subsection; and where that consent is so given, then, notwithstanding anything in that local Act, no other appeal shall lie against the exercise of that power.

(7) On requesting the Minister's consent—

- (a) to the refusal of an application for the grant or renewal 25 of a slaughterhouse licence by virtue of paragraph (a) of subsection (4) of this section; or
- (b) to the exercise in relation to any premises of such a power as is mentioned in the last foregoing subsection,

the local authority shall serve on the applicant, or, as the case 30 may be, on the person who holds a slaughterhouse licence in respect of those premises, notice in writing that the request has been made and of the reasons therefor and that he may make representations to the Minister with respect thereto before the expiration of the period of twenty-one days commencing with the 35 date of service of the notice; and the Minister, if, after considering any representation so made to him, he is both—

- (i) satisfied that the grant or renewal of that licence, or, as the case may be, the continued use of those premises as a slaughterhouse, is unnecessary for the purpose of 40 securing adequate slaughterhouse facilities; and
- (ii) not satisfied that that grant, renewal or continued use is expedient for special reasons,

shall give, and in any other case shall refuse, his consent.

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(8) Where a local authority such as is mentioned in subsection (1) of this section receive an application for the grant or renewal of a slaughterhouse licence in respect of any premises which is neither an application for the grant of a new slaughterhouse licence nor an application to which subsection (4) of this section applies, the authority shall refuse the application forthwith if—

- (a) the grant or renewal is precluded by a resolution for the time being having effect under section seventy-five or section seventy-six of the principal Act; or
- (b) by virtue of such a provision of a local Act as is mentioned in the said subsection (1), the use of the premises as a slaughterhouse would be unlawful notwithstanding the grant or renewal of the licence.

(9) As from the date of the passing of this Act—

- (a) the following provision of the principal Act shall cease to have effect, that is to say—

- (i) in subsection (3) of section seventy-five, except in relation to a resolution under that section passed before the date aforesaid, the words from “and may” to “licence” and the words “or reservation”;

- (ii) subsection (4) of section seventy-five;

- (iii) subsection (2) of section seventy-eight;

- (b) where the operation of any such provision of a local Act as is mentioned in subsection (1) or subsection (6) of this section is dependent upon the provision of a slaughterhouse and at the date aforesaid that slaughterhouse has not been provided or has ceased to be used as such, that provision of that local Act shall cease to have effect.

3.—(1) Each local authority shall carry out a review of, and, after consultation with such organisations as appear to the authority to represent the interests concerned, submit to the Minister a report on—

Reports on
slaughterhouse
facilities.

- (a) the existing and probable future requirements of their district for slaughterhouse facilities having regard to the needs both of persons requiring the use of such facilities and of other persons; and
- (b) the slaughterhouse facilities which are, or are likely to become, available to meet those requirements (including any port slaughterhouse).

(2) The report aforesaid shall be submitted not earlier than such day as the Minister may by order made by statutory instrument appoint nor later than twelve months (or such longer period as the Minister may in any particular case allow) after

A.D. 1958 that day, and the day so appointed shall not be earlier than nine months after there have come into force in relation to premises in respect of which a new slaughterhouse licence falls to be granted—

(a) construction regulations under section thirteen of the principal Act; and 5

(b) construction regulations under section two of the Act of 1954,

being in each case regulations made after the passing of this Act.

(3) The report aforesaid shall include— 10

(a) such particulars as the Minister may direct of any premises in the authority's district for the time being used as a slaughterhouse, including any port slaughterhouse, specifying separately—

(i) premises which already comply with all the requirements of all construction regulations for the time being in force in relation to premises in respect of which a new slaughterhouse licence falls to be granted, being regulations made under section thirteen of the principal Act or under section two of the Act 20 of 1954;

(ii) premises which do not so comply but which the authority expect will so comply by the date recommended by the authority in pursuance of paragraph (d) of this subsection; 25

(iii) premises which the authority expect will not so comply by that date;

(b) such particulars as the Minister may direct of any premises in the authority's district which are not for the time being being used as a slaughterhouse but in respect of which— 30

(i) a slaughterhouse licence is or has been in force; and

(ii) an application for the renewal or grant of such a licence is outstanding or can still be made before the expiration of twelve months from the date when the licence referred to in the foregoing sub-paragraph ceases or ceased to be in force; 35

(c) such particulars as the Minister may direct of any application for the grant of a new slaughterhouse licence which is outstanding at the date of the submission of the report; 40

(d) the authority's recommendation as to the date which the Minister should fix for the requirements aforesaid to come into force in relation to all slaughterhouses in their district; A.D. 1958

5 (e) such other matters, if any, as the Minister may either generally or in any particular case direct:

Provided that where such an application as is referred to in paragraph (c) of this subsection is received too late for the inclusion of the required particulars in the body of the report
10 those particulars shall be submitted separately at the same time as, and be deemed to form part of, the report.

(4) On submitting their report to the Minister, the local authority shall make copies thereof available during reasonable hours at some convenient place or places in their district for
15 inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine, and shall cause to be published in one or more local newspapers circulating in their district a notice
20 that the report has been submitted, specifying the place or places at which and the hours during which copies thereof are available for inspection or supply, and stating that representations with respect thereto may be made to the Minister at any time before the expiration of the period of two months commencing with the
25 date of the first publication of the notice; and a copy of the said notice shall be served by the authority—

(a) on every person other than the authority who is the occupier of any premises such as are referred to in paragraph (a) or paragraph (b) of subsection (3) of this section; and
30

(b) on every other person by whom an application for the grant or renewal of a slaughterhouse licence has been made to them between the passing of this Act and the expiration of the period aforesaid.

35 (5) The local authority shall forward immediately to the Minister a copy—

(a) of any application for the grant of a new slaughterhouse licence which is received by them after the submission of their report but before the expiration of the period
40 aforesaid; and

(b) of any application for the grant or renewal of a slaughterhouse licence in respect of premises included in their report by virtue of paragraph (b) of subsection (3) of this section which is received by them after the submission of the report but before the expiration of the
45 twelve months referred to in that paragraph.

A.D. 1958

(6) After considering any representations with respect to the report made to him before the expiration of the period of two months aforesaid and any application of which a copy is forwarded to him under the last foregoing subsection before the expiration of that period, and, if he thinks fit, after causing a local inquiry to be held, the Minister shall accept the report subject to such observations thereon as he may think fit to attach thereto, including, if it appears to him expedient, a direction that the report shall be deemed to include, in addition to the particulars of applications included or deemed to be included by virtue of subsection (3) of this section, such particulars of such, if any, of any applications for the grant of a new slaughterhouse licence of which copies have been forwarded to him as aforesaid as he may specify; and the local authority shall—

(a) make copies of the report and observations available during reasonable hours at some convenient place or places in their district for inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine; and

(b) cause to be published in one or more local newspapers circulating in their district a notice that the report has been accepted, specifying the place or places at which and the hours during which copies of the report and observations are available for inspection or supply.

(7) Paragraph (c) of, and the proviso to, subsection (3), paragraph (b) of subsection (4) and subsection (5) of this section shall not apply in relation to any application to which subsection (1) of section two of this Act applies.

Grant of new
slaughterhouse
licences after
submission of
report.

4.—(1) After the submission of their report to the Minister under the last foregoing section, a local authority shall not grant a new slaughterhouse licence except—

(a) on an application included in that report, either as submitted to or as accepted by the Minister, or deemed by virtue of subsection (3) or subsection (6) of that section to be so included;

(b) in respect of premises to which such an application as aforesaid related, not being an application refused by the authority under subsection (1) of section six of this Act, but on a fresh application by a person who is the successor in title to those premises or the site thereof of the person by whom the first-mentioned application was made, being a fresh application made within twelve months from the date of the acceptance of the report aforesaid by the Minister or within six months from the

A.D. 1958

- date when the person by whom the first-mentioned application was made ceased, whether by reason of his death or for any other reason, to be entitled to occupy those premises or the site thereof, whichever period expires the later;
- (c) by virtue of a direction under paragraph (b) of subsection (3) of section two of this Act; or
- (d) on an application approved by the Minister under subsection (2) of this section.
- (2) Where a local authority receive an application for a new slaughterhouse licence which cannot be granted unless the application is approved by the Minister under this subsection, the provisions of the First Schedule to this Act shall have effect, and the Minister—
- (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or
- (b) if he is satisfied as aforesaid, shall inform the local authority and the applicant that he approves the application;
- and the local authority shall comply with any direction given under paragraph (a) of this subsection.
- 5.—(1) Where in the case of an application for the grant or renewal of a slaughterhouse licence in respect of any premises received by a local authority after the date of the passing of this Act, being an application—
- (a) for the grant of a new slaughterhouse licence; or
- (b) in respect of premises in respect of which a new slaughterhouse licence has been granted since the said date; or
- (c) in respect of premises in the case of which a holder of a slaughterhouse licence in respect of those premises has been convicted of an offence by virtue of subsection (2) of this section,
- it appears to the authority that the proposed slaughterhall forms part of a building another part of which, being a part within the curtilage of those premises, is, or is proposed to be, used or adapted for use as a dwelling, then, subject to subsection (2) of section six of this Act, the authority shall refuse the application forthwith unless they are satisfied that, if the licence is granted or renewed, no part of that building within the curtilage of those premises will be used as a dwelling at any time while the licence is in force.
- Isolation of slaughterhalls from dwellings.

A.D. 1958

(2) Where after the date of the passing of this Act a slaughterhouse licence is in force in respect of any premises, then, if any person causes or permits to be used as a dwelling any part of a building which contains a slaughterhall, being a part within the curtilage of those premises, he shall be guilty of an offence under the principal Act: 5

Provided that this subsection shall not apply if that part has been appropriated as a dwelling continuously since before the date aforesaid and no application to which the foregoing subsection applies has been made in respect of those premises since that date. 10

(3) If a person convicted of an offence by virtue of the last foregoing subsection is the holder of a slaughterhouse licence in respect of the premises in question, the court may, in addition to any other punishment, cancel the licence. 15

(4) It shall be the duty of every local authority to enforce and execute in their district the provisions of subsection (2) of this section; and sections one hundred and eighteen to one hundred and twenty of the principal Act (which relate to appeals) shall apply for the purposes of this section as if this section were contained in that Act. 20

(5) In this section the expression "slaughterhall" means that part of a slaughterhouse in which the actual slaughtering of any animal or the dressing of carcases takes place.

Special
grounds for,
and appeals
against, certain
refusals.

6.—(1) In the case of an application— 25

(a) with respect to which a direction is given by the Minister under paragraph (b) of subsection (3) of section two of this Act; or

(b) included in a local authority's report as accepted by the Minister under section three of this Act or deemed by virtue of subsection (3) or subsection (6) of that section to be so included; or 30

(c) approved by the Minister under subsection (2) of section four of this Act; or

(d) for the grant or renewal of a slaughterhouse licence in respect of premises in respect of which such a licence has ceased to be in force less than twelve months before the date when the application is made or ceases to be in force on or after that date, 35

being an application to which subsection (2) of section one of this Act applies, the local authority shall refuse the application upon its appearing to them, at any time after the expiration of twelve months from the date of the direction, acceptance, approval or cessation, as the case may be, and before the premises to which 40

the application relates are represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, either— A.D. 1958

5 (i) that the applicant has failed to take reasonable steps to secure the making of progress with the preparation of the premises for such use; or

(ii) that the applicant will be unable, or has abandoned his intention, to use those premises as a slaughterhouse;

and, for the purposes of this subsection, such a fresh application 10 as is referred to in paragraph (b) of subsection (1) of section four of this Act shall be deemed to have been included in the local authority's report as accepted by the Minister under section three of this Act.

(2) The document notifying the refusal of an application under 15 the foregoing subsection or under subsection (1) of section five of this Act, shall state the grounds therefor, and the applicant may appeal against the refusal to a magistrates' court, and that court, if satisfied that the local authority acted unreasonably in refusing the application on those grounds, may declare the refusal 20 to be of no effect; and sections one hundred and seventeen and one hundred and eighteen of the principal Act shall apply for the purposes of any appeal under this subsection as if this subsection were contained in that Act.

(3) Without prejudice to the last foregoing subsection, no 25 appeal to a magistrates' court shall lie under subsection (3) of section sixty-six of the principal Act against a refusal—

(a) in pursuance of subsection (1) of this section;

(b) in pursuance of subsection (2) of section two of this Act;

30 (c) in pursuance of a direction under paragraph (a) of subsection (3) of the said section two;

(d) with the consent of the Minister given by virtue of paragraph (i) of subsection (4) of the said section two;

(e) in pursuance of subsection (8) of the said section two;

35 (f) in pursuance of a direction under paragraph (a) of subsection (2) of section four of this Act; or

(g) in pursuance of subsection (1) of section five of this Act.

Regulation of slaughterhouses and knackers' yards

7. In subsection (1) of section one hundred and fifty-one of Safety, health and welfare of the Factories Act, 1937 (which relates to the interpretation of persons employed in slaughterhouses and knackers' yards) 40 the expression "factory" for the purposes of that Act), at the end of paragraph (c) there shall be inserted the words "or
(d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules".

A.D. 1958
Amendment
of Slaughter
of Animals
Acts, 1933
to 1954.

8.—(1) For so much of subsection (1) of section one of the Slaughter of Animals Act, 1933, as precedes the proviso to that subsection there shall be substituted the following:—

“ No animal to which this Act applies shall, in a slaughterhouse or knacker's yard, be slaughtered otherwise than 5
instantaneously by means of a mechanically-operated instrument in proper repair unless—

(a) by stunning, effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an 10
instrument in proper repair, it is instantaneously rendered insensible to pain until death supervenes;
or

(b) by such other means as may, by regulations made by the Minister of Agriculture, Fisheries and Food, 15
after consultation with such organisations as appear to him to represent the interests concerned, be authorised for use in the case of all animals to which this Act applies, or a class of such animals to which the animal slaughtered belongs, and in all slaughter- 20
houses or knackers' yards or slaughterhouses or knackers' yards of a class to which belongs the slaughterhouse or knacker's yard in which the animal is slaughtered, it is rendered insensible to pain until death supervenes, and there are complied 25
with such conditions (if any) as may, by regulations so made, be expressed to be applicable to the use of those means in the case of all animals to which this Act applies or such a class of animals as aforesaid and in all slaughterhouses or knackers' 30
yards or such a class of slaughterhouses or knackers' yards as aforesaid ”.

(2) Regulations made by virtue of the foregoing subsection may make such incidental or consequential provision as may appear to the Minister to be necessary or expedient for the 35
purposes of the regulations, including, in particular, in a case where a condition expressed to be applicable to the use of any means of rendering an animal insensible to pain consists in the giving of approval to any matter by a local authority within the meaning of the said Act of 1933, provision for securing a right of 40
appeal to a magistrates' court against a withholding or withdrawal of approval.

(3) Before making any regulations under section two of the Act of 1954 the Minister shall consult with such organisations as appear to him to represent the interests concerned; and, 45
without prejudice to any other power with respect thereto, any such regulations may provide—

- (a) subject to such limitations and safeguards, if any, as may be specified in the regulations, for the appropriate authority to grant in relation to particular premises, either unconditionally or subject to conditions, exemption from the operation of specific provisions of those regulations where it appears to that authority that compliance with those provisions cannot for the time being reasonably be required with respect to the premises or any activities carried on thereat;
- (b) for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days;
- and in paragraph (a) of this subsection the expression "appropriate authority", except in relation to a slaughterhouse provided by a local authority within the meaning of the said Act of 1933, means such a local authority, and in relation to a slaughterhouse so provided means the Minister.
- (4) The Slaughter of Animals Acts, 1933 to 1954, shall have effect subject to the amendments specified in the Second Schedule to this Act (being amendments consequential on the provisions of subsection (1) of this section, or of a minor nature, or expedient for the purpose of facilitating the consolidation of those Acts, this section and subsection (1) of the next following section).

9.—(1) Any regulations made under or by virtue of any provision of this Act shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Without prejudice to any other power with respect thereto, any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act may include provision for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.

(3) For the purposes of any regulations made under section thirteen of the principal Act, section one hundred and three and subsections (1) and (3) of section one hundred and five of the principal Act (which relate respectively to the powers of entry of the Minister's officers for the purpose of ascertaining whether there is or has been any contravention of the provisions of any regulations made under the principal Act which the Minister is empowered to enforce and to persons obstructing the exercise of

A.D. 1958

Additional provisions with respect to certain regulations and byelaws.

A.D. 1958 such powers) shall have effect as if the Minister as well as the local authority were empowered to enforce those regulations so far as they apply to any slaughterhouse or knacker's yard.

(4) If a person convicted of an offence against any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act is the holder of a licence under Part IV of that Act in respect of the premises where the offence was committed, the court may, in addition to any other punishment, cancel that licence; and sections one hundred and eighteen to one hundred and twenty of the principal Act shall apply for the purposes of this subsection as if this subsection were contained in that Act. 5 10

(5) In subsection (3) of section sixty-eight of the principal Act (which provides that if a person convicted of an offence against any byelaw made under that section holds a licence under Part IV of that Act, the court may cancel the licence) after the word "Act" there shall be inserted the words "in respect of the premises where the offence was committed". 15

Miscellaneous and general

Grants for meat inspection at slaughter-houses.

10. The Minister may by regulations approved by the Treasury provide for the making by him of contributions towards the expenses incurred by a local authority in carrying out at slaughterhouses their functions with respect to the inspection of meat prepared for sale for human consumption in cases where the Minister is satisfied that, by reason of the extent to which the meat appears to him to exceed in quantity what is likely to be required for consumption in the authority's district, those expenses impose an unduly heavy burden on the ratepayers of that district. 20 25

Local inquiries.

11. Subsections (1) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to local inquiries) shall apply for the purposes of this Act and Part IV of the principal Act as if in those subsections— 30

(a) any reference to the said Act of 1933 included a reference to this Act and to the said Part IV; and

(b) any reference to a department were a reference to the Minister. 35

Financial provisions.

12.—(1) There shall be defrayed out of moneys provided by Parliament any expenses incurred under this Act by any government department and any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956. 40

(2) Subsection (5) of section seventy-eight of the principal Act (which empowers the Minister to make grants out of moneys provided by Parliament to a local authority of an amount not exceeding one-half of any sums payable by that authority by way of compensation for the closure of a private slaughterhouse in consequence of a resolution under section seventy-five of that Act) is hereby repealed except in relation to any such resolution passed before the tenth day of May, nineteen hundred and fifty-six. A.D. 1958

13.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, etc. Interpretation,
10 that is to say—

“ the Act of 1954 ” means the Slaughter of Animals (Amendment) Act, 1954;

15 “ construction regulations ” means regulations with respect to the construction, lay-out or equipment of premises used as a slaughterhouse;

“ knacker’s yard ” has the meaning assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

20 “ local authority ” has the meaning assigned by section eighty-five of the principal Act and, in relation to, or to an application in respect of, any premises, means the local authority within whose district those premises are situated;

25 “ the Minister ” means the Minister of Agriculture, Fisheries and Food;

30 “ new ” in relation to a slaughterhouse licence means in respect of premises in respect of which such a licence was not in force at, or at any time less than twelve months before, the date when the application for the licence was made;

35 “ port slaughterhouse ” means a slaughterhouse forming part of an imported animals’ wharf or landing place approved by the Minister under the Diseases of Animals Act, 1950, for the purpose of the landing of imported animals;

“ the principal Act ” means the Food and Drugs Act, 1955;

“ public slaughterhouse ” means a slaughterhouse provided by a local authority;

40 “ slaughterhouse ” and “ slaughterhouse licence ” have the meanings respectively assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

A.D. 1958

“slaughterhouse facilities” has the meaning assigned by subsection (2) of section seventy of the principal Act:

Provided that this subsection, other than the definitions of the Act of 1954, of the Minister and of the principal Act, shall not apply to section eight of, or the Second Schedule to, this Act. 5

(2) Where, in the case of any two or more local authorities, their functions with respect to the licensing of slaughterhouses fall for the time being to be discharged by a joint board, then, in relation to those authorities, any reference in sections one to six of, or in the First Schedule to, this Act to a local authority shall be construed as a reference to that joint board. 10

(3) Section two hundred and eighty-five of the Public Health Act, 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised by this Act to be given to or served on any person. 15

(4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment, including this Act.

Provisions
relating to
London.

14.—(1) Sections one to six of this Act shall not extend to the administrative county of London. 20

(2) In the application to the administrative county of London of subsection (4) of section nine of this Act, for the reference therein to Part IV of the principal Act there shall be substituted a reference to sections one hundred and forty-four and one hundred and forty-five of the Public Health (London) Act, 1936. 25

(3) For the purposes of any regulations with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act, the Metropolitan Cattle Market shall be deemed to be within the City of London and not to be within the metropolitan borough of Islington. 30

(4) The repeal of subsections (1) to (3) of section one of the Act of 1954 effected by subsection (1) of section one hundred and thirty-six of the principal Act shall not extend to the administrative county of London. 35

Short title, and
extent.

15.—(1) This Act may be cited as the Slaughterhouses Act, 1958.

(2) Except for section seven, subsection (1) of section twelve and subsection (4) of section thirteen, this Act shall not extend to Scotland.

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

40

SCHEDULES

A.D. 1958

FIRST SCHEDULE

Sections 2, 4, 13.

PROVISIONS WITH RESPECT TO REFERENCE OF CERTAIN
APPLICATIONS TO MINISTER

- 5 1. The provisions of this Schedule shall have effect where a local authority—
- (a) in pursuance of subsection (2) of section two of this Act are required or determine to submit an application to the Minister; or
 - 10 (b) receive an application to which subsection (2) of section four of this Act applies.
2. The local authority shall forthwith—
- (a) send a copy of the application to the Minister; and
 - 15 (b) cause to be published in one or more local newspapers circulating in their district a notice giving particulars of the application and stating that representations with respect thereto may be made to the Minister within the period of one month commencing with the date of the first publication of the notice; and
 - 20 (c) give notice in writing to the applicant of the date of expiry of the period aforesaid stating that any representations by him must be made to the Minister before that date.
3. Before making his determination with respect to the application, the Minister shall consider any representations made to him as afore-
25 said and consult the local authority by whom the copy of the application was sent to him and any other local authority who appear to him to be affected, and may, if he thinks fit, cause a local inquiry to be held.

SECOND SCHEDULE

Sections 8, 13.

30 MINOR AMENDMENTS OF SLAUGHTER OF ANIMALS ACTS, 1933 TO 1954

The Slaughter of Animals Act, 1933

(23 & 24 Geo. 5. c. 39)

1. In section three (which prohibits the slaughter or stunning in a slaughterhouse or knacker's yard of animals as defined by the Act
35 except by licensed slaughtermen)—
- (a) in subsection (1), for the words "No animal" there shall be substituted the words "No animal to which this Act applies";
 - (b) in subsection (5), after the word "operation" there shall be inserted the words "within their area"; and
 - 40 (c) subsection (8) shall be omitted.
2. In section six (which empowers a local authority who have provided or established a slaughterhouse to employ persons to slaughter or stun animals as defined by the Act in accordance with the provisions thereof)—
- 45 (a) for the word "animals" there shall be substituted the words "animals to which this Act applies";
 - (b) without prejudice to subsection (1) of section seventy-three of the principal Act, the words from "and" onwards (which empower the making of charges for the services of persons so employed) shall cease to have effect except in relation to
50 the administrative county of London.

A.D. 1958

2ND SCH.

—cont.

3. In subsection (1) of section seven (which, as amended by the Act of 1954, enables medical officers of health and other officers to enter slaughterhouses and knackers' yards for the purpose of ascertaining whether there is a contravention of the provisions of the Act or of any regulations under section two of the Act of 1954)— 5
- (a) the reference to the provisions of the Act shall be construed as including a reference to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act; and
- (b) for the words from "shall refuse to permit" to "under this Act" where last occurring there shall be substituted the words "obstructs a person in the exercise of his powers under the foregoing provisions of this subsection". 10
4. In subsection (1) of section eight (which relates to the enforcement of the provisions of the Act)— 15
- (a) references to the provisions of the Act shall be construed as including references to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act or under section two of the Act of 1954; and
- (b) for the word "enforce" there shall be substituted the words "execute and enforce". 20
5. After section eight there shall be inserted the following section:—
 "8A. The animals to which this Act applies are horses, cattle, sheep, swine and goats."
6. In section nine (which relates to interpretation)— 25
- (a) the definitions of "animal" and "mechanically-operated instrument" shall be omitted;
- (b) in the definition of "contravention" the reference to any provision of the Act shall be construed as including a reference to any provision of any regulations made by virtue of subsection (1) of section eight of this Act or under section two of the Act of 1954; and 30
- (c) after the last-mentioned definition there shall be inserted the following definition:—
 "'Horse' includes ass and mule". 35

The Slaughter of Animals (Pigs) Act, 1953

(1 & 2 Eliz. 2. c. 27)

7. In section one (which prescribes conditions for the slaughter of certain pigs elsewhere than in slaughterhouses or knackers' yards)—
- (a) in paragraph (b) the words "or stunning" shall be omitted; 40
- (b) at the end of paragraph (b) there shall be added the words
 "and
- (c) any such stunning shall be effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an instrument in proper repair;" 45
- (c) for the word "pig", in both places where it occurs, there shall be substituted the word "swine".

8. In subsection (1) of section three (which relates to interpretation) the definitions of "mechanically-operated instrument" and "pig" shall be omitted.

A.D. 1958
2ND SCH.
—cont.

The Slaughter of Animals (Amendment) Act, 1954

5 (2 & 3 Eliz. 2. c. 59)

9. In subsection (1) of section two (which empowers the Minister to make regulations for securing humane conditions and practices in connection with the slaughter of animals, as defined by section nine of the Slaughter of Animals Act, 1933, at slaughterhouses and knackers' yards)—

10 (a) for the words "the slaughter of animals at slaughterhouses and knackers' yards" there shall be substituted the words "the slaughter, at slaughterhouses and knackers' yards, of animals to which the Slaughter of Animals Act, 1933, applies"; and

15 (b) for the word "animals", in the second and third places where it occurs, there shall be substituted the words "such animals as aforesaid".

10. In subsection (5) of section three, for the words "revoke or suspend the operation of such a" there shall be substituted the words "revoke any such licence granted by them or suspend the operation within their district of any such".

11. In section four (which extends subsection (1) of section one of the Slaughter of Animals Act, 1933), subsection (1) shall cease to have effect.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Slaughter of Animals Act, 1933	23 & 24 Geo. 5. c. 39.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act, 1937... ..	1 Edw. 8 & 1 Geo. 6. c. 67.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Slaughter of Animals (Pigs) Act, 1953	1 & 2 Eliz. 2. c. 27.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Slaughter of Animals (Amendment) Act, 1954	2 & 3 Eliz. 2. c. 59.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

Slaughterhouses

A

B I L L

INTITULED

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith.

Brought from the Commons 30th April 1958

Ordered to be printed 30th April 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 3d. net
(77)
(37712)

Slaughterhouses Bill

Amend-
ment
No.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE

Clause 1

BY THE LORD FARINGDON

- 1 Page 1, line 6, leave out subsection (1).
- 2 Page 3, line 46, at end, insert—
(" (6) A slaughterhouse licence shall not be granted or renewed under this section or at all in respect of any premises adjoining or forming part of a building used as a dwelling.")

Clause 7

BY THE LORD FARINGDON

- 3 Page 13, line 43, at end, insert (" and for the purposes of this section slaughtering should include the confinement at slaughterhouses of such animals awaiting slaughter and the keeping or subjecting to any treatment or process products of the slaughtering of such animals.")

BY THE EARL ST. ALDWYN

- 4 Page 13, line 43, at end insert (" or
(e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals.")

Clause 8

BY THE LORD FARINGDON

- 5 Page 14, line 11, after (" instrument ") insert (" of a design approved by the Minister and ")

After Clause 8

BY THE LORD FARINGDON

Insert the following new Clause—

- 6 (“ . Every slaughterhouse shall be closed for the purpose of slaughtering on Sunday save as the Minister may by regulation otherwise provide, and any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.”) Prohibition of slaughtering on Sundays.

After Clause 10

BY THE LORD FARINGDON

Insert the following new Clause—

- 7 (“ . The Minister shall make regulations which shall make provision for securing— Meat inspection in slaughter-houses.
- (a) the inspection of all animals intended for slaughter for sale for human consumption, and
 - (b) of all carcases of animals so slaughtered and no meat shall be sold for human consumption unless there has been such inspection:

Provided that where by reason of accidental injury illness or exposure to infection it is necessary that an animal shall be slaughtered without delay and notice is given to the local authority as soon as is reasonably possible, whether before or after the slaughtering takes place, the said animal but not the carcase thereof shall be deemed to have been inspected.”)

In the Schedules

Second Schedule

BY THE LORD FARINGDON

- 8 Page 19, line 41, leave out paragraph (2).

Amend-
ment
No.

Clause 10

BY THE EARL ST. ALDWYN

- 7 Page 16, line 26, leave out (" is likely to be ") and insert (" it appears to him should be regarded as ")

After Clause 10

BY THE LORD FARINGDON

- 8 Insert the following new Clause—

(" . The Minister shall, within a period not exceeding five years from the passing of this Act, make regulations which shall make provision for securing the inspection of— Meat inspection in slaughter-houses.

(a) all animals intended for slaughter for sale for human consumption, and

(b) all carcases of animals so slaughtered,

and no meat shall be sold for human consumption unless there has been such inspection:

Provided that where by reason of accidental injury, illness or exposure to infection it is necessary that an animal shall be slaughtered without delay and notice is given to the local authority as soon as is reasonably possible, whether before or after the slaughtering takes place, the said animal but not the carcase thereof shall be deemed to have been inspected.")

Slaughterhouses Bill

**MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED ON REPORT**

10th July, 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE

Price 3d. net

(110_f**)

(38003)

Slaughterhouses Bill

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES

Provision of slaughterhouse facilities

Clause

1. Licensing of slaughterhouses—general.
2. Licensing of slaughterhouses where local restrictions in force.
3. Reports on slaughterhouse facilities.
4. Grant of new slaughterhouse licences after submission of report.
5. Isolation of slaughterhalls from dwellings.
6. Special grounds for, and appeals against, certain refusals.

Regulation of slaughterhouses and knackers' yards

7. Safety, health and welfare of persons employed in slaughterhouses and knackers' yards.
8. Amendment of Slaughter of Animals Acts, 1933 to 1954.
9. Additional provisions with respect to certain regulations and byelaws.

Miscellaneous and general

10. Grants for meat inspection at slaughterhouses.
11. Local inquiries.
12. Financial provisions.
13. Interpretation, etc.
14. Provisions relating to London.
15. Short title and extent.

SCHEDULES:

First Schedule—Provisions with respect to reference of certain applications to Minister.

Second Schedule—Minor amendments of Slaughter of Animals Acts, 1933 to 1954.

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith. A.D. 1958

BE it enacted by the Queen'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 *Provision of slaughterhouse facilities*

1.—(1) Section sixty-four of the principal Act (which provides that except with the consent of the Minister a slaughterhouse licence shall not be granted or renewed in respect of any premises not previously used as a slaughterhouse) is hereby repealed. Licensing of slaughterhouses—general.

10 (2) Where an application for the grant or renewal of a slaughterhouse licence is made to a local authority in respect of any premises to which, if they were used as a slaughterhouse, both construction regulations made under section thirteen of the principal Act and construction regulations made under section
15 two of the Act of 1954, being in each case regulations made after the passing of this Act, would apply, then—

(a) subject to subsections (3) and (4) of section sixty-six of the principal Act (which provide for appeals), the authority shall not grant or renew the licence unless they are
20 satisfied that all construction regulations for the time being in force, being regulations made under the said section thirteen or under the said section two, are, or

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith. A.D. 1958

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5 *Provision of slaughterhouse facilities*

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10 (2) Where an application for the grant or renewal of a slaughterhouse licence is made to a local authority in respect of any premises to which, if they were used as a slaughterhouse, both construction regulations made under section thirteen of the principal Act and construction regulations made under section
15 two of the Act of 1954, being in each case regulations made after the passing of this Act, would apply, then—

(a) subject to subsections (3) and (4) of section sixty-six of the principal Act (which provide for appeals), the authority shall not grant or renew the licence unless they are
20 satisfied that all construction regulations for the time being in force, being regulations made under the said section thirteen or under the said section two, are, or

A.D. 1958

by the date on which the licence or renewed licence comes into force will be, complied with in respect of the premises;

(b) without prejudice to the foregoing paragraph, the authority shall not refuse the application unless— 5

(i) they are not satisfied, on the premises being represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, that all the requirements of all regulations with respect to slaughterhouses for the time being in force under the said section thirteen, of all construction regulations for the time being in force under the said section two and of all byelaws, if any, made by the authority and for the time being in force under section sixty-eight of the principal Act are, or within a reasonable time will be, complied with in respect of the premises; or 10

(ii) they are required to refuse the application by section two, four, five or six of this Act; or

(iii) in a case to which subsection (4) of section two of this Act applies, the Minister has consented to the refusal; 15

and this subsection shall apply in relation to the grant, renewal or refusal of an express authorisation under subsection (3) of section sixty-two of the principal Act for the use of premises for or in connection with the slaughter of horses as it applies to the grant, renewal or refusal of a slaughterhouse licence in respect of those premises; and section sixty-five of the principal Act shall not apply in any case to which this subsection applies. 25

(3) No resolution under section seventy-six of the principal Act (which confers power on a local authority to restrict by resolution the grant or renewal of slaughterhouse licences where the authority are satisfied that the slaughterhouse facilities available in their district are adequate for the time being) shall be passed by a local authority or approved by the Minister after the passing of this Act, and the Minister shall require a local authority to revoke any resolution for the time being having effect under the said section seventy-six or under section seventy-five of the principal Act (which confers the like power by reason of the provision of slaughterhouse facilities by that or another local authority) if at any time it appears to him— 30 35 40

(a) in the case of a resolution under the said section seventy-six, that the slaughterhouse facilities available in the authority's district do not for the time being include at least one public slaughterhouse which complies with the 45

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following conditions, that is to say, that the providing authority are the occupiers and that facilities for the slaughter of animals at the slaughterhouse, whether by servants of the providing authority or otherwise, are open to all persons requiring them;

(b) in the case of a resolution under the said section seventy-five, that there is no public slaughterhouse provided by that authority which for the time being complies with the conditions aforesaid or, as the case may be, that the slaughterhouse facilities provided by another authority do not for the time being include at least one public slaughterhouse which complies with those conditions;

and the local authority shall comply with the requirement and, as soon as practicable after the revocation of the resolution, cause notice of the revocation to be published in one or more local newspapers circulating in their district.

(4) Without prejudice to the last foregoing subsection, in the said section seventy-five, for paragraph (b) of subsection (1) (which authorises the passing of a resolution under that section where the local authority are of opinion that slaughterhouse facilities in their district ought to be abolished or reduced having regard to such facilities provided by another authority) there shall be substituted the following paragraph:—

“(b) are of opinion that, having regard to the availability of slaughterhouse facilities provided by another authority, slaughterhouse facilities within their district ought to be abolished or reduced, or ought not to be increased, or are not required”;

and, accordingly, after the word “and”, in the first place where it occurs in the said subsection (1), there shall be inserted the words “any such resolution may also provide”.

(5) The Minister may by regulations—

(a) require slaughterhouse licences and applications for the grant or renewal of such licences to be in such form and to contain such particulars of all premises to which the licence or application relates as may be prescribed by the regulations;

(b) require local authorities to keep such records of all slaughterhouse licences granted by them, including the particulars aforesaid, and to furnish the Minister with such information in connection with the grant of slaughterhouse licences, as may be so prescribed;

and each local authority shall make any such records as aforesaid or copies thereof available during reasonable hours at some convenient place or places in their district for inspection by any person without charge.

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Licensing of
slaughter-
houses where
local
restrictions in
force.

2.—(1) Where after the passing of this Act an application for the grant of a new slaughterhouse licence is received by a local authority with respect to whose district there is for the time being in force—

- (a) a resolution having effect under section seventy-five or section seventy-six of the principal Act; or
- (b) a provision of a local Act whereby, notwithstanding the grant of such a licence, the use as a slaughterhouse of the premises to which the application relates would be unlawful,

the three next following subsections shall have effect notwithstanding anything in the resolution or provision in question; and, while any licence granted or renewed in pursuance of those subsections is in force and any terms, conditions or restrictions imposed by or under any local Act are complied with, nothing in any such provision of a local Act as aforesaid shall prevent, or subject any person to any penalty by reason of, the use of those premises as a slaughterhouse or the slaughter of animals on those premises.

(2) Not later than two months after receiving such an application as aforesaid, the local authority shall either—

- (a) serve notice in writing on the applicant that they intend to refuse the application unless before the expiration of the period of twenty-one days commencing with the date of service of the notice he requires the authority in writing to submit the application to the Minister, and that no other appeal will lie against that refusal; or
- (b) if they think fit, themselves submit the application to the Minister;

and where a notice has been served by the authority under paragraph (a) of this subsection and at the expiration of the period referred to in that paragraph the authority have not been required by the applicant to submit the application to the Minister, the authority shall forthwith refuse the application.

(3) Where in pursuance of the last foregoing subsection a local authority are required or determine to submit an application to the Minister, the provisions of the First Schedule to this Act shall have effect, and the Minister—

- (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or
- (b) if he is satisfied as aforesaid, shall direct that, save as required by section five or section six of this Act, the application shall not be refused unless the authority

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5 are not, in relation to the premises in respect of which the application is made, satisfied as mentioned in paragraph (b) of subsection (2) of section one of this Act or, in a case to which that subsection does not apply, as mentioned in subsection (1) or subsection (2) of section sixty-five of the principal Act,

and the authority shall comply with any direction given under this subsection.

(4) Where in the case of any premises—

- 10 (a) a new slaughterhouse licence in respect thereof has been granted in pursuance of a direction under the last foregoing subsection; or
- 15 (b) those premises have under subsection (3) of the said section seventy-five been exempted from the operation of a resolution having effect under that section; or
- 20 (c) since the passing of such a resolution as aforesaid a slaughterhouse licence in respect of those premises has been granted in the exercise of a power reserved for the local authority under the said subsection (3) as originally enacted,

the local authority shall not refuse any subsequent application for the grant or renewal of a slaughterhouse licence in respect of the same premises (not being an application for the grant of a new slaughterhouse licence) unless—

- 25 (i) the Minister has given his consent in accordance with subsection (7) of this section; or
- (ii) the authority are not, in relation to the premises, satisfied as mentioned in paragraph (b) of the last foregoing subsection; or
- 30 (iii) the authority are required to refuse the application by section five or section six of this Act.

(5) Where any such subsequent application in respect of any premises as is referred to in the last foregoing subsection is refused otherwise than on the grounds specified in paragraph (ii) 35 or (iii) of that subsection, any person having an interest in the premises or in any land held therewith, being an interest of which the value is reduced in consequence of the refusal, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction; and subsections (3), (4) and (6) of section 40 seventy-eight of the principal Act shall apply for the purposes of compensation under this subsection as if any reference in those subsections to the said section seventy-eight were a reference to this subsection:

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Provided that no such amount shall be payable if either—

- (a) a previous application for the grant or renewal of a slaughterhouse licence in respect of those premises has been refused otherwise than on the grounds specified in the said paragraph (ii) or (iii) at a time when the last foregoing subsection or subsection (4) of section seventy-five of the principal Act applied thereto; or 5
- (b) the use of those premises as a slaughterhouse has previously been terminated by virtue of a resolution under the said section seventy-five or of such a provision 10 of a local Act as is mentioned in the next following subsection.

(6) Where by virtue of any provision of a local Act a local authority have power to terminate the use of any premises as a slaughterhouse without the agreement of the occupier and 15 otherwise than on the grounds of injury or danger to the public health, of nuisance, of the unsuitability of the premises, or of failure to make use of those premises as a slaughterhouse, the authority shall not exercise that power in relation to any premises except with the consent of the Minister given in accordance with 20 the next following subsection; and where that consent is so given, then, notwithstanding anything in that local Act, no other appeal shall lie against the exercise of that power.

(7) On requesting the Minister's consent—

- (a) to the refusal of an application for the grant or renewal 25 of a slaughterhouse licence by virtue of paragraph (a) of subsection (4) of this section; or
- (b) to the exercise in relation to any premises of such a power as is mentioned in the last foregoing subsection,

the local authority shall serve on the applicant, or, as the case 30 may be, on the person who holds a slaughterhouse licence in respect of those premises, notice in writing that the request has been made and of the reasons therefor and that he may make representations to the Minister with respect thereto before the expiration of the period of twenty-one days commencing with the 35 date of service of the notice; and the Minister, if, after considering any representation so made to him, he is both—

- (i) satisfied that the grant or renewal of that licence, or, as the case may be, the continued use of those premises as a slaughterhouse, is unnecessary for the purpose of 40 securing adequate slaughterhouse facilities; and
- (ii) not satisfied that that grant, renewal or continued use is expedient for special reasons,

shall give, and in any other case shall refuse, his consent.

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(8) Where a local authority such as is mentioned in subsection (1) of this section receive an application for the grant or renewal of a slaughterhouse licence in respect of any premises which is neither an application for the grant of a new slaughterhouse licence nor an application to which subsection (4) of this section applies, the authority shall refuse the application forthwith if—

- (a) the grant or renewal is precluded by a resolution for the time being having effect under section seventy-five or section seventy-six of the principal Act; or
- 10 (b) by virtue of such a provision of a local Act as is mentioned in the said subsection (1), the use of the premises as a slaughterhouse would be unlawful notwithstanding the grant or renewal of the licence.

(9) As from the date of the passing of this Act—

- 15 (a) the following provision of the principal Act shall cease to have effect, that is to say—

- 20 (i) in subsection (3) of section seventy-five, except in relation to a resolution under that section passed before the date aforesaid, the words from “and may” to “licence” and the words “or reservation”;

- (ii) subsection (4) of section seventy-five;

- (iii) subsection (2) of section seventy-eight;

- 25 (b) where the operation of any such provision of a local Act as is mentioned in subsection (1) or subsection (6) of this section is dependent upon the provision of a slaughterhouse and at the date aforesaid that slaughterhouse has not been provided or has ceased to be used as such, that provision of that local Act shall cease to have effect.

30 3.—(1) Each local authority shall carry out a review of, and, after consultation with such organisations as appear to the authority to represent the interests concerned, submit to the Minister a report on—

Reports on slaughterhouse facilities.

- 35 (a) the existing and probable future requirements of their district for slaughterhouse facilities having regard to the needs both of persons requiring the use of such facilities and of other persons; and
- (b) the slaughterhouse facilities which are, or are likely to become, available to meet those requirements (including any port slaughterhouse).

40

(2) The report aforesaid shall be submitted not earlier than such day as the Minister may by order made by statutory instrument appoint nor later than twelve months (or such longer period as the Minister may in any particular case allow) after

A.D. 1958 that day, and the day so appointed shall not be earlier than nine months after there have come into force in relation to premises of any one or more classes or descriptions—

- (a) construction regulations under section thirteen of the principal Act; and
- (b) construction regulations under section two of the Act of 1954,

being in each case regulations made after the passing of this Act.

(3) The report aforesaid shall include—

- (a) such particulars as the Minister may direct of any premises in the authority's district for the time being used as a slaughterhouse, including any port slaughterhouse, specifying separately—

- (i) premises which already comply with all the requirements of all construction regulations for the time being in force in relation to premises of any one or more classes or descriptions, being regulations made under section thirteen of the principal Act or under section two of the Act of 1954;

- (ii) premises which do not so comply but which the authority expect will so comply by the date recommended by the authority in pursuance of paragraph (d) of this subsection;

- (iii) premises which the authority expect will not so comply by that date;

- (b) such particulars as the Minister may direct of any premises in the authority's district which are not for the time being used as a slaughterhouse but in respect of which—

- (i) a slaughterhouse licence is or has been in force; and

- (ii) an application for the renewal or grant of such a licence is outstanding or can still be made before the expiration of twelve months from the date when the licence referred to in the foregoing sub-paragraph ceases or ceased to be in force;

- (c) such particulars as the Minister may direct of any application for the grant of a new slaughterhouse licence which is outstanding at the date of the submission of the report:

- (d) the authority's recommendation as to the date which the Minister should fix for the requirements aforesaid to come into force in relation to all slaughterhouses in their district;

- (e) such other matters, if any, as the Minister may either generally or in any particular case direct:

Provided that where such an application as is referred to in paragraph (c) of this subsection is received too late for the inclusion of the required particulars in the body of the report those particulars shall be submitted separately at the same time as, and be deemed to form part of, the report. A.D. 1958

(4) On submitting their report to the Minister, the local authority shall make copies thereof available during reasonable hours at some convenient place or places in their district for inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine, and shall cause to be published in one or more local newspapers circulating in their district a notice that the report has been submitted, specifying the place or places at which and the hours during which copies thereof are available for inspection or supply, and stating that representations with respect thereto may be made to the Minister at any time before the expiration of the period of two months commencing with the date of the first publication of the notice; and a copy of the said notice shall be served by the authority—

- (a) on every person other than the authority who is the occupier of any premises such as are referred to in paragraph (a) or paragraph (b) of subsection (3) of this section; and
- (b) on every other person by whom an application for the grant or renewal of a slaughterhouse licence has been made to them between the passing of this Act and the expiration of the period aforesaid.

(5) The local authority shall forward immediately to the Minister a copy—

- (a) of any application for the grant of a new slaughterhouse licence which is received by them after the submission of their report but before the expiration of the period aforesaid; and
- (b) of any application for the grant or renewal of a slaughterhouse licence in respect of premises included in their report by virtue of paragraph (b) of subsection (3) of this section which is received by them after the submission of the report but before the expiration of the twelve months referred to in that paragraph.

(6) After considering any representations with respect to the report made to him before the expiration of the period of two months aforesaid and any application of which a copy is forwarded to him under the last foregoing subsection before the expiration of that period, and, if he thinks fit, after causing a local inquiry to be held, the Minister shall accept the report subject to such observations thereon as he may think fit to attach thereto, including, if it appears to him expedient, a direction that the report

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(6) After considering any representations with respect to the report made to him before the expiration of the period of two months aforesaid and any application of which a copy is forwarded to him under the last foregoing subsection before the expiration of that period, and, if he thinks fit, after causing a local inquiry to be held, the Minister shall accept the report subject to such observations thereon as he may think fit to attach thereto, including, if it appears to him expedient, a direction that the report shall be deemed to include, in addition to the particulars of applications included or deemed to be included by virtue of subsection (3) of this section, such particulars of such, if any, of any applications for the grant of a new slaughterhouse licence of which copies have been forwarded to him as aforesaid as he may specify; and the local authority shall—

(a) make copies of the report and observations available during reasonable hours at some convenient place or places in their district for inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine; and

(b) cause to be published in one or more local newspapers circulating in their district a notice that the report has been accepted, specifying the place or places at which and the hours during which copies of the report and observations are available for inspection or supply.

(7) Paragraph (c) of, and the proviso to, subsection (3), paragraph (b) of subsection (4) and subsection (5) of this section shall not apply in relation to any application to which subsection (1) of section two of this Act applies.

Grant of new slaughterhouse licences after submission of report.

4.—(1) After the submission of their report to the Minister under the last foregoing section, a local authority shall not grant a new slaughterhouse licence except—

(a) on an application included in that report, either as submitted to or as accepted by the Minister, or deemed by virtue of subsection (3) or subsection (6) of that section to be so included;

(b) in respect of premises to which such an application as aforesaid related, not being an application refused by the authority under subsection (1) of section six of this Act, but on a fresh application by a person who is the successor in title to those premises or the site thereof of the person by whom the first-mentioned application was made, being a fresh application made within twelve months from the date of the acceptance of the report aforesaid by the Minister or within six months from the date when the person by whom the first-mentioned application was made ceased, whether by reason of his

death or for any other reason, to be entitled to occupy those premises or the site thereof, whichever period expires the later; A.D. 1958

- 5 (c) by virtue of a direction under paragraph (b) of subsection (3) of section two of this Act; or
(d) on an application approved by the Minister under subsection (2) of this section.

10 (2) Where a local authority receive an application for a new slaughterhouse licence which cannot be granted unless the application is approved by the Minister under this subsection, the provisions of the First Schedule to this Act shall have effect, and the Minister—

- 15 (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or
(b) if he is satisfied as aforesaid, shall inform the local authority and the applicant that he approves the application;

20 and the local authority shall comply with any direction given under paragraph (a) of this subsection.

5.—(1) Where in the case of an application for the grant or renewal of a slaughterhouse licence in respect of any premises received by a local authority after the date of the passing of this Act, being an application— Isolation of slaughterhalls from dwellings.

- 25 (a) for the grant of a new slaughterhouse licence; or
(b) in respect of premises in respect of which a new slaughterhouse licence has been granted since the said date; or
30 (c) in respect of premises in the case of which a holder of a slaughterhouse licence in respect of those premises has been convicted of an offence by virtue of subsection (2) of this section,

it appears to the authority that the proposed slaughterhall forms part of a building another part of which, being a part within the curtilage of those premises, is, or is proposed to be, used or adapted for use as a dwelling, then, subject to subsection (2) of section six of this Act, the authority shall refuse the application forthwith unless they are satisfied that, if the licence is granted or renewed, no part of that building within the curtilage of those premises will be used as a dwelling at any time while the licence is in force.

45 (2) Where after the date of the passing of this Act a slaughterhouse licence is in force in respect of any premises, then, if any person causes or permits to be used as a dwelling any part of a building which contains a slaughterhall, being a part within the

A.D. 1958 curtilage of those premises, he shall be guilty of an offence under the principal Act:

Provided that this subsection shall not apply if that part has been appropriated as a dwelling continuously since before the date aforesaid and no application to which the foregoing subsection applies has been made in respect of those premises since that date. 5

(3) If a person convicted of an offence by virtue of the last foregoing subsection is the holder of a slaughterhouse licence in respect of the premises in question, the court may, in addition to any other punishment, cancel the licence. 10

(4) It shall be the duty of every local authority to enforce and execute in their district the provisions of subsection (2) of this section; and sections one hundred and eighteen to one hundred and twenty of the principal Act (which relate to appeals) shall apply for the purposes of this section as if this section were contained in that Act. 15

(5) In this section the expression "slaughterhall" means that part of a slaughterhouse in which the actual slaughtering of any animal or the dressing of carcases takes place. 20

Special grounds for, and appeals against, certain refusals.

6.—(1) In the case of an application—

(a) with respect to which a direction is given by the Minister under paragraph (b) of subsection (3) of section two of this Act; or

(b) included in a local authority's report as accepted by the Minister under section three of this Act or deemed by virtue of subsection (3) or subsection (6) of that section to be so included; or 25

(c) approved by the Minister under subsection (2) of section four of this Act; or 30

(d) for the grant or renewal of a slaughterhouse licence in respect of premises in respect of which such a licence has ceased to be in force less than twelve months before the date when the application is made or ceases to be in force on or after that date, 35

being an application to which subsection (2) of section one of this Act applies, the local authority shall refuse the application upon its appearing to them, at any time after the expiration of twelve months from the date of the direction, acceptance, approval or cessation, as the case may be, and before the premises to which the application relates are represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, either— 40

(i) that the applicant has failed to take reasonable steps to secure the making of progress with the preparation of the premises for such use; or 45

(ii) that the applicant will be unable, or has abandoned his intention, to use those premises as a slaughterhouse; A.D. 1958

and, for the purposes of this subsection, such a fresh application as is referred to in paragraph (b) of subsection (1) of section 5 four of this Act shall be deemed to have been included in the local authority's report as accepted by the Minister under section three of this Act.

(2) The document notifying the refusal of an application under the foregoing subsection or under subsection (1) of section 10 five of this Act, shall state the grounds therefor, and the applicant may appeal against the refusal to a magistrates' court, and that court, if satisfied that the local authority acted unreasonably in refusing the application on those grounds, may declare the refusal to be of no effect; and sections one hundred and seventeen and 15 one hundred and eighteen of the principal Act shall apply for the purposes of any appeal under this subsection as if this subsection were contained in that Act.

(3) Without prejudice to the last foregoing subsection, no appeal to a magistrates' court shall lie under subsection (3) of 20 section sixty-six of the principal Act against a refusal—

- (a) in pursuance of subsection (1) of this section;
- (b) in pursuance of subsection (2) of section two of this Act;
- (c) in pursuance of a direction under paragraph (a) of subsection (3) of the said section two;
- 25 (d) with the consent of the Minister given by virtue of paragraph (i) of subsection (4) of the said section two;
- (e) in pursuance of subsection (8) of the said section two;
- (f) in pursuance of a direction under paragraph (a) of subsection (2) of section four of this Act; or
- 30 (g) in pursuance of subsection (1) of section five of this Act.

Regulation of slaughterhouses and knackers' yards

7. In subsection (1) of section one hundred and fifty-one of the Factories Act, 1937 (which relates to the interpretation of and welfare of the expression "factory" for the purposes of that Act), at the 35 end of paragraph (c) there shall be inserted the words "or

(d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules; or

(e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals;".

Safety, health
persons
employed in
slaughter-
houses and
knackers'
yards.

A.D. 1958
Amendment
of Slaughter
of Animals
Acts, 1933
to 1954.

8.—(1) For so much of subsection (1) of section one of the Slaughter of Animals Act, 1933, as precedes the proviso to that subsection there shall be substituted the following:—

“ No animal to which this Act applies shall, in a slaughterhouse or knacker's yard, be slaughtered otherwise than 5
instantaneously by means of a mechanically-operated instrument in proper repair unless—

(a) by stunning, effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an 10
instrument in proper repair, it is instantaneously rendered insensible to pain until death supervenes;
or

(b) by such other means as may, by regulations made by the Minister of Agriculture, Fisheries and Food, 15
after consultation with such organisations as appear to him to represent the interests concerned, be authorised for use in the case of all animals to which this Act applies, or a class of such animals to which the animal slaughtered belongs, and in all slaughter- 20
houses or knackers' yards or slaughterhouses or knackers' yards of a class to which belongs the slaughterhouse or knacker's yard in which the animal is slaughtered, it is rendered insensible to pain until death supervenes, and there are complied 25
with such conditions (if any) as may, by regulations so made, be expressed to be applicable to the use of those means in the case of all animals to which this Act applies or such a class of animals as aforesaid and in all slaughterhouses or knackers' 30
yards or such a class of slaughterhouses or knackers' yards as aforesaid ”.

(2) Regulations made by virtue of the foregoing subsection may make such incidental or consequential provision as may appear to the Minister to be necessary or expedient for the 35
purposes of the regulations, including, in particular, in a case where a condition expressed to be applicable to the use of any means of rendering an animal insensible to pain consists in the giving of approval to any matter by a local authority within the meaning of the said Act of 1933, provision for securing a right of 40
appeal to a magistrates' court against a withholding or withdrawal of approval.

(3) Before making any regulations under section two of the Act of 1954 the Minister shall consult with such organisations as appear to him to represent the interests concerned; and, 45
without prejudice to any other power with respect thereto, any such regulations may provide—

- (a) subject to such limitations and safeguards, if any, as may be specified in the regulations, for the appropriate authority to grant in relation to particular premises, either unconditionally or subject to conditions, exemption from the operation of specific provisions of those regulations where it appears to that authority that compliance with those provisions cannot for the time being reasonably be required with respect to the premises or any activities carried on thereat;
- (b) for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days;

and in paragraph (a) of this subsection the expression "appropriate authority", except in relation to a slaughterhouse provided by a local authority within the meaning of the said Act of 1933, means such a local authority, and in relation to a slaughterhouse so provided means the Minister.

(4) The Slaughter of Animals Acts, 1933 to 1954, shall have effect subject to the amendments specified in the Second Schedule to this Act (being amendments consequential on the provisions of subsection (1) of this section, or of a minor nature, or expedient for the purpose of facilitating the consolidation of those Acts, this section and subsection (1) of the next following section).

9.—(1) Any regulations made under or by virtue of any provision of this Act shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Without prejudice to any other power with respect thereto, any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act may include provision for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.

(3) For the purposes of any regulations made under section thirteen of the principal Act, section one hundred and three and subsections (1) and (3) of section one hundred and five of the principal Act (which relate respectively to the powers of entry of the Minister's officers for the purpose of ascertaining whether there is or has been any contravention of the provisions of any regulations made under the principal Act which the Minister is empowered to enforce and to persons obstructing the exercise of

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Additional provisions with respect to certain regulations and byelaws.

A.D. 1958 such powers) shall have effect as if the Minister as well as the local authority were empowered to enforce those regulations so far as they apply to any slaughterhouse or knacker's yard.

(4) If a person convicted of an offence against any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act is the holder of a licence under Part IV of that Act in respect of the premises where the offence was committed, the court may, in addition to any other punishment, cancel that licence; and sections one hundred and eighteen to one hundred and twenty of the principal Act shall apply for the purposes of this subsection as if this subsection were contained in that Act. 5 10

(5) In subsection (3) of section sixty-eight of the principal Act (which provides that if a person convicted of an offence against any byelaw made under that section holds a licence under Part IV of that Act, the court may cancel the licence) after the word "Act" there shall be inserted the words "in respect of the premises where the offence was committed". 15

Miscellaneous and general

Grants for meat inspection at slaughterhouses.

10. The Minister may by regulations approved by the Treasury provide for the making by him of contributions towards the expenses incurred by a local authority in carrying out at slaughterhouses their functions with respect to the inspection of meat prepared for sale for human consumption in cases where the Minister is satisfied that, by reason of the extent to which the meat appears to him to exceed in quantity what is likely to be required for consumption in the authority's district, those expenses impose an unduly heavy burden on the ratepayers of that district. 20 25

Local inquiries.

11. Subsections (1) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to local inquiries) shall apply for the purposes of this Act and Part IV of the principal Act as if in those subsections— 30

(a) any reference to the said Act of 1933 included a reference to this Act and to the said Part IV; and

(b) any reference to a department were a reference to the Minister. 35

Financial provisions.

12.—(1) There shall be defrayed out of moneys provided by Parliament any expenses incurred under this Act by any government department and any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956. 40

(2) Subsection (5) of section seventy-eight of the principal Act (which empowers the Minister to make grants out of moneys provided by Parliament to a local authority of an amount not exceeding one-half of any sums payable by that authority by way of compensation for the closure of a private slaughterhouse in consequence of a resolution under section seventy-five of that Act) is hereby repealed except in relation to any such resolution passed before the tenth day of May, nineteen hundred and fifty-six. A.D. 1958

10 **13.—(1)** In this Act, except where the context otherwise requires, Interpretation, the following expressions have the following meanings respectively, etc. that is to say—

“ the Act of 1954 ” means the Slaughter of Animals (Amendment) Act, 1954;

15 “ construction regulations ” means regulations with respect to the construction, lay-out or equipment of premises used as a slaughterhouse;

“ knacker’s yard ” has the meaning assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

20 “ local authority ” has the meaning assigned by section eighty-five of the principal Act and, in relation to, or to an application in respect of, any premises, means the local authority within whose district those premises are situated;

25 “ the Minister ” means the Minister of Agriculture, Fisheries and Food;

30 “ new ” in relation to a slaughterhouse licence means in respect of premises in respect of which such a licence was not in force at, or at any time less than twelve months before, the date when the application for the licence was made;

35 “ port slaughterhouse ” means a slaughterhouse forming part of an imported animals’ wharf or landing place approved by the Minister under the Diseases of Animals Act, 1950, for the purpose of the landing of imported animals;

“ the principal Act ” means the Food and Drugs Act, 1955;

“ public slaughterhouse ” means a slaughterhouse provided by a local authority;

40 “ slaughterhouse ” and “ slaughterhouse licence ” have the meanings respectively assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

A.D. 1958 “slaughterhouse facilities” has the meaning assigned by subsection (2) of section seventy of the principal Act:

Provided that this subsection, other than the definitions of the Act of 1954, of the Minister and of the principal Act, shall not apply to section eight of, or the Second Schedule to, this Act. 5

(2) Where, in the case of any two or more local authorities, their functions with respect to the licensing of slaughterhouses fall for the time being to be discharged by a joint board, then, in relation to those authorities, any reference in sections one to six of, or in the First Schedule to, this Act to a local authority shall be construed as a reference to that joint board. 10

(3) Section two hundred and eighty-five of the Public Health Act, 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised by this Act to be given to or served on any person. 15

(4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment, including this Act.

Provisions
relating to
London.

14.—(1) Sections one to six of this Act shall not extend to the administrative county of London. 20

(2) In the application to the administrative county of London of subsection (4) of section nine of this Act, for the reference therein to Part IV of the principal Act there shall be substituted a reference to sections one hundred and forty-four and one hundred and forty-five of the Public Health (London) Act, 1936. 25

(3) For the purposes of any regulations with respect to slaughterhouses or knackers’ yards under section thirteen of the principal Act, the Metropolitan Cattle Market shall be deemed to be within the City of London and not to be within the metropolitan borough of Islington. 30

(4) The repeal of subsections (1) to (3) of section one of the Act of 1954 effected by subsection (1) of section one hundred and thirty-six of the principal Act shall not extend to the administrative county of London. 35

Short title, and
extent.

15.—(1) This Act may be cited as the Slaughterhouses Act, 1958.

(2) Except for section seven, subsection (1) of section twelve and subsection (4) of section thirteen, this Act shall not extend to Scotland.

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

SCHEDULES

A.D. 1958

FIRST SCHEDULE

Sections 2, 4 13.

PROVISIONS WITH RESPECT TO REFERENCE OF CERTAIN
APPLICATIONS TO MINISTER

5 1. The provisions of this Schedule shall have effect where a local authority—

(a) in pursuance of subsection (2) of section two of this Act are required or determine to submit an application to the Minister; or

10 (b) receive an application to which subsection (2) of section four of this Act applies.

2. The local authority shall forthwith—

(a) send a copy of the application to the Minister; and

15 (b) cause to be published in one or more local newspapers circulating in their district a notice giving particulars of the application and stating that representations with respect thereto may be made to the Minister within the period of one month commencing with the date of the first publication of the notice; and

20 (c) give notice in writing to the applicant of the date of expiry of the period aforesaid stating that any representations by him must be made to the Minister before that date.

3. Before making his determination with respect to the application, the Minister shall consider any representations made to him as aforesaid and consult the local authority by whom the copy of the application was sent to him and any other local authority who appear to him to be affected, and may, if he thinks fit, cause a local inquiry to be held.

SECOND SCHEDULE

Sections 8, 13.

30 MINOR AMENDMENTS OF SLAUGHTER OF ANIMALS ACTS, 1933 TO 1954

The Slaughter of Animals Act, 1933

(23 & 24 Geo. 5. c. 39)

1. In section three (which prohibits the slaughter or stunning in a slaughterhouse or knacker's yard of animals as defined by the Act except by licensed slaughtermen)—

(a) in subsection (1), for the words "No animal" there shall be substituted the words "No animal to which this Act applies";

(b) in subsection (5), after the word "operation" there shall be inserted the words "within their area"; and

40 (c) subsection (8) shall be omitted.

2. In section six (which empowers a local authority who have provided or established a slaughterhouse to employ persons to slaughter or stun animals as defined by the Act in accordance with the provisions thereof)—

45 (a) for the word "animals" there shall be substituted the words "animals to which this Act applies";

(b) without prejudice to subsection (1) of section seventy-three of the principal Act, the words from "and" onwards (which empower the making of charges for the services of persons so employed) shall cease to have effect except in relation to the administrative county of London.

50

A.D. 1958
2ND SCH.
—cont.

3. In subsection (1) of section seven (which, as amended by the Act of 1954, enables medical officers of health and other officers to enter slaughterhouses and knackers' yards for the purpose of ascertaining whether there is a contravention of the provisions of the Act or of any regulations under section two of the Act of 1954)— 5
 - (a) the reference to the provisions of the Act shall be construed as including a reference to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act; and
 - (b) for the words from "shall refuse to permit" to "under this 10 Act" where last occurring there shall be substituted the words "obstructs a person in the exercise of his powers under the foregoing provisions of this subsection".
4. In subsection (1) of section eight (which relates to the enforcement of the provisions of the Act)— 15
 - (a) references to the provisions of the Act shall be construed as including references to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act or under section two of the Act of 1954; and
 - (b) for the word "enforce" there shall be substituted the words 20 "execute and enforce".
5. After section eight there shall be inserted the following section:—

"8A. The animals to which this Act applies are horses, cattle, sheep, swine and goats."
6. In section nine (which relates to interpretation)— 25
 - (a) the definitions of "animal" and "mechanically-operated instrument" shall be omitted;
 - (b) in the definition of "contravention" the reference to any provision of the Act shall be construed as including a reference to any provision of any regulations made by virtue 30 of subsection (1) of section eight of this Act or under section two of the Act of 1954; and
 - (c) after the last-mentioned definition there shall be inserted the following definition:—

" 'Horse' includes ass and mule ". 35

The Slaughter of Animals (Pigs) Act, 1953

(1 & 2 ELIZ. 2. c. 27)

7. In section one (which prescribes conditions for the slaughter of certain pigs elsewhere than in slaughterhouses or knackers' yards)—
 - (a) in paragraph (b) the words "or stunning" shall be omitted; 40
 - (b) at the end of paragraph (b) there shall be added the words "and
 - (c) any such stunning shall be effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an 45 instrument in proper repair; "
 - (c) for the word "pig", in both places where it occurs, there shall be substituted the word "swine".

8. In subsection (1) of section three (which relates to interpretation) the definitions of "mechanically-operated instrument" and "pig" shall be omitted.

A.D. 1958

2ND SCH.

—cont.

The Slaughter of Animals (Amendment) Act, 1954

(2 & 3 Eliz. 2. c. 59)

5

9. In subsection (1) of section two (which empowers the Minister to make regulations for securing humane conditions and practices in connection with the slaughter of animals, as defined by section nine of the Slaughter of Animals Act, 1933, at slaughterhouses and knackers' yards)—

10

(a) for the words "the slaughter of animals at slaughterhouses and knackers' yards" there shall be substituted the words "the slaughter, at slaughterhouses and knackers' yards, of animals to which the Slaughter of Animals Act, 1933, applies"; and

15

(b) for the word "animals", in the second and third places where it occurs, there shall be substituted the words "such animals as aforesaid".

10. In subsection (5) of section three, for the words "revoke or suspend the operation of such a" there shall be substituted the words "revoke any such licence granted by them or suspend the operation within their district of any such".

20

11. In section four (which extends subsection (1) of section one of the Slaughter of Animals Act, 1933), subsection (1) shall cease to have effect.

25

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Slaughter of Animals Act, 1933	23 & 24 Geo. 5. c. 39.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Factories Act, 1937... ..	1 Edw. 8 & 1 Geo. 6. c. 67.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Slaughter of Animals (Pigs) Act, 1953	1 & 2 Eliz. 2. c. 27.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Slaughter of Animals (Amendment) Act, 1954	2 & 3 Eliz. 2. c. 59.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

Slaughterhouses

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith.

Brought from the Commons 30th April 1958

Ordered to be printed 14th July 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 3d. net
(148)
(38066)

Solicitors (Scotland) Bill [H.L.]

EXPLANATORY MEMORANDUM

The object of this Bill is to amend the law relating to Solicitors in Scotland and for purposes connected therewith. The main provisions of the Bill are (a) to empower the Council of the Law Society of Scotland, with the concurrence of the Lord President of the Court of Session, to make regulations with respect to the training necessary to qualify as a solicitor. These provisions are designed to enable the Council of the Society to bring the system of legal apprenticeship and training generally into line with modern conditions (Clause 1); (b) to extend the powers of the Solicitors Discipline (Scotland) Committee by authorising them, subject to a right of appeal to the Court of Session, to strike the name of a solicitor off the Roll or suspend him from practice where he has been guilty of professional misconduct or convicted of a serious offence, (Clauses 5, 7, 8 and the First Schedule); and (c) subject to certain qualifications to require every solicitor in practice to deliver periodically to the Council of the Society an Accountant's Certificate for the purpose of ensuring that he is complying with the provisions of the Scottish Solicitors Accounts Rules, (Clause 13). The Council are also authorised, subject to a right of appeal to the Court, to suspend the practising certificate of a solicitor who is not complying with the Scottish Solicitors Accounts Rules and to apply to the Court for the appointment of a Judicial Factor on the estate of such a solicitor whose liabilities exceed his assets (Clauses 3, 13 and 15).

There are also provisions dealing with the Roll of Solicitors; preserving the fundamental disciplinary powers of the Court of Session with regard to solicitors; amending, mainly in some administrative aspects, the law relating to Notaries Public; and excluding in certain specified circumstances a rule of law known as the rule in Clayton's Case.

Solicitors^F(Scotland) Bill [H.L.]

A M E N D M E N T
TO BE MOVED ON
THIRD READING

BY

THE LORD KEITH
OF AVONHOLM

10th February, 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3d. net

(31 a)

(37416)

Solicitors (Scotland) Bill [H.L.]

[AS AMENDED ON THIRD READING]

ARRANGEMENT OF CLAUSES

Admission of Solicitors

Clause

1. Qualification for admission as solicitor.
2. Fee payable on admission as solicitor.

Practising Certificates

3. Power of Council of Society to withdraw practising certificate on failure to comply with Accounts Rules.
4. List of solicitors holding practising certificates for Keeper of Registers of Scotland.

Discipline

5. Power of Discipline Committee to order solicitor to be struck off roll, &c.
6. Restoration to roll of solicitors.
7. Appeal to Court of Session against decision of Discipline Committee.
8. Miscellaneous provisions with respect to discipline.
9. Power of Council of Society to deal with property in the hands of solicitor struck off roll or suspended.
10. Saving for jurisdiction of the Court of Session.

Notaries Public

11. Removal of notaries public from roll of notaries public.
12. Notaries public may administer oaths.

Accountant's Certificates

13. Provisions as to accountant's certificates.

General

14. Amendments of Acts of 1933 and 1949.
15. Power of Council of Society to apply for appointment of judicial factor on estate of solicitor in certain cases.
16. Rights of clients in sum in client bank account in case of deficiency.
17. Provisions as to the keeping of the roll.
18. Repeals.
19. Interpretation, citation, construction and commencement.

SCHEDULES:

First Schedule—Miscellaneous provisions relating to Discipline.

Second Schedule:

Part I—Amendments of the Act of 1933.

Part II—Amendments of the Act of 1949.

Third Schedule—Enactments repealed.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law relating to solicitors and notaries public in Scotland, and for purposes connected therewith. A.D. 1958

BE it enacted by the Queen'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 *Admission of Solicitors*

1.—(1) No person shall be admitted as a solicitor unless he has attained the age of twenty-one years and has satisfied the Council of the Society by affidavit or otherwise that he has complied with such requirements as the Council may by regulations made with the concurrence of the Lord President prescribe with respect to all or any of the following matters, that is to say:—

Qualification for admission as solicitor.

- (a) practical training including service under indentures of apprenticeship,
- 15 (b) attendance at a course of legal education, and
- (c) the passing of examinations,
- and unless the Council are also satisfied that he is a fit and proper person to be a solicitor.

A D. 1957

(2) Regulations under the foregoing subsection :—

- (a) may make such incidental, consequential and supplemental provisions as the Council consider necessary or proper in relation to the matters specified in the said subsection, 5
- (b) may make different provisions for different circumstances and may include provision for the charging by the Council of fees and the application thereof, and
- (c) shall make transitional provisions applicable in the case of persons who at the time this section comes into 10 operation are in course of complying with the provisions of sections nine and twelve of the Act of 1933 and the regulations made thereunder.

Fee payable
on admission
as solicitor.

2. No person shall be admitted as a solicitor unless he produces to the Court evidence that he has paid to the Society such 15 sum not exceeding five pounds in respect of his admission as a solicitor as may be fixed by the Council of the Society with the approval of the Lord President.

Practising Certificates

Power of
Council of
Society to
withdraw
practising
certificate on
failure to
comply with
Accounts
Rules.

3.—(1) Where the Council of the Society are satisfied, after 20 inquiry and after giving a solicitor an opportunity of being heard, that he is failing to comply with the Scottish Solicitors Accounts Rules, or the provisions of section thirteen of this Act or the Accountant's Certificate Rules, or the Rules made under subsection (3) of the said section thirteen so far as applicable, the 25 Council may, without prejudice to the provisions of subsection (3) of section twenty of the Act of 1949 and subject to the provisions of this section, withdraw the practising certificate held by the solicitor, and such certificate shall thereupon cease to have effect and he shall be suspended from practice as a solicitor 30 until he satisfies the Council that he is able and willing to comply with the said Rules and the said section thirteen. On being so satisfied the Council shall terminate the suspension from practice of the solicitor unless they are of opinion that for some other competent reason he is liable to proceedings under the provisions 35 of this Act relating to discipline and shall restore to him any practising certificate held by him for the practice year then current.

(2) Within twenty-one days after receiving written notice of a decision of the Council under the immediately preceding sub- 40 section to withdraw his practising certificate, or to refuse to terminate his suspension from practice, the solicitor may appeal to the Court against the decision ; and on any such appeal the Court may give such directions in the matter, including directions as to the expenses of the proceedings before the Court, as they 45 think fit, and the order of the Court shall be final.

4. It shall be the duty of the Council of the Society to furnish to the Keeper of the Registers of Scotland as soon as practicable after the first day of December in each year a list of solicitors holding practising certificates for the practice year then current and also from time to time throughout the said year a note of any additions to or amendments of the said list.

A.D. 1958
List of
solicitors
holding
practising
certificates for
Keeper of
Registers of
Scotland.

Discipline

5. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee—

Power of
Discipline
Committee
to order
solicitor to be
struck off roll,
&c.

- (a) if, after holding an inquiry into a complaint against a solicitor, they are of opinion that the solicitor has been guilty of professional misconduct ; or
- (b) if a solicitor has, whether before or after enrolment as a solicitor been convicted by any court of an act involving dishonesty or is sentenced to a term of imprisonment of not less than two years ;

may, if they think fit, order that the solicitor be struck off the roll of solicitors, or be suspended from practice as a solicitor for such time as they may determine, or may censure the solicitor, or may impose on the solicitor a fine not exceeding two hundred and fifty pounds (which shall be forfeit to Her Majesty), or may both censure the solicitor and impose on him such a fine as aforesaid :

- Provided that in any case to which paragraph (b) of this section applies the said Committee shall not impose a fine under this section.

- 6.—(1) A person who has been struck off the roll of solicitors or whose name has been removed at his own request under section nineteen of the Act of 1933 shall not be entitled to have his name restored—

Restoration
to roll of
solicitors.

- (a) if he was struck off the roll under an order made by the Court, except in pursuance of an order made by the Court on the petition of the solicitor, which petition shall be intimated to the Discipline Committee, who shall be entitled to appear and be heard thereon ;

- (b) in any other case, except by order of the Discipline Committee made on the application of the solicitor and after such inquiry as seems proper to the Committee.

- (2) Rules under section thirty-three of the Act of 1933 may regulate the making, hearing, and determining of applications to the Discipline Committee by persons to have their names restored to the roll of solicitors under this section, and such rules may provide for payment by the solicitor to the registrar of such fee in respect of restoration as may be prescribed therein.

A.D. 1958
Appeal to
Court of
Session
against
decision of
Discipline
Committee.

7. Any person aggrieved by a decision of the Discipline Committee under the provisions of this Act relating to discipline may, within twenty-one days of the date on which the decision of the Committee is intimated to him, appeal against the decision to the Court, and on any such appeal the Court may give such direction in the matter as they think fit, including directions as to the expenses of the proceedings before the Court and as to any order by the Discipline Committee relating to expenses, and the order of the Court shall be final. 5

Miscellaneous
provisions
with respect
to discipline.

8. The provisions of the First Schedule to this Act shall have effect with respect to complaints to the Discipline Committee and the powers, decisions, and expenses of the Discipline Committee. 10

Power of
Council of
Society to
deal with
property in
the hands of
solicitor
struck off roll
or suspended.

9.—(1) Where under any provision of the Act of 1949 or this Act a solicitor is struck off the roll of solicitors or is suspended from practice as a solicitor, he shall within twenty-one days of the material date satisfy the Council of the Society that he has made suitable arrangements for making available to his clients or to some other solicitor or solicitors instructed by his clients or by himself:— 15

(a) all deeds, wills, securities, papers, books of accounts, records, vouchers and other documents in his or his firm's possession or control which are held on behalf of his clients or which relate to any trust of which he is sole trustee or co-trustee only with one or more of his partners, clerks or servants; and 20 25

(b) all sums of money due from him or his firm or held by him or his firm on behalf of his clients or subject to any such trust as aforesaid;

and if he fails to satisfy the Council, the provisions of paragraphs 5 and 6 of the Sixth Schedule to the Act of 1949 (which relate to the production or delivery of documents by, and to payments out of any banking account in the name of, a solicitor in certain circumstances) shall apply in relation to that solicitor, notwithstanding that the Council may not have reasonable cause to believe that he has been guilty of any such dishonesty as is mentioned in subsection (2) of section twenty-two of that Act. 30 35

(2) In this section the expression "material date" means whichever is the latest of the following dates, that is to say:—

(a) the date when the order of the Discipline Committee or of the Court by or in pursuance of which the solicitor is struck off the roll or suspended from practice is to take effect; 40

10. Save as otherwise expressly provided, nothing in the provisions of this Act relating to discipline shall affect the jurisdiction exercisable by the Court or any judge thereof over solicitors. A.D. 1958
Saving for jurisdiction of the Court of Session.

Notaries Public

11.—(1) Any solicitor struck off the roll of solicitors under the provisions of this Act relating to discipline or having his name removed from the said roll at his own request under section nineteen of the Act of 1933 shall, in the case of a solicitor who is also a notary public, be struck off the roll or register of notaries public or have his name removed from that roll or register; and similarly any person who, having been struck off the roll of solicitors as aforesaid or having had his name removed from that roll at his own request, has had his name restored to the roll of solicitors under the provisions of this Act relating to discipline shall have his name restored to the roll or register of notaries public. Removal of notaries public from roll of notaries public.

(2) In the case of a solicitor who is also a notary public, the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order striking such a solicitor off the roll of solicitors or any removal from that roll at his own request of the name of such a solicitor; and in the case of a person who while on the roll of solicitors was also a notary public the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order under the provisions of this Act relating to discipline restoring the name of such a solicitor to the roll of solicitors.

12.—(1) Without prejudice to any other statutory provision relating to the administration of oaths by notaries public, it shall be lawful for any notary public to administer or receive any oath, affidavit or solemn affirmation relating to any matter or thing, not being a matter or thing relating to the preservation of the peace or to the prosecution, trial or punishment of offences or to any proceedings before either House of Parliament or any committee thereof. Notaries public may administer oaths.

(2) Nothing in this section shall be construed as authorising the administration or the receipt of an oath, affidavit or affirmation otherwise than in a case where the administration or the receipt of an oath, affidavit or affirmation is authorised by or under any enactment.

Accountant's Certificates

13.—(1) Subject to the provisions of subsection (6) of this section, every solicitor to whom the provisions of the Scottish Solicitors Accounts Rules apply shall, in accordance with the rules made under subsection (2) of this section but not Provisions as to accountant's certificates.

A.D. 1958 oftener than once in each practice year, deliver to the registrar a certificate by an accountant in accordance with the provisions of this section, which certificate is in this section referred to as "an accountant's certificate":

Provided that an accountant's certificate shall not be required 5
in the case of—

- (a) a solicitor who in agreement with the Council of the Society furnishes to the Council and keeps in force a fidelity bond by an insurance office or other institution accepted by the Court as cautioners for a judicial factor 10 appointed by the Court for such amount as the Council may determine, guaranteeing the intromissions of the solicitor or his firm with money held by him or them for or on behalf of clients ; or
- (b) a solicitor who satisfies the Council that during the 15 accounting period to which the accountant's certificate would ordinarily relate he has not in the course of his practice held or received any moneys on behalf of clients ; or
- (c) a solicitor who satisfies the Council that he is complying 20 with the rules made under subsection (3) of this section and for the time being in force.

(2) The Council of the Society shall make rules (in this Act referred to as the "Accountant's Certificate Rules")—

(a) prescribing:—

25

(i) the qualifications to be held by an accountant by whom an accountant's certificate may be given ;

(ii) the nature and extent of the examination to be made by an accountant of the books and accounts of a solicitor or his firm and of any other relative 30 documents with a view to the signing of a certificate to be delivered by the solicitor under this section ;

(iii) the form and content of the accountant's certificate ; and

(iv) the intervals at which an accountant's certifi- 35 cate shall be delivered to the registrar ; and

(b) making provision with respect to:—

(i) the accounting period for which an accountant's certificate shall be delivered or the different accounting periods for which in different circumstances an 40 accountant's certificate shall be delivered, and

(ii) the period within which an accountant's certificate shall be delivered ;

and such rules may:—

A.D. 1957

- 5 (c) for the purpose of facilitating compliance by members of the Society with the provisions of this section, authorise the Council to employ accountants having the prescribed qualifications to examine the books and accounts of any solicitor who makes application to the Council for the services of such accountants and agrees to defray the cost of those services as determined by the Council ; and
- 10 (d) include such other provisions as the Council consider necessary or proper for the purpose of giving effect to the foregoing provisions of this section and for regulating any matters incidental, consequential or supplementary in relation thereto.
- 15 (3) The Council may, if they are of opinion that satisfactory evidence of compliance with the Scottish Solicitors Accounts Rules will be secured by some method other than by delivery of an accountant's certificate under subsection (1) of this section, make rules prescribing that other method, the terms and conditions to be observed in connection therewith, and the procedure to be followed by solicitors desiring to adopt that other method, and such rules may contain such incidental, consequential and supplementary provisions relative thereto as the Council may consider necessary or proper.
- 20
- 25 (4) Failure to comply with any of the provisions of this section or of the Accountant's Certificate Rules or of the rules made under subsection (3) of this section, so far as applicable, may be treated as professional misconduct for the purposes of the provisions of this Act relating to discipline.
- 30 (5) A certificate under the hand of the Secretary of the Society shall, until the contrary is proved, be evidence that the solicitor has or has not, as the case may be, delivered to the registrar an accountant's certificate or supplied any evidence required under this section or the Accountant's Certificate Rules or the
- 35 rules made under subsection (3) of this section.
- (6) This section shall not come into operation until such date as the Secretary of State may by order made by statutory instrument appoint, being a date not earlier than six months after the Council have given written notice to the members of the Society of their intention to apply to the Secretary of State for the making of such order. The accidental omission to give such written notice to any member of the Society shall not invalidate an order made under this subsection.
- 40

A.D. 1958

General

Amendments
of Acts of
1933 and
1949.

14.—(1) The Act of 1933 shall have effect subject to the amendments set out in Part I of the Second Schedule to this Act.

(2) The Act of 1949 shall have effect subject to the amendments set out in Part II of the Second Schedule to this Act. 5

Power of
Council of
Society to
apply for
appointment
of judicial
factor on
estate of
solicitor in
certain cases.

15. Where the Council of the Society are satisfied on a report of an investigation of the books, accounts and other documents of a solicitor made on behalf of the Council in exercise of their powers under the Scottish Solicitors Accounts Rules—

(a) that the solicitor has failed to a material extent to comply 10
with the provisions of the said Rules ; and

(b) that in connection with his practice as a solicitor
either—

(i) his liabilities exceed his assets in the business ;
or 15

(ii) his books, accounts and other documents are
in such a condition that it is not reasonably practic-
able to ascertain definitely whether his liabilities
exceed his assets,

the Council may apply to the Court for the appointment of a 20
judicial factor on the estate of the solicitor ; and the Court, on
consideration of the said report and after giving the solicitor
an opportunity of being heard, may appoint a judicial factor
on his estate or do otherwise as seems proper to them.

Rights of
clients in sum
in client bank
account in
case of
deficiency.

16.—(1) Where upon the estate of a solicitor being seques- 25
trated or upon a solicitor granting a trust deed for behoof of
his creditors or upon a judicial factor being appointed on the
estate of a solicitor the sum at the credit of the client account
kept by the solicitor at a bank in terms of the Scottish Solicitors
Accounts Rules, or where more than one such account are kept 30
the total of the sums at the credit of the said accounts, is less
than the total of the sums received by the solicitor in the course
of his practice on behalf of his clients and remaining due by
him to them, then, notwithstanding any rule of law to the con-
trary, the sum at credit of the said client account, or where more 35
than one such account are kept the total of the sums at the
credit of the said accounts, shall be divisible proportionately
amongst the clients of the solicitor according to the respective
sums received by the solicitor in the course of his practice on
their account and remaining due by him to them : 40

Provided that no account shall be taken for the purposes of
this section—

(a) of any account at a bank kept by the solicitor in his
own name for a specified client ; or

(b) of sums received by the solicitor in the course of his practice on behalf of that client and remaining due by him to the client so far as represented by the sum in the bank account in name of the solicitor for the client. A.D. 1957

(2) For the purposes of this section any reference to an account at a bank shall include a reference to a deposit receipt at a bank.

17.—(1) The power conferred by subsection (1) of section eighteen of the Act of 1933 on the Lord President to give directions to the registrar as to the keeping of the roll shall include power to authorise the registrar, for the purpose of maintaining the roll in as up-to-date a state as is reasonably practicable,— Provisions as to the keeping of the roll.

(a) to remove from the roll the name of any solicitor enrolled thereon who has died ;

(b) to send to any solicitor enrolled thereon at his address as shown in the roll a letter inquiring whether he wishes that his name shall continue to be included in the roll and intimating that if no reply is returned to any such letter within the period of six months beginning with the date of the posting of the letter, his name may be removed from the roll ; and

(c) if no reply is returned as aforesaid by any solicitor to whom a letter has been so sent, to remove the name of that solicitor from the roll.

(2) The Council of the Society may, on the application of a solicitor whose name has been removed from the roll in pursuance of paragraph (c) of the foregoing subsection and on payment by him to the registrar of such fee in respect of restoration as the Council may fix, order that his name shall be restored.

(3) Any person aggrieved by a decision of the Council under the last foregoing subsection may appeal against the decision to the Court, and the provisions of section seven of this Act shall, subject to any necessary modifications, apply to any such appeal.

(4) The power conferred by subsection (3) of the said section eighteen on the Court of Session to fix fees payable to the registrar in respect of the statutory duties of the registrar shall include power to fix a fee to be payable annually to the registrar in respect of the cost of maintaining the roll by every solicitor whose name is for the time being included in the roll.

18. The enactments specified in the Third Schedule to this Repeals. Act are hereby repealed to the extent mentioned in the third column of that Schedule.

A.D. 1957
Interpretation,
citation,
construction
and com-
mencement.
23 & 24 Geo. 5.
c. 21.
12, 13 & 14
Geo. 6. c. 63.

19.—(1) In this Act, unless the context otherwise requires—

“ Act of 1933 ” means the Solicitors (Scotland) Act, 1933 ;

“ Act of 1949 ” means the Solicitors (Scotland) Act, 1949 ;

“ practice year ” means the period of twelve months ending
on the thirty-first day of October ;

“ The Scottish Solicitors Accounts Rules ” means the rules
relating to accounts made by the Council of the Society
under section twenty of the Act of 1949 and for the
time being in force ;

“ The Society ” means the Law Society of Scotland.

(2) This Act may be cited as the Solicitors (Scotland) Act,
1957, and shall be construed as one with the Solicitors (Scotland)
Acts, 1933 to 1949, and those Acts and this Act may be cited
together as the Solicitors (Scotland) Acts, 1933 to 1957.

(3) Subject to the provisions of section thirteen, this Act shall
come into operation on such day as the Secretary of State may
by order made by statutory instrument appoint, and different
days may be appointed for different provisions.

SCHEDULES

A.D. 1958

FIRST SCHEDULE

Section 8.

MISCELLANEOUS PROVISIONS RELATING TO DISCIPLINE

1. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee may make in relation to any complaint against a solicitor such order as seems fit to them as to the payment by the complainer or by the solicitor of the expenses incurred by the other party to the complaint and by the Discipline Committee, or of a reasonable contribution towards such expenses; and on the application of the person in whose favour the order is made and on production of a certificate by the clerk of the Discipline Committee that the days of appeal to the Court against the order have expired without an appeal being lodged or where such an appeal has been lodged that the appeal has been dismissed or withdrawn, the Court may grant warrant authorising that person to recover the expenses awarded to him from the person against whom the order was made; and such warrant shall have effect for execution and for all other purposes as if it were an extracted decree of Court awarded against the last-mentioned person.

Power of Discipline Committee to make orders as to payment of expenses.

2.—(1) The making of a complaint to the Discipline Committee or the giving of any information in connection therewith shall confer qualified privilege.

Provisions as to complaints to Discipline Committee.

(2) A complaint made to the Discipline Committee shall not be withdrawn except with the sanction of the Committee and subject to such conditions with respect to expenses or otherwise as the Committee think fit to impose.

3. Subject to the provisions of this Act relating to discipline, the Discipline Committee may dismiss a complaint against a solicitor—

Power of Discipline Committee to dismiss complaint without inquiry.

(a) without requiring the solicitor to answer the allegations made against him or without holding any inquiry, if they are of opinion that the complaint discloses no *prima facie* case of professional misconduct on the part of the solicitor, or if the complainer fails to comply with any of the rules made under the Act of 1933 regulating the making of complaints to the Committee; or

(b) without hearing parties, if they are of opinion, upon consideration of the complaint and other documents, that they disclose no case of professional misconduct on the part of the solicitor.

4.—(1) The Discipline Committee shall set forth in their decision—

Provisions as to decisions of Discipline Committee.

(a) in the case of a complaint, the facts proved, and

(b) in the case of a conviction, particulars of the conviction and sentence,

and shall in the case of a complaint add to their decision a note stating the grounds on which the decision has been arrived at.

A.D. 1958

1st SCH.

—cont.

(2) Every decision by the Discipline Committee shall be signed by the chairman or other person presiding and may be published in such manner as the Committee may determine.

(3) A copy of every decision by the Discipline Committee certified by the clerk of the Committee shall be sent forthwith by the clerk to the solicitor and to the complainer with an intimation of the right of appeal competent under the provisions of this Act relating to discipline. 5

(4) In the case of a decision by the Discipline Committee ordering a solicitor to be struck off the roll of solicitors or to be suspended from practice or censuring or fining a solicitor, on the expiration of the days of appeal without an appeal being lodged, or in the case of such a decision against which an appeal has been lodged, if and so soon as the appeal is withdrawn or a decision by the Court is given whereby the solicitor is ordered to be struck off the roll of solicitors or to be suspended from practice or is censured or fined, the clerk of the Discipline Committee shall send to the registrar a copy certified by him of the decision of the Discipline Committee and a copy of the decision by the Court in any appeal, and the registrar shall forthwith give effect to any order as to striking the solicitor off the roll of solicitors, and in any other case shall cause a note of the effect of the decision to be entered against the name of the solicitor in the roll. The registrar shall forthwith intimate any order striking a solicitor off the roll of solicitors or suspending a solicitor from practice to each sheriff clerk and also, in the case of a solicitor who carried on business in Edinburgh immediately before the order, to the Principal Clerk of Session, and shall cause a notice of the operative part of the order to be published in the Edinburgh Gazette and in such other manner, if any, as the Discipline Committee may direct. 15 20 25 30

(5) On a solicitor being suspended from practice as a solicitor the practising certificate held by him at the time shall cease to have effect:

Provided that if he ceases to be so suspended during the period for which the practising certificate would otherwise have continued in force, the certificate shall thereupon again have effect. 35

(6) The file of orders under this Act or the Act of 1933 striking solicitors off the roll of solicitors, suspending solicitors from practice or restoring persons to the roll of solicitors shall be open for inspection at the office of the Society at any reasonable hour by any person without payment of any fee. 40

Expenses of
Discipline
Committee.

5. The expenses of the Discipline Committee, so far as not otherwise defrayed, shall be paid by the Society as part of the expenses of the Society.

SECOND SCHEDULE

A.D. 1958

PART I

Section 14 (1).

AMENDMENTS OF THE ACT OF 1933

1. In section seven—

5 (a) in the first paragraph after the words “this Act or” there shall be inserted the words “of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case, or the provisions”; and

10 (b) in the second paragraph for the words “this Act with respect to subscribing the list of solicitors directed to be kept by section twenty of this Act” there shall be substituted the words “the Solicitors (Scotland) Act, 1949, with respect to practising certificates.”

15 2. In section eleven for the words from “and that” to the end of the section there shall be substituted the words “or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case.”

20 3. In section fourteen after the words “under section nine of this Act” there shall be inserted the words “or under section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder.”

25 4. In section fifteen after the words “provisions of this Act” there shall be inserted the words “or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case.”

5. For section twenty there shall be substituted the following section—

30 “20. It shall be the duty of the Council of the Society to furnish as soon as practicable after the first day of December in each year—

(a) to the Principal Clerk of Session, a list of solicitors holding practising certificates for the practice year then current and carrying on business in Edinburgh, and

35 (b) to each sheriff clerk a list of all solicitors holding practising certificates for that practice year;

and also from time to time throughout the practice year to furnish to the Principal Clerk of Session and to each sheriff clerk a note of any additions to or amendments of the lists furnished as aforesaid.”

40 6. In section twenty-nine the words “on the recommendation of the Discipline Committee and” shall be omitted and after the words “to whom the same relates” there shall be inserted the words “and on production to the court of copies (certified by the clerk of the Discipline Committee) of the complaint and answers (if lodged)
45 together with a statement signed by the clerk of the said Committee specifying the place and date of the hearing of the complaint and certifying that notice to that effect has been given to the complainer and to the solicitor concerned, and on being satisfied that it would be proper to compel the giving of evidence by any witness or the
50 production of documents by any haver.”

A.D. 1958
2ND SCH.
—cont.

7. In section thirty-nine after the words "legal proceeding" there shall be inserted the words "or any papers on which to found or oppose an application for a grant of confirmation in favour of executors."

8. In section forty in subsection (1) for the words "fifty pounds" there shall be substituted the words "one hundred pounds." 5

9. In section forty-five after the words "this Act" there shall be inserted the words "or under the provisions of the regulations made under section one of the Solicitors (Scotland) Act, 1958, applicable in his case." 10

10. In section forty-six for the words "is entitled to practise" there shall be substituted the words "has a place of business."

Section 14 (2).

PART II

AMENDMENTS OF THE ACT OF 1949

1. In section eighteen— 15
(a) for the proviso to subsection (2) there shall be substituted the following proviso—

"Provided that a person who is suspended from practice as a solicitor under any enactment in force at the time of suspension shall, while so suspended, be treated 20 as if he were not a member of the Society"; and

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

"(2A) Notwithstanding anything in this section or in any other provision of this Act the Council of the Society 25 may, if they think fit, admit as a member of the Society any solicitor who has not in force at the time a practising certificate on such terms and conditions (including the payment by him of a reduced annual subscription) as they may determine." 30

2. In section nineteen, after subsection (4) the following subsection shall be added—

"(5) Without prejudice to any proceedings under subsection (1) of this section, failure on the part of a solicitor in practice to have in force a practising certificate may be treated as professional misconduct for the purposes of the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline." 35

3. In section twenty, in paragraph (e) of subsection (1) the words "subject to the provisions of the Sixth Schedule to this Act" shall be omitted, and in subsection (3) for the words "Part V of the principal Act" there shall be substituted the words "the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline." 40

4. In section twenty-two, in subsection (2) after the word "solicitor" where it first occurs there shall be inserted the words "in practice in the United Kingdom", and for the words "any solicitor in connection with the practice of the solicitor or any trust 45

of which the solicitor was or is a trustee" there shall be substituted the words "such a solicitor in connection with the practice of the solicitor".

A.D. 1958
2ND SCH.
—cont.

5. In section twenty-five, in subsection (3) for the words "Part V of the principal Act" there shall be substituted the words "the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline."

6. In Part 1 of the Fourth Schedule, for the proviso to paragraph 2 there shall be substituted the following proviso—

10 "Provided that the sum payable by a solicitor in respect of the year in which he is first included in the roll of solicitors and in respect of each of the two years immediately following shall be one-half of the annual subscription which would otherwise be payable by him."

15 7. In paragraph 6 of the Sixth Schedule for the word "satisfied" there shall be substituted the words "of opinion," after the word "banker" there shall be inserted the words "building society or other body", and after the words "banking account" there shall be inserted the words "or any sum deposited."

20

THIRD SCHEDULE

Section 18.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. 25 c. 21.	The Solicitors (Scotland) Act, 1933.	Sections nine, ten, twelve and thirteen. In section eighteen, in subsection (1) the words "shall strike any solicitor off the roll on an order of the Court to that effect, and". 30 Sections twenty-one and twenty-two. In section twenty-five the words "or in the investigation of his conduct by the Discipline Committee." 35 Sections twenty-six to twenty-eight and sections thirty to thirty-two.

Solicitors (Scotland) [H.L.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to amend the law relating to solicitors and notaries public in Scotland, and for purposes connected therewith.

The Lord Keith of Avonholm

Ordered to be printed 13th February, 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 0d. net

(41)

(37443)

Solicitors (Scotland) Bill [H.L.]

Amend-
ment
No.

COMMONS AMENDMENTS

[The references are to Bill (86) as first printed for the House of Commons.]

Clause 1

- 1 Page 2, line 13, at end insert—

(“ (3) Nothing in the foregoing provisions of this section shall prejudice the power of the Court to admit a person as a solicitor in pursuance of the Colonial Solicitors Act, 1900, or under section fourteen or section fifteen of the Act of 1933.”)

In the Schedules

Second Schedule

- 2 Page 13, line 39, at end insert—

(“ (2) A reference in any enactment to a solicitor's being entitled to practise in the Court of Session or in any other court, or to act in any matter, by reason of his being enrolled in, or of his having subscribed, the list of solicitors practising in the Court of Session or the list of solicitors practising in any sheriffdom shall be construed as a reference to his being entitled so to practise or act by reason of his name being included in the appropriate list furnished under the foregoing subsection.”)

- 3 Page 14, line 1, after (“ thirty-nine ”) insert (“ after the words ‘ Faculty of Advocates ’ there shall be inserted the word ‘ or ’, the words ‘ or a notary public ’ shall be omitted, and ”)

- 4 Page 14, line 38, leave out (“ (e) ”) and insert (“ (c) ”)

Solicitors (Scotland) Bill [H.L.]

COMMONS AMENDMENTS

*[The references are to Bill (86) as
first printed for the House of
Commons.]*

Ordered to be printed 20th May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3d. net

(104)

(37834)

A
B I L L

INTITULED

An Act to provide for the establishment of the State of Singapore and for the peace, order and good government thereof; and for purposes connected with the matters aforesaid. A.D. 1958

BE it enacted by the Queen'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) Her Majesty may by Order in Council (hereinafter referred to as “the Constitution Order”), which shall be laid before Parliament after being made, make such provision as may appear to Her Majesty to be necessary or expedient for the peace, order and good government, under the title of the State of Singapore, of the territories included immediately before the passing of this Act in the Colony of Singapore; and, as from the day on which all the provisions of that Order have come into force, those territories shall be known by that title and subsection (3) of section one of the British Nationality Act, 1948 (which specifies the countries whose citizens are by virtue of that citizenship British subjects or Commonwealth citizens) as amended by the Federation of Malaya Independence Act, 1957, shall have effect as if for the words “and the Federation of Malaya” there were substituted the words “the Federation of Malaya and the State of Singapore”.

- 15 (2) The Constitution Order may revoke or amend, or provide for the revocation or amendment of, any Order in Council or other instrument affecting the territories aforesaid made before the day aforesaid under the British Settlements Acts, 1887 and 25 1945, or the Straits Settlements (Repeal) Act, 1946; and as from that day no further Order in Council or other instrument affecting those territories shall be made under those Acts except for the purpose of revoking or amending any such Order in Council or other instrument for the time being in force.

- 30 (3) The Constitution Order may authorise the revocation or amendment of any of its provisions in any manner specified by

A.D. 1958 the Order in relation to those provisions respectively, but save as may be so authorised shall not be capable of being revoked or amended except by Act of Parliament; and, where that Order authorises the revocation or amendment of any of its provisions by Order in Council, any Order in Council made in pursuance of that authority shall be made by statutory instrument and be laid before Parliament after being made. 5

(4) Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such incidental, consequential and transitional provisions, including, in particular, adaptations and modifications of, or of any instrument made under, any Act of Parliament, as may appear to Her Majesty to be necessary or expedient by reason of anything contained in this section or in any instrument made thereunder and, in particular, by reason of any provision of the Constitution Order providing for the appointment in and for the State of Singapore, in addition to a representative of Her Majesty, of a representative of Her Majesty's Government in the United Kingdom; and any such adaptation or modification may be made so as to have effect from any date not earlier than that of the making of the Constitution Order notwithstanding that the Order in Council under this subsection was made after that date. 10 15 20

Short title.

2. This Act may be cited as the State of Singapore Act, 1958.

State of Singapore

A

B I L L

INTITULED

An Act to provide for the establishment of the State of Singapore and for the peace, order and good government thereof; and for purposes connected with the matters aforesaid.

Brought from the Commons 17th July 1958

Ordered to be printed 17th July 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3d. net

(156)

(38085)

Statute Law Revision Bill [H.L.]

ARRANGEMENT OF CLAUSES

Clause

1. Repeal of obsolete, &c., Acts.
2. Repeal of obsolete, &c., provisions concerning the Crown Estate and public buildings.
3. Repeal of provisions as to plea of general issue in civil proceedings.
4. Re-enactment of provision of Government War Obligations Acts, 1914 to 1919, as to payment of certain pensions, and repeal of remaining provisions thereof.
5. Saving for powers of Parliament of Northern Ireland.
6. Short title.

SCHEDULES:

First Schedule—Obsolete, &c., Acts repealed.

Second Schedule—Obsolete, &c., provisions concerning the Crown Estate and public buildings repealed.

Third Schedule—Acts repealed so far as entitling persons to plead general issue in civil proceedings.

A
B I L L

INTITULED

An Act to revise the statute law by repealing enactments which have ceased to be in force or have become unnecessary and re-enacting a provision of certain Acts which are otherwise spent. A.D. 1958

BE it enacted by the Queen'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 Acts specified in the First Schedule to this Act (being Acts which are obsolete or spent or have been superseded by other enactments) are hereby repealed. Repeal of
obsolete, &c.,
Acts.

10 2. The Acts specified in the first and second columns of the Second Schedule to this Act (which to the extent specified in the third column of that Schedule are obsolete or spent, or have become unnecessary) are hereby repealed to that extent. Repeal of
obsolete, &c.,
provisions
concerning
the Crown
Estate and
public
buildings.

15 3. The Acts specified in the first and second columns of the Third Schedule to this Act shall cease to have effect in so far as they entitle persons to plead the general issue in civil proceedings and are accordingly hereby repealed to the extent specified in the third column of that Schedule. Repeal of
provisions
as to plea
of general
issue in civil
proceedings.

- A.D. 1958
Re-enactment
of provision
of Government
War
Obligations
Acts, 1914 to
1919, as to
payment of
certain
pensions, and
repeal of
remaining
provisions
thereof.
- 4.—(1) There shall be paid out of moneys provided by Parliament or, if those moneys are insufficient, there shall be charged on and paid out of the Consolidated Fund of the United Kingdom, such sums as are required for the purpose of fulfilling any obligations incurred before the fifteenth day of August, nineteen hundred and nineteen, by the Government of His late Majesty King George the Fifth in connection with the 1914–1918 war in respect of payments for compensation in respect of persons killed or injured on any merchant ship or fishing vessel. 5
- (2) The Government War Obligations Acts, 1914 to 1919 10 (whose provisions are spent with the exception of that re-enacted by the foregoing subsection) are hereby repealed.
- Saving for
powers of
Parliament
of Northern
Ireland.
10 & 11 Geo. 5.
c. 20.
5. In so far as this Act relates to a matter with respect to which the Parliament of Northern Ireland has power to make laws it shall, for the purposes of section six of the Government of Ireland 15 Act, 1920, be deemed to have been passed before the appointed day within the meaning of that section.
- Short title.
6. This Act may be cited as the Statute Law Revision Act, 1958.

SCHEDULES

A.D. 1958

FIRST SCHEDULE

Section 1.

OBSOLETE, &C., ACTS REPEALED

Session and Chapter	Title or Short Title, or Subject Matter
5	Ne Rector prosternat Arbores in Cemiterio. Penalty for selling ware after close of fair.
5 Edw. 3. c. 5 ...	The Collusive Actions Act, 1488.
4 Hen. 7. c. 20 ...	An Acte concerning Collectoures and Recey- voures.
34 & 35 Hen. 8. c. 2...	The Herbalists Act, 1542.
10 34 & 35 Hen. 8. c. 8 ...	An Acte for the Preservacon of the Ryver of Severne.
34 & 35 Hen. 8. c. 9 ...	An Act to prevent the overcharge of the People by Stewards of Courte Leetes and Courte Barons.
1 Jac. 1. c. 5 ...	The Intrusions Act, 1623.
15	The Adulteration of Coffee Act, 1718.
21 Jac. 1. c. 14 ...	The Adulteration of Tea and Coffee Act, 1724.
5 Geo. 1. c. 11 ...	The Adulteration of Tea Act, 1730.
11 Geo. 1. c. 30 ...	The Traffic Regulation (Scotland) Act, 1772.
20 4 Geo. 2. c. 14 ...	The Adulteration of Tea Act, 1776.
12 Geo. 3. c. 45 ...	The Pension Duties Act, 1809.
17 Geo. 3. c. 29 ...	The Pension Duties Act (No. 2) Act, 1809.
49 Geo. 3. c. 32 ...	The Pension Duties Act, 1810.
49 Geo. 3. c. 110 ...	The Pension Duties Act, 1812.
25 50 Geo. 3. c. 56 ...	The Members of Parliament (Bankruptcy) Act, 1812.
52 Geo. 3. c. 56 ...	The Poor Relief Act, 1819.
52 Geo. 3. c. 144 ...	The Stage Coaches (Scotland) Act, 1820.
59 Geo. 3. c. 12 ...	The Duties on Offices Act, 1825.
30 1 Geo. 4. c. 4 ...	The Transportation Act, 1825.
6 Geo. 4. c. 9... ...	The Country Bankers Act, 1826.
6 Geo. 4. c. 69 ...	The Duties on Offices and Pensions Act, 1836.
7 Geo. 4. c. 46 ...	The Public Money Drainage Act, 1846.
6 & 7 Will. 4. c. 97 ...	The Public Money Drainage Act, 1847.
35	The Lock-up Houses Act, 1848.
9 & 10 Vict. c. 101 ...	The Public Money Drainage Act, 1848.
10 & 11 Vict. c. 11 ...	The Poor Law (Overseers) Act, 1849.
11 & 12 Vict. c. 101 ...	The Public Money Drainage Act, 1850.
11 & 12 Vict. c. 119 ...	The Lunatics Removal (India) Act, 1851.
40 12 & 13 Vict. c. 8 ...	The Public Money Drainage Act, 1856.
13 & 14 Vict. c. 31 ...	The Inferior Courts Officers (Ireland) Act, 1858.
14 & 15 Vict. c. 81 ...	The Sierra Leone Offences Act, 1861.
19 & 20 Vict. c. 9 ...	The Jurisdiction in Homicides Act, 1862.
21 & 22 Vict. c. 52 ...	The Declaration of Title Act, 1862.
45	The Exhibition Medals Act, 1863.
24 & 25 Vict. c. 31 ...	The Mortgage Debenture Act, 1865.
25 & 26 Vict. c. 65 ...	The Colonial Docks Loans Act, 1865.
25 & 26 Vict. c. 67 ...	The Courts of Justice Act 1866
26 & 27 Vict. c. 119 ...	
50 28 & 29 Vict. c. 78 ...	
28 & 29 Vict. c. 106 ...	
29 & 30 Vict. c. 63 ...	

A.D. 1958
1st SCH.
—cont.

Session and Chapter	Title or Short Title, or Subject Matter	
33 & 34 Vict. c. 20 ...	The Mortgage Debenture (Amendment) Act, 1870.	
34 & 35 Vict. c. 8 ...	The West African Offences Act, 1871.	5
39 & 40 Vict. c. 10 ...	The Royal Titles Act, 1876.	
40 & 41 Vict. c. 10 ...	The Customs and Inland Revenue Amendment Act, 1877.	
42 & 43 Vict. c. 59 ...	The Civil Procedure Acts Repeal Act, 1879.	
1 Edw. 7. c. 15 ...	The Royal Titles Act, 1901.	10
4 & 5 Geo. 5. c. 38 ...	The East African Protectorates (Loans) Act, 1914.	
9 & 10 Geo. 5. c. 43...	The Government of the Soudan Loan Act, 1919.	
10 & 11 Geo. 5. c. 76...	The Agriculture Act, 1920.	15
12 & 13 Geo. 5. c. 15...	The Government of the Soudan Loan (Amendment) Act, 1922.	
12 & 13 Geo. 5. c. 26...	The Anglo-Persian Oil Company (Payment of Calls) Act, 1922.	
15 & 16 Geo. 5. c. 43...	The Former Enemy Aliens (Disabilities Removal) Act, 1925.	20
18 & 19 Geo. 5. c. 37...	The Post Office and Telegraph (Money) Act, 1928.	
21 & 22 Geo. 5. c. 20...	The Post Office and Telegraph (Money) Act, 1931.	25
2 & 3 Geo. 6. c. 6 ...	The Czechoslovakia (Financial Assistance) Act, 1939.	
3 & 4 Geo. 6. c. 24 ...	The National Service (Channel Islands) Act, 1940.	

Section 2.

SECOND SCHEDULE

30

OBSOLETE, &C., PROVISIONS CONCERNING THE CROWN ESTATE
AND PUBLIC BUILDINGS REPEALED

Crown Estate Provisions

Session and Chapter	Short Title	Extent of Repeal	
10 Geo. 4. c. 50	The Crown Lands Act, 1829.	Sections five, thirty-nine, fifty-three to fifty-six, ninety, one hundred and six, one hundred and twenty-eight and one hundred and twenty-nine.	35
2 & 3 Will. 4. c. 1.	The Crown Lands Act, 1832.	Sections one and nine.	40
8 & 9 Vict. c. 99.	The Crown Lands Act, 1845.	Sections nine, eleven, twelve and thirteen.	
11 & 12 Vict. c. 102.	The Crown Lands Act, 1848.	Sections six and seven.	45
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851.	Sections one and two.	
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	Section twenty-nine.	50
13 & 14 Geo. 5. c. 21.	The Forestry (Transfer of Woods) Act, 1923.	Section four.	

Public Buildings Provisions

A.D. 1958

2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
5 60 & 61 Vict. c. 27.	The Public Offices (Whitehall Site) Act, 1897.	Section four.
61 & 62 Vict. c. 5.	The Public Buildings Expenses Act, 1898.	The whole Act.
3 & 4 Geo. 5. c. 14.	The Public Buildings Expenses Act, 1913.	The whole Act.

10

THIRD SCHEDULE

Section 3.

ACTS REPEALED SO FAR AS ENTITLING PERSONS TO PLEAD
GENERAL ISSUE IN CIVIL PROCEEDINGS

Session and Chapter	Title or Short Title	Extent of Repeal
15 1 Car. 1. c. 1...	The Sunday Observance Act, 1625.	The words from "and that if any man" to "evidence".
3 Car. 1. c. 2...	An Act for the further reformation of sondry abuses committed on the Lord's Day commonlie called Sondag.	The second proviso.
20 11 Geo. 2. c. 19	The Distress for Rent Act, 1737.	Section twenty-one.
25 25 Geo. 2. c. 8 (Ir.).	The Apprentices Act (Ireland), 1751.	Section eight.
25 13 Geo. 3. c. 78	An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes.	In section eighty-one, the words from "the defendant or defendants in every such action" to "have been so done, or".
30 14 Geo. 3. c. 78	The Fires Prevention (Metropolis) Act, 1774.	In section eighty-six, the words from "And in such case" to "to be had".
42 Geo. 3. c. 119.	The Gaming Act, 1802 ...	Section seven.
40 1 & 2 Will. 4. c. 32.	The Game Act, 1831... ..	In section forty-six, the words "and may be given in evidence under the general issue".
45 3 & 4 Vict. c. 9	The Parliamentary Papers Act, 1840.	In section three, the words "under the general issue".

A.D. 1958
3RD SCH.
—cont.

Session and Chapter	Title or Short Title	Extent of Repeal
6 & 7 Vict. c. 40.	The Hosiery Act, 1843 ...	In section thirty-one, the words "in any such action", where first occurring, and the words "may plead the general issue, or". 5
7 & 8 Vict. c. 22.	The Gold and Silver Wares Act, 1844.	In section thirteen, the words from "and the defendant" to "had thereupon". 10

Statute Law Revision [H.L.]

A

B I L L

INTITLED

An Act to revise the statute law by repealing enactments which have ceased to be in force or have become unnecessary and re-enacting a provision of certain Acts which are otherwise spent.

The Lord Chancellor

Ordered to be printed 22nd April 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net

(65)

(37687)

Trading Representations (Disabled Persons) Bill

EXPLANATORY MEMORANDUM

This Bill provides for the registration by the Minister of Labour and National Service of persons who in the course of business in Great Britain sell or solicit orders for goods by means of representations, made in visits from house to house or by post, that blind or otherwise disabled persons are employed in the production, preparation or packing of the goods or that such disabled persons benefit from the sale of the goods or the carrying on of the business.

On and after the 1st January, 1959, it will be an offence punishable on summary conviction to make representations of the kind and in the manner referred to above for the purpose of selling or soliciting orders for goods of any description unless the person carrying on the business is registered in respect of goods of that description (clause 1 (1) and (6)).

Registration is not required in the cases of businesses carried on by local authorities, by certain charities or certain non-profit making concerns, or by substantially disabled persons by whose own labour the goods were produced, prepared, packed or otherwise made ready for sale (clause 1 (2)).

An applicant for registration must give public notice by newspaper advertisement so as to enable any person likely to be concerned to make representations to the Minister with respect to the application (clause 2 (2)).

The Minister must not register any person unless he is satisfied as to the extent and nature of the employment or benefit to be provided for substantially disabled persons and that the representations to be made in the course of the business will fairly convey the extent and nature of that employment or benefit (clause 2 (2)).

Registration may be granted either for a specified period or indefinitely and the Minister (either on registration or subsequently) may impose requirements for securing the matters specified in the preceding paragraph of this memorandum (clause 2 (3) and (4)).

The Minister is required to cancel a registration if he is not satisfied as to the extent and nature of the employment or benefit provided for substantially disabled persons or if he is satisfied that representations are made which do not fairly convey the extent or nature of that employment or benefit. The Minister is also empowered to cancel a registration if any requirement imposed is not complied with (clause 2 (5)).

A right of appeal from the decision of the Minister is given to any person who is aggrieved by the refusal or cancellation of registration, by the period for which he is registered, or by any requirement imposed on registration. In England and Wales the appeal lies to the magistrates' court with a further right of appeal to quarter sessions ; and in Scotland the appeal lies to the sheriff (clause 3).

A
B I L L

INTITULED

An Act to control the making of representations by traders with respect to the employment or assistance of blind or other disabled persons in connection with the production, preparation, packing or sale of goods, and for purposes connected therewith. A.D. 1958

BE it enacted by the Queen'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) It shall not be lawful, in selling or soliciting orders for goods of any description in the course of a business carried on by any person, for any representation that, or implying that, blind or otherwise disabled persons, or any description of such persons,—
- 10 (a) are employed in the production, preparation or packing of the goods or,
- (b) benefit (otherwise than as users of the goods) from the sale of the goods or the carrying on of the business,
- to be made in the course of visits from house to house, or by post, unless the person carrying on the business is registered under this Act in respect of goods of that description; and any person who contravenes this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.
- 20

Sellers of goods advertised as made by, or sold for benefit of, blind or otherwise disabled persons, to be registered.

A.D. 1958 (2) The foregoing subsection shall not apply where the business is being carried on—

- (a) by a local authority, or
- (b) by any fund, institution, association or undertaking which is registered or exempted from registration under the War Charities Act, 1940 or that Act as extended by section forty-one of the National Assistance Act, 1948, or 5
- (c) by a company, association or body providing facilities under section fifteen of the Disabled Persons (Employment) Act, 1944 in pursuance of arrangements under subsection (2) of that section, or 10
- (d) by any body of persons exempted by the Minister of Labour and National Service (hereinafter referred to as "the Minister") from the operation of the foregoing subsection, being a body appearing to the Minister to be carrying on business without profit to its members, 15

3 & 4 Geo. 6.
c. 31.
11 & 12 Geo.
6. c. 29.

7 & 8 Geo. 6.
c. 10.

or where the person carrying on the business is substantially disabled and all goods with respect to which the representation is made were either produced, prepared, packed or otherwise made ready for sale by his own labour. 20

(3) In England or Wales a local authority may institute proceedings for an offence under this section.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 25 30

(5) In this section "house" includes a place of business, and "local authority" means the council of a county, county borough or county district or a metropolitan borough or the Common Council of the City of London, or, in Scotland, a county or town council. 35

(6) This section shall come into operation on the first day of January, nineteen hundred and fifty-nine.

Registration
for purposes
of Act.

2.—(1) Registration under this Act shall be effected by the Minister on applications made to him and in accordance with the following provisions of this section. 40

A.D. 1958

(2) The Minister shall not register a person under this Act unless the Minister is satisfied, in relation to goods of the description as respects which registration is applied for,—

- 5 (a) that the extent and nature of the employment for substantially disabled persons, or any description of such persons, to be provided by the applicant for registration in connection with the production, preparation, packing or sale of the goods, or as the case may be the benefit to such persons, or any description of
10 such persons, to be provided by the sale of the goods or the carrying on of the business, is such that such representations as are mentioned in subsection (1) of the foregoing section can reasonably and properly be made in relation to the goods, and
15 (b) that the relevant representations which it is proposed to make will fairly convey the extent and nature of the said employment or benefit;

and the Minister shall not proceed with an application for registration under this Act until the expiration of twenty-one
20 days from the publication, in a newspaper the area of circulation of which is such as to be adequate to inform persons likely to be concerned, of an advertisement by the applicant stating that the applicant proposes to apply for registration, specifying the description of goods in respect of which registration is applied
25 for, and stating that representations with respect to the application may be made to the Minister within fourteen days after the publication of the advertisement.

(3) Registration under this Act may be granted either for a specified period or indefinitely.

- 30 (4) The Minister may impose requirements on persons registered under this Act for securing the matters specified in paragraph (a) or (b) of subsection (2) of this section.

(5) If at any time while a person is registered under this Act in respect of goods of any description the Minister is not satisfied
35 of the matters specified in paragraph (a) of subsection (2) of this section, or is satisfied that relevant representations are made which do not fairly represent the extent and nature of the employment or benefit provided as aforesaid, the Minister shall cancel the registration; and if any requirement imposed under the
40 foregoing subsection on a person registered under this Act is not complied with the Minister may cancel the registration.

(6) On an application for registration under this Act the applicant shall furnish such information as the Minister may require with respect to—

- 45 (a) the number of persons to be employed by the applicant in connection with the production, preparation, packing and sale of goods of the description to which the application relates, the capacities in which or operations in which

A.D. 1958

they are to be so employed, and the proportion of the whole, or of those to be employed in particular capacities or operations, which consists of persons who are substantially disabled or of any description of such persons;

(b) the terms of employment, and in particular the remuneration, of persons to be employed as aforesaid who are substantially disabled or of any description of such persons; 5

(c) the source from which the applicant will obtain the goods of the description in question to be offered for sale by the applicant, where they are not to be produced by the applicant, and the persons by whom such goods will be prepared or packed where the goods are not to be prepared, or as the case may be packed, by the applicant; 10

(d) the nature of the representations with respect to employment of, or benefit to, substantially disabled persons which it is proposed to make in connection with the sale of the goods, and, where it is proposed to make the representations in relation to a particular description of such persons, the nature of that description of persons, 15

and with respect to any other matters relevant to determining whether the applicant should be registered. 20

(7) At any time while a person is registered under this Act the Minister may require him to furnish such information as may be relevant to the exercise by the Minister of his powers of cancelling registration; and if any person required to furnish such information fails to do so without reasonable excuse the Minister may cancel his registration. 25

(8) On the registration of any person under this Act the Minister shall send to him a certificate of registration, and if the registration is for a period the certificate shall specify the date of expiration of that period; and where the Minister refuses to register a person, imposes any requirement on a person under subsection (4) of this section (whether on registration or subsequently) or cancels any registration he shall send notice in writing of the refusal, requirement or cancellation to the applicant for registration or, as the case may be, the person to whom the registration relates. 30 35

Any certificate or notice under this subsection may be sent by post to the usual or last known address of the person to whom it is to be sent. 40

(9) A certificate purporting to be signed by or on behalf of the Minister that any person was or was not on any date specified in the certificate, or during any period so specified, registered under this Act in respect of goods of a description so specified shall be evidence until the contrary is proved of the facts certified. 45

(10) In this section "relevant representation" means a representation such as is mentioned in subsection (1) of the foregoing section, being a representation made or to be made in selling or soliciting orders for the goods in question and in the course of visits from house to house or by post. A.D. 1958

3.—(1) Where the Minister refuses to register an applicant for registration under this Act the applicant may appeal to a magistrates' court acting for the petty sessions area comprising the appellant's place of business; and the court, if satisfied of the matters specified in paragraphs (a) and (b) of subsection (2) of the foregoing section, shall direct the Minister to register the applicant. Appeals against a refusal to register, requirements, and cancellations.

(2) Any person aggrieved by any requirements imposed on him under subsection (4) of the foregoing section, by his being registered for a period, or by the shortness of the period for which he is registered, may appeal to a magistrates' court acting as aforesaid; and the court may vary or cancel the requirements or give directions to the Minister as to the duration of the registration, as the case may require.

(3) Where the Minister cancels a registration under this Act, the person registered may appeal to a magistrates' court acting as aforesaid; and the court, if satisfied that grounds did not exist for the cancellation of the registration or, in the case of cancellation for a breach of a requirement or failure to furnish information, that the registration ought not to have been cancelled, shall annul the cancellation.

(4) The time within which such an appeal may be brought shall be twenty-one days from the sending, in pursuance of subsection (8) of the foregoing section, of the relevant notice or certificate to the person appealing.

(5) An appeal shall lie to quarter sessions from the decision of a magistrates' court under this section.

(6) The cancellation of a registration under this Act shall not have effect until the time for appealing has expired or, if an appeal is brought, until either the appeal is abandoned or all proceedings thereon or in consequence thereof are determined.

(7) In the application of this section to Scotland, for references to a magistrates' court acting for the petty sessions area comprising the appellant's place of business there shall be substituted references to the sheriff having jurisdiction in the place where the appellant's place of business is situated, and subsection (5) shall be omitted.

4.—(1) The references in subsection (1) of section one of this Act to blind or otherwise disabled persons are references to persons under any disability, whether physical or mental, attributable to illness, injury, imperfect development or congenital deformity. Interpretation of references to disablement.

A.D. 1958 (2) The references in this Act to substantially disabled persons are references to persons substantially handicapped, whether permanently or not, by any such disability as aforesaid.

Short title
and extent.

5.—(1) This Act may be cited as the Trading Representations (Disabled Persons) Act, 1958.

5

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

Trading Representations (Disabled Persons)

A B I L L

INTITLED

An Act to control the making of representations by traders with respect to the employment or assistance of blind or other disabled persons in connection with the production, preparation, packing or sale of goods, and for purposes connected therewith.

Brought from the Commons 23rd June 1958

Ordered to be printed 23rd June 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net

(119)

(37932)

Tribunals and Inquiries Bill [H.L.]

EXPLANATORY MEMORANDUM

The Bill implements some of the recommendations made by the Committee on Administrative Tribunals and Enquiries (Cmnd. 218).

Clause 1 provides for the appointment by the Lord Chancellor and the Secretary of State for Scotland of an advisory Council on Tribunals to keep under review the constitution and working of the tribunals listed in the First Schedule, and to report on particular matters referred to it relating to any tribunals (other than the ordinary courts) or to administrative procedures involving an inquiry or hearing. The Council will have a Scottish Committee to consider Scottish tribunals and procedures. The Council may make general recommendations on the membership of tribunals listed in the First Schedule (*Clause 4*) and must be consulted by the rule-making authority on rules of procedure for them (*Clause 7*).

The Bill also confers on the Lord Chancellor or the Lord President of the Court of Session responsibility for Chairmen of tribunals who up till now have been appointed by Ministers (*Clause 3*), and requires the Lord Chancellor's or Lord President's consent to the dismissal of members of tribunals (*Clause 5*). Chairmen of certain appellate tribunals are required to have legal qualifications (*Clause 6*). *Clause 8* provides for appeal on a point of law from decisions of certain tribunals to the High Court or Court of Session. *Clause 9* empowers the Lord Chancellor and the Secretary of State to extend the provisions of the Bill to additional tribunals.

Clause 10 removes statutory bars to the supervisory jurisdiction of the High Court and Court of Session. *Clause 11* repeals certain restrictions on appeals from the Court of Session to the House of Lords.

Tribunals and Inquiries Bill [H.L.]

MARSHALLED LIST
OF
AMENDMENTS
TO BE MOVED ON REPORT

9th May, 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 4d. net
(46 SS) (37642)

Tribunals and Inquiries Bill [H.L.]

[AS AMENDED ON REPORT]

ARRANGEMENT OF CLAUSES

Clause

1. Council on Tribunals.
2. Reports of, and references to, Council and Scottish Committee.
3. Chairmen etc. of certain tribunals: appointment by Lord Chancellor or Lord President.
4. Recommendations of Council as to appointment of members of tribunals.
5. Concurrence of Lord Chancellor or Lord President required to removal of members of tribunals.
6. Legal qualifications for certain tribunals.
7. Council to be consulted before making procedural rules.
8. Appeals from certain tribunals.
9. Application of Act to additional tribunals.
10. Extension of supervisory powers of superior courts.
11. Repeal of restrictions on appeals from Court of Session to House of Lords.
12. Interpretation.
13. Repeals.
14. Commencement.
15. Short title.

SCHEDULES:

First Schedule—Tribunals under general supervision of Council.

Part I—Tribunals under direct supervision of Council.

Part II—Tribunals under supervision of Scottish Committee.

Second Schedule—Enactments repealed.

Part I—Enactments repealed as from passing of Act.

Part II—Enactments repealed as from appointed day.

A
B I L L

INTITULED

An Act to constitute a Council on Tribunals ; to make further provision as to the appointment, qualifications and removal of the chairman and members, and as to the procedure, of certain tribunals ; to provide for appeals to the courts from decisions of, or on appeal from, certain tribunals; to extend the supervisory powers of the High Court and the Court of Session; to abolish certain restrictions on appeals from the Court of Session to the House of Lords; and for purposes connected with the matters aforesaid. A.D. 1958

BE it enacted by the Queen'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) There shall be a council, entitled the Council on Tribunals, — Council on
Tribunals.

- 10 (a) to keep under review the constitution and working of the tribunals specified in the First Schedule to this Act (being the tribunals constituted under or for the purposes of the statutory provisions specified in that Schedule), and, from time to time, to report on their constitution and working;
- 15 (b) to consider and report on such particular matters as may be referred to the Council under this Act with respect to tribunals other than the ordinary courts of law, whether or not specified in the First Schedule to this Act, or any such tribunal, or with respect to administrative procedures involving an inquiry or hearing.

A.D. 1958

determine to be of special importance, with respect to administrative procedures involving, or which may involve, the holding by or on behalf of a Minister of a statutory inquiry, or any such procedure.

(2) The Council on Tribunals (hereinafter referred to as “the Council”) shall consist of not more than fifteen nor less than ten members appointed by the Lord Chancellor and the Secretary of State, and one of the members shall be so appointed to be chairman of the Council. 5

(3) There shall be a Scottish Committee of the Council (hereinafter referred to as “the Scottish Committee”) which shall consist of either two or three members of the Council designated by the Secretary of State and either three or four persons, not being members of the Council, appointed by the Secretary of State; and the Secretary of State shall appoint one of the members of the Scottish Committee (being a member of the Council) to be chairman of the Scottish Committee. 10 15

(4) In appointing members of the Council regard shall be had to the need for representation of the interests of persons in Wales. 20

(5) The members of the Council and the persons appointed to be members of the Scottish Committee shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Ministers or Minister by whom they were appointed; and any such member who ceases to hold office shall be eligible for re-appointment. 25

(6) There shall be paid to the chairman of the Council and the chairman of the Scottish Committee such salaries, and to the other members of the Council and of the Scottish Committee such fees (if any), as may be determined by the Treasury. 30

(7) The salaries and fees payable under the foregoing subsection, together with such expenses of the Council and of the Scottish Committee (including subsistence allowances for and travelling expenses of their members) as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament. 35

(8) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain commissions and other bodies all members of which are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if after the entry relating to the Commonwealth Telecommunications Board there were inserted “The Council on Tribunals” and after the entry relating to the Restrictive Practices Court there were inserted “The Scottish Committee of the Council on Tribunals”. 40 45

2.—(1) Subject to the provisions of this section, any report by, or reference to, the Council shall be made to, or as the case may be by, the Lord Chancellor and the Secretary of State.

A.D. 1958
Reports of, and
references to,
Council and
Scottish
Committee.

(2) A reference to the Council of a particular matter relating only to England and Wales may be made by the Lord Chancellor, and a reference to the Council of a particular matter relating only to Scotland may be made by the Secretary of State; and the report of the Council on a reference so made shall be made to the Minister making the reference.

(3) The Council shall not make a report on any such tribunal as is specified in Part II of the First Schedule to this Act, or on any matter referred to the Council by the Secretary of State, until the Council have referred the matter of the report for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee.

(4) Where, without any reference having been made to them, the Council report on a particular matter, then—

- (a) if the matter relates only to England and Wales, subsection (2) of this section shall apply as if the matter had been referred to the Council by the Lord Chancellor,
- (b) if the matter relates only to Scotland, the two foregoing subsections shall apply as if the matter had been referred to them by the Secretary of State.

(5) The Scottish Committee may of its own motion make a report to the Council with respect to the constitution or working of any such tribunal as is specified in Part II of the First Schedule to this Act or with respect to any particular matter falling within paragraph (c) of subsection (1) of the foregoing section and relating only to Scotland.

(6) If the Council, in reporting on any matter which they have referred to the Scottish Committee or on which that Committee has reported to the Council of its own motion, do not adopt the report of that Committee without modification, or if the Council do not make a report on matters on which the Scottish Committee has reported to the Council of its own motion, the Scottish Committee may submit its report to the Secretary of State.

(7) The Council shall make an annual report to the Lord Chancellor and the Secretary of State on their proceedings and those of the Scottish Committee, and the Lord Chancellor and the Secretary of State shall lay the annual report before Parliament with such comments (if any) as they think fit.

A.D. 1958
Chairmen etc.
of certain
tribunals:
appointment
by Lord
Chancellor
or Lord
President.

3.—(1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor. 5

(2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment. 10

(3) Subsection (1) of this section applies to any such tribunal as is specified in paragraph 9, sub-paragraph (a) of paragraph 11, sub-paragraph (a) or (b) of paragraph 12, sub-paragraph (a), (b) or (e) of paragraph 13 or paragraph 19 of the First Schedule to this Act. 15

(4) One of the members of any such board of referees as is specified in paragraph 3 of the First Schedule to this Act shall be designated by the appropriate authority to be chairman of the board; and that member, and any such single referee as is specified in the said paragraph 3, shall be a person selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor. 20

(5) The person or persons constituting any such tribunal as is specified in paragraph 8 of the First Schedule to this Act shall be appointed by the Lord Chancellor, and where such a tribunal consists of more than one person the Lord Chancellor shall designate which of them is to be the chairman. 25

(6) In this section “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question. 30

(7) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.

(8) This section shall come into operation on the appointed day; but— 35

(a) any person appointed by the appropriate authority before that day to be chairman of any tribunal to which subsection (1) of this section applies shall on and after that day and during the continuance of his appointment be deemed to be a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal and to have been selected by the appropriate authority to be chairman of the tribunal; 40

(b) any person appointed by the appropriate authority before that day to be a member of a panel from which apart from this Act the chairman of the tribunal would fall to be selected shall on and after that day and during the continuance of his appointment be deemed to be a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal;

A.D. 1958

(c) any power to terminate any such appointment as is mentioned in the two foregoing paragraphs shall be exerciseable by, and only by, the Lord Chancellor.

(9) The following provisions shall have effect for the application of this section to Scotland:—

(a) in relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session;

(b) subsection (1) of this section shall apply, with the substitution aforesaid, to any such tribunal as is specified in paragraph 34 of the First Schedule to this Act.

4.—(1) Without prejudice to the generality of paragraph (a) of subsection (1) of section one of this Act, the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any such tribunals as are specified in the First Schedule to this Act or of panels constituted for the purposes of any such tribunals; and (without prejudice, however, to any statutory provision having effect with respect to such appointments) the appropriate Minister shall have regard to recommendations under this section.

Recommendations of Council as to appointment of members of tribunals.

(2) In this section “the appropriate Minister” means, in relation to appointments of any description, the Minister making the appointments or, if they are not made by a Minister, the Minister in charge of the Government Department concerned with the tribunals in question.

(3) The following provisions shall have effect as respects any such tribunal as is specified in Part II of the First Schedule to this Act:—

(a) the Council shall not make any such recommendations as aforesaid until they have referred the matter of the recommendations for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee;

A.D. 1958

- (b) without prejudice to the generality of subsection (4) of section two of this Act, the Scottish Committee may of its own motion propose any such general recommendations as aforesaid as expedient to be made by the Council to the appropriate Minister; 5
- (c) if the Council, in making recommendations under this section on any matter which they have referred to the Scottish Committee or on which that Committee has made proposals, do not adopt the report or proposals of that Committee without modification, or if the 10 Council do not make recommendations on matters on which the Scottish Committee has made proposals to the Council, the Scottish Committee may submit its report or proposals to the Secretary of State.

Concurrence
of Lord
Chancellor
or Lord
President
required to
removal of
members of
tribunals.

5. No power of a Minister other than the Lord Chancellor to 15 terminate a person's membership of any such tribunal as is specified in the First Schedule to this Act, or of a panel constituted for the purposes of any such tribunal, shall be exercisable except with the consent of—

- (a) the Lord Chancellor and the Lord President of the Court 20 of Session, if the tribunal sits both in Scotland and in England or Wales;
- (b) the Lord Chancellor, if the tribunal does not sit in Scotland;
- (c) the Lord President of the Court of Session, if the tribunal 25 sits only in Scotland:

Provided that this section shall not apply to any such tribunal as is specified in sub-paragraph (a) of paragraph 10, paragraph 15, sub-paragraph (b) of paragraph 20, paragraph 21, paragraph 26 or sub-paragraph (a) of paragraph 31 of the First Schedule to 30 this Act.

Legal
qualifications
for certain
tribunals.

6. A person shall not be qualified to be appointed umpire or deputy umpire under subsection (4) of section forty-one of the National Service Act, 1948, or to be appointed chairman or deputy chairman of the appellate tribunal constituted under the 35 Fourth Schedule to that Act, unless he is a barrister, advocate or solicitor of not less than ten years standing.

Council to be
consulted
before making
procedural
rules.

7.—(1) No power of a Minister or of the Lord President of the Court of Session to make, approve, confirm or concur in procedural rules for any such tribunal as is specified in the First 40 Schedule to this Act shall be exercisable except after consultation with the Council.

(2) The Council, in the exercise of their functions under this section as respects any such tribunal as is specified in Part II of

the First Schedule to this Act, shall consult with the Scottish Committee. A.D. 1953

(3) In this section "procedural rules" includes any statutory provision relating to the procedure of the tribunal in question.

5 (4) This section shall come into operation on the appointed day.

8.—(1) If any party to proceedings before any such tribunal as is specified in paragraph 2, 3, 4 or 8, sub-paragraph (b) of paragraph 10, or paragraph 14, 18, 19 or 23 of the First Schedule Appeals from certain tribunals.
10 to this Act is dissatisfied in point of law with a decision of the tribunal given on or after the appointed day he may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.

15 (2) Rules of court made with respect to all or any of the said tribunals may provide for authorising or requiring a tribunal, in the course of proceedings before it taking place on or after the appointed day, to state, in the form of a special case for the decision of the High Court, any question of law arising in the
20 proceedings, and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the Court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine
25 appeals from any judgment of the High Court).

(3) In relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules prescribing the powers of the High Court or the Court of Appeal with
30 respect to—

(a) the giving of any decision which might have been given by the tribunal;

(b) the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the
35 tribunal;

(c) the giving of directions to the tribunal,
and different provisions may be made for different tribunals.

(4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of subsection (1) of section
40 sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925 as requires appeals to the High Court to be heard and determined by a Divisional Court, but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

A.D. 1958 (5) No appeal shall lie from a decision of the Court of Appeal on an appeal by virtue of this section.

(6) Subsection (1) of this section shall apply to a decision of the Minister of Transport and Civil Aviation on an appeal from the traffic commissioners for any traffic area or the traffic commissioner for the metropolitan traffic area as it applies to a decision of any of the tribunals mentioned in that subsection, but with the substitution for the reference to a party to proceedings of a reference to any person who had, or if aggrieved would have had, a right to appeal to that Minister (whether or not he has exercised that right); and accordingly references in subsections (1) and (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Minister of Transport and Civil Aviation.

(7) The following provisions shall have effect for the application of this section to Scotland:—

(a) in relation to any proceedings in Scotland of any of the tribunals referred to in the foregoing provisions of this section, or to a decision of the Minister of Transport and Civil Aviation on an appeal from proceedings in Scotland of traffic commissioners, this section shall have effect with the following modifications, that is to say,—

(i) for references to the High Court or the Court of Appeal there shall be substituted references to the Court of Session;

(ii) in subsection (2) for the words “in the form of a special case for the decision of the High Court” there shall be substituted the words “a case for the opinion of the Court of Session on” and the words from “and a decision” to the end of the subsection shall be omitted;

(iii) subsection (4) shall be omitted;

(b) this section shall apply, subject to the modifications specified in the foregoing paragraph, to proceedings before any such tribunal as is specified in sub-paragraph (b) of paragraph 31, or paragraph 32 or 34 of the First Schedule to this Act as it applies to proceedings before the tribunals referred to in subsection (1) of this section.

(8) In this section the expression “decision” includes any direction or order, and references to the giving of a decision shall be construed accordingly.

Application
of Act to
additional
tribunals.

9.—(1) The Lord Chancellor and the Secretary of State may by order made by them by statutory instrument direct that Part I or Part II of the First Schedule to this Act shall have effect as if there were specified therein any such tribunals, other than any of the ordinary courts of law, as may be provided by the order.

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(2) The Lord Chancellor and the Secretary of State may by order made by them as aforesaid make provision, as respects any such tribunal as is for the time being specified in the First Schedule to this Act, not being a tribunal mentioned in section 5 three of this Act, for applying any of the provisions of that section to the tribunal or for providing for the appointment by the Lord Chancellor or the Lord President of the Court of Session of the chairman of the tribunal and of any person to be appointed to act as chairman.

10 (3) The Lord Chancellor and the Secretary of State may by order made by them as aforesaid apply section eight of this Act to any such tribunal as is for the time being specified in the First Schedule to this Act.

15 (4) Any order under this section may make any such adaptations of the provisions of this Act as may be necessary or expedient in consequence of the order.

(5) Any order under this section may be varied or revoked by a subsequent order made by the Lord Chancellor and the Secretary of State by statutory instrument.

20 (6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10.—(1) As respects England and Wales, any provision in an Act passed before the commencement of this Act that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any of the powers of the High Court, shall not have effect so as to prevent the removal of the proceedings into the High Court by order of certiorari or to prejudice the powers of the High Court to make orders of mandamus:

25
30

Extension of supervisory powers of superior courts.

Provided that this subsection shall not affect Part V of the County Courts Act, 1934 or section twenty-six of the British Nationality Act, 1948, or apply to courts of summary jurisdiction or quarter sessions or where an Act makes special provision for application to the High Court within a time limited by the Act.

35

(2) As respects Scotland, any provision in an Act passed before the commencement of this Act that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any jurisdiction which the Court of Session would otherwise have to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination, shall not have effect so as to prevent the exercise of any such jurisdiction:

40

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Provided that this subsection shall not affect section twenty-six of the British Nationality Act, 1948, or apply to any order or determination of a court of law or where an Act makes special provision for application to the Court of Session within a time limited by the Act.

5

Repeal of
restrictions on
appeals from
Court of
Session to
House of
Lords.

11. The following provisions (which restrict the right of appeal from the Court of Session to the House of Lords in certain cases), as originally enacted and as applied by any other enactment, shall cease to have effect, that is to say:—

- (a) subsection (3) of section fifteen of the Town and Country 10
Planning (Scotland) Act, 1945;
- (b) sub-paragraph (2) of paragraph 15 of the First Schedule
to the Acquisition of Land (Authorisation Procedure)
(Scotland) Act, 1947;
- (c) subsection (4) of section nine of the Town and Country 15
Planning (Scotland) Act, 1947;
- (d) in paragraph (a) of subsection (12) of section three of the
Lands Tribunal Act, 1949, the words from “and no
appeal” to the end of the paragraph;
- (e) the proviso to paragraph (a) of subsection (3) of section 20
ten of the Lands Tribunal Act, 1949;
- (f) paragraph 4 of the Second Schedule to the Housing
(Scotland) Act, 1950;
- (g) sub-paragraph (2) of paragraph 9 of the First Schedule
to the Rivers (Prevention of Pollution) (Scotland) Act, 25
1951; and
- (h) sub-paragraph (2) of paragraph 9 of the First Schedule
to the Food and Drugs (Scotland) Act, 1956.

Interpretation.

12.—(1) In this Act “Minister” includes any Board presided over by a Minister, “statutory inquiry” means an inquiry or 30
hearing held or to be held in pursuance of a statutory provision, and “statutory provision” means a provision contained in, or having effect under, any enactment.

(2) References in this Act to members of tribunals include references to the person constituting a tribunal consisting of 35
one person.

(3) References in this Act to the working of, or procedural rules for, any such tribunals as are specified in paragraph 10, 15, 20, 21, 26, 31 or 35 of the First Schedule to this Act do not include references to their working or procedure in the exercise of executive 40
functions.

13. The enactments specified in the Second Schedule to this A.D. 1958 Act are hereby repealed to the extent specified in the third column Repeals. of that Schedule,—

- 5 (a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act,
 (b) in the case of the enactments specified in Part II thereof, as from the appointed day.

14. In this Act the expression “the appointed day” means Commence- such day as the Lord Chancellor and the Secretary of State may ment.
10 by order made by statutory instrument appoint, and different days may be appointed for different provisions of this Act.

15. This Act may be cited as the Tribunals and Inquiries Short title. Act, 1958.

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SCHEDULES

Sections 1, 2, 3,
4, 5, 7, 8, 9, 12.

FIRST SCHEDULE

TRIBUNALS UNDER GENERAL SUPERVISION OF COUNCIL

PART I

TRIBUNALS UNDER DIRECT SUPERVISION OF COUNCIL

5

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	
Agriculture	1. (a) The Agricultural Land Tribunals established under section seventy-three of the Agriculture Act, 1947; 10 (b) arbitrators appointed (otherwise than by agreement) under the Sixth Schedule to the Agricultural Holdings Act, 1948.	
Children's voluntary homes.	2. Appeal tribunals constituted in accordance with section thirty of, and Part I of the First Schedule to, the Children Act, 1948.	15
Compensation for loss of office or employment, and pensions.	3. Referees and boards of referees constituted under the statutory provisions specified in the Annex to this Part of this Schedule.	20
Education	4. Independent Schools Tribunals constituted under section seventy-two of, and the Sixth Schedule to, the Education Act, 1944.	25
Forestry	5. Committees appointed for the purposes of section seven or eight of the Forestry Act, 1951, being committees the members of which are appointed by the Minister of Agriculture, Fisheries and Food.	30
Land	6. The Lands Tribunal constituted under paragraph (b) of subsection (1) of section one of the Lands Tribunal Act, 1949.	
Milk and dairies ...	7. Tribunals constituted under regulations made under, or having effect as if made under, Part II of the Food and Drugs Act, 1955.	35
Mines and Quarries...	8. Tribunals for the purposes of section one hundred and fifty of the Mines and Quarries Act, 1954.	40
National Assistance, etc.	9. The appeal tribunals constituted in accordance with the Fifth Schedule to the National Assistance Act, 1948.	

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	A.D. 1958
5 National Health Service.	10. (a) Executive Councils constituted under subsections (1) and (2) of section thirty-one of the National Health Service Act, 1946, and joint committees constituted under subsection (4) of that section;	1ST SCH. —cont.
10	(b) the tribunal constituted under section forty-two of the National Health Service Act, 1946;	
15	(c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service Act, 1946.	
20 National Insurance ...	11. (a) Local tribunals constituted under regulations under subsection (1) of section forty-three of the National Insurance Act, 1946;	
25	(b) the National Insurance Commissioner, any deputy Commissioner appointed under subsection (3) of section forty-three of the National Insurance Act, 1946, and any tribunal presided over by the Commissioner or a deputy Commissioner.	
30 National Insurance (Industrial Injuries).	12. (a) Local appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act, 1946;	
35	(b) medical appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act, 1946;	
40	(c) the Industrial Injuries Commissioner appointed under subsection (1) of section forty-two of the National Insurance (Industrial Injuries) Act, 1946, any deputy Commissioner so appointed and any tribunal constituted under regulations under paragraph (a) of subsection (2) of that section.	
45 National service ...	13. (a) The Military Service (Hardship) Committees constituted under the Third Schedule to the National Service Act, 1948;	
	(b) the local tribunals constituted under the Fourth Schedule to the National Service Act, 1948;	

A.D. 1958 1ST SCH. —cont.	<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	
	National service—cont.	(c) the appellate tribunal constituted under the Fourth Schedule to the National Service Act, 1948; (d) the referees selected under the proviso to subsection (3) of section twenty-three of the National Service Act, 1948; (e) the Reinstatement Committees appointed under subsection (1) of section forty-one of the National Service Act, 1948; (f) the umpire and any deputy umpire appointed under subsection (4) of section forty-one of the National Service Act, 1948.	5 10 15
	Nurses' training institutions.	14. Persons nominated under subsection (2) of section twenty-one of the Nurses Act, 1957.	20
	Patents, designs and trade marks.	15. The comptroller-general of patents, designs, and trade marks, and any officer authorised to exercise the functions of the comptroller under subsection (3) of section sixty-two of the Patents and Designs Act, 1907.	25
	Pensions	16. (a) Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act, 1943, being tribunals appointed for England and Wales; (b) tribunals appointed under regulations under section one of the Police Pensions Act, 1948, to hear appeals by such persons as are mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945.	30 35
	Performing rights ...	17. The Performing Right Tribunal established under section twenty-three of the Copyright Act, 1956.	
	Prevention of fraud (investments).	18. The tribunal of inquiry constituted under section six of the Prevention of Fraud (Investments) Act, 1939.	40
	Rents	19. Tribunals constituted under section one of the Furnished Houses (Rent Control) Act, 1946.	45
	Revenue	(a) The Commissioners for the general purposes of the income tax acting under section six of the Income Tax Act, 1952 for any division in England or Wales;	50

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	A.D. 1958 1ST SCH. —cont.
Revenue—cont.		
5	(b) the Commissioners for the special purposes of the Income Tax Acts appointed by or under section eight of the Income Tax Act, 1952;	
	(c) any Commissioners acting in England or Wales in pursuance of section eleven of the Income Tax Act, 1952;	
10	(d) the Board of Referees appointed for the purposes of section two hundred and eighty-seven of the Income Tax Act, 1952.	
15 Road Traffic ...	21. (a) The traffic commissioners for any area appointed under Part IV of the Road Traffic Act, 1930 and the traffic commissioner so appointed for the metropolitan traffic area;	
20	(b) the licensing authority for the purposes of Part I of the Road and Rail Traffic Act, 1933.	
Transport charges and carriers' licences.	22. The Transport Tribunal established under subsection (1) of section twenty of the Railways Act, 1921.	
25 Wireless telegraphy ...	23. The tribunal established under section nine of the Wireless Telegraphy Act, 1949.	

ANNEX

STATUTORY PROVISIONS FOR TRIBUNALS SPECIFIED IN PARAGRAPH 3
OF THIS PART OF THIS SCHEDULE

- 30 Regulations under section thirty-seven of the Coal Industry Nationalisation Act, 1946.
- Regulations under section sixty-seven of the National Insurance Act, 1946.
- 35 Regulations under section sixty-eight of the National Health Service Act, 1946 or orders under subsection (9) of section eleven or subsection (5) of section thirty-one of that Act.
- Regulations under section sixty-seven of the National Health Service (Scotland) Act, 1947.
- Regulations under the Fifth Schedule to the Fire Services Act, 1947.
- 40 Regulations under the Transport Act, 1947 and the Transport Act, 1953.

A.D. 1958
1ST SCH.
—cont.

Regulations under section one hundred and one of the Town and Country Planning Act, 1947.

Subsections (3) and (5) of section fifty-four of the Electricity Act, 1947 and regulations under section fifty-five of that Act or that section as applied by section twenty-seven of the Electricity Act, 1957. **5**

Regulations under section one hundred and forty of the Local Government Act, 1948 or such regulations as applied by any Local Act, whether passed before or after this Act.

Regulations under subsection (1) or (2) of section sixty of the National Assistance Act, 1948. **10**

Subsection (6) of section twenty-nine of the River Boards Act, 1948 and regulations under section thirty of that Act.

Rules under section three of the Superannuation (Miscellaneous Provisions) Act, 1948.

Subsections (3) and (5) of section fifty-eight of the Gas Act, 1948 and regulations under section sixty of that Act. **15**

Regulations under section forty-two of the Justices of the Peace Act, 1949.

Subsection (4) of section six of the Commonwealth Telegraphs Act, 1949 and regulations under sections six and seven of that Act. **20**

Regulations under section twenty-five of the Prevention of Damage by Pests Act, 1949.

Regulations under section twenty-four of the Iron and Steel Act, 1953.

Regulations under section twelve of the Electricity Re-organisation (Scotland) Act, 1954. **25**

PART II

TRIBUNALS UNDER SUPERVISION OF SCOTTISH COMMITTEE

- | | | | | |
|-------------------|-----------|-----|--|-----------|
| Agriculture | ... | ... | 24. Arbiters appointed (otherwise than by agreement) under section seventy-seven of, or the Sixth Schedule to, the Agricultural Holdings (Scotland) Act, 1949. | 30 |
| Children's homes. | voluntary | 25. | Appeal tribunals constituted in accordance with section thirty of, and Part II of the First Schedule to, the Children Act, 1948. | 35 |
| Crofters | ... | ... | 26. The Crofters Commission constituted under section one of the Crofters (Scotland) Act, 1955. | |
| Education | ... | ... | 27. Independent Schools Tribunals constituted under section one hundred and eleven of, and the Fifth Schedule to, the Education (Scotland) Act, 1946. | 40 |

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	A.D. 1958 1st SCH. —cont.
Forestry ... 5	28. Committees appointed for the purposes of section seven or eight of the Forestry Act, 1951, being committees the members of which are appointed by the Secretary of State.	
Land ... 10	29. Official arbiters appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.	
Milk and dairies ... 15	30. Tribunals constituted under orders made under, or having effect as if made under, section eleven of the Milk (Special Designations) Act, 1949.	
National Health Service. 20	31. (a) Executive Councils constituted under subsections (1) and (2) of section thirty-two of the National Health Service (Scotland) Act, 1947, and joint committees constituted under subsection (4) of that section; (b) the tribunal constituted under section forty-three of the National Health Service (Scotland) Act, 1947; (c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service (Scotland) Act, 1947.	
Nurses' training institutions. 30	32. Persons nominated under subsection (2) of section twenty-four of the Nurses (Scotland) Act, 1951.	
Pensions ... 35	33. Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act, 1943, being tribunals appointed for Scotland.	
Rents ... 40	34. Tribunals constituted under section one of, and the Schedule to, the Rent of Furnished Houses Control (Scotland) Act, 1943.	
Revenue ... 45	35. (a) The Commissioners for the general purposes of the income tax acting under section six of the Income Tax Act, 1952 for any division in Scotland; (b) any Commissioners acting in Scotland in pursuance of section eleven of the Income Tax Act, 1952; (c) referees selected for the purposes of section thirty-three of the Finance (1909–10) Act, 1910.	

A.D. 1958
Section 13.

SECOND SCHEDULE

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED AS FROM PASSING OF ACT

Chapter and Session	Short Title	Extent of Repeal	5
10 & 11 Geo. 6. c. 42.	The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	In the First Schedule, in paragraph 15, sub-paragraph (2).	
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	In section nine, subsection (4).	10
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act, 1949.	In section three, in subsection (12), in paragraph (a), the words from "and no appeal" to the end; in section ten, in subsection (3), the proviso to paragraph (a).	15
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In the Second Schedule, paragraph 4.	20
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act, 1951.	In the First Schedule, in paragraph 9, sub-paragraph (2).	
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act, 1956.	In the First Schedule, in paragraph 9, sub-paragraph (2).	25

PART II

ENACTMENTS REPEALED AS FROM APPOINTED DAY

Session and Chapter	Short Title	Extent of Repeal	30
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section one hundred and two, in subsection (6), the words "shall be final".	
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section sixty-one, in subsections (3) and (5), the words "and shall be final and conclusive".	35
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947.	In section ninety-nine, in subsection (2), the words "and the decision of that referee or board shall be final". In section one hundred and one, in subsection (3), the words from "and where any such provision" to the end.	40 45

A.D. 1958
2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
5 10 & 11 Geo. 6. c. 54.	The Electricity Act, 1947.	In section fifty-four, in subsections (3) and (5), the words "and the decision of that referee or board shall be final". In section fifty-five, in subsection (5), the words from "and where any such provision" to the end.
10 11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In section twenty-nine, in subsection (6), the words "and the decision of the referee or board of referees shall be final".
15 11 & 12 Geo. 6. c. 64.	The National Service Act, 1948.	In section forty-one, in paragraph (a) of subsection (2), the words from "from a panel" to "Committees". In the Third Schedule, the words from "The chairman" to the end.
20 11 & 12 Geo. 6. c. 67.	The Gas Act, 1948.	In section fifty-eight, in subsections (3) and (5), the words "and the decision of that referee or board shall be final".
25 12, 13 & 14 Geo. 6. c. 39.	The Commonwealth Telegraphs Act, 1949.	In section sixty, in subsection (5), the words from "and where any such provision" to the end.
30 1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953.	In section six, in subsection (4), the words "and the decision of that referee or board shall be final". In section seven, in subsection (2), the words from "and, upon a reference" to the end.
35 1 & 2 Eliz. 2. c. 15.	The Iron and Steel Act, 1953.	In section twenty-seven, in subsection (4), the words "the decision of the referee or board of referees shall be final, and". In section twenty-eight, in subsection (3), the words "the decision of the referee or board of referees shall be final and".
40 5 & 6 Eliz. 2. c. 48.	The Electricity Act, 1957.	In section twenty-four, in subsection (3), the words from "and where any such provision" to the end.
45		In section twenty-seven, subsection (4).

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Patents and Designs Act, 1907	7 Edw. 7. c. 29.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Railways Act, 1921	11 & 12 Geo. 5. c. 55.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Prevention of Fraud (Investments) Act, 1939	2 & 3 Geo. 6. c. 16.
Pensions Appeal Tribunals Act, 1943	6 & 7 Geo. 6. c. 39.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Furnished Houses (Rent Control) Act, 1946	9 & 10 Geo. 6. c. 34.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Acquisition of Land (Authorization Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Milk (Special Designations) Act, 1949	12, 13 & 14 Geo. 6. c. 34.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Wireless Telegraphy Act, 1949	12, 13 & 14 Geo. 6. c. 54.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
House of Commons (Redistribution of Seats) Act, 1949	12, 13 & 14 Geo. 6. c. 66.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.

Table of Statutes referred to in this Act—continued

A.D. 1958

Short Title	Session and Chapter
Nurses (Scotland) Act, 1951	14 & 15 Geo. 6. c. 55.
Forestry Act, 1951	14 & 15 Geo. 6. c. 61.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Transport Act, 1953	1 & 2 Eliz. 2. c. 13.
Iron and Steel Act, 1953	1 & 2 Eliz. 2. c. 15.
Electricity Reorganization (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 60.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 30.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Nurses Act, 1957... ..	5 & 6 Eliz. 2. c. 15.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.
Electricity Act, 1957	5 & 6 Eliz. 2. c. 48.

Tribunals and Inquiries [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to constitute a Council on Tribunals; to make further provision as to the appointment, qualifications and removal of the chairman and members, and as to the procedure, of certain tribunals; to provide for appeals to the courts from decisions of, or on appeal from, certain tribunals; to extend the supervisory powers of the High Court and the Court of Session; to abolish certain restrictions on appeals from the Court of Session to the House of Lords; and for purposes connected with the matters aforesaid.

The Lord Chancellor

Ordered to be printed 13th May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 3d. net

92)

(37790)

Tribunals and Inquiries Bill [H.L.]

Amend-
ment
No.

COMMONS AMENDMENTS

[The references are to Bill (125) as first printed for the House of Commons.]

In the Title

- 1 Line 6, after (" tribunals; ") insert (" to require the giving of reasons for certain decisions of tribunals and Ministers; ")
- 2 Line 9, after (" Lords; ") insert (" to make further provision with respect to the appointment and qualifications of General Commissioners of Income Tax, and provision for the payment of allowances to General and Additional Commissioners; ")

Clause 1

- 3 Page 1, line 18, leave out (" particular ")
- 4 Page 2, line 41, after (" Act)") insert (" and the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, ")
- 5 Page 2, line 41, leave out from (" effect ") to (" as ") in line 42
- 6 Page 2, line 46, at end insert—
(" (9) Nothing in subsection (1) of this section shall authorise or require the Council to deal with any matter with respect to which the Parliament of Northern Ireland has power to make laws.")

Clause 2

- 7 Page 3, line 4, leave out (" particular ")
- 8 Page 3, line 6, leave out (" particular ")
- 9 Page 3, line 17, leave out (" a particular matter ") and insert (" any such matter as is mentioned in paragraph (c) of subsection (1) of section one of this Act, ")
- 10 Page 3, line 27, leave out (" particular ")

Amend-
ment
No.**Clause 3****11** Page 5, line 20, at end insert—

(“ (10) In relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Northern Ireland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord Chief Justice of Northern Ireland.”)

Clause 5**12** Page 6, line 19, at end insert—

(“() the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, if the tribunal sits in all parts of the United Kingdom; ”)

13 Page 6, line 21, leave out from (“ sits ”) to end of line 22 and insert (“ in all parts of Great Britain; ”)

() the Lord Chancellor and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland; ”)

14 Page 6, line 23, leave out (“ in Scotland ”) and insert (“ outside England and Wales; ”)**15** Page 6, line 26, at end insert—

(“() the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland: ”)

After Clause 6**16** Insert the following new Clause—

(“ .—(1) Vacancies among the General Commissioners occurring after the appointed day, being vacancies which under the First Schedule to the Income Tax Act, 1952 would fall to be supplied by persons named in lists drawn up by the Land Tax Commissioners, shall be supplied by persons appointed by the Lord Chancellor; and accordingly—

(a) paragraphs 1 and 4, and sub-paragraph 1 of paragraph 5, of Part I of that Schedule shall not have effect in relation to such vacancies;

(b) in paragraph 2 of the said Part I the words ‘ and the number of persons to supply vacancies, respectively ’ shall cease to have effect, as respects divisions in England and Wales, as from the appointed day.

In this section ‘ General Commissioners ’ and ‘ division ’ have the same meanings as in the Income Tax Act, 1952.

(2) The property qualification for General Commissioners and Additional Commissioners is hereby abolished.

(3) General Commissioners and Additional Commissioners shall be entitled to receive out of moneys provided by Parliament payments by way of travelling allowance or lodging allowance of such amounts and in such circumstances as may be determined by the Treasury.”)

General
Commissioners of
Income
Tax:
appoint-
ment and
qualifica-
tions.

Clause 8

- 17** Page 8, line 1, leave out subsection (5).
- 18** Page 8, line 38, at end insert (“ and
(c) an appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.”)
- 19** Page 8, line 38, at end insert—
(“ () In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) of this section, this section shall have effect with the following modifications, that is to say:—
(a) in subsection (2) for the words ‘ section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 ’ there shall be substituted the words ‘ section twenty-four of the Supreme Court of Judicature Act (Ireland), 1877 ’;
(b) in subsection (4) for the words ‘ may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court ’ there shall be substituted the words ‘ shall provide that the appeal shall be heard or, as the case may be, the decision of the High Court shall be given, by a single judge ’.”)
- 20** Page 8, line 38, at end insert—
(“ () Her Majesty may by Order in Council direct that all or any of the provisions of this section, so far as it relates to proceedings in the Isle of Man or any of the Channel Islands of the tribunal specified in paragraph 23 of the First Schedule to this Act, shall extend to the Isle of Man or to any of the Channel Islands subject to such modifications as may be specified in the Order.”)

Clause 9

- 21** Page 9, line 7, leave out (“ or ”)
- 22** Page 9, line 8, after (“ Session ”) insert (“ or the Lord Chief Justice of Northern Ireland ”)
- 23** Page 9, line 22, at end insert—
(“ (7) Nothing in this section shall authorise the making of an order with respect to a tribunal having jurisdiction only over matters with respect to which the Parliament of Northern Ireland has power to make laws.”)

Clause 10

- 24 Page 9, line 23, after (" Wales ") insert (" or Northern Ireland,")
- 25 Page 9, line 31, leave out from (" subsection ") to end of line 35 and insert " , so far as it relates to the High Court in Northern Ireland, shall not affect any provision in its application to a matter with respect to which the Parliament of Northern Ireland has power to make laws.")
- 26 Page 10, line 1, leave out lines 1 to 5 and insert—
 (" (3) Nothing in this section shall affect section twenty-six of the British Nationality Act, 1948, or apply to any order or determination of a court of law or the Foreign Compensation Commission or where an Act makes special provision for application to the High Court or the Court of Sessions within a time limited by the Act.")

After Clause 11

- 27 Insert the following new Clause—
- . (1) Subject to the provisions of this section, where after the appointed day—
- (a) any such tribunal as is specified in the First Schedule to this Act gives any decision, or
- (b) any Minister notifies any decision taken by him after the holding by him or on his behalf of a statutory inquiry, or taken by him in a case in which a person concerned could (whether by objecting or otherwise) have required the holding as aforesaid of a statutory inquiry,
- it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested on or before the giving or notification of the decision to state the reasons:
- Provided that the statement may be refused, or the specification of the reasons restricted, on grounds of national security, and the tribunal or Minister may refuse to furnish the statement to a person not primarily concerned with the decision if of opinion that to furnish it would be contrary to the interests of any person primarily concerned.
- (2) The foregoing subsection shall not apply to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons, or to decisions of a Minister in connection with the preparation, making, approval, confirmation, or concurrence in regulations, rules, or byelaws, or orders or schemes of a legislative and not an executive character.

Reasons
to be given
for
decisions
of tribunals
and
Ministers.

After Clause 11—continued**27**
cont.

(3) Any statement of the reasons for such a decision as is mentioned in paragraph (a) or (b) of subsection (1) of this section, whether given in pursuance of that subsection or of any other statutory provision, shall be taken to form part of the decision and accordingly to be incorporated in the record.

(4) If, after consultation with the Council, it appears to the Lord Chancellor and the Secretary of State that it is expedient that decisions of any particular tribunal or any description of such decisions, or any description of decisions of a Minister, should be excluded from the operation of subsection (1) of this section on the ground that the subject-matter of such decisions, or the circumstances in which they are made, make the giving of reasons unnecessary or impracticable, the Lord Chancellor and the Secretary of State may by order direct that subsection (1) of this section shall not apply to such decisions.

(5) The power to make orders conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and any order under this section may be varied or revoked by a subsequent order made after consultation with the Council.

Clause 12

- 28** Page 10, line 31, after (" a ") insert (" duty imposed by any ")
- 29** Page 10, line 37, after (" working ") insert (" or a decision ")
- 30** Page 10, line 40, after (" working ") insert (" decisions ")

In the Schedules**First Schedule**

- 31** Page 14, line 42, leave out (" 1939 ") and insert (" 1958 ")

Second Schedule

- 32** Page 18, line 24, at end insert—

(" 15 & 16 Geo. 6
& 1 Eliz. 2,
c. 10.

The Income Tax Act,
1952.

In the First Schedule, in Part I, in paragraph 3 the words 'and without other qualification', in paragraph 5 in sub-paragraph (7) the words 'are qualified, and', in paragraph 8 the words 'duly qualified', in paragraph 10 in sub-paragraph (4) the words 'being respectively qualified under this Act', in paragraph 12 the words 'qualified as required by this Act', and paragraph 14, Part III.")

Amend-
ment
No.**Second Schedule—continued**

- | | | | |
|-----------|---|--|--|
| 33 | Page 19, line 34, at end insert—
(“ 15 & 16 Geo. 6
& 1 Eliz. 2,
c. 10. | The Income Tax Act,
1952. | In section five hundred and
twenty-six, the definition of
‘ Land Tax Commissioners ’.
In the First Schedule, in Part I,
in paragraph 5 sub-paragraphs
(2) to (6), paragraph 9, para-
graph 12, in paragraph 13 in
sub-paragraph (2) the words
‘ and the Land Tax Commis-
sioners, respectively ’.”) |
| 34 | Page 19, line 46, at end insert—
(“ 2 & 3 Eliz. 2,
c. 60. | The Electricity Re-
organisation (Scot-
land) Act, 1954. | In section twelve, in subsection (1)
the words ‘ subject to the next
following subsection ’, and sub-
section (1A).”) |
| 35 | Page 19, line 47, column 3, leave out (“ subsection (4) ”) and
insert | | (“ in subsection (3) the words
‘ Subject to the next following
subsection ’, and subsections (4)
and (5).
In the Fourth Schedule, in Part
II, the entry relating to the
Electricity Reorganisation
(Scotland) Act, 1954.”) |

Tribunals and Inquiries Bill
[H.L.]

COMMONS
AMENDMENTS

*[The references are to Bill (125) as
first printed for the House of
Commons.]*

Ordered to be printed 28th July 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net

(168)

(38152)

Trustee Savings Banks Bill

EXPLANATORY MEMORANDUM

This Bill makes a number of amendments to existing legislation on savings banks.

The maximum rate of interest payable to banks on deposits in the Ordinary Departments is increased from two pounds seventeen shillings and sixpence per cent to three pounds two shillings and sixpence per cent (Clause 1). Differential rates are to be paid to banks not participating in a mutual assistance scheme, the difference between the standard rate and the differential rates being paid into the mutual assistance account. Provision is made for a payment to the banks not exceeding three hundred thousand pounds in respect of the period which must elapse before new rates of interest can come into effect.

The law relating to investment by Special Investment Departments of Trustee Savings Banks is simplified (Clause 2) and the field of permitted investments is extended to include longer term stocks of colonial and other commonwealth governments and of local authorities. This clause also allows banks with small Special Investment Departments to invest in banks with larger Special Investment Departments.

Clause 3 simplifies the law about the management of the Fund for the Banks for Savings. The Separate Surplus Fund is abolished except for that part standing to the credit of banks which have been closed.

Clause 4 clarifies the law about the funds which a bank may use to buy premises, allows two departments of the bank to buy and hold property jointly (the two departments being the Ordinary Department and the Special Investment Department), and allows one department of a bank to transfer property for value to another. Power is given to the National Debt Commissioners to make advances out of the closed banks fund for the development of existing banks as well as for new banks (Clause 4 (7)).

Clause 5 makes minor changes in the law relating to the management of banks.

Clause 6 enables the National Debt Commissioners, with the approval of the Treasury, to authorise for superannuation purposes the reckoning of service or part of service with an uncertified bank which becomes certified.

Trustee Savings Banks Bill

ARRANGEMENT OF CLAUSES

Clause

1. Rate of interest payable to banks.
2. Powers of investing moneys received for special investment.
3. Miscellaneous amendments as to management of Fund for the Banks for Savings.
4. Amendments as to land and buildings, and as to advances out of closed banks fund.
5. Minor amendments as to management of banks.
6. Reckoning for superannuation of certain service with savings bank not certified as trustee savings bank.
7. Increase in charge on Consolidated Fund.
8. Short title, extent, etc.

SCHEDULES:

First Schedule—Securities permitted for special investments.

Second Schedule—Amendments consequential on partial abolition of separate surplus fund.

Third Schedule—Provisions of principal Act repealed by ss. 2 and 3 of this Act.

A

B I L L

INTITULED

An Act to amend the law relating to trustee savings banks. A.D. 1957

BE it enacted by the Queen'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 maximum rate of interest which may be fixed by order of the Treasury under subsection (2) of section twenty-seven of the Trustee Savings Banks Act, 1954 (in this Act referred to as "the principal Act") as the rate at which interest is to be paid or credited on sums standing to the credit of trustee savings
10 banks in the Fund for the Banks for Savings shall be three pounds two shillings and sixpence per cent., instead of two pounds seventeen shillings and sixpence per cent.

Rate of
interest
payable to
banks.

(2) So long as there is in operation a scheme prepared by the Trustee Savings Banks Association and approved by the
15 National Debt Commissioners for mutual assistance between trustee savings banks in the United Kingdom, the rate so fixed shall not apply to banks qualified to participate but not participating in that scheme, and in the case of any such bank the rate of interest under the said subsection (2) shall be such rate
20 (not exceeding the rate so fixed) as the Treasury may from time to time direct, having regard in particular to the expenses of management of that bank.

(3) The interest to be credited to the mutual assistance account under subsection (2) of section fifty-three of the principal
25 Act shall, notwithstanding subsection (2) of this section, continue to be credited at the rate fixed by order of the Treasury under

A.D. 1957 subsection (2) of section twenty-seven of that Act; and in addition to that interest there shall be credited to that account on the twenty-first day of each November and May a sum equal to that by which the interest credited to trustee savings banks for the preceding six months is reduced in consequence of subsection (2) of this section, and the sum so credited shall be treated as if it were interest credited to that account. 5

(4) The foregoing provisions of this section shall not apply to interest for any period before the twenty-first day of May, nineteen hundred and fifty-eight; but the interest to be credited to the mutual assistance account on that day shall be increased by such amount not exceeding three hundred thousand pounds as the Treasury may direct, having regard in particular to the previous limit on the rate of interest under subsection (2) of section twenty-seven of the principal Act. 15

(5) Notwithstanding subsection (2) of this section, the interest to be paid by the Commissioners to the account of the Minister of Transport and Civil Aviation on money representing deposits in seamen's savings banks under subsection (2) of section one hundred and forty-nine of the Merchant Shipping Act, 1894 (which requires interest to be paid at the same rate as on the money received from trustee savings banks), shall continue to be paid at the rate fixed by order of the Treasury under subsection (2) of section twenty-seven of the principal Act. 20

Powers of
investing
moneys
received for
special
investment.

2.—(1) Subject to any regulations made in that behalf by the Treasury by statutory instrument and to the powers of control conferred on the Commissioners by section forty of the principal Act, the trustees of a trustee savings bank may invest moneys received for special investment in any such security as is mentioned in the First Schedule to this Act. 25 30

(2) Notwithstanding anything in the principal Act, the Commissioners may, on the application of the trustees of a trustee savings bank, authorise all or any of the moneys received by the trustees for special investment to be paid to and received by the trustees of another trustee savings bank for special investment, but subject to the following conditions:— 35

(a) a bank shall not be permitted to make a payment under this subsection if its total liabilities to depositors in respect of special investments apart from this subsection are more than one million pounds or if the amounts standing to its credit with other banks under this subsection would with that payment be more than two hundred thousand pounds; 40

A.D. 1957

5 (b) a bank shall not be permitted to receive a payment under this subsection if its total liabilities to depositors in respect of special investments apart from this subsection are less than four million pounds or less than ten times the amount which its total liabilities to other banks in respect of special investments under this subsection would attain with that payment ;

10 (c) the terms of any investment by one bank with another under this subsection shall be stated in the application to the Commissioners and shall be such as may be agreed between the banks concerned, except that—

15 (i) the money shall be repayable by the bank receiving it on six months or some shorter notice, and on one month or some shorter notice if the trustees of the other bank certify that it is necessary for them to call in investments in order to meet an unusual demand on the bank ; and

20 (ii) the rate of interest shall be not less than that from time to time allowed by the bank receiving the money on moneys which are received on the same date for special investment apart from this subsection and are repayable on one month's notice ;

25 (d) a bank shall at any time withdraw any money invested by it or repay any money invested with it under this subsection if so directed by the Commissioners.

30 For the purpose of paragraphs (a) and (b) of this subsection the amount of a bank's liability to any person in respect of special investments shall be taken to be the amount for the time being standing to his credit in respect thereof in the books of the bank.

(3) The trustees of a trustee savings bank shall have power to deposit moneys received by them for special investment in a bank other than a savings bank, either on deposit account or on current account.

35 (4) Money received for special investment shall not be invested except in accordance with this section ; and the trustees of a trustee savings bank shall not have power under subsection (2) of section eleven of the principal Act to receive money for special investment except by way of deposit repayable in cash and not
40 otherwise.

(5) The provisions of this section and of paragraph (a) of subsection (2) of section forty of the principal Act as to the investment of moneys received for special investment shall be taken to apply to the investment of any moneys forming part
45 of the assets held by a bank on account of special investments.

A.D. 1957 (6) In the principal Act, the sections or parts of sections specified in Part I of the Third Schedule to this Act are hereby repealed.

(7) Nothing in this section shall apply to or affect any investment made before the date on which regulations under subsection (1) first come into force, or any investment authorised by the Commissioners under section forty-one of the principal Act before that date. 5

Miscellaneous
amendments
as to
management
of Fund for
the Banks for
Savings.

3.—(1) The following provisions of the principal Act shall cease to have effect, that is to say,— 10

- (a) section twenty-eight (which relates to the making to the Fund for the Banks for Savings of payments by a central bank on behalf of a branch) ;
- (b) sections twenty-nine to thirty-one (which provide for the time and manner of crediting interest to banks in that Fund, and for withdrawals from that Fund) ; 15
- (c) section thirty-eight (which provides for a bank's surplus arising from ordinary deposits to be carried in that Fund to a distinct account called the separate surplus fund). 20

(2) All sums credited to the account of a trustee savings bank in the books of the Commissioners shall carry interest (at the rate for the time being fixed for such of those sums as represent payments under section twenty-six of the principal Act) from the day at which they are credited to the account to the day 25 preceding that at which they are debited to it ; but no interest shall be allowed on any fraction of a pound of the balance for the time being standing to the credit of the account.

(3) The officer of the Commissioners shall, within six weeks from the twentieth day of each November and May, calculate 30 the interest due on the said sums for the six months ending with that day, and that interest shall be credited to the account as at the following day (any fraction of a penny being disregarded) ; and within sixty days from the twentieth day of each November and May he shall issue, in a form approved by the Commis- 35 sioners, a receipt signed by him for the amount of the interest so credited as if that amount had been a payment made by the trustees of the bank under section twenty-six of the principal Act on the twenty-first day of that month.

(4) The Commissioners with the concurrence of the Treasury 40 may by statutory instrument make regulations as to the manner in which sums standing to the credit of the account of a trustee savings bank in the books of the Commissioners may be withdrawn, the manner in which payments may be made on any such withdrawal and the manner in which a valid discharge is 45 to be given to the Commissioners for any such payment.

In section seventy-four of the principal Act, a reference to this subsection shall be substituted for the reference to section thirty of that Act.

A.D. 1957

(5) On the coming into force of this section, any money standing to the credit of a bank (other than a closed bank) in the separate surplus fund shall cease to be separated and distinguished from the other moneys standing to the credit of the bank in the books of the Commissioners, but the part of the separate surplus fund standing to the credit of closed banks shall continue to form a distinct account, to be called the "closed banks fund"; and accordingly the principal Act shall be amended in accordance with the Second Schedule to this Act.

(6) In the principal Act, the sections or parts of sections specified in Part II of the Third Schedule to this Act are hereby repealed.

(7) In subsection (3) of section nine of the Finance Act, 1956 (which, in connection with the relief from income tax given to interest on deposits with savings banks maintained under local Acts, applies certain provisions of the principal Act to those banks), the reference to sections twenty-five to thirty-eight of the principal Act shall not include the provisions repealed by this section, but shall include a reference to subsections (2) and (3) of this section; and for any bank or department of a bank for the time being certified under subsection (3) of the said section nine the Treasury may by order under that subsection make the like provision as may be made for trustee savings banks by regulations under subsection (4) of this section.

(8) This section shall come into force on the twenty-first day of May, nineteen hundred and fifty-eight; but nothing in this section shall affect the operation of section thirty of or the Second Schedule to the principal Act until the coming into force of regulations under subsection (4) of this section, or affect the operation of subsection (3) of section nine of the Finance Act, 1956, in relation to a bank or department of a bank certified thereunder at the beginning of that day, until the coming into operation for the bank or department of an order made by virtue of subsection (7) of this section.

4.—(1) The cost to a trustee savings bank of purchasing any land or erecting any building for the purpose of the bank under section ten of the principal Act may be defrayed out of—

(a) surplus moneys forming part of the assets of the bank in respect of ordinary deposits, including moneys received by way of advance or grant from another trustee savings bank, from the mutual assistance account or from the closed banks fund;

Amendments
as to land
and buildings,
and as to
advances out
of closed
banks fund.

A.D. 1957

(b) moneys applied for the purpose under section forty-five of the principal Act (which authorises the use of part of a bank's special investment surplus);

or partly in one way and partly in the other.

(2) The power of the trustees of a trustee savings bank under section ten of the principal Act to purchase land or erect buildings for the purpose of the bank shall include power to incur expenditure of a capital nature on the doing of work to land or buildings provided for the purpose of the bank, and any such expenditure shall be treated for the purposes of the principal Act and this section as incurred on the purchase of the land or erection of the building. 5 10

(3) Where the whole or part of the cost to a trustee savings bank of purchasing any land or erecting any building is defrayed out of an advance from another trustee savings bank, the repayment of the sum advanced and the payment of any sums payable under the terms of the advance by way of interest or otherwise to the bank making the advance may be secured by mortgage of or charge on the land or building; and in relation to moneys which by virtue of any such mortgage or charge ought to be paid to the trustees of the bank making the advance the reference to the custodian trustees in subsection (2) of section ten of the principal Act (which makes the receipt of the custodian trustees a good discharge for all moneys accruing from or in connection with a sale, exchange or lease) shall be construed as referring to the custodian trustees of that bank. 15 20 25

(4) If, in the case of a bank making special investments, the cost of purchasing any land or erecting any building is or has been defrayed partly but not wholly out of moneys applied under section forty-five of the principal Act, then the provisions of that section relating to the application of moneys accruing from or in connection with the sale, exchange or lease of land purchased or buildings provided under the section, and to the inclusion of the value of any such land or buildings in the annual valuation, shall apply to such part of the moneys or value referred to as appears to the trustees, with the approval of the Commissioners, to be referable on a just apportionment to the sums applied under that section. 30 35

(5) In the case of a bank making special investments, the whole or part of the cost of any land purchased or buildings erected for the purpose of the bank may, with the consent of the Commissioners, be transferred to or from moneys applied under the said section forty-five by applying a sum representing the whole or a proportionate part of the value of the land or buildings out of moneys available for the purchase of land under the said section forty-five or out of moneys otherwise 40 45

available for the purchase of land, as the case may be ; and, in the case of a transfer from moneys applied under the said section forty-five, that sum shall be invested as if it were money received for special investment.

A.D. 1957

5 (6) For the purposes of sections fifty-two and seventy-five of the principal Act (which authorise advances to be made by a trustee savings bank or out of the closed banks fund for the purpose of providing for expenses in connection with the formation and the initial working of a new bank) expenses incurred in
10 the purchase of land or erection of buildings for the purpose of a new bank shall be deemed to be incurred in connection with the formation and initial working of the bank.

(7) In subsection (1) of the said section seventy-five, after the words " the formation and the initial working of the bank ",
15 there shall be inserted the words " and the Commissioners may also, after consultation with the Association, advance to the trustees of a trustee savings bank out of the closed banks fund such sums as the Commissioners think fit for the purpose of enabling the operations of that bank to be extended ".

20 (8) The amount for the time being outstanding in respect of advances from the closed banks fund under the said section seventy-five shall not be treated as forming part of that fund for the purposes of section forty-two of the principal Act (under which the fund forms part of the guarantee fund to provide for
25 any deficiency arising in respect of special investments made by trustee savings banks).

(9) In this section " land " has the same meaning as in section ten of the principal Act ; and any reference in this section to section forty-five of the principal Act includes, in relation to
30 moneys applied before the coming into force of that Act, a reference to section eight of the Savings Banks Act, 1929.

5.—(1) Documents executed and things done (including those executed or done before the coming into force of this section) by the custodian trustees of a trustee savings bank in relation to
35 property vested in those trustees for the bank, or on or in connection with the acquisition of property to be so vested, shall be conclusively presumed to be or have been executed or done by them by the direction and on behalf of the trustees of the bank.

Minor
amendments
as to manage-
ment of banks.

40 (2) Any document to be executed by the custodian trustees of a trustee savings bank may be executed by any three in the name of all of them.

A.D. 1957

(3) Notwithstanding anything in section nine of the principal Act, on any amalgamation of two or more trustee savings banks which is to be effected not by merging with one of the existing banks the other or others of them, but by establishing a new bank, the special resolutions for the amalgamation shall appoint 5 four of the trustees of the amalgamated bank to be the custodian trustees of that bank ; and in subsection (1) of section fifty-one of the principal Act for the words " all the funds and property of the banks shall become vested in the amalgamated bank " there shall be substituted the words " all the funds and property 10 of the banks, so far as not already vested in the custodian trustees of the amalgamated bank, shall become vested in them ".

(4) In subsection (2) of section ten of the principal Act (under which no purchaser, assignee or tenant is bound to inquire as to the authority for, or consent of the Commissioners to, 15 any sale, exchange or lease by the trustees of a trustee savings bank) for the word " bound " there shall be substituted the word " entitled ".

(5) Subsection (4) of the said section ten (which makes unnecessary provision as to the effect of conveyances, etc.) shall 20 cease to have effect, and is hereby repealed.

(6) In subsection (5) of the said section ten (under which a certificate of the Comptroller-General of the National Debt Office is conclusive evidence of certain matters connected with a purchase of land for a trustee savings bank) after the words 25 " Comptroller-General " there shall be inserted the words " or Assistant Comptroller ".

(7) In subsection (3) of section twenty-two of the principal Act (under which, in the case of deposits by one person as trustee for another, receipts for repayments must be given by 30 both of them in person or by agent appointed by power of attorney) for the words " or by agent appointed by power of attorney " there shall be substituted the words " or, unless the person giving the receipt is under the age of fourteen, by agent appointed in writing in a form approved by the trustees of the 35 bank " ; and accordingly subsection (4) of that section (which enabled a power of attorney to be given for the purposes of subsection (3) by an infant of or exceeding the age of fourteen years) is hereby repealed.

(8) In section eight of the Savings Banks Act, 1920 (which 40 relates to the transfer of Government stock on the production of probate or letters of administration granted by a court in the Isle of Man or one of the Channel Islands), the expression

“ savings bank authority ”, in relation to stock inscribed or registered in the part of the Post Office register kept by the trustees of any trustee savings bank, shall include and be deemed always to have included the trustees of that bank.

A.D. 1957

5 (9) Where any payment is or has before the coming into force of this section been made or act done by the trustees of a trustee savings bank in accordance with the enactments and regulations relating to trustee savings banks for the time being in force, and in accordance with the rules of the bank, the
10 trustees of the bank are hereby indemnified against all claims on the part of any person in respect of the payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the trustees of the bank have paid it.

15 6.—(1) Where an institution established as a savings bank (as defined in section one of the principal Act) is certified under that Act as a trustee savings bank, and a person is serving as an officer of the bank both immediately before and immediately after the time when it is certified, his service as an officer of
20 the bank before that time may, to such extent as the Commissioners with the approval of the Treasury may determine, be reckoned for the purpose of sections sixty-four to sixty-seven of the principal Act (which relate to the superannuation of officers of trustee savings banks or of the Inspection Com-
25 mittee otherwise than under contributory schemes) as if it were a period of service as an officer of the trustee savings bank ; and in section sixty-nine of the principal Act (which relates to contributory superannuation schemes) the reference in paragraph (a) of subsection (2) to the amounts which could be paid under
30 the said section sixty-four shall be construed accordingly.

Reckoning for superannuation of certain service with savings bank not certified as trustee savings bank.

(2) In the foregoing subsection the reference to sections sixty-four to sixty-seven of the principal Act shall include any order modifying those sections under the Trustee Savings Banks (Pensions) Act, 1955, except in so far as the contrary is provided by
35 any order made under the latter Act after the coming into force of this section ; and any order under that Act modifying section sixty-nine of the principal Act may adapt the reference in the foregoing subsection to paragraph (a) of subsection (2) of section sixty-nine.

40 7. There shall be charged on the Consolidated Fund of the United Kingdom any increase attributable to this Act in the sums payable out of the Consolidated Fund under section thirty-six of the principal Act.

Increase in charge on Consolidated Fund.

A.D. 1957
Short title,
extent, etc.

8.—(1) This Act may be cited as the Trustee Savings Banks Act, 1957, and this Act, the principal Act and the Trustee Savings Banks (Pensions) Act, 1955, may be cited together as the Trustee Savings Banks Acts, 1954 to 1957.

(2) It is hereby declared that this Act extends to Northern 5
Ireland, and this Act shall also extend to the Isle of Man and
the Channel Islands.

(3) In the principal Act, and in particular in the provisions
of that Act relating to the interpretation of it, references to that
Act or to any provision of it which is amended by this Act shall, 10
except in so far as the context otherwise requires, be construed
as including a reference to this Act, or as referring to that pro-
vision as so amended, as the case may be.

SCHEDULES

A.D. 1957

FIRST SCHEDULE

Section 2.

SECURITIES PERMITTED FOR SPECIAL INVESTMENTS

1. Securities of the following descriptions which will mature for
5 repayment not later than forty years after the date of investment,
namely—

- (a) securities of which principal and interest are charged on the Consolidated Fund of the United Kingdom or of Northern Ireland, whether directly or by virtue of any guarantee ;
- 10 (b) stock to which the Colonial Stock Act, 1877, as amended or extended by or under any subsequent enactment applies, being stock registered in the United Kingdom and included in the list kept by the Treasury under section two of the Colonial Stock Act, 1900 ;
- 15 (c) in the case of a bank in the island of Jersey or Guernsey, securities issued by the States of that island of which principal and interest are charged on the general revenues of the States ;
- 20 (d) stock issued by any local authority in Great Britain or Northern Ireland or by any body incorporated to provide a water supply otherwise than for profit and having power to raise revenue by means of a rate, being stock for the time being authorised for the investment of trust funds under the general law of Great Britain and Northern Ireland or any part thereof ;
- 25 (e) debentures or debenture stock of the Agricultural Mortgage Corporation or of the Scottish Agricultural Securities Corporation.

2. Loans to any local authority in Great Britain, Northern Ireland
30 or the Isle of Man, being loans made repayable on six months or some shorter notice to the authority and secured on revenues raised by means of a rate.

In this Schedule any reference to raising revenue by means of a rate includes raising revenue by means of a precept, requisition or
35 other document calling for a payment which is or can be raised ultimately out of a rate.

SECOND SCHEDULE

Section 3.

AMENDMENTS CONSEQUENTIAL ON PARTIAL ABOLITION OF
SEPARATE SURPLUS FUND

- 40 1. The following provisions referring to the separate surplus fund shall be omitted from the principal Act, that is to say, subsection (3) of section ten, subsections (2) and (3) of section fifty-two, subsections (5) and (6) of section fifty-three and subsection (2) of section sixty-four.

A.D. 1957
2ND SCH.
—cont.

2. The words "the closed banks fund" shall in the principal Act be substituted—

- (a) in paragraph (b) of subsection (2) of section forty-two for the words "such part of the separate surplus fund as stands to the credit of closed trustee savings banks"; 5
- (b) in paragraph (a) of subsection (3) of section forty-two for the words "the part of the separate surplus fund standing to the credit of the guarantee fund";
- (c) in subsection (4) of section forty-three for the words "the separate surplus fund and be treated as an amount standing to the credit of a closed trustee savings bank"; 10
- (d) in subsections (3) and (4) of section fifty-five and in subsection (5) of section fifty-six for the words "the separate surplus fund";
- (e) in subsection (1) of section seventy-five for the words "such part of the separate surplus fund as stands to the credit of closed banks". 15

3. In subsection (5) of section fifty-five of the principal Act for the words "out of money standing to the credit of the bank in the separate surplus fund" there shall be substituted the words "out of money which would otherwise be carried to the closed banks fund under this section". 20

Sections 2, 3.

THIRD SCHEDULE

PROVISIONS OF PRINCIPAL ACT REPEALED BY SS. 2 AND 3 OF THIS ACT

25

PART I

Provisions repealed by s. 2

In section forty, subsection (3).

Section forty-one.

In section forty-two, subsection (4).

30

In section forty-three, subsection (6).

In section forty-four, the proviso.

PART II

Provisions repealed by s. 3

In section ten, subsection (3).

35

In section twenty-seven, the words "from the day of payment" in subsection (2), subsection (3) from the beginning to the second "and" and subsection (5).

Sections twenty-eight to thirty-one.

Section thirty-eight.

40

In section forty-nine, in subsection (8), the words "whether involving the withdrawal of any part of the separate surplus fund under subsection (4) of section thirty-eight of this Act or not".

In section fifty-two, subsections (2) and (3).

In section fifty-three, subsections (5) and (6).

45

In section sixty-four, subsection (2).

In section eighty-one, the definition of "separate surplus fund".

The Second Schedule.

Table of Statutes referred to in this Act

A.D. 1957

Short Title	Session and Chapter
Colonial Stock Act, 1877	40 & 41 Vict. c. 59
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60
Savings Banks Act, 1920	10 & 11 Geo. 5. c. 12
Savings Banks Act, 1929	19 & 20 Geo. 5. c. 27
Trustee Savings Banks Act, 1954	2 & 3 Eliz. 2. c. 63
Trustee Savings Banks (Pensions) Act, 1955	3 & 4 Eliz. 2. c. 12
Finance Act, 1956	4 & 5 Eliz. 2. c. 54



Trustee Savings Banks

A

B I L L

INTITLED

An Act to amend the law relating to trustee
savings banks.

Brought from the Commons 12th December 1957

Ordered to be printed 12th December 1957

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 9d. net

(19) (37247)

A
B I L L

INTITULED

An Act to extend the jurisdiction of courts of law to vary trusts in the interests of beneficiaries and sanction dealings with trust property. A.D. 1958

BE it enacted by the Queen'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 property, whether real or personal, is held on trusts arising, whether before or after the passing of this Act, under any will, settlement or other disposition, the court may if it thinks fit by order approve on behalf of— Jurisdiction of courts to vary trusts.

10 (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting, or

15 (b) any person who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date a person of any specified description or a member of any specified class of persons, so however that this paragraph shall not include any person who would be of that description, or a member of that class, as the case may be, if the said date had fallen at the date
20 of the application to the court, or

(c) any person unborn,

A.D. 1958 any arrangement (by whomsoever proposed, and whether or not there is any other person beneficially interested who is capable of assenting thereto) varying or revoking all or any of the trusts, or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts, being an arrangement such that the carrying out thereof would be for the benefit of that person. 5

(2) Where property is held on trusts being or including protective trusts, and the interest of the principal beneficiary has not failed or determined, the court shall have power under the foregoing subsection to approve an arrangement on behalf of the owner of any discretionary interest without regard to the question whether the arrangement is for the benefit of the owner as such. 10

15 & 16 Geo. 5. (3) In the foregoing subsection "protective trusts" means the trusts specified in paragraphs (i) and (ii) of subsection (1) of section thirty-three of the Trustee Act, 1925 or any like trusts, c. 19. "the principal beneficiary" has the same meaning as in the said subsection (1) and "discretionary interest" means an interest arising under the trust specified in sub-paragraph (ii) of the said subsection (1) or any like trust. 20

(4) Subject as hereinafter provided the jurisdiction conferred by subsections (1) and (2) of this section shall be exercisable by the High Court, except that the question whether the carrying out of any arrangement would be for the benefit of a person falling within paragraph (a) of the said subsection (1) shall be determined by order of the Judge or Master in Lunacy if a committee has been appointed of that person's estate or a receiver has been appointed of his income. 25

24 & 25 Geo. 5. (5) In section fifty-two of the County Courts Act, 1934 (which c. 53. confers equity jurisdiction on county courts) in paragraph (b) of subsection (1) after the word "subsists" there shall be inserted the words "or proceedings under section one of the Variation of Trusts Act, 1958, being (in any case) proceedings"; but section fifty-three of that Act (which enables jurisdiction to be conferred on the county court by agreement between the parties irrespective of the sum involved) shall not apply to proceedings under this section. 30 35

(6) Nothing in the foregoing provisions of this section shall apply to trusts affecting property settled by Act of Parliament.

15 & 16 Geo. 5. (7) Nothing in this section shall be taken to limit the powers conferred by section sixty-four of the Settled Land Act, 1925, c. 18. section fifty-seven of the Trustee Act, 1925 or section one hundred 15 & 16 Geo. 5. and seventy-one of the Law of Property Act, 1925 or the powers c. 20. of the Judge in Lunacy. 40

2.—(1) This Act shall not extend to Scotland.

(2) The foregoing section shall not extend to Northern Ireland, but, notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to
5 make laws for purposes similar to any of the purposes of the foregoing section.

A.D. 1958

Extent and
provisions as
to Northern
Ireland.

10 & 11 Geo. 5.
c. 67.

3. This Act may be cited as the Variation of Trusts Act, Short title.
1958.

Variation of Trusts

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to extend the jurisdiction of courts of law to vary trusts in the interests of beneficiaries and sanction dealings with trust property.

Brought from the Commons 22nd April 1958

Ordered to be printed 30th June 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 4d. net

(136)

(37984)

Water Bill [H.L.]

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is to provide permanent legislation to enable the Minister of Housing and Local Government and the Secretary of State for Scotland to give statutory water undertakers temporary powers to meet deficiencies in their supplies of water in time of drought. Hitherto such powers have been conferred by means of orders made under Defence Regulations 50, 50A and 56.

2. Clause 1 enables powers to be conferred by order on statutory undertakers to take water in the event of a serious water shortage caused by or threatened by drought, from additional sources for a period of six months or to suspend for such a period, restrictions and obligations otherwise imposed on those undertakers about the taking or treatment of water or the discharge of compensation water. The order may also authorise undertakers to execute works for the discharge of their functions under the order and for that purpose to enter land.

3. Clause 2 enables powers to be conferred by order on statutory water undertakers to provide supplies of water by means of stand-pipes and water tanks and to erect stand-pipes or water tanks in any street in their area.

4. The procedure for making the orders referred to above, which is an expedited form of that contained in the Water Act, 1945, and the Water (Scotland) Act, 1946, is set out in the First Schedule, and the provisions for compensating persons who sustain damage as the result of the taking of water and the occupation of land are contained in the Second Schedule.

5. Defence Regulations 50A and 56 are revoked by clause 3, with a saving for existing orders up to the 31st March, 1960. These regulations were hitherto used for the purposes mentioned above and for allowing increased water charges. Defence Regulation 50 will cease to be used in connection with supplying water in time of drought.

6. Orders made under clauses 1 and 2 may be extended, by clause 4, but not so as to keep the powers conferred by them in force for more than a year altogether.

Amend-
ment
No.

First Schedule—continued

- 6** Page 8, line 11, after (“ and ”) insert—
 (“ (c) where the application is for an order concerning the taking of water from a source or the discharge of compensation water, in one or more local newspapers circulating within the area of every local authority within whose area the source or the site at which compensation water is to be discharged is situated.
 (3) ”)
- 7** Page 8, line 12, after (“ addition ”) insert (“ to the notices specified in the last foregoing sub-paragraph ”)
- 8** Page 8, line 29, leave out from beginning to end of line 31.

Water Bill [H.L.]

**MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED ON THIRD
READING**

30th April, 1958

**LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 3d. net**

(61 **)

(37691)

Water Bill [H.L.]

[AS AMENDED ON REPORT]

ARRANGEMENT OF CLAUSES

Clause

1. Obtaining supplies to meet drought.
2. Supplying water by temporary means during a drought.
3. Revocation of Defence Regulations 50A and 56.
4. Interpretation.
5. Expenses.
6. Short title, extent and commencement.

SCHEDULES:

First Schedule—Procedure for making orders.

Second Schedule—Compensation for the taking of water or occupation of land.

[Note.—The words enclosed in brackets and underlined were left out by Privilege amendments.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to confer powers to meet deficiencies in the supply of water due to exceptional shortage of rain and to revoke, with savings, Defence Regulations 50A and 56. A.D. 1958

BE it enacted by the Queen'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) If the Minister is satisfied that by reason of an excep- Obtaining
tional shortage of rain a serious deficiency of supplies of water supplies to
in any locality exists or is threatened, he may, subject to the meet drought.
provisions of this section, on the application of any statutory
water undertakers who supply water in that locality, make an
10 order containing such provisions for any of the following purposes
as appear to him to be expedient with a view to meeting the
deficiency, that is to say—

15 (a) for authorising the undertakers, subject to any specified
conditions or restrictions, to take water from any
specified source for a period not exceeding six months,
or

(b) for suspending or modifying, subject to any specified
conditions, and for a period not exceeding six months,
any restriction or obligation to which the undertakers
20 are subject as respects—

- (i) the taking of water from any source,
- (ii) the discharge of compensation water, or
- (iii) the filtration or other treatment of water,

and the Minister may include in the order such supplemental,
25 incidental and consequential provisions as appear to him to be
expedient for those purposes.

A.D. 1958

Before any statutory water undertakers make an application under this section they shall consult with any river board upon whom notice of the application will be required to be served by the First Schedule to this Act.

(2) In an order made under paragraph (b) of the foregoing subsection—

- (a) for suspending or modifying a restriction as respects the taking of water from a source from which water is supplied to an inland navigation, or
- (b) for suspending or modifying an obligation to discharge 10 compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation,

the Minister may include provisions for prohibiting or imposing limitations on the taking of water from the inland navigation or 15 for the suspension or modification of any obligation to which the navigation authority are subject as respects the discharge of water from the inland navigation.

(3) An order under this section may authorise undertakers, subject to any specified conditions and restrictions, to execute any 20 works required for the discharge of their functions under the order and—

- (a) may authorise the undertakers for that purpose to enter upon any specified land and to occupy and use the land to such extent and in such manner as may be 25 requisite for the execution and maintenance of the works, and
- (b) may authorise the undertakers to borrow temporarily any money required to defray the cost of carrying out the works, and 30
- (c) may apply in relation to the execution of the works such of the provisions contained in the Third Schedule to the Water Act, 1945 (which include in particular provisions relating to the laying of mains and the breaking open of streets), as appear to the Minister to be appro- 35 priate, subject to such modifications and adaptations as may be specified in the order.

(4) In an order which authorises undertakers to enter on land the Minister shall include provisions requiring the undertakers to give to the occupier of the land, and to such other persons 40 concerned with the land as may be specified in the order, not less than seven days' notice of their intended entry on the land.

(5) In the exercise of his power to make orders under this section the Minister shall have regard to the interests of all persons concerned in the conservation or use of the water to 45 which the order relates, whether for the purposes of agriculture, fisheries, industry or navigation, or for other purposes.

(6) An order under this section shall not authorise the doing of anything contrary to the provisions of section one hundred and sixty-two of the Thames Conservancy Act, 1932 (which empowers the Metropolitan Water Board to abstract water from the Thames 5 subject to the conditions set out in the section). A.D. 1958

(7) The provisions of the First Schedule to this Act shall have effect in relation to the procedure to be followed in connection with the making of orders under the preceding provisions of this section, and the provisions of the Second Schedule to this Act 10 shall have effect with respect to the payment of compensation to persons affected by orders so made.

(8) The Minister may by order revoke any order made by him under this section.

(9) If statutory water undertakers—

15 (a) take water from a source in contravention of a restriction contained in an order under this section or fail to comply with the requirements of an order under this section as to the discharge of compensation water, or

20 (b) fail to construct or maintain in good order a gauge, weir or other apparatus for measuring the flow of water which they were required to construct or maintain by an order under this section, or fail to allow some person authorised in that behalf by any such order to inspect and examine any such apparatus or any records made 25 thereby or kept by the undertakers in connection therewith or to take copies of any such records,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable—

30 (i) on summary conviction of an offence under paragraph (a) or paragraph (b) of this subsection, to a fine not exceeding one hundred pounds; and

(ii) on conviction on indictment of an offence under paragraph (a) of this subsection, to a fine.

(10) In the application of this section to Scotland, for any 35 reference to the Third Schedule to the Water Act, 1945, there shall be substituted a reference to sections twenty-six and twenty-seven of, and the Third and Fourth Schedules to, the Water (Scotland) Act, 1946.

2.—(1) If the Minister is satisfied that by reason of an excep- Supplying
40 tional shortage of rain a serious deficiency of supplies of water by
water in any locality exists or is threatened, he may, on the temporary
application of any statutory water undertakers who supply water means during
in that locality, make an order containing such provisions for a drought.

A.D. 1958 any of the following purposes as appear to him to be expedient with a view to meeting the deficiency, that is to say—

- (a) for authorising the undertakers for a period not exceeding six months to supply water in any area within their limits of supply by means of stand-pipes or water tanks, and to erect or set up and maintain stand-pipes or water tanks in any street in that area, 5
- (b) for confirming any right to raise, charge and levy any water rate which might have been raised, charged and levied if there had been no interruption or diminution 10 of the supply of water and for suspending or modifying any enactment or agreement so far as it relates to a failure to make normal supplies of water available in an area where water is being supplied by means of stand-pipes or water tanks, and 15
- (c) for applying in relation to any works to be carried out under the order such of the provisions contained in the Third Schedule to the Water Act, 1945, as appear to the Minister to be appropriate, subject to such modifications and adaptations as may be specified in the order. 20

(2) Any works to be carried out in the course of erecting or setting up stand-pipes or water tanks under this section shall be included in the definition of emergency works in subsection (1) of section thirty-nine of the Public Utilities Street Works Act, 1950.

(3) The provisions of the First Schedule to this Act shall have 25 effect in relation to the procedure to be followed in connection with the making of orders under the preceding provisions of this section.

(4) The Minister may by order revoke any order made by him under this section. 30

(5) In the application of this section to Scotland, for any reference to the Third Schedule to the Water Act, 1945, there shall be substituted a reference to sections twenty-six and twenty-seven of, and the Third and Fourth Schedules to, the Water (Scotland) Act, 1946. 35

Revocation
of Defence
Regulations
50A and 56.

3.—(1) Subject to the provisions of this section, Regulations 50A and 56 of the Defence (General) Regulations, 1939 (which respectively authorise the taking of water from any source and permit the making of higher or additional charges and other relaxations of statutory obligations or limitations on public 40 utility undertakings) are hereby revoked.

(2) Any order under either of the said Regulations which is in force immediately before the coming into operation of this section shall, unless previously revoked by an order of the Minister under this section, continue to apply as if the Regulation had until the 45

thirty-first day of March, nineteen hundred and sixty, continued in force, and the provisions of Regulation 50A concerning compensation shall continue to apply in relation to any order under that Regulation. A.D. 1958

5 (3) This section shall not affect any order under Regulation 56 so far as it is continued in force by paragraph (a) or (b) of the proviso to subsection (1) of section eight of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954.

(4) This section shall extend to Northern Ireland.

10 4.—(1) In this Act, except where the context otherwise requires— Interpretation.

15 “compensation water” means water which any statutory water undertakers are under an obligation to discharge into a river, stream, brook or other running water or into a canal as a condition of carrying on their undertakings;

“inland navigation” includes any canal or navigable river;

20 “the Minister” means, as respects England and Wales, the Minister of Housing and Local Government and, as respects Scotland, the Secretary of State;

“obligation” includes an obligation imposed by agreement and “restriction” has a corresponding meaning;

25 “river purification authority” has the meaning assigned to it by the Rivers (Prevention of Pollution) (Scotland) Act, 1951;

“take”, in relation to water, includes the collection, impounding, diversion and appropriation of water;

30 and section fifty-nine of the Water Act, 1945, or, as the case may be, section eighty-four of the Water (Scotland) Act, 1946, shall apply for the interpretation of other expressions defined by those sections and used in this Act.

(2) In the application of this Act to Scotland, for any reference to statutory water undertakers there shall be substituted a reference to a local water authority, and for any reference to a river board there shall be substituted a reference to a river purification authority and a fishery district board.

(3) Any power of making orders under this Act shall be exercisable by statutory instrument and shall include power—

40 (a) from time to time to extend a period specified in a previous order, but not so as to extend beyond a year any period which under this Act is not to exceed six months,

(b) to vary a previous order in any other respect.

(4) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any Act.

A.D. 1958
Expenses.

5. There shall be paid out of moneys provided by Parliament—
- (a) any administrative expenses incurred by the Minister of Housing and Local Government or the Secretary of State in consequence of the passing of this Act, and
 - (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

5

10

**Short title,
extent and
commence-
ment.**

- 6.—(1) This Act may be cited as the Water Act, 1958.
- (2) Save as otherwise expressly provided, this Act shall not extend to Northern Ireland.
- (3) This Act shall come into force at the expiration of one month beginning with the date of its passing.

15

SCHEDULES

A.D. 1938

FIRST SCHEDULE

Sections 1, 2.

PROCEDURE FOR MAKING ORDERS

1.—(1) The applicants for an order under section one or section 5 two of this Act shall cause notice in writing of the application to be served on the persons specified in the following Table—

All orders	(a) Every local authority whose area lies wholly or partly within the limits of supply of the applicants.
10 Orders which suspend or modify an enactment.	(b) Such statutory water undertakers, if any, as the Minister may direct
15 Orders which suspend or modify an agreement.	Such persons (if any) as are specified by name in the enactment as being persons for whose protection it was enacted.
Orders concerning the taking of water from a source or the discharge of compensation water.	The parties to the agreement other than the applicants.
20 Orders concerning the taking of water from a source or the discharge of compensation water.	(a) Every local authority in whose area the source, or the site at which compensation water is to be discharged, is situated.
25	(b) Any navigation authority exercising functions over any watercourse affected by the order.
30	(c) Every river board in whose area the source or the site at which compensation water is to be discharged is situated and if such source or site is in the Thames Catchment area or the Lee Catchment area, the Conservators of the River Thames or the Lee Conservancy Catchment Board, as the case may be.
35 Orders which authorise the execution of any works.	(a) Every local authority within whose area the works are situated.
40	(b) If the order authorises the execution of works in, under or over a watercourse, the river board, and any other drainage authority within the meaning of the Land Drainage Act, 1930, within whose area the works, or any part of the works are situated.

A.D. 1958
1ST SCH.
—cont.

Orders which authorise the occupation and use of land.	Every owner, lessee and occupier of the land.	
Orders which prohibit or limit the taking of water from an inland navigation.	Any named persons to whom the prohibition or limitation applies.	5

(2) The applicants shall also cause a notice of the application to be published—

- (a) in one or more local newspapers circulating within the limits of supply of the applicants, and 10
- (b) in one or more local newspapers circulating within the limits of supply of any other statutory water undertakers on whom notice is to be served in accordance with the foregoing Table, and
- (c) where the application is for an order concerning the taking of 15 water from a source or the discharge of compensation water, in one or more local newspapers circulating within the area of every local authority within whose area the source or the site at which compensation water is to be discharged is situated. 20

(3) Where the application is for an order under section one of this Act the applicants shall in addition to the notices specified in the last foregoing sub-paragraph cause a notice of the application to be published in the London Gazette.

(4) A notice under this paragraph— 25

- (a) shall state the general effect of the application, and
- (b) shall specify a place within the limits of supply of the applicants where a copy of any relevant map or plan may be inspected by any person free of charge at all reasonable hours within a period of seven days from the date of first publication of 30 the notice, and
- (c) shall state that objections to the application may be made to the Minister within seven days from the date on which it is served or, in the case of a public notice, from the date of its first publication, and 35
- (d) in the case of an application for an order authorising the occupation and use of land, shall specify the land to which the application relates.

(5) In the application of this paragraph to Scotland a reference to the Edinburgh Gazette shall be substituted for the reference to 40 the London Gazette.

2. A notice which is required under this Schedule to be served on any person may be served either—

- (a) by delivering it to the person on whom it is to be served, or
- (b) by leaving it or sending it in a pre-paid letter addressed to 45 that person, at his usual or last-known residence, or

A.D. 1958

1ST SCH.

—cont.

(e) in the case of a notice to be served on the owner or occupier of any land, if it is not practicable after reasonable inquiry to ascertain the name and address of the person on whom it should be served, or if the land is unoccupied, by addressing it to the person concerned by the description of "owner" or "occupier" of the land (describing it) to which it relates, and delivering it to some person on the land, or if there is no person on the land to whom it can be delivered, by fixing it, or a copy of it, to some conspicuous part of the land.

3.—(1) If any objection is duly made with respect to the application and is not withdrawn, then, subject to the provisions of this paragraph, the Minister shall before making the order either cause a public local inquiry to be held or afford to any person by whom any objections have been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(2) Notwithstanding anything in sub-paragraph (1) of this paragraph, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this paragraph if the Minister is satisfied—

- (a) that the objection relates exclusively to matters which can be dealt with by the arbitrator or other person by whom compensation is to be assessed, or
- (b) in a case where the order is one confined to the extension of a period specified in a previous order, that the objection is one that has in substance been made with respect to the application for that previous order.

(3) Subject to the requirements of this paragraph, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order in respect of which the application is made with or without modifications.

(4) The Minister may hold a public local inquiry on any application for an order under this Act notwithstanding that he is not required to do so by this paragraph and the provisions of section two hundred and ninety of the Local Government Act, 1933, shall apply to an inquiry under this paragraph but subject to the modification that the reference in subsection (4) of that section to a local authority shall be construed as including a reference to any statutory water undertakers concerned in the inquiry.

(5) In the application of this paragraph to Scotland, the reference to section two hundred and ninety of the Local Government Act, 1933, shall be omitted and section seventy-three of the Water (Scotland) Act, 1946, shall apply in relation to any inquiry under this paragraph as it applies in relation to an inquiry under any provision of the First Schedule to that Act.

A.D. 1958
1st SCH.
—cont.

inquiry under this paragraph but subject to the modification that the reference in subsection (4) of that section to a local authority shall be construed as including a reference to any statutory water undertakers concerned in the inquiry.

(5) In the application of this paragraph to Scotland, the reference to section two hundred and ninety of the Local Government Act, 1933, shall be omitted and section seventy-three of the Water (Scotland) Act, 1946, shall apply in relation to any inquiry under this paragraph as it applies in relation to an inquiry under any provision of the First Schedule to that Act. 5 10

4. After an order under this Act has been made, the water undertakers on whose application it was made shall cause to be published (in the manner in which notices are required under sub-paragraph (2) of paragraph 1 of this Schedule to be published) a notice stating that the order has been made and naming a place where a copy thereof may be inspected. 15

Section 1.

[SECOND SCHEDULE

COMPENSATION FOR THE TAKING OF WATER OR OCCUPATION OF LAND

1.—(1) Compensation in respect of the following matters, that is to say— 20

- (a) the taking of water from a source under the authority of an order made under section one of this Act,
- (b) the taking, under the authority of such an order, of water from a source otherwise than in accordance with a restriction which has been suspended or modified by the order, 25
- (c) the entry upon or occupation or user of land under the authority of such an order,

shall be made by the undertakers in relation to whom the order is made to the owners and occupiers of, and all other parties interested in, the source or land, as the case may be, or injuriously affected by the taking of the water or by the entry upon or occupation or user of the land, as the case may be, for damage sustained by them by reason of the matters aforesaid. 30

(2) Compensation shall be made by the undertakers in relation to whom an order is made prohibiting, or imposing a limitation on, the taking of water from an inland navigation, to the persons to whom the prohibition or limitation applies, for damage sustained by them by reason of the prohibition or limitation. 35

(3) In assessing compensation to be made under paragraph (a) or paragraph (b) of sub-paragraph (1) of this paragraph or under sub-paragraph (2), the arbitrator may, if he thinks fit, have regard to the amount of water which, on an equitable apportionment of the water available from the source between the claimant, the undertakers and other persons taking water from the source, might fairly be apportioned to the claimant. 40 45

A.D. 1958
2ND SCH.
—cont.

2.—(1) Compensation shall be made by the undertakers in relation to whom an order is made suspending or modifying an obligation as respects the taking of water from a source, or as respects the discharge of compensation water, to persons who but for the order would have
5 been entitled to institute proceedings in respect of a failure to comply with the obligation, for damage sustained by them by reason of water being taken without compliance with the obligation, or of compensation water not being discharged, or being discharged otherwise than in accordance with the obligation.

10 (2) In assessing compensation to be made under this paragraph the arbitrator may, if he thinks fit, have regard to the amount of water which, under the conditions existing by reason of the shortage of rain, would have been available to the claimant during the period during which the deficiency of supplies of water is continued, if the
15 undertaking in relation to which the obligation was imposed had never been carried out.

3.—(1) A claim for compensation under this Schedule shall be made by serving upon the undertakers a notice in writing stating the grounds of the claim and the amount claimed.

20 (2) A claim for compensation under this Schedule may be made at any time not later than three months after the end of the period for which the order authorises the taking of water or, as the case may be, suspends or modifies the restriction or obligation in question.

25 (3) Any question as to the right of a claimant to recover compensation, or as to the amount of compensation recoverable, shall in default of agreement be referred to, and determined by, an arbitrator agreed between the parties or, in default of agreement to be appointed by the Minister.

30 (4) Where a claim is made during the continuance of an order, the arbitrator may, if he thinks fit, award a sum representing the damage which is likely to be sustained by the claimant in respect of each day on which water is taken, or is taken otherwise than in accordance with a restriction or obligation, or on which compensation water is not discharged or is discharged otherwise than in accordance with an
35 obligation, or on which a prohibition or limitation on the taking of water is in effect, as the case may be.

40 (5) An arbitrator appointed for the purposes of this Schedule may, in any case in which he thinks it expedient to do so, call in the aid as assessor of a person to be selected by the arbitrator from a panel of persons to be nominated by the President of the Institution of Civil Engineers and he may hear the case wholly or partly with the assistance of the assessor.

45 Where the arbitrator calls in the aid of a person as assessor, there shall be payable by such of the parties and in such proportions as may be determined by the arbitrator such sum in respect of the remuneration and expenses of the assessor as may be so determined.

A.D. 1958
2ND SCH.
—cont.

4.—(1) In the application of this Schedule to Scotland, for any reference to an arbitrator there shall be substituted a reference to an arbiter.

(2) An arbiter appointed for the purposes of this Schedule may, and shall if the Court of Session so direct, state at any stage of the proceedings a case for the opinion of the Court of Session on any question of law arising in the course of the proceedings; and the decision of the Court of Session thereon shall be final and conclusive.]

5

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Thames Conservancy Act, 1932	22 & 23 Geo. 5. c. xxxvii.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
Rivers (Prevention of Pollution) Act, 1951	14 & 15 Geo. 6. c. 64.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Transport Charges, &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

Water [H.L.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to confer powers to meet deficiencies in the supply of water due to exceptional shortage of rain and to revoke, with savings, Defence Regulations 50A and 56.

The Lord Mancroft

Ordered to be printed 1st May 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 1s. 0d. net

(78)

(37723)

[To be substituted for Amendments previously issued.]

Water Bill [H.L.]

NOTE:—These Amendments are being re-issued because the Amendments to the Second Schedule were omitted from the Amendments previously issued.

- 1 Page 2, line 5, at beginning insert (“ In an order made under paragraph (a) of the foregoing subsection for authorising the taking of water from a source from which water is supplied to an inland navigation, or ”)

Clause 2

- 2 Page 4, line 9, after (“ rate ”) insert (“ or minimum charge ”)

Clause 4

- 3 Page 5, line 31, at end insert—

(“ (2) Any reference in this Act to a river board includes a reference to the Conservators of the River Thames and the Lee Conservancy Catchment Board, and any reference to the area of a river board shall, in relation to the Conservators of the River Thames, be construed as a reference to the Thames catchment area.”)

In the Schedules

First Schedule

- 4 Page 7, line 18, after (“ authority ”), insert (“ and river board ”.)
- 5 Page 7, line 25, leave out from beginning to end of line 34.
- 6 Page 8, line 30, leave out from (“ days ”) to (“ and ”) in line 31 and insert (“ from the date on which it is served or, in the case of publication of a notice in pursuance of any of the foregoing provisions of this paragraph, from the date of the publication,”)
- 7 Page 8, line 34, leave out from (“ or ”) to (“ and ”) in line 35 and insert (“ in the case of publication of a notice in pursuance of any of the foregoing provisions of this paragraph, from the date of the publication,”)

Amend-
ment
No.**First Schedule—continued**

- 8** Page 9, line 9, leave out (“ residence ”) and insert (“ business.”)
- 9** Page 9, line 11, after (“ owner ”) insert (“ , lessee ”)
- 10** Page 9, line 16, after (“ owner ”) insert (“ , lessee ”)
- 11** Page 9, line 37, leave out from (“ with ”) to (“ person ”) and insert (“ on a reference under the Second Schedule to this Act or by any ”)
- 12** Page 10, line 13, leave out (“ notices are ”) and insert (“ notice of the application was ”)
- 13** Page 10, line 13, leave out (“ sub-paragraph (2) ”) and insert (“ sub-paragraphs (2) and (3) ”)

Second Schedule

- 14** Page 10, line 42, leave out (“ arbitrator ”) and insert (“ Lands Tribunal ”)
- 15** Page 10, line 42, leave out (“ he ”) and insert (“ it ”)
- 16** Page 11, line 11, leave out (“ arbitrator ”) and insert (“ Lands Tribunal ”)
- 17** Page 11, line 11, leave out (“ he ”) and insert (“ it ”)
- 18** Page 11, line 26, leave out from (“ by ”) to end of line 28 and insert (“ the Lands Tribunal ”)
- 19** Page 11, line 30, leave out (“ arbitrator ”) and insert (“ Lands Tribunal ”)
- 20** Page 11, line 30, leave out (“ he ”) and insert (“ it ”)
- 21** Page 11, line 37, leave out sub-paragraph (5).
- 22** Page 12, line 2, leave out (“ an arbitrator ”) and insert (“ the Lands Tribunal ”)
- 23** Page 12, line 2, leave out from second (“ to ”) to end of line 8 and insert—
 (“ the Lands Tribunal for Scotland :

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as respects Scotland, this paragraph shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Schedule by an arbiter so appointed.”)

[To be substituted for Amendments previously
issued.]

Water Bill [H.L.]

COMMONS
AMENDMENTS

*[The references are to Bill (109) as first
printed for the House of Commons.]*

Ordered to be printed 28th July 1958

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 4d. net

(169)+—

(38155)

Yarmouth Naval Hospital Transfer Bill

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is to transfer the Royal Naval Hospital at Great Yarmouth from the Admiralty to the Minister of Health.

2. Clause 1 provides that the hospital shall be transferred on a day to be appointed by order and shall be a mental hospital within the National Health Service.

3. Clause 2 provides for the application to patients already in the hospital at the date of transfer of enactments generally applicable to patients in mental hospitals.

4. On transfer to the Minister the hospital will be administered by a Hospital Management Committee under the National Health Service; and the transfer will enable greater use to be made of the hospital in the future.

A

B I L L

INTITULED

An Act to transfer the Royal Naval Hospital at Great Yarmouth to the Minister of Health; and for purposes connected therewith. A.D. 1957

BE it enacted by the Queen'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) On the appointed day there shall, by virtue of this section and without further assurance, be transferred to and vest in the Minister of Health (in this Act referred to as “the Minister”)—

Transfer of
Yarmouth
Naval
Hospital to
Minister
of Health.

10 (a) all interests in or attaching to any premises or moveable property which immediately before that day were held by the Admiralty solely for the purposes of the Royal Naval Hospital at Great Yarmouth (in this Act referred to as “the hospital”); and

15 (b) all other rights and liabilities acquired or incurred by the Admiralty for those purposes, being rights and liabilities to which the Admiralty were entitled or subject immediately before that day but not including any rights or liabilities arising under contracts for the rendering of personal services or under the Yarmouth Naval Hospital Act, 1931 (in this Act referred to as “the Act of 1931”).

20

(2) On and after the appointed day the hospital shall form part of the hospital and specialist services provided by the

A.D. 1957 Minister under the National Health Service Acts, 1946 to 1952, and, until the Minister otherwise directs, be deemed to be designated by him as a mental hospital.

Transitional
provisions as
to patients.

2.—(1) In relation to any person who, immediately before the appointed day, was lawfully detained or was liable to be detained in the hospital either in pursuance of an order of the Admiralty under section one of the Act of 1931 (in this subsection referred to as an "Admiralty order") or by virtue of subsection (6) of section two of that Act (which relates to the detention of persons already detained in the hospital at the commencement of that Act), there shall be deemed to be in force on the appointed day a summary reception order for his detention in the hospital duly made under section sixteen of the Lunacy Act, 1890, on the date which, in his case, was the appropriate day within the meaning of subsection (3) of section three of the Act of 1931; and for the purpose of ascertaining the period during which the said summary reception order remains in force under subsection (4) of section thirty-eight of the Lunacy Act, 1890—

(a) any report made as required by the said section three certifying that the person in question was still of unsound mind and a proper person to be detained under care and treatment shall have effect as if it were such a special report and contained such a certificate as are mentioned in the said subsection (4) and had been sent to the Board of Control in accordance with that subsection; and

(b) in the case of a person—

(i) detained in the hospital at the commencement of the Act of 1931; or

(ii) detained or liable to be detained in the hospital in pursuance of an Admiralty order made with the consent required by subsection (2) of section two of the Act of 1931 (which section provides, among other things, that an Admiralty order in respect of a patient already detained under the enactments relating to persons of unsound mind shall not be made without the consent of the Board of Control or the corresponding authority in Scotland or Northern Ireland and shall not come into operation until the patient is discharged in accordance with those enactments),

there shall be deemed to have been sent to the Board of Control such reports and certificates under the said subsection (4) as would have been required to continue the said summary reception order in force until the commencement of the Act of 1931 or, as the case may be, until the Admiralty order came into operation.

(2) In relation to any person who, immediately before the appointed day, was a voluntary patient in the hospital in pursuance of an application under section five of the Act of 1931, the Mental Treatment Act, 1930, shall have effect as if he had
5 been received in the hospital under section one of the last-mentioned Act as such a patient on the appointed day in pursuance of the application and the application had been made on that day to the person in charge of the hospital. A.D. 1957

10 **3.—**(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(a) any expenses incurred by the Minister by virtue of this Act; and

15 (b) any increase attributable to this Act in the sums payable out of such moneys under section fifty-four of the National Health Service Act, 1946 (which, among other things, provides for certain expenditure of Regional Hospital Boards and certain payments to members of bodies constituted under that Act to be defrayed out of such moneys).

20 (2) All sums received by the Minister by virtue of this Act shall be paid into the Exchequer.

4.—(1) This Act may be cited as the Yarmouth Naval Hos- Short title,
interpretation,
repeal and
extent.
pital Transfer Act, 1957.

(2) In this Act, except where the context otherwise requires, Short title,
interpretation,
repeal and
extent.
25 the following expressions have the following meanings—

“the appointed day” means such day as the Minister may by order, made by statutory instrument, appoint;

30 “the Act of 1931”, “the hospital” and “the Minister” have the meanings assigned to them by section one of this Act.

(3) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any other enactment.

(4) The Act of 1931 shall cease to have effect on the appointed day.

35 (5) This Act, except so far as it provides for the repeal of the Act of 1931, shall not extend to Scotland or Northern Ireland.

Yarmouth Naval Hospital Transfer

A

B I L L

INTITLED

An Act to transfer the Royal Naval Hospital
at Great Yarmouth to the Minister of
Health; and for purposes connected
therewith.

Brought from the Commons 26th November 1957

Ordered to be printed 26th November 1957

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 6d. net
(10)
(37163)

FIRST REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

ENTERTAINMENTS DUTY BILL [H.L.]

TOGETHER WITH
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE

*Ordered by The House of Lords to be Printed
19th November and 11th December 1957*

*Ordered by The House of Commons to be Printed
11th December 1957*

LONDON

HER MAJESTY'S STATIONERY OFFICE

SIXPENCE NET

H.L. 5, 18—I
H.C. 29—I

HOUSE OF LORDS
ORDERS OF REFERENCE, ETC.

Die Jovis, 7° Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to: Ordered*, That a Message be sent to the Commons to communicate this Resolution, and to desire their concurrence.

Die Mercurii, 13° Novembris, 1957

Consolidation Bills—Message from the Commons, That they concur in the Resolution of this House communicated to them on Thursday last on the subject of Consolidation Bills, as desired by this House.

Die Jovis, 14° Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to: The Lords following were named of the Committee:—*

L. Derwent,
L. Rathcreedan,
L. Terrington,
L. Cawley,
L. Jessel,
L. Broughshane :

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Then a Message was ordered to be sent to the House of Commons to acquaint them therewith, and to request them to appoint six members of that House to be joined with the said Committee.

Die Martis, 19° Novembris, 1957

Consolidation Bills—Message from the Commons to acquaint this House that they have appointed a Committee of Six Members to join with the Committee appointed by this House, as mentioned in their Lordships' Message of Thursday last, to consider all Consolidation Bills in the present Session, and a Message ordered to be sent to the House of Commons to propose that the Joint Committee on Consolidation Bills do meet in the Chairman of Committees' Committee Room on *Wednesday the 4th of December* next, at half-past Four o'clock.

Consolidation Bills—The evidence taken before the Joint Committee from time to time to be *printed*, but no copies to be delivered out except to Members of the Committee and to such other persons as the Committee shall think fit, until further order. Leave given to the Joint Committee to report from time to time. (No. 5.)

Die Jovis, 21° Novembris, 1957

Consolidation Bills—Message from the Commons that they have ordered that the Select Committee appointed by them to join with the Select Committee of this House on Consolidation etc. Bills, do meet the Lords Committee in the Chairman of Committees' Committee Room on *Wednesday, the 4th of December* next, at half-past Four o'clock, as proposed by this House.

HOUSE OF COMMONS

EXTRACTS FROM JOURNALS

Thursday, 7th November, 1957

Mr. Speaker acquainted the House, That a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords communicate that they have come to the following Resolution, viz.:—That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament: to which the Lords desire the concurrence of this House.

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration—(Mr. Oakshott):—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.—(Mr. Oakshott)

Ordered, That a Message be sent to the Lords to acquaint them therewith: and that the Clerk do carry the said Message.

Thursday, 14th November, 1957

Mr. Speaker acquainted the House, that a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords have appointed a Committee of Six Lords to join with a Committee of the Commons as a Joint Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session; they have resolved that the Memoranda laid and any Representations made with respect thereto under the said Act be referred to the said Joint Committee; and they request the Commons to appoint an equal number of their Members to be joined with the said Lords.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.—(Mr. Anthony Barber.)

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

The Committee was accordingly nominated of Mr. Philip Bell, Mr. Ronald Bell, Mr. Forman, Mr. Janner, Sir Hugh Linstead, and Mr. Oliver.

Ordered, That the Committee have power to send for persons, papers and records; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.—(Mr. Anthony Barber.)

Ordered, That a Message be sent to the Lords to acquaint them that this House hath appointed a Committee of Six Members, of whom Three shall be a Quorum, with power to send for persons, papers and records, and to sit notwithstanding any Adjournment of the House, to join with the Committee appointed by the Lords to consider the Bills aforesaid: And that the Clerk do carry the said Message.

Tuesday, 19th November, 1957

The Speaker acquainted the House, That a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords propose that the Joint Committee on Consolidation, &c., Bills do meet in the Chairman of Committees' Committee Room on Wednesday the 4th day of December next at half-past Four of the clock.

Wednesday, 20th November, 1957

The House proceeded to take into consideration the Lords Message of the 19th day of this instant November relating to the place and time of meeting of the Joint Committee on Consolidation, &c., Bills.

Ordered, That a Message be sent to the Lords to acquaint them therewith: Committee as proposed by their Lordships.—(Mr. Oliver.)

Ordered, That a Message be sent to the Lords to acquaint them therewith: and that the Clerk do carry the said Message.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £3 5s. 3d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £20 13s. 6d.

FIRST REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

ENTERTAINMENTS DUTY BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill and have heard evidence thereon. They are of the opinion that the Bill is pure consolidation and represents the existing law.

LORDS AND MEMBERS PRESENT
AND
MINUTES OF PROCEEDINGS

DIE MERCURII, 11° DECEMBRIS, 1957

Present:

Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Jessel.Lord Broughshane.
Mr. Philip Bell.
Sir Hugh Linstead.
Mr. Oliver.

THE LORD TERRINGTON, in the Chair

The Entertainments Duty Bill [H.L.] is considered.

Mr. C. H. CHORLEY, Parliamentary Counsel; Mr. C. A. RYVES, an Assistant Solicitor, and Mr. R. W. RADFORD, M.B.E., and Assistant Secretary, H.M. Customs & Excise, are called in and examined. (*See Minutes of Evidence.*)

Mr. Chorley is heard to make an explanatory statement relating to the Bill.

The Title of the Bill is then read and postponed.

The Clauses of the Bill are then read and *agreed to* without amendment.

The Schedules to the Bill are read and *agreed to* without amendment.

The Title of the Bill is again read and *agreed to*.

*A Draft Report is laid before the Committee.

The same is *agreed to* without amendment.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords without amendment.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

Ordered, That the Committee be adjourned.

**MINUTES OF EVIDENCE TAKEN BEFORE THE
JOINT SELECT COMMITTEE OF THE HOUSE
OF LORDS AND THE HOUSE OF COMMONS
ON CONSOLIDATION BILLS**

7

ENTERTAINMENTS DUTY BILL [H.L.]

DIE MERCURII, 11° DECEMBRIS, 1957.

Present :

Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Jessel.
Lord Broughshane.

Mr. Philip Bell.
Sir Hugh Linstead.
Mr. Oliver.

THE LORD TERRINGTON, in the Chair.

Mr. C. H. CHORLEY, Parliamentary Counsel; Mr. C. A. RYVES, an Assistant Solicitor, and Mr. R. W. RADFORD, M.B.E., and Assistant Secretary, H.M. Customs & Excise, are called in and examined.

Chairman.

1. This Bill is not one under the Consolidation of Enactments procedure, but it is the Entertainments Duty Bill. (Mr. Chorley, would you just like to tell us briefly what this is about?—(Mr. Chorley.) My Lord Chairman, entertainments duty was imposed at the beginning of the year 1916 by the Finance (New Duties) Act 1916, which Act did exactly what its short title indicates, namely, it imposed a random set of new duties on various things, including entertainments. The entertainments duty was altered very considerably, virtually every year thereafter, and if any Members of the Committee have looked at the Ninth Schedule to the Finance Act this year they will find repeals then extending from the years 1916 to 1954. The result has been that the enactments relating to duty have been very fragmented. They have consisted of small sections and subsections scattered in the Finance Acts from the years 1916 to 1954, and they certainly needed consolidation some time ago. That consolidation was impeded by difficulties attending the very great number of exemptions that there then were from the scope of the charge. In the Finance Act of this year the scope

of the duty has been narrowed so as to make it a charge only on cinema and television shows, and consequentially on that the exemptions have disappeared and have been replaced by a schedule of exemptions relating only to educational shows and things like that. Consequentially on the narrowing of the scope a great deal of the matter has disappeared from the Statute Book, and this means that we are now able to consolidate the enactments which are still fairly scattered. The consolidation I am afraid is not a very exciting one, but it is a useful one because for the first time since 1916 we have got the whole story about the duty in one short Bill. I think Members of the Committee will agree that it is a good thing from every point of view to have the enactments relating to a particular tax all in one document.

Chairman.] Thank you very much. Would any Member of the Committee like to ask Mr. Chorley any general question? If not, we will consider the Bill.

ON THE TITLE.

Chairman.] The Question is that the Title of the Bill be postponed?

(The same is agreed to.)

11^o Decembris, 1957.] Mr. C. H. CHORLEY,
Mr. C. A. RYVES and Mr. R. W. RADFORD, M.B.E.

[Continued.]

ON CLAUSES 1 AND 2.

Chairman.] Clause 1, Clause 2. The Question is that Clauses 1 and 2 stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 3.

Chairman.

2. Clause 3. You have a note on that, Mr. Chorley. I think it is purely explanatory?—Purely so.

Chairman.] Has any Member of the Committee any question on that explanation? The Question is that Clause 3 stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 4 TO 6.

Chairman.

3. Clause 4, Clause 5. Clause 6—there again you have a mere explanatory statement?—Yes, my Lord.

Chairman.] The Question is that Clauses 4 to 6 inclusive stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 7 TO 11.

Chairman.] Clause 7, Clause 8, Clause 9, Clause 10, Clause 11. The Question is that Clauses 7 to 11 inclusive stand part of the Bill?

(The same is agreed to.)

ON THE FIRST SCHEDULE.

Chairman.] The First Schedule. The Question is that this be the First Schedule to the Bill?

(The same is agreed to.)

ON THE SECOND SCHEDULE.

Chairman.

4. The Second Schedule. Again, Mr. Chorley, you have an explanatory point on this. Do you wish to say anything about it?—No, my Lord, I do not think there is anything to add to the note. I will answer any questions, if any Member of the Committee wishes to ask any.

Chairman.] Has any Member of the Committee any question on the Second Schedule? The Question is that this be the Second Schedule to the Bill?

(The same is agreed to.)

ON THE TITLE.

Chairman.] The Question is that the Title be the Title of the Bill?

(The same is agreed to.)

Chairman.] Is it the pleasure of the Committee that we can deal with the reporting in the usual way?

(The same is agreed to.)

Chairman.] We are very much obliged to you, Mr. Chorley. Thank you very much indeed.

The witnesses are directed to withdraw

Adjourned sine die.

SECOND REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

**HOUSING (FINANCIAL PROVISIONS)
BILL [H.L.]**

**TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE**

*Ordered by The House of Lords to be Printed
19th November 1957 and 5th February 1958*

*Ordered by The House of Commons to be Printed
5th February 1958*

LONDON

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H.C. 82—I

HOUSE OF LORDS

ORDERS OF REFERENCE, ETC.

Die Jovis, 7° Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to: Ordered*, That a Message be sent to the Commons to communicate this Resolution, and to desire their concurrence.

Die Mercurii, 13° Novembris, 1957

Consolidation Bills—Message from the Commons, That they concur in the Resolution of this House communicated to them on Thursday last on the subject of Consolidation Bills, as desired by this House.

Die Jovis, 14° Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to*: The Lords following were named of the Committee:—

L. Derwent,
L. Rathcreedan,
L. Terrington,
L. Cawley,
L. Jessel,
L. Broughshane:

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Then a Message was ordered to be sent to the House of Commons to acquaint them therewith, and to request them to appoint six members of that House to be joined with the said Committee.

Die Martis, 19° Novembris, 1957

Consolidation Bills—Message from the Commons to acquaint this House that they have appointed a Committee of Six Members to join with the Committee appointed by this House, as mentioned in their Lordships' Message of Thursday last, to consider all Consolidation Bills in the present Session, and a Message ordered to be sent to the House of Commons to propose that the Joint Committee on Consolidation Bills do meet in the Chairman of Committees' Committee Room on *Wednesday the 4th of December* next, at half-past Four o'clock.

Consolidation Bills—The evidence taken before the Joint Committee from time to time to be *printed*, but no copies to be delivered out except to Members of the Committee and to such other persons as the Committee shall think fit, until further order. Leave given to the Joint Committee to report from time to time. (No. 5.)

Die Jovis, 21^o Novembris, 1957

Consolidation Bills—Message from the Commons that they have ordered that the Select Committee appointed by them to join with the Select Committee of this House on Consolidation etc. Bills, do meet the Lords Committee in the Chairman of Committees' Committee Room on *Wednesday*, the 4th of *December* next, at half-past Four o'clock, as proposed by this House.

HOUSE OF COMMONS

EXTRACTS FROM JOURNALS

Thursday, 7th November, 1957

Mr. Speaker acquainted the House, That a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords communicate that they have come to the following Resolution, viz.:—That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament: to which the Lords desire the concurrence of this House.

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration—(*Mr. Oakshott*):—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.—(*Mr. Oakshott*)

Ordered, That a Message be sent to the Lords to acquaint them therewith: and that the Clerk do carry the said Message.

Thursday, 14th November, 1957

Mr. Speaker acquainted the House, that a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords have appointed a Committee of Six Lords to join with a Committee of the Commons as a Joint Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session; they have resolved that the Memoranda laid and any Representations made with respect thereto under the said Act be referred to the said Joint Committee; and they request the Commons to appoint an equal number of their Members to be joined with the said Lords.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.—(*Mr. Anthony Barber.*)

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

The Committee was accordingly nominated of Mr. *Philip Bell*, Mr. *Ronald Bell*, Mr. *Forman*, Mr. *Janner*, Sir *Hugh Linstead*, and Mr. *Oliver*.

Ordered, That the Committee have power to send for persons, papers and records; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.—(*Mr. Anthony Barber.*)

Ordered, That a Message be sent to the Lords to acquaint them that this House hath appointed a Committee of Six Members, of whom Three shall be a Quorum, with power to send for persons, papers and records, and to sit notwithstanding any Adjournment of the House, to join with the Committee appointed by the Lords to consider the Bills aforesaid: And that the Clerk do carry the said Message.

Tuesday, 19th November, 1957

The Speaker acquainted the House, That a Message had been brought from the Lords by one of their Clerks, as followeth:

The Lords propose that the Joint Committee on Consolidation, &c., Bills do meet in the Chairman of Committees' Committee Room on Wednesday the 4th day of December next at half-past Four of the clock.

Wednesday, 20th November, 1957

The House proceeded to take into consideration the Lords Message of the 19th day of this instant November relating to the place and time of meeting of the Joint Committee on Consolidation, &c., Bills.

Ordered, That a Message be sent to the Lords to acquaint them therewith: Committee as proposed by their Lordships.—(*Mr. Oliver.*)

Ordered, That a Message be sent to the Lords to acquaint them therewith: and that the Clerk do carry the said Message.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £6 0s. 0d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £29 0s. 0d.

SECOND REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

HOUSING (FINANCIAL PROVISIONS) BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill and have heard evidence thereon. They have made certain amendments which seemed to them necessary for the improvement of the form of the Bill.

The Committee are of the opinion that the Bill, as amended, is pure consolidation and represents the existing law.

There is no point to which they think that the attention of Parliament should be drawn.

LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS

DIE MERCURII, 5^o FEBRUARII, 1958

Present:

Lord Derwent.
Lord Rathcreedan.
Lord Cawley.
Lord Terrington.

Mr. Ronald Bell.
Mr. Janner.
Sir Hugh Linstead.

THE LORD TERRINGTON in the Chair.

The Housing (Financial Provisions) Bill [H.L.] is considered.

Mr. A. P. IRBY, Assistant Parliamentary Counsel, is called in and examined. (*See Minutes of Evidence.*)

The Title of the Bill is read and postponed.

Clauses 1 to 3 inclusive are read and *agreed to* without amendment.

Clause 4 is read and, after an explanation by Mr. Irby, *agreed to* without amendment.

Clauses 5 to 23 inclusive are read and *agreed to* without amendment.

Clauses 24 to 28 inclusive are read and *agreed to* without amendment.

Clause 29 is read.

It is moved, page 25, line 19, after (" parts ") to insert (" thereof ").

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

Clauses 30 to 38 inclusive are read and *agreed to* without amendment.

Clause 39 is read.

It is moved, page 33, line 35, to leave out (" sections five and six ") and insert (" section five ").

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

Clauses 40 to 61 are read and *agreed to* without amendment.

The First Schedule to the Bill is read and *agreed to* without amendment.

The Second Schedule is read and, after an explanation by Mr. Irby, *agreed to* without amendment.

The Third and Fourth Schedules are read and *agreed to* without amendment.

The Fifth Schedule is read and, after an explanation by Mr. Irby, *agreed to* without amendment.

The Title of the Bill is again read and *agreed to*.

The Clauses of the Bill, as amended, are again read and *agreed to*.

The Schedules to the Bill are again read and *agreed to*.

The Title of the Bill is again read and *agreed to*.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords with amendments.

*A Draft Report is laid before the Committee and read to them by the Lord in the Chair.

The same is *agreed to*.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Janner do make the Report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

Ordered, That the Committee be adjourned.

**MINUTES OF EVIDENCE TAKEN BEFORE THE
JOINT SELECT COMMITTEE OF THE HOUSE 17
OF LORDS AND THE HOUSE OF COMMONS
ON CONSOLIDATION BILLS**

HOUSING (FINANCIAL PROVISIONS) BILL [H.L.]

DIE MERCURII, 5° FEBRUARII, 1958.

Present:

Lord Derwent.
Lord Rathcreedan.
Lord Cawley.
Lord Terrington.

Mr. Ronald Bell.
Mr. Janner.
Sir Hugh Linstead.

THE LORD TERRINGTON, in the Chair.

Mr. A. P. IRBY, Assistant Parliamentary Counsel, is called in and examined.

Chairman.] My Lords and Gentlemen, this is a pure Consolidation Bill of a very technical nature, and I am afraid I cannot myself pretend to know everything about it. Mr. Stainton was actually responsible for the drafting. Mr. Stainton is in Ghana, but Mr. Irby, who has taken it over, is here. I have been through it with him and he assures me it is complete consolidation, subject to one or two very minor points to which he draws attention. What I propose to do, if the Committee agree, is to go through the clauses more or less quickly, stopping at the ones where there are one or two minor amendments and stopping where there are any explanations. If any Member of the Committee would like to deal with any clause at any time, would you please interrupt me?

ON THE TITLE.

Chairman.] The Housing (Financial Provisions) Bill. The Question is that the Title of the Bill be postponed.

(The same is agreed to.)

ON CLAUSES 1 TO 3.

Chairman.] Clause 1, Clause 2, Clause 3. The Question is that these clauses stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 4.

Chairman.

1. Clause 4. You have a point, Mr. Irby, there, have you not?—(Mr. Irby.)

The point is this: the note explains the reason for the present subsection (6) which, of course, does not appear in any of the enactments which are reproduced, the purpose of the subsection being to preserve the law as it was before the consolidation.

Chairman.] Yes. Would any Member of the Committee like to raise any point on that clause? Then, the Question is that Clause 4 stand part of the Bill.

(The same is agreed to.)

ON CLAUSES 5 TO 23.

Chairman.] Then, there is nothing more raised on the Bill until Clause 24. If the Committee approve, I suggest that we take this group of clauses together, unless any Member has any point on any of them? Then, the Question is that Clauses 5 to 23 inclusive stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 24.

Chairman.

2. Clause 24. You have there again got another small point, Mr. Irby, have you not?—The note on Clause 24 points out a remote ambiguity in the provisions reproduced and explains how the Bill resolves it.

Chairman.] Does that satisfy Members of the Committee? Then, the question is that Clause 24 stand part of the Bill.

(The same is agreed to.)

5^o Februarii, 1958.]

Mr. A. P. IRBY.

[Continued.]

ON CLAUSES 25 TO 28.

Chairman.] Clause 25, Clause 26, Clause 27, Clause 28. The Question is that Clause 25 to 28 inclusive stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 29.

Chairman.] Clause 29. As Members of the Committee will see, there is a small drafting amendment. If I may, I will move it. Clause 29, page 25, line 19, after the word "parts" insert the word "thereof". Are you satisfied on that, Lord Derwent?

Lord Derwent.] I cannot quite see the point of putting "thereof" in. I cannot quite see the point of it, but I shall not protest about it.

Chairman.] Then, the Question is that that amendment to Clause 29 on page 25, line 19, after "parts" insert "thereof", be agreed to.

(The same is agreed to.)

Chairman.] The Question is that Clause 29 as amended stand part of the Bill.

(The same is agreed to.)

ON CLAUSES 30 TO 38.

Chairman.] Clause 30, Clause 31, Clause 32, Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, Clause 38. There is nothing more until we come to Clause 39. The Question is that Clauses 30 to 38 inclusive stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 39.

Chairman.

3. In Clause 39 there is another amendment which is a purely drafting amendment due to an error of typing, I think, is it not?—This was, in fact, due to a mistake because section 6 of the Housing (Rural Workers) Amendment Act, 1956, was, in fact, repealed by the Rent Act of last year and, therefore, the reference to it ought to come out.

Chairman.] Then, I beg to move the amendment to Clause 39, page 33, line 35, leave out "sections 5 and 6" and insert "section 5". The Question is that the amendment be agreed to.

(The same is agreed to.)

Chairman.] The Question is that Clause 39 as amended stand part of the Bill.

(The same is agreed to.)

ON CLAUSES 40 TO 61.

Chairman.] Now, nothing more arises on the clauses, so I would beg to move, unless anyone has any point to raise, that we take the remaining clauses together. The Question is that Clauses 40 to 61 inclusive stand part of the Bill.

(The same is agreed to.)

ON THE FIRST SCHEDULE.

Chairman.] There is nothing on the First Schedule. The Question is that the First Schedule be the First Schedule to the Bill.

(The same is agreed to.)

ON THE SECOND SCHEDULE.

Chairman.

4. The Second Schedule. There is a small point on this Schedule, is there not, to which you draw our attention, Mr. Irby?—The purpose of the note here is to draw attention to a possible but extremely remote alternative reproduction of the effect of the original enactments. Section 29 referred to section 27 of the Act of 1930, incorporating it by reference, and when it came to setting it out in full for the purposes of this Bill it became obvious that if one translated it quite literally it would lead to a rather absurd result; but it was quite clear what the intention was and it was thought as well to reproduce it in that form.

5. So this will make the ratepayers happy?—Indeed.

Chairman.] Very good. Does it make the Committee happy, too? Then, the Question is that this Schedule be the Second Schedule to the Bill.

(The same is agreed to.)

ON THE THIRD AND FOURTH SCHEDULES.

Chairman.] The Third Schedule, the Fourth Schedule. The Question is that these Schedules be the Third and Fourth Schedules to the Bill.

(The same is agreed to.)

ON THE FIFTH SCHEDULE.

Chairman.

6. There is a small point again on the Fifth Schedule, is there not, Mr. Irby?—Yes, my Lord. The note on the Schedule explains how the method of presentation of the Bill might possibly affect the law under the provisions which are reproduced.

5° Februarii, 1958.]

Mr. A. P. IRBY.

[Continued.]

7. There again this is for the benefit of the ratepayers?—It is for the benefit of the ratepayers, yes.

Chairman.] Are the Committee happy? Then, the Question is that this be the Fifth Schedule to the Bill.

(The same is agreed to.)

ON THE TITLE.

Chairman.] The Question is that this be the Title of the Bill.

(The same is agreed to.)

Chairman.] The Question is that I report the Bill to the House with amendments. Will you leave the reporting to Mr. Janner and myself? The Report

will be in this form: Ordered to report that:—The Committee have considered the above Bill and have heard evidence thereon. They have made certain amendments which seemed to them necessary for the improvement of the form of the Bill. The Committee are of the opinion that the Bill, as amended, is pure consolidation and represents the existing law. There is no point to which they think that the attention of Parliament should be drawn. Does that satisfy the Committee?

(The same is agreed to.)

Chairman.] Thank you very much indeed, my Lords and Gentlemen.

The witness is directed to withdraw.

Ordered: That the Lord in the Chair do make the report to the House of Lords and that Mr. Janner do make the report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

Ordered: That the Committee be adjourned.

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To be purchased from
York House, Kingsway, London W.C.2
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THIRD REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

HORSE BREEDING BILL [H.L.]

TOGETHER WITH
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE

*Ordered by The House of Lords to be Printed
19th November 1957 and 23rd April 1958*

*Ordered by The House of Commons to be Printed
23rd April 1958*

LONDON
HER MAJESTY'S STATIONERY OFFICE

SIXPENCE NET

H.L. 5—II, 72—I
H.C. 176—I

HOUSE OF LORDS
ORDERS OF REFERENCE, ETC.

Die Jovis, 7^o Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to*.

Die Jovis, 14^o Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to*: the Lords following were named of the Committee:—

L. Derwent,
L. Rathcreedan,
L. Cawley,
L. Terrington,
L. Jessel,
L. Broughshane:

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Die Martis, 22^o Aprilis, 1958

Agricultural Marketing Bill [H.L.]—Read 2^a (according to order) and referred to the Joint Committee on Consolidation Bills.

HOUSE OF COMMONS
EXTRACTS FROM JOURNALS

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration:—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

And the Committee was nominated of—

Mr. Philip Bell

Mr. Janner

Mr. Ronald Bell

Sir Hugh Linstead

Mr. Forman

Mr. Oliver.

Ordered, That the Committee have power to send for persons, papers and records; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £8 15s. 6d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £32 0s. 0d.

FIFTH REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

AGRICULTURAL MARKETING BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill which has been referred to them under the provisions of the Consolidation of Enactments (Procedure) Act, 1949, and have heard evidence thereon.

No representation was received by the Committee with respect to the Memorandum setting forth the corrections and minor improvements of the law proposed in the Bill.

The proposals were approved by the Committee without alteration.

The Committee have made an amendment to rectify a typographical error.

They are of the opinion that the Bill consolidates the existing law with such corrections and improvements as can properly be authorised under the Consolidation of Enactments (Procedure) Act, 1949 and they consider that there is no point to which the attention of Parliament ought to be drawn.

LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS

DIE MERCURII, 14^o MAII, 1958

Present:

Lord Derwent.	Mr. Ronald Bell
Lord Terrington.	Mr. Forman.
Lord Jessel.	Mr. Janner.
Lord Broughshane.	Sir Hugh Linstead.
Mr. Philip Bell.	Mr. Oliver.

THE LORD TERRINGTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday the 23rd of April last are read.

The Agricultural Marketing Bill [H.L.] is considered.

Mrs. E. A. Eadie, Deputy Parliamentary Counsel, is called in and examined. (*See Minutes of Evidence.*)

The Memorandum of the Lord Chancellor is considered in detail by the Committee and the proposals contained therein are *agreed to* without alteration.

The Title of the Bill is then read and postponed.

Clauses 1 and 2 are read and *agreed to* without amendment.

Clause 3 is read.

It is moved, page 4, line 44, to leave out (" 1933 ") and insert (" 1932 ").

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

Clauses 4 to 55 inclusive are read and *agreed to* without amendment.

The First to the Fourth Schedules to the Bill are read and *agreed to* without amendment.

The Clauses of the Bill, as amended, are again read and *agreed to*.

The Title of the Bill is again read and *agreed to*.

Ordered, That the Committee be adjourned to Wednesday next, at 4.30 o'clock.

DIE MERCURII, 21^o MAII, 1958.

Present:

Lord Rathcreedan.	Mr. Ronald Bell.
Lord Cawley.	Mr. Forman.
Lord Terrington.	Sir Hugh Linstead.
Lord Broughshane.	Mr. Oliver.

THE LORD TERRINGTON in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The Agricultural Marketing Bill [H.L.] is again considered.

The Lord in the Chair is heard to announce to the Committee that he has been authorized by both the Lord Chancellor and the Speaker to inform the Committee that they concur in the proposals contained in the Lord Chancellor's Memorandum as approved by the Committee.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords with an amendment.

* A Draft Report is laid before the Committee. The same is *agreed to* without amendment.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of Evidence taken before the Committee.

* For Report, *see* page iv.

MINUTES OF EVIDENCE TAKEN BEFORE THE
JOINT SELECT COMMITTEE OF THE HOUSE **43**
OF LORDS AND THE HOUSE OF COMMONS
ON CONSOLIDATION BILLS

AGRICULTURAL MARKETING BILL [H.L.]

DIE MERCURII, 14^o MAII, 1958.

Present:

The Lord Terrington, in the Chair.

Lord Derwent.
Lord Terrington.
Lord Jessel.
Lord Broughshane.
Mr. Philip Bell.

Mr. Ronald Bell.
Mr. Forman.
Mr. Janner.
Sir Hugh Linstead.
Mr. Oliver.

Mrs. E. A. EADIE, Deputy Parliamentary Counsel, is called in and examined.

Chairman.] My Lords and Gentlemen, this is the Agricultural Marketing Bill, which is a Bill under the Consolidation of Enactments (Procedure) Act, 1949, and we have the usual proposals by the Lord Chancellor. I think our practice is to take the proposals first. If you please, I will then take the proposals one by one.

ON PROPOSAL 1.

Chairman.] The first proposal, as you will see from the end, is for the purpose of removing a doubt. It seems to be perfectly straightforward in that it amends the section so as to make it clear that the rules are made by the three Ministers concerned and not by a great variety of them. Would anyone like to make any comment on the proposal?

Mr. Oliver.

1. Does this confirm the present rule which was applied in respect of the Agricultural Marketing (Public Inquiry) Rules and now makes this interpretation the law?—(Mrs. Eadie.) Yes, that is the effect of the proposal. The present rules are made by all three Ministers concerned and apply to inquiries into objections to any scheme, whether the scheme applies throughout the whole of the United Kingdom or only a part of it, and the proposal is intended to make that practice the law. It may well be the

law; there is just a slight doubt which the proposal clears up.

Chairman.] Thank you. The Question is that Proposal 1 be agreed to?

(*The same is agreed to.*)

ON PROPOSAL 2.

Chairman.] Proposal No. 2. This, as you will see from the end, is to remove an anomaly, and I do not know whether any Member of the Committee would like to ask any question on this one?

Mr. Oliver.

2. I have a point here, my Lord Chairman, not so much on what is contained in this proposal, but I see that it says: "It is clearly anomalous that these provisions of the Act 1948 should apply where a registered producer contravenes a provision of a scheme made in pursuance of the Act of 1931 but not where he contravenes an identical provision which has been inserted in the scheme by an order made under section 11 of the Act of 1933". Now, would not the draftsman of the 1949 Act have had before him the provisions of the 1933 Act, when that Act was drawn?—I do not think that this provision was considered when the 1949 Act was passed because this particular provision of the Act of 1933 is not a very live provision.

14° *Mai*, 1958.]

Mrs. E. A. EADIE.

[*Continued.*]

I do not think the powers conferred by the section to amend schemes by an order have ever been exercised, and I think probably this matter was overlooked when the 1949 Act was passed. That Act was concerned only with the provisions which are inserted in schemes by the principal Act, the Act of 1931.

3. I see. I only refer to 1949 because it is quite a modern Act—it is not an ancient one—but it would not have been appropriate, then, in the 1949 Act to have made the alteration?—I think it would have been, but I do not think this particular case was considered because it is not really a live case. I do not think it is really a live case today, but one cannot say that the section is dead and I think it was regarded as of no importance.

Chairman.

4. It should really have been picked up in 1949?—It certainly could have been, my Lord, yes.

Chairman.] But it was not done. The Question is that Proposal 2 be agreed to?

(*The same is agreed to.*)

ON PROPOSAL 3.

Chairman.] Proposal No. 3. As you will see, there has been one order and it is necessary in relation to the order under section 15 of the Act of 1933 to make the same provision as is made by section 15 (5) of the Act of 1949. It is rather a technical point; I have tried to understand it.

Mr. Oliver.

5. There is just one point arising here on this particular proposal. Correct me if I am not using the right term, but there are two procedures, and in the House of Commons we call one the negative and the other the affirmative procedure. In one Act the negative procedure is adopted and in the other Act the affirmative procedure is adopted, and I see you have decided to come down on the affirmative procedure. Is that right?—I do not think that is quite the position. The earlier Act merely requires the order to be laid before Parliament, and nothing more. There is no requirement for an affirmative resolution. The order simply has to be laid, that is all.

Mr. Oliver.] In that case, if you are going to raise the matter in the House you have to do so by Prayer?

Chairman.] You have to pray against it, yes.

Mr. Oliver.] I think the position is that under the 1933 Act nothing more is required except to lay the order, and the order is then in force.

Chairman.

6. It cannot be prayed against then? —No, it cannot be prayed against then and no affirmative resolution is required. The second Act does provide for annulment by resolution.

Mr. Oliver.

7. I can understand the affirmative order. The question was whether the first Act referred to there could be prayed against?—No.

Chairman.

8. It is only laid like a White Paper? —That is all, yes.

Chairman.] The Question is that this Proposal 3 be agreed to?

(*The same is agreed to.*)

ON PROPOSAL 4.

Chairman.] Proposal No. 4. This is merely to repeal a section as unnecessary in the circumstances. Has anyone any question on that? The Question is that Proposal No. 4 be agreed to?

(*The same is agreed to.*)

ON PROPOSAL 5.

Chairman.

9. Proposal No. 5 is merely, I think, for the purpose of bringing the provisions into conformity with current practice, is it not, Mrs. Eadie?—I think one might describe it as that, my Lord, yes.

Chairman.] The Question is that Proposal No. 5 be agreed to?

(*The same is agreed to.*)

ON PROPOSAL 6.

Chairman.

10. Proposal No. 6. This proposal is really in two parts, is it not?—Yes, that is so, my Lord. The first part is virtually to the same effect—

14° Maii, 1958.]

Mrs. E. A. EADIE.

[Continued.]

Chairman.] The first proposal is really the same as Proposal No. 2 which the Committee have already passed, and the second part of the proposal is really dealing with the way the wretched person can disclose the information. It seems to me to be quite sensible and reasonable. Are there any questions on this? Then, the Question is that Proposal 6 be agreed to?

(The same is agreed to.)

ON PROPOSAL 7.

Chairman.

11. Proposal No. 7. This is for the purpose of removing an anomaly which is really not a very important point, is it, Mrs. Eadie?—No, it is of no practical importance at all. I think it would probably never be contemplated that a Milk Marketing Scheme would be made which would extend to Northern Ireland as well as to the whole of this country or part of it.

Chairman.] Yes. The Question is that Proposal No. 7 be agreed to?

(The same is agreed to.)

ON PROPOSAL 8.

Chairman.] The last proposal, No. 8, is for the purpose of removing doubt. I was a little doubtful myself when it said that something could not be argued, because I have always been of the opinion that everything could be argued, but not necessarily argued successfully. Apart from that slight correction, it seems to me to be quite reasonable. The Question is that Proposal No. 8 be agreed to?

(The same is agreed to.)

Chairman.] Now, perhaps we might turn to the Bill itself, the Agricultural Marketing Bill.

ON THE TITLE.

Chairman.] The Title of the Bill. The Question is that the Title be postponed?

(The same is agreed to.)

Chairman.] Will anybody stop me if I go too fast or if they wish to raise any point on any clause?

Mr. Oliver.] It is all now pure consolidation, is it not?

Chairman.] Pure consolidation, embodying, of course, the proposals that we have now put.

Mr. Oliver.] Quite, Yes.

ON CLAUSES 1 AND 2.

Chairman.] Clause 1. Clause 2. The Question is that these Clauses stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 3.

Chairman.] Clause 3. There is an amendment. I do not know whether it is correct to call it typographical or what to call it, but you see, on page 4, line 44, it should be "1932" and not "1933". So, if I may, I will move the amendment: on page 4, line 44, leave out ("1933") and insert ("1932"). The Question is that this amendment to Clause 3 be agreed to?

(The same is agreed to.)

Chairman.] The Question is that Clause 3, as amended, stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 4.

Chairman.] Clause 4. There is nothing. I think, on Clause 4. The Question is that Clause 4 stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 5.

Chairman.

12. Clause 5. There is a note on this clause. I do not know whether you wish to give any explanation on this, Mrs. Eadie, or whether any Member of the Committee would like to ask any questions on it?—I do not think I can add very much to the note. It merely explains why the subsection has not been inserted.

Chairman.] Does any Member of the Committee wish to ask any questions? Then, the Question is that Clause 5 stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 6 TO 17 inclusive.

Chairman.] Clauses 6 to 17 inclusive. There are no further comments until we

14° Maii, 1958.]

Mrs. E. A. EADIE.

[Continued.]

come to Clause 18, so, if I may, I will put the Question that Clauses 6 to 17 inclusive stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 18.

Chairman.

13. Clause 18. This is merely the explanation for leaving out one of the provisions of the 1931 Act, is it not, Mrs. Eadie?—That is right, my Lord, yes.

Chairman.] Does anyone wish to raise any point on that? If not, the Question is that Clause 18 stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 19 TO 42 inclusive.

Chairman.] Now, there is nothing more before Clause 43, so I therefore propose to put the Question that Clauses 19 to 42 inclusive stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 43.

Chairman.

14. Clause 43. This is merely a point about statistics. The note says: "This subsection has accordingly been inserted in order to preserve the existing law", and that is the only point on that?—Yes.

Chairman.] The question is that Clause 43 stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 44 TO 46 inclusive.

Chairman.] Clause 44. Clause 45. Clause 46. The Question is that these Clauses stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 47.

Chairman.

15. Clause 47. Do you want to tell us anything about that, Mrs. Eadie? I see you say it makes no change in the law but merely avoids a complication?—That is all, my Lord, yes.

Chairman.] The Question is that Clause 47 stand part of the Bill?

(The same is agreed to.)

ON CLAUSES 48 TO 53 inclusive.

Chairman.] Then, I think there is nothing more on the Clauses until Clause 54. The Question is that Clauses 48 to 53 inclusive stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 54.

Chairman.

16. Clause 54. Is there anything on that, Mrs. Eadie that you think you should tell the Committee?—No, that is merely explaining that section 15 of the 1949 Act is almost wholly spent or unnecessary, and explaining why.

Chairman.] Thank you very much. The Question is that Clause 54 stand part of the Bill?

(The same is agreed to.)

ON CLAUSE 55.

Chairman.] Clause 55. The Question is that this clause stand part of the Bill?

(The same is agreed to.)

ON THE FIRST SCHEDULE.

Chairman.] The First Schedule. The Question is that this be the First Schedule to the Bill?

(The same is agreed to.)

ON THE SECOND SCHEDULE.

Chairman.] The Second Schedule. The Question is that this be the Second Schedule to the Bill?

(The same is agreed to.)

ON THE THIRD SCHEDULE.

Chairman.] The Third Schedule. The Question is that this be the Third Schedule to the Bill?

(The same is agreed to.)

ON THE FOURTH SCHEDULE.

Chairman.] The Fourth Schedule. The Question is that this be the Fourth Schedule to the Bill?

(The same is agreed to.)

14° Maii, 1958.]

Mrs. E. A. EADIE.

[Continued.]

ON THE TITLE.

Chairman.] The Question is that this be the Title of the Bill?

(*The same is agreed to.*)

Chairman.] That is as far as we can go today, my Lords and Gentlemen. We

have to bring it up again next Wednesday. I will write to the Lord Chancellor and to the Speaker. Thank you very much, my Lords and Gentlemen.

The witness is directed to withdraw.

Ordered : That the Committee be adjourned till Wednesday next, at 4.30 o'clock

DIE MERCURII, 21° MAIL, 1958.

Present :

Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Broughshane.

Mr. Ronald Bell.
Mr. Forman.
Sir Hugh Linstead.
Mr. Oliver.

The Lord Terrington, in the Chair.

Mrs. E. A. EADIE, Deputy Parliamentary Counsel, is called in and examined.

Chairman.] My Lords and Gentlemen, the first Bill we have to deal with, you will remember, is the one that we left over from last week, the Agricultural Marketing Bill.

ON THE REPORT.

Chairman.] The only thing that I have got to report on this Bill is that I have letters, from the Lord Chancellor saying that he concurs in the proposals as

approved by the Committee, and from Mr. Speaker, to the same effect: "I concur in the approval of the proposals stated in the Memorandum". In those circumstances the only thing I have to do is to ask the Committee to allow me to report the Bill with the amendment—there was one amendment.

(*The same is agreed to.*)

The witness is directed to withdraw.

Ordered : That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

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SIXTH REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

**PREVENTION OF
FRAUD (INVESTMENTS) BILL (H.L.)**

TOGETHER WITH
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE

*Ordered by The House of Lords to be Printed
19th November 1957 and 21st May 1958*

*Ordered by The House of Commons to be Printed
21st May 1958*

LONDON

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H.C. 208—I

HOUSE OF LORDS

ORDERS OF REFERENCE, ETC.

Die Jovis, 7° Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to*.

Die Jovis, 14° Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to*: the Lords following were named of the Committee:—

L. Derwent,
L. Rathcreedan,
L. Cawley,
L. Terrington,
L. Jessel,
L. Broughshane:

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Die Martis, 29° Aprilis, 1958

Prevention of Fraud (Investments) Bill [H.L.]—Read 2^a (according to order) and referred to the Joint Committee on Consolidation Bills.

HOUSE OF COMMONS

EXTRACTS FROM JOURNALS

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration:—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

And the Committee was nominated of—

Mr. Philip Bell
Mr. Ronald Bell
Mr. Forman
Mr. Janner
Sir Hugh Linstead
Mr. Oliver.

Ordered, That the Committee have power to send for persons, papers and records ; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £2 3s. 6d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £10 0s. 0d.

SIXTH REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

PREVENTION OF FRAUD (INVESTMENTS) BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill and have heard evidence thereon. They are of the opinion that the Bill is pure consolidation and represents the existing law.

LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS

DIE MERCURII, 21^o MAII, 1958

Present :

Lord Rathcreedan.	Mr. Ronald Bell.
Lord Cawley.	Mr. Forman.
Lord Terrington.	Sir Hugh Linstead.
Lord Broughshane.	Mr. Oliver.

THE LORD TERRINGTON in the Chair.

The Prevention of Fraud (Investments) Bill [H.L.] is *considered*.

Mr. C. H. CHORLEY, Parliamentary Counsel, is called in and examined (*See Minutes of Evidence*).

Mr. Chorley is heard to make a short statement in explanation of the Bill.

The Title of the Bill is then read and *postponed*.

Clauses 1 to 29 inclusive are read and *agreed to* without amendment.

The First and Second Schedules to the Bill are read and *agreed to* without amendment.

The Title of the Bill is again read and *agreed to*.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords with an amendment.

*A Draft Report is laid before the Committee. The same is *agreed to* without amendment.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of Evidence taken before the Committee.

* For Report, *see* page v.

MINUTES OF EVIDENCE TAKEN BEFORE THE
JOINT SELECT COMMITTEE OF THE HOUSE
OF LORDS AND THE HOUSE OF COMMONS **55**
ON CONSOLIDATION BILLS

PREVENTION OF FRAUD (INVESTMENTS) BILL [H.L.]

DIE MERCURII, 21^o MAIL, 1958.

Present :

Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Broughshane.

Mr. Ronald Bell.
Mr. Forman.
Sir Hugh Linstead.
Mr. Oliver.

The Lord Terrington, in the Chair.

Mr. C. H. CHORLEY, Parliamentary Counsel, is called in and examined.

Chairman.

1. We have two Bills to deal with this afternoon. The first is the Prevention of Fraud (Investments) Bill, and I have no doubt, my Lords and Gentlemen, that you have all read the note. This is quite a modern Consolidation Act, and I think Mr. Chorley will tell us that there is really nothing in it except on two clauses, Clause 20 and Clause 26 (2) which do not appear to be of any great importance. If the Committee agree, I think we can probably dispose of the Bill almost straight away, unless any Member of the Committee would like to ask Mr. Chorley any questions or Mr. Chorley feels himself he would like to address us on it?—(Mr. Chorley.) My Lord, the only thing I would like to say to the Committee is that this constitutes one of the mopping up operations consequential upon the consolidation of the Companies Acts in 1948. The then Members of the Committee asked me at the time what was going to be done with various pieces of law that got left behind, and I was incautious enough to say that, in due time, no doubt, we would be able to deal with them. I am sorry this has been so long, but better late than never. This deals with one of the more important things left behind.

Chairman.] Would any Member of the Committee like to raise anything? If not, and if no Member of the Committee objects, I will take the Bill as a whole.

(The same is agreed to.)

The witness is directed to withdraw.

Ordered : That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

ON THE TITLE.

Chairman.] The Prevention of Frauds (Investments) Bill. The Question is that the Title of the Bill be postponed?

(The same is agreed to.)

ON CLAUSES 1 TO 29 INCLUSIVE.

Chairman.] Clauses 1 to 29 inclusive. The Question is that these clauses stand part of the Bill?

(The same is agreed to.)

ON THE FIRST SCHEDULE.

Chairman.] There are two Schedules. The First Schedule. The Question is that this be the First Schedule to the Bill?

(The same is agreed to.)

ON THE SECOND SCHEDULE.

Chairman.] The Second Schedule. The Question is that this be the Second Schedule to the Bill?

(The same is agreed to.)

ON THE TITLE.

Chairman.] The Title. The Question is that this be the Title of the Bill?

(The same is agreed to.)

ON THE REPORT.

Chairman.] The Question is that we report the Bill in the usual way?

(The same is agreed to.)

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SEVENTH REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

**STATUTE LAW REVISION
BILL (H.L.)**

**TOGETHER WITH
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE**

*Ordered by The House of Lords to be Printed
19th November 1957 and 21st May 1958*

*Ordered by The House of Commons to be Printed
21st May 1958*

LONDON

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HOUSE OF LORDS

ORDERS OF REFERENCE, ETC.

Die Jovis, 7° Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to*.

Die Jovis, 14° Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to*: the Lords following were named of the Committee:—

L. Derwent,
L. Rathcreedan,
L. Cawley,
L. Terrington,
L. Jessel,
L. Broughshane:

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Die Martii, 29° Aprilis, 1958

Statute Law Revision Bill [H.L.]—Read 2^a (according to order) and referred to the Joint Committee on Consolidation Bills.

HOUSE OF COMMONS

EXTRACTS FROM JOURNALS

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration:—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

And the Committee was nominated of—

Mr. Philip Bell
Mr. Ronald Bell
Mr. Forman
Mr. Janner
Sir Hugh Linstead
Mr. Oliver

Ordered, That the Committee have power to send for persons, papers and records ; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £8 15s. 6d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £37 0s. 0d.

SEVENTH REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

STATUTE LAW REVISION BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill and have heard evidence thereon.

The Bill, like its predecessors is, with one exception, confined to the repeal of obsolete or unnecessary enactments, but its form has been revised to make it conform with modern methods of drafting Bills.

The exception is subsection (1) of Clause 4 which, in effect, constitutes a small piece of consolidation in that it reproduces without alteration the only live provision of the Government War Obligations Acts, 1914 to 1919, thereby permitting the repeal of those Acts by subsection (2) of the Clause.

LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS

DIE MERCURII, 21^o MAII, 1958

Present :

Lord Rathcreedan.	Mr. Ronald Bell.
Lord Cawley.	Mr. Forman.
Lord Terrington.	Sir Hugh Linstead.
Lord Broughshane.	Mr. Oliver.

THE LORD TERRINGTON in the Chair.

The Statute Law Revision Bill [H.L.] is considered.

Mr. C. H. CHORLEY, Parliamentary Counsel, is called in and examined (*See Minutes of Evidence*).

Mr. Chorley is heard to explain the nature, scope and form of the Bill.

The Title of the Bill is then read and postponed.

Clauses 1 to 6 inclusive are read and *agreed to* without amendment.

The First to the Third Schedules to the Bill inclusive are read and *agreed to* without amendment.

The Title of the Bill is again read and *agreed to*.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords without amendment.

*A Draft Report is laid before the Committee. The same is *agreed to* without amendment.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of Evidence taken before the Committee.

Ordered, That the Committee be adjourned to Wednesday the 18th of June next.

* For Report, *see* page V.

MINUTES OF EVIDENCE TAKEN BEFORE THE 63 JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS ON CONSOLIDATION BILLS

STATUTE LAW REVISION BILL [H.L.]

DIE MERCURII, 21^o MAII, 1958.

Present :

Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Broughshane.

Mr. Ronald Bell.
Mr. Forman.
Sir Hugh Linstead.
Mr. Oliver.

The Lord Terrington, in the Chair.

Mr. C. H. CHORLEY, Parliamentary Counsel, is called in and examined.

Chairman.

1. Now we have the Statute Law Revision Bill. It is a very short Bill, as you will see, and I think Mr. Chorley would like to address us on the Bill as a whole before we look at it?—(Mr. Chorley.) My Lords and Gentlemen, this is the first occasion on which the Office of the Parliamentary Counsel have been responsible for drafting a Statute Law Revision Bill, and I think, therefore, that the Committee would wish me to say something about the Bill generally, and in particular.

The first Statute Law Revision Bill was produced in 1861, and it was a very big thing because nothing had been done up to that time. Sir Cecil Carr who, you will remember, was responsible for statute law revision for many years, has written a letter about the present Bill from which I propose, with his permission, to quote shortly, and in that he refers to the “the (?) 112 sleeping statutes which were eventually repealed in the earliest of what were to be Statute Law Revision Bills”. As a matter of fact, that turns out to be a very considerable underestimate; because I had a quick look this afternoon, just before I came down, at the first Statute Law Revision Bill, and it repealed 780 Acts in whole and parts of some others, and that repeal only covered the years 1770 to 1856. So, the early Bills were of very great magnitude. The present Bill is small, mainly because of the work done by my predecessors.

The Committee will be aware that at common law the effect of repealing an Act is that it never was,

been both opened and closed, and there is often a good deal more which has to be saved upon a repeal. The first Bill of 1861 contained a very short saving in about 2½ lines. The repeal provision said that the Acts specified in the Schedule should be repealed “except as to any operation already effected by or act done under any enactment therein comprised or as to any right, title, obligation or liability already acquired or accrued under any such enactment”. That saving was then got at by Bethell, the Attorney-General, who became in due time Lord Westbury and who, for reasons which I do not know, became a cordially detested figure, and one, I think, rather feared. He proceeded to elaborate that saving in successive Statute Law Revision Bills until it became the enormous one which was in the last Statute Law Revision Bill of 1953. The saving there covers an entire page.

Now, of course, during the 19th century savings had been put into Acts which specifically repealed something and they were shorter, like the one from the Act of 1861 which I quoted, or longer. In 1889 the Interpretation Act was passed which was an extension and in some sense a conclusion of the work begun by Brougham who had discovered, (as Sir Cecil Carr again says rather wittily) after his original Act for shortening Acts of Parliament, which was known as Brougham's Act, that it was the one thing he did which was of genuine public merit and not mischievous and for his own purposes. Anyway, the work was brought to a con-

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[Continued.]

had been hitherto put in Bills were extended and generalised in section 38; and the note on the Bill for the Interpretation Act when it was introduced in the House of Lords simply says: "This clause generalises provisions which have become almost common forms in recent Acts. Of course, special provisions as to the effect of a repeal will still be required in special cases". It is on section 38 that we have relied for the whole of the period since 1889 and I cannot call to mind more than one case in my own experience where that section was found to be insufficient and something additional had to be put in. From the point of view, therefore, of my own Office, we have always cordially detested these Westbury savings and their reproduction in modern times, because we think they are quite unnecessary in view of the existence of section 38 of the Interpretation Act. Moreover, in so far as they may be argued to do more than section 38 does—I do not admit that they do, but it has been argued that they do—they may operate, or, at any rate, it has been argued that they may operate, to nullify the effect of a repeal. If they do, then one is left in the fool's position that an Act has been expunged from the Statute Book but that its effect is still there and, of course, that nobody can find it. That is a most undesirable state of affairs and I submit it clearly ought no longer to go on.

The Committee may wonder why it was that the Westbury savings have in fact continued until 1953. Well, the answer to that is that Statute Law Revision Bills were not drafted by the office responsible for the drafting of Government Bills, so there was no pressure for uniformity. Lord Westbury was, as I have said, detested and feared and perhaps also venerated; and it was rather like the case of "Willie, wearing his best of sashes, Fell in the fire and was burnt to ashes. Presently the room grew chilly. Nobody liked to poke poor Willie", until Mr. Janner came on this Committee; and in 1953, when the last Statute Law Revision Bill was before the Committee, Mr. Janner adverted to the question of these Westbury savings. I do not think it is necessary to read all that was said then, but what he said in effect was: "Is it not time something was done about this?" and the person being questioned said: "It will be brought to the attention of the Com-

Statute Law Committee. Speaking for myself, and I am sure for my colleagues, we are really very grateful to Mr. Janner for having raised this point from his side of the Committee and I wish he were here today so that I could tender my thanks to him.

Of course, this is a reform in the form of the Bill, and it is almost a cardinal rule in this country that nothing may ever be done for the first time. In this case we did consult Sir Cecil Carr who was responsible for statute law revision for so many years and was, of course, Counsel to the Speaker and a most learned man; and we not only consulted him formally, but I did tell him informally that I was proposing to scrap the Westbury savings and rely on the Interpretation Act. His reply to me was: "Is that not what we have all been working up to?" By direction of the Lord Chancellor he was formally consulted about this and he replied, and he has given me permission to quote him: "I shall burst no blood vessels if the form of a Statute Law Revision Bill is modernised and streamlined or even if the 'Westbury savings' are scrapped". He goes on to say: "I once went through the Westbury catalogue with Liddell"—who was, of course, first Parliamentary Counsel for many years and subsequently Counsel to the Speaker—"word by word: he agreed it was all dead: only one word, I forget which, gave him even a momentary doubt". He then goes on to say, in effect, that he was very much minded to scrap them himself when statute law revision was revived after the war, but there had been such a very long interval between 1948 and the previous Statute Law Revision Bill that he thought it best not to make an innovation at that particular time.

But my submission is that the time has now come when this ought to be reformed and nobody should be given any excuse for trying to argue that something has been repealed and then not repealed. It is of interest to note that the Memorandum prefaced to previous Statute Law Revision Bills has said for many years that the Westbury savings were designed to ensure "that if by inadvertence any provision of the living law is included in the repeals the rights deriving therefrom shall be protected by the courts". That seems inconsistent with statute law revision because one ought to

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provisions of the living law, whether by inadvertence or otherwise. Alternatively, if something does get in by inadvertence, which we hope it will not do, it is very inexpedient that it should still be alive although nobody can see it is alive. One has to run a small risk sometimes and, if something does get in, it seems much better that it should be firmly declared to be dead. If it is a thing of real importance it can always be put right subsequently, and that has occurred.

So, that goes to the omission of the savings.

On the form of the Bill we have effected two further reforms, namely, that we have carried to a logical conclusion the layout of the Schedules which are now in the form commonly found in ordinary Bills and we have omitted in the print of the Bill the interlarded matter which in the old Bills was in square brackets after each repeal, saying that somebody or other agreed that the enactment in question was spent, obsolete or impliedly repealed. I did not think that that served any useful purpose. It adds greatly to the cost of printing, and we would not, of course, include anything in a Statute Law Revision Bill unless it was obsolete, spent or impliedly repealed and unless we had consulted those responsible. So, I would like to tell the Committee that, so far as my Office is concerned in the drafting of Statute Law Revision Bills, we would not dream of putting anything in which was not dead so far as everybody could see. On the specific repeals of this Bill I can assure the Committee that every conceivable Government Department that can be thought of has been consulted to make sure that the things are dead. It involves a great deal of work—I think more work than people realise—which is why one cannot have a Statute Law Revision Bill at other than fairly rare intervals.

The Bill has been divided up into several clauses this time, in order to try to make the repeals moderately intelligible instead of putting them all in one Schedule. The first clause, and the first Schedule repeals whole Acts which are dead. The second clause and the Second Schedule deals with the repeal of two corpora of law which have been separately revised. The Third Schedule deals with the repeal of a particular thing which occurs throughout the statute law, about which I will say more later if the Committee are not by that time too bored. The fourth clause is

plain it further later, because it is not a plain repeal of something; it is really a piece of consolidation.

My Lord Chairman, perhaps you would direct me as to the course which I should now pursue. Should I go on and deal with the Schedules and come back to Clause 4, which I think perhaps would be the easiest?

2. I think it would be convenient, Mr. Chorley, if you did that?—I will postpone Clause 4 for the moment. When we come to the First Schedule I am aware that there are only 56 Acts in it as opposed to 780, but I am afraid we cannot get a bigger bag nowadays because all the obsolete stuff has been repealed. But there are still on the Statute Book quite a few Acts which are, broadly speaking, dead and which ought to be removed. Again, Sir Cecil Carr powerfully supports the theory of removing them. He refers to the horrible example of a classical tyrant, Mezentius, who lashed dead bodies to living ones and he says it is very expedient that bodies of dead law should not be lashed to bodies of living law.

I will, with permission, say a few words about the Acts, some of which are not uninteresting. The first one is of uncertain date; indeed, it is uncertain whether it is an Act of Parliament at all. If it is an Act of Parliament, well, we may as well repeal it because, first, it was only declaratory of the common law as was held in one of Coke's cases, and secondly, so far as the Church of England subsists in England, it has been superseded by a Church Assembly measure. It is rather an amusing Act. It says: "Forasmuch as we have understood very often that contention hath arisen between parsons of churches and their parishioners, touching Trees that grow in the churchyard, both of them affirming that they belong to themselves; we have thought good to declare the doubt of such contentions by law of writing"—according to one version it says "by the sacred law"—"rather than by law of statute: For whereas the churchyard, specially that which is dedicated, is the soil of the church, and whatsoever is planted upon the soil belongeth to the soil, it followeth necessarily, that the trees themselves ought to be numbered amongst the church goods, the disposing whereof is not given to laymen, but as the Holy

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ing them being undiscussed by God, ought to be committed unto priests only: But, forasmuch as those trees oftentimes are planted to keep away the force of the wind for hurting of the churches, We will that the parsons of churches do not presume to fell those trees indiscreetly, but only when the chancel of the church doth want necessary reparations; nor shall convert them to any other use by any other means, unless the body of the church do likewise want reparations, and the parsons do of charity think good to give of those trees to the Parishioners wanting them; which we do not command to be done, but when it is done we do commend it".

So, whether it is a statute and whether it effects anything or not, nobody quite knows, but at any rate the common law is quite clear and, as I say, has been superseded for England by the statute law in a Church Assembly measure passed in 1951.

3. We think this was Henry I, do we not?—It was thought to have been Edward I.

4. I thought it was Henry I?—But the Record Commissioners, who were appointed in the Reign of George II to revise the statutes, consigned it to the statutes of uncertain date. Anyway, we think that ought to be repealed because people come across it in the Statute Book and wonder what it means and nobody knows the answer and it seems to serve no useful purpose. The "Penalty for selling ware after close of fair" is quite obsolete and it has been laid down in the case of *Leigh v. Kent* in 1789 (3 Term Reports, page 364) that although there is no doctrine in this country of desuetude, non-usage lays an antiquated Act open to any construction, weakening or even nullifying its effect; and Bacon in his Essay on Judicature said: "Penal laws if they have been sleepers of long time or if they be grown unfit for present use should be by wise judges confined in the execution".

The Collusive Actions Act, 1488, is of some antiquarian interest and it concerns popular or *qui tam* actions; and a *qui tam* action is brought by a person *qui tam pro domino rege quam pro se ipse sequitur*. It is an action brought upon a statute, a penal statute, which provides that the penalty can be sued for by any person and that the person suing for the penalty gets a proportion of it. In 1488, appa-

rently, if you had contravened a penal law what you did was to go to a neighbour and get him to bring an action against you by collusion, and you no doubt then took him off to the local and gave him a pint of sack, or something, so that when somebody who really wanted to enforce the law against you came along you could plead in bar. Well, *qui tam* actions have virtually disappeared now. They were most of them done away with in 1951. I think there are still one or two very obscure ones which linger on; but nobody thinks in 1958 that anybody is going to get a collusive action *qui tam* on foot.

The fourth Act concerns "Collectours and Receyvoures" and is of some interest. It cannot really be understood unless one knows the taxation position in Tudor times. I do not want to quote too much to the Committee for fear I bore them, but roughly speaking, at that time the taxation system was excessively complicated. There were the Customs Duties on the one hand and, on the other, duties which consisted of the most extraordinary things. Other sources of revenue, it says here, are "aids, escuage, tallage, dona, assisae, hidage, carucage," and so on, and some of the things are divided into nones, dismes, quinziemes, vintisimes and trentisimes. The abuse at which the Act was aimed was that the collectors of revenue collected it and did not hand it over to the King but lent it to a merchant upon usury, or something like that, and the Act imposed very swingeing penalties. It is interesting that it expressly does not apply to the Customs. No doubt that was because the Customs being, as you well know, the oldest Government Department and celebrating their millenary within the next decade, I think, had already got a very efficient system. It does not apply to Excise because there was not any. The Excise was not invented until 1643. Anyway, in so far as the Act could apply now to Excise or, indeed, to income tax, which had not been thought of then, there are on the Statute Book many more efficient processes of getting at collectors of taxes who do not hand the money over; and both the Chairman of the Board of Customs and the Chairman of the Board of Inland Revenue say they do not wish to maintain the Act in force, although they say it is a pity as it will remove an extremely picturesque piece of English: but it can always be found in the Statutes at Large.

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The Herbalists Act, 1542, granted exemption from another Act long since repealed. The Act for the Preservation of the Ryver of Severne is nothing to do with the River Severn. All that remains of it is a general provision about masters of ships who shovel filth overboard and the only sanction is a *qui tam* action, which is in a form now which nobody would possibly bring because it would have to be brought in the civil court under circumstances in which the costs would be greater than half the penalty the plaintiff would get. The next Act, about "Court Leetes", is quite dead because Courts Leet and Courts Baron do not now function, except, as a matter of interest, the Court Leet of the Manor of the Savoy which still meets once a year for the purpose of having dinner at the Savoy.

Lord Broughshane.

5. Are you repealing the dinner by this Act?—Oh, no.

Sir Hugh Linstead.

6. The overcharge does not refer to the charge made by the Savoy, does it?—No, I am glad to say not. The Intrusions Act, 1623, deals with the Latin Information of intrusion which was abolished by the Crown Proceedings Act, 1947, except as regards proceedings which might be brought by Her Majesty in her private capacity: but she does not use the Latin Information of intrusion, so the Act is of no further interest.

Then we come to some Acts about the adulteration of tea and coffee, or, as they called it in those times, the "sophistication" of tea and coffee. They were Acts passed to prevent abuses in the public revenues and in the 18th century, of course, the duties on tea and coffee were very high. They are classed by Adam Smith in "The Wealth of Nations" as luxuries, and the period was one, of course, when frauds upon the revenue, in particular smuggling, were absolutely rampant. The Acts are in quite general terms and they have not been repealed before now because when the law about the collection of revenue was being reformed it was perceived that the Acts were capable of having an application in the field of legislation for the purity of food and drugs. Similarly, when the food and drugs legislation was passed it was perceived that the Acts had a revenue

them, they have lingered on; but those responsible both for the collection of revenue and for the purity of food agree that they have been superseded in both respects.

There is an Act, the Traffic Regulation (Scotland) Act, 1772, which goes with the Stage Coaches (Scotland) Act, 1820. Nobody knows now why those were passed because the mischiefs at which they were aimed are dealt with by the common law of Scotland, and I am instructed by the Legal Secretary of the Lord Advocate that they appear never to have been wanted. The Pension Duties Acts, four of them, and one later, are a very long series of Acts which originally imposed duties of 1s. and 1s. 6d. on pensions and offices. I should think they have had more time spent on them by officials than any other set of Acts of late years, and the truth was that nobody knew in this century what the Acts meant and what they were supposed to do. In any event, practically all the pensions on which they operated were many years ago either redeemed or bought up by Schroeder and then sold to the Bank of England. The Acts passed before 1800 were repealed in the Statute Law Revision Bill of 1948. That Bill only went up to the end of the nineteenth century. So, all that is left is a residue quite unintelligible because it operates on Acts which have long since been repealed. They ought to have been repealed in the 1950 or 1953 Statute Law Revision Bill but for some reason they did not get repealed. Now is the time to get rid of them.

Now, the next Act, the Members of Parliament (Bankruptcy) Act, 1812, will, I fear, put some ideas into the heads of Members of the Committee sitting on the Chairman's left, because it looks as though we are taking away the disqualification for sitting in Parliament of a Member of the House of Commons who is bankrupt. But I am afraid I must disappoint you because the Act was superseded as regards England by the Bankruptcy Act, 1883, as regards Scotland by the Bankruptcy Act, 1883, as amended by the Bankruptcy (Scotland) Act, 1913, and as regards Northern Ireland by the Bankruptcy (Ireland) Act, 1872. The original Act never got repealed but it has been superseded and is quite dead; so that I am afraid that Members of the House of Commons on my right who go bankrupt will still find themselves in Parliame

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The rest of the Acts in this Schedule are not very interesting, I think, except perhaps the Country Bankers Act and the Lunatics Removal (India) Act. The Country Bankers Act is interesting simply because it was passed as a result of a Royal Commission in the early part of the 19th century and it can only be understood if you have read Gilbert's evidence to that Committee, which is of great interest. At that time the business of a country banker was entirely distinct from the business of a town banker. There are not any country bankers now and there have not been since about 1882, so the Act is dead. It is very long and it is very useful to be able to remove it from the Statute Book. The Lunatics Removal (India) Act is a slightly amusing one. It does not appear to fit any state of affairs which has prevailed in India for goodness knows how long. It is the one which has caused most work because so many people theoretically have an interest—the Secretary of State for the Home Department and the Board of Control, for English lunatics; various Ministries in Northern Ireland and, of course, the Secretary of State and the Scottish Board of Control and the Department of Health for Scotland—and I have had an enormous amount of correspondence on this Act as a result of which it has been exhaustively shown that there is no lunatic left now in this country who was removed under the Act; and we discovered that the last person on whom the Act bit—if it did bite—was a gentleman in 1904. The authorities purported to remove him under this Act and I believe that those responsible incurred a formal signification of the Secretary of State's high displeasure. But it is quite dead now. The Exhibition Medals Act, 1863, I might mention. Although that was passed in 1863 the principle mischief at which it was aimed was the selling of goods upon a false representation that the seller had got a medal at the Great Exhibition of 1851. That is not a state of affairs which goes on nowadays and it is thought that that should go.

I would like to refer—indeed I must refer—to two other Acts specifically, namely, the Royal Titles Act, 1876, and the Royal Titles Act, 1901. The first Act was the Act under which Queen Victoria assumed the title of Empress of India. The second Act was passed at the time of the Coronation of King Edward VIII and was to enable Him to assume a
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Overseas Dominions. The Acts have been superseded by the Royal Titles Act of 1953, under which the Queen issued a fresh proclamation about the Royal titles; and I think I should say that the Queen has given her approval to the repeal of these two dead Acts. I would not like it to be thought that we were repealing anything touching the Royal titles without Her Majesty having been specifically consulted.

The rest of the Acts I do not think worth mentioning, but I will answer questions if any Member wishes to ask me. They are mostly about spending money, not all, but mostly about spending money and the correct description of all of them seems to be the single word "spent".

The Second Schedule I can dispose of quite quickly. It consists of a revision of the Acts relating to the Crown Estate and a corpus of Acts about public buildings, and all the provisions are provisions which are now of no benefit. The first part of the Schedule was produced by the Crown Estate Commissioners of their own motion.

The Third Schedule deals with a matter now quite dead, pleading the general issue. The general issue in civil proceedings constituted a traverse of all the allegations. I do not know whether any of the Members of the Committee have had the misfortune to be in a criminal court, but if they have and they have pleaded "not guilty", as no doubt they would, that is a plea of the general issue: and you could plead the general issue in civil proceedings. If an action was debt on a bond, the general issue was *non est factum*. If it was debt the general issue was *nil debet*. If it was trespass it was not guilty, and so on. It was very convenient for the defendant because he did not have to plead specially. It was highly inconvenient for the plaintiff because it meant that he was put on strict proof of his case and he did not know what evidence the defendant was going to produce. The cases in which the general issue could be pleaded in civil proceedings were governed partly by the common law and partly by statute. In 1851 there was a Royal Commission "for enquiring into the process, practice and system of pleading in the higher courts of common law",
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abolition of the right conferred by statute to plead the general issue. The Commissioners said: "The privilege which under various statutes landlords, justices of peace, constables and others have of pleading the general issue and giving the special matter in evidence is, as we have before observed, justly open to the charge of introducing vagueness and uncertainty into the proceedings. The same reasons which render it just and convenient that the plaintiff should have notice of the ground of defence on which the defendant intends to rely apply equally to actions against defendants who at present are thus privileged; and we see no reason why particular classes of defendants should be exempt from furnishing such information or why there should be privileged classes in a court of justice". The recommendation was not given effect to because it seems fairly clear that the system of special pleading was not nearly as good as many eminent authorities at that time alleged it to be. Indeed, Holdsworth in his *History of English Law* says that in its last days this system of pleading suffered from a diseased technicality, and indeed, it was so technical that it gave rise to the famous dialogue in "*Ye Shades*" on special pleading reform between Baron Surrebutter and Edward Crogate—Baron Surrebutter, of course, being Baron Parke, the judge whose logical mind had brought the then special pleading system into a state when practically every case was decided on a point of pleading as opposed to the merits. Indeed, Baron Surrebutter at one point complained to Mr. Crogate. He says: "If special pleading were altered what would happen to the 16 volumes of *Meeson & Welsby*?"

Anyway, the position in 1851 was that the Commissioners recommended the abolition of the statutory right to plead the general issue. They did not observe, oddly enough, that in so far as that right depended on private Acts it had already been abolished in 1842. As far as public Acts were concerned you could still plead the general issue for quite a long time and nothing much seems to have happened until 1893. The second section of and the Schedule to the Public Authorities Protection Act, 1893, dealt very largely with the statutory right to plead the general issue and it attempted, so far as I can see, to abolish it because it appears to have made a great effort

to repeal every single section which conferred the right to plead the general issue, the number of provisions being 108. One or two appear to have slipped through and they are now specified in this Schedule to complete the job.

The reason that this question was gone into was because, as is known, there is an attempt on foot to re-write the Rules of the Supreme Court and it is obviously absurd in 1958 to have to make a special rule about pleading the general issue by statute. If the statutes remain we might have to do it, but it is obviously a fairly useless function. When I discussed this Bill some time ago with the Lord Chairman I think he did express a mild doubt as to whether the shade of Crogate would arise from the Temple if we effected this repeal, but I was able to draw his attention to the fact that the late Theo Mathew, the greatest pleader of modern times, in an article on pleading in the last edition but one of *Halsbury* says in a footnote, in effect, that he thinks there may still be a case but does not know of one where the general issue is pleadable by statute but, roughly speaking, he does not advise any clever young man to try. I think that completes my observations on the Third Schedule. So far as that goes, I almost forgot to say, I did not have a Memorandum on this Bill but I found that had I had one the whole thing would have been summed up, oddly enough, in two verses of "*The Hunting of the Snark*". On the Bill as a whole: "You must know"—said the judge; but the Snark exclaimed "Fudge!" That statute is obsolete quite! Let me tell you, my friends, the whole question depends on an ancient manorial right". That is the Bill as a whole. But Lewis Carroll also knew about the general issue in the Third Schedule, because in the next verse he says: "In the matter of treason the pig would appear to have aided but scarcely abetted: while the charge of insolvency fails, it is clear, if you grant the plea 'never indebted'".

That really, I think, concludes all the Bill except Clause 4; and Clause 4 may, I hope, be quickly disposed of. There is a set of most unattractive Acts passed in the First World War called The Government War Obligations Acts, 1914-1919. They are all of them completely spent except for one point embedded in the middle of them. If it be asked: "Well, why has not the matter been dealt

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with by straight repeal? ", the answer is that the structure of the Acts unfortunately does not admit of it. So what Clause 4 is doing is really consolidating—if one can call it consolidating, and I think one can—the one live point and reproducing it in subsection (1) and consequentially by subsection (2) repealing the Acts. One thus gets rid of a really most unattractive corpus of dead matter. I can tell the Committee that had it been open to me to introduce a Consolidation Bill, assuming that to have been a sensible thing to do for one point, Clause 4 (1) would have been a pure point of consolidation. But it seemed absurd to try and have a Bill confined to about twelve lines and I do not think there is any objection to it going in a thing called a Statute Law Revision Bill. Both matters are within the jurisdiction of this Committee by their terms of reference and Bills entitled Statute Law Revision Bills have by no means always been confined to mere repeals. They have quite often contained all sorts of minor trimmings.

I must apologise for having spoken at such inordinate length to the Committee, but I thought perhaps on the first occasion of this new approach I had better say everything possible.

Chairman.] Thank you very much indeed, Mr. Chorley, for your most interesting exposition of the law. Would anybody like to ask Mr. Chorley any questions on it?

Mr. Ronald Bell.] I was rather puzzled about "Not guilty by statute", which I thought was still a possible plea in certain cases.

Chairman.] The general issue?

Mr. Ronald Bell.] The general issue, yes.

Chairman.

7. Perhaps you might try, contrary to Theo Mathews's advice, and see what happens?—I am not aware of anybody having tried to do it since the middle of last century, and there is a case reported which I read where the defendant did try to plead Not guilty by statute and got into the most glorious

muddle. I do not think anybody would dream of doing it today. The Third Schedule sets out the only remaining cases in which it is permissible. There are no other cases, as far as I am aware.

Chairman.] You plead it, Mr. Bell, and see what happens.

Mr. Ronald Bell.] The great advantage is that you cannot be asked for further and better particulars, is it not?

Chairman.] I know, that is the whole point. I used to hear it mentioned when I was first called to the Bar, which is 50 years ago, but it seemed to be a relic of the very old men, people who, as it were, came out of rat holes and talked about surrebutter and the Mayor's Court, and so on.

Then, if there are no other questions after that exposition, I think we can take the Bill quite simply as a whole.

ON THE TITLE.

Chairman.] The Statute Law Revision Bill. The Question is that the Title of the Bill be postponed?

(The same is agreed to.)

ON CLAUSES 1 TO 6.

Chairman.] Clauses 1-6 inclusive. The Question is that these clauses stand part of the Bill?

(The same is agreed to.)

ON THE FIRST, SECOND AND THIRD SCHEDULES.

Chairman.] The First, Second and Third Schedules. The Question is that the First, Second and Third Schedules be respectively the First, Second and Third Schedules to the Bill?

(The same is agreed to.)

ON THE TITLE.

Chairman.] The Question is that this be the Title of the Bill?

(The same is agreed to.)

ON THE REPORT.

Chairman.] Will the Committee agree to leave it to me to prepare the Report?

(The same is agreed to.)

Ordered: That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of Evidence taken before the Committee.

Ordered: That the Committee be adjourned till Wednesday, 18th June, at 4.30 o'clock.

EIGHTH REPORT

BY THE

Joint Committee of the House of Lords and of the House of Commons appointed to consider all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the Present Session

BEING A REPORT UPON THE

INSURANCE COMPANIES BILL [H.L.]

TOGETHER WITH
PROCEEDINGS OF THE COMMITTEE AND
MINUTES OF EVIDENCE

*Ordered by The House of Lords to be Printed
19th November 1957 and 25th June 1958*

*Ordered by The House of Commons to be Printed
25th June 1958*

LONDON

HER MAJESTY'S STATIONERY OFFICE

PRICE 1s. 6d. NET

H.L. 5-VII, 131-I
H.C. 228-I

HOUSE OF LORDS

ORDERS OF REFERENCE, ETC.

Die Jovis, 7^o Novembris, 1957

Consolidation Bills—*Moved* to resolve, That it is desirable that all Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament (The Lord Chancellor); *agreed to*.

Die Jovis, 14^o Novembris, 1957

Consolidation Bills—*Moved*, That a Committee of six Lords be appointed to join with a Committee of the House of Commons as a Joint Committee on Consolidation Bills (including Bills for consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, and that the Memoranda laid and any representations made with respect thereto under the said Act be referred to the Joint Committee (The Lord Chancellor); *agreed to*: the Lords following were named of the Committee:—

L. Derwent,
L. Rathcreedan,
L. Cawley,
L. Terrington,
L. Jessel,
L. Broughshane:

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman.

Die Martii, 20^o Maii, 1958

Insurance Companies Bill [H.L.]—Read 2^a (according to order) and referred to the Joint Committee on Consolidation Bills.

HOUSE OF COMMONS

EXTRACTS FROM JOURNALS

Tuesday, 12th November, 1957

Ordered, That the Lords Message of the 7th day of this instant November communicating the Resolution, That it is desirable that all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session be referred to a Joint Committee of both Houses of Parliament, be now taken into consideration:—

The House accordingly proceeded to take the said Message into consideration.

Resolved, That this House doth concur with the Lords in the said Resolution.

Monday, 18th November, 1957

Ordered, That the Lords Message of the 14th day of this instant November relating to the appointment of a Committee on Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, be now taken into consideration.

The House accordingly proceeded to take the said Message into consideration.

Ordered, That a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords to consider all Consolidation Bills (including Bills for Consolidating Private Acts), Statute Law Revision Bills and Bills presented under the Consolidation of Enactments (Procedure) Act, 1949, in the present Session, together with the Memoranda laid and any representations made with respect thereto under the Act.

And the Committee was nominated of—

Mr. Philip Bell
Mr. Ronald Bell
Mr. Forman
Mr. Janner
Sir Hugh Linstead and
Mr. Oliver

Ordered, That the Committee have power to send for persons, papers and records ; and to sit notwithstanding any Adjournment of the House.

Ordered, That Three be the Quorum of the Committee.

The cost of preparing for publication the Shorthand Minutes of Evidence taken before the Committee was £17 0s. 6d.

The cost of printing and publishing this Report is estimated by H.M. Stationery Office at £46 0s. 0d.

EIGHTH REPORT

BY THE

**Joint Committee of the House of Lords and of the House of
Commons appointed to consider all Consolidation Bills, etc.:
in the present Session**

BEING A REPORT UPON THE

INSURANCE COMPANIES BILL [H.L.]

Ordered to report that:—

The Committee have considered the above Bill which has been referred to them under the provisions of the Consolidation of Enactments (Procedure) Act, 1949, and have heard evidence thereon.

A representation was received by the Committee from the British Insurance Association with respect to the Memorandum setting forth the corrections and minor improvements of the law proposed in the Bill.

The proposals were approved by the Committee without alteration.

The Committee have made certain amendments which seemed to them desirable for the improvement of the form of the Bill.

They are of the opinion that the Bill consolidates the existing law with such corrections and improvements as can properly be authorised under the Consolidation of Enactments (Procedure) Act, 1949 and they consider that there is no point to which the attention of Parliament ought to be drawn.

LORDS AND MEMBERS PRESENT

AND

MINUTES OF PROCEEDINGS

DIE MERCURII, 18^o JUNII, 1958

Present:

Lord Derwent.
Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Broughshane.

Mr. Philip Bell.
Mr. Ronald Bell.
Mr. Janner.
Mr. Oliver.

The Lord Terrington, in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday the 21st of May last are read.

The Insurance Companies Bill [H.L.] is considered.

Mr. F. A. R. BENNION, Senior Assistant Parliamentary Counsel; Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD, The British Insurance Association, are called in and examined. (*See Minutes of Evidence.*)

The Memorandum of the Lord Chancellor is considered.

Proposal 1 is *agreed to* after an explanation by Mr. Bennion.

Proposals 2 to 4 inclusive are *agreed to*.

Proposal 5 is *agreed to* after a statement by Mr. Wilson.

Proposal 6 is *agreed to*.

The Title of the Bill is then read and postponed.

Clauses 1 and 2 are read and *agreed to* without amendment.

Clause 3 is read and after statements by Mr. Bunford and Mr. Bennion and discussion by the Committee its further consideration is *postponed*.

Clauses 4 and 5 are read and *agreed to* without amendment.

Clause 6 is read.

It is moved, page 5, line 20, to leave out ("its members") and insert ("the members of Lloyd's or of the association, as the case may be").

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

Clauses 7 to 32 inclusive are read and *agreed to* without amendment.

Clause 33 is read, and after explanations by Mr. Bennion and Mr. Bunford and discussion by the Committee, *agreed to* without amendment.

Clauses 34 and 35 are read and *agreed to* without amendment.

Clause 36 is read.

It is moved, page 23, line 39, at end to insert ("Without prejudice to the generality of the foregoing provisions of this subsection, any enactment or document whatsoever referring to an assurance company within the meaning of the Assurance Companies Act, 1909, shall be construed as referring (or as including a reference) to an insurance company to which this Act applies.")

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

Clause 37 is read and *agreed to* without amendment.

The First to the Fourth Schedules to the Bill are read and *agreed to* without amendment.

The Fifth Schedule is read and after explanation by Mr. Bennion *agreed to* without amendment.

Ordered, That the Committee be adjourned to Wednesday next, at 4.30 o'clock.

DIE MERCURII, 25° JUNII, 1958.

Present:

Lord Terrington.
Lord Derwent.
Lord Rathcreedan.
Lord Cawley.

Mr. Forman.
Mr. Janner.
Sir Hugh Linstead.
Mr. Oliver.

The Lord Terrington, in the Chair.

The Order of Adjournment is read.

The Proceedings of Wednesday last are read.

The Insurance Companies Bill [H.L.] is again considered.

Mr. F. A. R. BENNION, Senior Assistant Parliamentary Counsel, is called in and further examined. (*See Minutes of Evidence.*)

The Lord in the Chair is heard to announce to the Committee that he has been authorized by both the Lord Chancellor and the Speaker to inform the Committee that they concur in the proposals contained in the Lord Chancellor's Memorandum as approved by the Committee.

Clause 3 is again read.

It is moved, page 4, line 10 to leave out from ("policies") to end of line 14 and insert ("there distinctly appears the liability, in respect of the other business, of the life assurance fund or the industrial assurance fund, or, in the case of a company carrying on both life and industrial assurance business, of either or both of those funds, as the case may be.")

The same is *agreed to*.

The Clause, as amended, is *agreed to*.

The Clauses of the Bill, as amended, are again read and *agreed to*.

The Schedules to the Bill are again read and *agreed to*.

The Title of the Bill is again read and *agreed to*.

Ordered, That the Lord in the Chair do report the Bill to the House of Lords, with amendments.

*A Draft Report is laid before the Committee.

The same is *agreed to*.

Ordered, That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and do report the Minutes of the Evidence taken before the Committee.

Ordered, That the Committee be adjourned.

* For Report, see page iv.

MINUTES OF EVIDENCE TAKEN BEFORE THE
JOINT SELECT COMMITTEE OF THE HOUSE 77
OF LORDS AND THE HOUSE OF COMMONS
ON CONSOLIDATION BILLS

THE INSURANCE COMPANIES BILL [H.L.]

DIE MERCURII, 18^o JUNII, 1958.

Present :

Lord Derwent.
Lord Rathcreedan.
Lord Cawley.
Lord Terrington.
Lord Broughshane.

Mr. Philip Bell.
Mr. Ronald Bell.
Mr. Janner.
Mr. Oliver.

The Lord Terrington, in the Chair.

Mr. F. A. R. BENNION, Senior Assistant Parliamentary Counsel ; Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD, The British Insurance Association, are called in and examined.

Chairman.] My Lords, and Gentlemen, today we are dealing with the Insurance Companies Bill, which is, of course, a Bill under the Consolidation of Enactments (Procedure) Act, and, in accordance with our usual practice, I propose that we should deal first of all with the Memorandum from the Lord Chancellor. I should like to put on record a declaration of interest, the declaration of interest being that of Lord Derwent, who is a director of an insurance company, Mr. Janner is a director of an assurance company, and I myself am a director of an insurance company, but as we are consolidating the law and not making a new law we have come to the conclusion that we can "whitewash" ourselves and, having declared our interests, we can go on with the procedure.

Lord Broughshane.] I am a Member of Lloyds.

Chairman.

1. Are there any other interests? (*To the Witnesses*) ; Mr. Douglas Wilson and Mr. Bunford are here?—(*Mr. Wilson.*) Yes, we are, Sir.

2. We have here the Memorandum before us. It is only No. 1 of your representations which is a representation on the Memorandum?—Yes, indeed.

Chairman.] We are going to take the Memorandum first and I will ask you to say anything you want to say, and then go through the Bill clause by clause and if you want to say anything you can do so.

ON PROPOSAL 1.

Chairman.

3. Taking the Memorandum first, my Lords and Gentlemen, Mr. Bennion, I understand that Nos. 1 and 6 of the Proposals hang together, do they not?—(*Mr. Bennion.*) Yes, my Lord Chairman ; I thought the Committee might find it convenient to consider the first and the last Proposals together.

4. Could you explain that? They are both Northern Ireland points?—Yes. The principal Act which is being consolidated here is the Assurance Companies Act, 1909, which when it was enacted applied to Ireland as well as to the rest of the United Kingdom, but, in consequence of the passing of the Government of Ireland Act, 1920, it became necessary to make modifications in the Act of 1909 to fit the new situation, and those modifications were made by the Government of Ireland (Companies Societies, Etc.) Order, 1922. It was a difficult task to make these modifications, and a certain obscurity exists in connec-

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Mr. F. A. R. BENNION,
Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD.

[Continued.]

tion with insurance companies on two points. The scheme of the legislation now is that the Board of Trade exercises supervision over insurance companies (a) if they carry on business in Great Britain, and (b) if, although they do not carry on business in Great Britain, they are registered under the Companies Act, 1948 or earlier Companies Acts in Great Britain. The result of this 1922 Order is to create doubt on two matters. It may give the Board of Trade supervision over a Northern Ireland company which carries on no business in Great Britain at all, and on the other construction, in the case of companies registered or having their head office in Northern Ireland, it may deprive the Board of Trade of supervision even though they carry on business in Great Britain. The First Proposal is to deal with the first possibility, and Proposal No. 6 deals with the other possibility. The ambiguity is really only formal, and the practice has been to operate the provisions in accordance with the proposals now before the Committee.

Chairman.] Would any Member of the Committee like to ask any question on the proposal? That being so, the Question is that Proposal No. 1 be agreed to.

(The same is agreed to.)

ON PROPOSAL 2.

Chairman.

5. Proposal No. 2 is for removing an anomaly, is it not?—Yes, my Lord.

6. Is there anything you would like to tell the Committee on it?—I do not think I need add anything to the note.

7. The note speaks for itself?—Yes.

Chairman.] Does any Member of the Committee wish to ask any questions? The Question is that Proposal 2 be agreed to.

(The same is agreed to.)

ON PROPOSAL 3.

Chairman.

8. Proposal No. 3 is the same thing, is it not, to remove anomaly?—A very small anomaly, yes.

Chairman.] That is quite a small point. I think it speaks for itself. Are there any questions on that? The Question is that Proposal 3 be agreed to.

(The same is agreed to.)

ON PROPOSAL 4.

Chairman.

9. Proposal No. 4 is for clearing up an ambiguity, is it not?—Yes, my Lord; again it is only a formal ambiguity; I do not think there is much doubt about the way the provision would be construed.

Mr. Oliver.

10. With regard to Proposal 4, what view do you express with regard to how the Court would interpret the present words? Would it include any "director, manager or secretary", or do you think it would confine it to "other officer or agent of the company"?—I do not think there is any great doubt that the Court would apply it to all the people mentioned equally. The question is whether the defendant in a particular case is knowingly a party to the default, and I think it is inconceivable that the Court would draw any distinction between a "director, manager or secretary" on the one hand and an "other officer or agent of the company" on the other. The ambiguity only exists because of the absence of a comma in the 1909 Act. I could not very well have a proposal to put a comma in, so I have done it in this way. I do not think the point is of great substance.

Chairman.] The Question is that Proposal 4 be agreed to.

(The same is agreed to.)

ON PROPOSAL 5.

Chairman.

11. So far as No. 5 is concerned, that is for bringing an obsolete provision into modern practice, is it not?—It is, my Lord.

12. [Mr. Wilson, did you want to tell us anything about that?—(Mr. Wilson.) If you please, my Lord. I wish to state on behalf of the Association that the Board of Trade and the Industrial Assurance Commissioner have agreed to afford us the opportunity of consultation, and we are very glad about that, but if you would allow me very briefly to indicate the Association's reasons for having put forward a note of this point in the representations to this Joint Committee, I should be greatly obliged. Our reasons are twofold. Firstly, it is the ordinary business man's view that returns take up time and labour, and we as insurers would naturally wish to see the forms as simple and straightforward as is con-

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[Continued.]

sistent with the due protection of the policy holder and the public; but, secondly, and perhaps rather a special reason; of the total fire, accident and marine premium income of British insurance companies approximately something over 70 per cent. relates to overseas business, and that overseas business of all British insurance produces earnings of approximately £50 million per annum; that is an average. These earnings are net profit to the economy of this country and, of course, require no shipping space or raw materials and only a very small amount of manpower in the United Kingdom. This is the point I would like to make as the reason for putting this forward. In our overseas business we do meet with intense competition from local national companies, and in the pursuit of nationalism there are those who desire to foster the national companies to the detriment and at the expense of British companies, and therefore, my Lord, anything that was, or appeared to be, more restrictive of British insurance in the United Kingdom is grist to the mill of those who would like to foster the national companies. My Lord, the Board of Trade are fully apprised of those matters, but I have welcomed the opportunity of being able to make these comments to you and the Committee.

Chairman.] Thank you very much, Mr. Wilson. The Question is that Proposal No. 5 be agreed to.

(The same is agreed to.)

ON PROPOSAL 6.

Chairman.] As to Proposal 6, we have already dealt with that proposal with No. 1. The Question is that Proposal 6 be agreed to.

(The same is agreed to.)

Chairman.] Having disposed of the Memorandum, my Lords and Gentlemen, I suggest we now turn to the Bill itself, the Insurance Companies Bill.

ON THE TITLE.

Chairman.] The Title of the Bill. The question is that the Title be postponed.

(The same is agreed to.)

ON CLAUSE 1.

Chairman.

13. On Clause 1, Mr. Bennion, do you wish to say anything?—(Mr. Bennion.) I have nothing to add to the note, my

Chairman.] Are there any questions. The Question is that Clause 1 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 2.

Chairman.] Clause 2. The Question is that Clause 2 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 3.

Chairman.

14. Clause 3. There is your note on that, Mr. Bennion. I do not know whether you would like first of all to hear Mr. Wilson. Mr. Wilson, do you wish to put anything on Clause 3?—(Mr. Wilson.) Could my colleague, Mr. Bunford be called on this point?

15. Yes?—(Mr. Bunford.) My Lords, Clause 3 as drafted appears to us not to be exactly a consolidation of the existing law. This clause arises, as the marginal note says, from section 30 (f) of the 1909 Act and section 12(3) (a) of the 1923 Act. The first related in this context to ordinary life assurance, and the second, the 1923 Act, related to industrial life assurance, and that particular section of the 1923 Act really said that section 30 of the 1909 Act should apply to industrial assurance as the 1909 Act did in relation to ordinary insurance, with the substitution of "industrial" for "ordinary". The effect of this rather complicated clause seems to be that by the use of the words "or in the case of a company carrying on both life"—which means ordinary life—"and industrial assurance business, of both those funds", then the exclusion provided by this subsection applies. Now there could be circumstances in which a company established before 1870 was doing both ordinary life business and industrial life business, and it might be, for example, that only on its ordinary life policies was there written this phrase which is in the subclause: "by the terms of whose deed of settlement the whole of the profits of all the business carried on by the company are paid exclusively to the life policy holders, and on the face of whose life policies the liability of the life assurance fund . . . distinctly appears". That could apply in a case, for example, of ordinary life business, but the industrial life policies issued by the same company might not contain that clause. Therefore the suggestion

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[Continued.]

is that the words should be included to give a greater elasticity to provide for that possible combination of circumstances, and the words suggested in line 13 are, instead of "of both those funds", "of either or both of those funds, as the case may be". The point, I acknowledge, is rather a remote one, but I am seeking to establish complete consolidation of the two corresponding sections under the different Acts of 1909 and 1923. Thank you, Sir.

16. Mr. Bennion, could we have your views on this? You will appreciate, Mr. Bunford, that this is consolidation. We cannot alter the law?—That is my point. (Mr. Bennion.) My Lord Chairman, Members of the Committee. This is a difficult point, I would not wish to deny that, and it is referred to in the note on Clause 3, the second paragraph. We are here consolidating a provision of the Act of 1909, that is Section 30, paragraph (f), which has been modified by Section 12 of the Assurance Companies Act, 1923 in a way which I must confess is obscure in this connection. Section 12 of the Act of 1923 provides that what was formerly all one type of business, life assurance business, should be treated as two distinct classes—that is, industrial assurance business and all other types of life assurance business. One has therefore to read paragraph (f) of Section 30 of the Act of 1909 in the light of this modification. If Members have the Act of 1909 before them, I think I had better read Section 30, paragraph (f). I do not think I can shorten this argument because it is an awkward point, a really complicated one, and one which I cannot really discuss briefly. Paragraph (f) reads: "In the case of a company carrying on life assurance business and established before the ninth day of August eighteen hundred and seventy, by the terms of whose deed of settlement the whole of the profits of all the business carried on by the company are paid exclusively to the life policy holders, and on the face of whose life policies the liability of the life assurance fund in respect of the other business distinctly appears, such of the provisions of this Act as require the separation of funds, and exempt the life assurance fund from liability for contracts to which it would not have been liable had the business of the company been only that of life assurance, shall not apply." Well, the provisions which are disapplied there are to be found in Clause 3 of the

Bill, subsections (1) and (2), and, roughly speaking, they require a separate fund to be kept for each class of business, and they regulate the liability of those funds for outside debts of the company, debts not connected with the form of insurance for which the fund is set up. The Act of 1923 clearly modifies the reference in that paragraph which I have just read out to life assurance business, and makes it read—I think everybody is agreed on that—"In the case of a company carrying on life assurance business or industrial assurance business", which is what appears in subsection (3) of Clause 3 at the beginning. But then we have a reference in paragraph (f) to the "life policy holders". This is a case where the whole of the profits of all the business carried on by the company are paid exclusively to the life policy holders, and that expression is not affected by the 1923 Act. It continues to mean what it is defined to mean in paragraph (a) of Section 30, and it means the holders of policies both of industrial assurance and life assurance in the narrower sense. So that in drafting subsection (3) of Clause 3, I assumed that one had to treat, as I think one must, the expression "the life policy holders" as meaning all holders of policies of any sort of life or industrial assurance, and therefore the exemption conferred by this provision, in my submission, would not apply if the profits of all the business were paid to only one type of policy holder—either to the life assurance holders exclusively, or the industrial assurance holders exclusively. Therefore, this subsection (3) only confers the exemption in a case where the profits are paid to all the policy holders, and it requires all the life policies (which again is an expression which is not modified by the 1923 Act and which means industrial assurance and life assurance policies) to bear on the face of them a statement of the liability of both the funds, life assurance and industrial assurance, in respect of the other business carried on by the company. Those are my reasons, my Lord and Members of the Committee, for drafting the subsection in this way. However, I would not say that the matter is beyond doubt. It is a question which different people might decide differently. I personally would have no objection if the Committee thought that the other construction advanced by the British Assur-

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[Continued.]

understand that the Board of Trade would not have any particular views one way or the other. Therefore, I think I must leave it to the Committee to decide which interpretation they would want to give to this. It is unfortunately a matter which has to be resolved one way or the other. Although this is pure consolidation on this particular subsection, we cannot avoid making the law clear one way or the other where at the moment it is in doubt.

Lord Derwent.

17. As I understand it, either interpretation might be correct or might be wrong, but if we therefore have got to decide on an interpretation, am I right in thinking that the interpretation put forward by the British Insurance Association does in fact make the matter clearer than if it is left as it is in the Bill? Supposing we decide on that, does it leave the matter more certain?—I do not think that it can be said—I speak subject to correction by my friends here—that it is uncertain. As I understand it, the complaint is that it is not an embodiment of the law as it stands. I do not think it is said to be uncertain; I think the effect of it is quite clear.

Lord Broughshane.

18. If it is not uncertain, is it preferable? If the things are equal as regards interpretation, may we ask whether the Association has a preference in the matter?—I think I can answer for them. Their preference is for the Bill to be amended.

Mr. Janner.

19. Might I ask what objection you have to that preference, because that is really the important point? After all, they act in a capacity in which they have practical experience in this matter, and, as I understand it, if we take one line we are definitely giving an interpretation in one direction, and if we take the other line we are giving an interpretation in another direction. That is a matter, of course, which ultimately, I suppose, as the matter stands at the present, will have to be decided in a court of law. I think we ought, if I may say so with respect, my Lord Chairman, to be given some guidance as to what objections there are in the balance to accepting the interpretation that our friends have given us this

afternoon. I think that is the only point we have to decide, to weigh up the advantages and the disadvantages of both?—My Lord Chairman, may I answer Mr. Janner in this way? My job is simply to produce a consolidation which I think embodies the law as it is. Where there is a doubt of this kind, one has to form a view about which way the doubt ought to be resolved in order to conform to what the law is. I have come down on this view because I believe this is the way a court would decide it, but on the merits I have no view and neither has the Board of Trade: on the merits they are quite happy either way, and so am I.

20. Do not misunderstand me. I am not asking you to give an opinion on the merits of the matter itself, but on the merits of the argument which might be used in a court to persuade a court to come to your point of view?—I can only say I think that the court would decide in the way the Bill is drawn for the reasons I have tried to give.

Chairman.] We have to remove the doubt. It is only a question of which way we remove the doubt.

Mr. Ronald Bell.] If the thing is evenly balanced—as to which I express no opinion because it is difficult to form one in a few minutes—and if the Board of Trade and the draftsman express no preference either way on the merits, if the British Insurance Association have a strong view on the merits, I am in favour of people doing what they want provided there is no reason to the contrary. That appears to me to be the position.

Mr. Philip Bell.

21. I do not know whether it is a matter of grammar, but looking at section 3 you have to go back to the beginning—it is an exception clause, and apparently to get out of the principal obligations which are set out in 3 (1) about three things have to happen. First of all you have to be a company carrying on life assurance business or industrial insurance established before the 9th August, 1870, and you can carry on life assurance, life business or industrial assurance, and now you have got to have a deed of settlement providing that the whole of the profits are paid exclusively to the life policy holders. I can understand that. Now it goes on to say, so that everybody knows the position:

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[Continued.]

"and on the face of whose life policies the liability of the life assurance fund"—not "and" but "or"—"or the industrial insurance fund"—and we leave out the next words—"distinctly appears." That is quite clear. But what is to happen when a company is carrying on both life and industrial insurance? What has it got to declare on its policy? It has got to declare, it seems to me, that the funds are liable, but not that the funds are amalgamated and can be messed about between life and industrial assurance, but that one fund is liable to the life and the other to the industrial. Therefore, I should have thought that probably the right words would be as are suggested here, that both the respective funds are liable, subject to the correction that if you carry on life and industrial you have one fund which answers to life policies and one that answers to industrial policies. Then, if you carry on both businesses you must state on the policy that one fund is liable for life and the other for industrial. I find the word "both" confusing unless there is an amalgamation of the funds?—This is not a case where we are concerned with the liability of a particular fund for policies of the type for which the fund is established. This is a case where the profits of all the business of the company, whatever other business it carries on apart from life assurance, are paid to the life assurance policy holders, and as a correlative of that the liabilities of that other business fall on the life assurance funds. That is business apart from life assurance altogether. One of the conditions that must be satisfied quite properly is that the life policies do on the face of them distinctly indicate that the life assurance fund is responsible for the liability of the company in its other business as a *quid pro quo* for the fact that life policy holders get the profits of that other business.

Mr. Janner.] I think this seems to me to be a very intricate point in so far as interpretation is concerned, and, after all, it is our duty, I am sure, to try and put into a Consolidated Bill what is the actual position in law, not what we would like it to be or otherwise. Is there any possibility at all of seeking the advice, with all due respect to everybody here this afternoon, of the Law Lords? Has that advice been sought? I think we ought in a matter of this sort to be guided by the line they would take in the

event of having to make a decision on the point that is at issue here.

Chairman.

22. As I see it, our business is to remove the doubt. There appears to be a doubt and the question is which way we ought to remove the doubt. At the moment there seems to be three suggestions: there are Mr. Bennion's and Mr. Bunford's, and Mr. Philip Bell has another solution?—I think that this, perhaps, has got a little bit out of proportion. This is really a minor point, and I think it is fully within the competence of this Committee on straight consolidation to resolve the position one way or the other. It is a very small point, and I would suggest, not departing from my view of what the law is (which is not held with any great conviction because there are two possible views), that the Committee might feel able to adopt the proposal of the British Insurance Association, which apparently has practical advantages and, indeed, represents the way this has been construed, as I understand it, by insurance companies.

Chairman.] If that is so, then Mr. Ronald Bell would move.

Mr. Ronald Bell.

23. With pleasure?—That does not mean necessarily that we must use the words put forward by the Association. I think that these words will do; there is a misprint, I think, in the letter of the Association: the word "those" is put as "these". Subject to that, I think these words could be inserted, but I would like to suggest a consequential amendment.

Chairman.

24. As we have got to meet again next week, I suggest that we postpone the clause and let you have a word with the Insurance Association representative and bring it up again next week?—Yes, my Lord, I could then put an amendment before the Committee in writing.

Chairman.] The Question is that Clause 3 be postponed.

(The same is agreed to.)

ON CLAUSE 4 AND CLAUSE 5.

Chairman.] The Question is that Clause 5 and Clause 6 stand part of the Bill.

(The same is agreed to.)

18° Junii, 1958.]

Mr. F. A. R. BENNION,
Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD.

[Continued.]

ON CLAUSE 6.

Chairman.] On Clause 6 I have a smaller amendment to bring up to the Committee. If you would turn to page 5, line 20, you will see the words "done by its members". There is a doubt there as to whether "its members" might refer to the Committee of Lloyds or the managing body of the Association, and the suggested amendment is to leave out the words "its members" and to insert the words "the members of Lloyds or of the Association, as the case may be".

The Question is that this amendment be agreed to.

(The same is agreed to.)

The Question is that Clause 6 as amended stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 7.

Chairman.] Clause 7. The Question is that Clause 7 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 8.

Chairman.

25. This is another clause on which you have a suggestion, Mr. Wilson?—*(Mr. Wilson.)* Yes, my Lord. We should like to rest on the representations made on this point, and may I say that the Association does realise that this would involve a change. We have given the reasons for suggesting why the Joint Committee might be prepared to make that change, provided, of course, it is permissible under the consolidation procedure. We have nothing further to add.

Chairman.] I think, Mr. Wilson, subject to what the Committee feel, that the answer to that is quite clear. We have no power to change the law, except for changes that are put forward as proposals in the Lord Chancellor's Memorandum. Therefore, we have no power to do that.

The Question is that Clause 8 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 9 AND CLAUSE 10.

Chairman.] Clause 9, and Clause 10. The Question is that these Clauses stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 11.

Chairman.

26. Clause 11. You have a point on that, I think, Mr. Bennion. Is there anything you would like to tell the Committee?—*(Mr. Bennion.)* I do not wish to add to the note on this Clause, my Lord.

Chairman.] The Question is that Clause 11 stand part of the Bill.

(The same is agreed to.)

ON CLAUSES 12 TO 19 INCLUSIVE.

Chairman.] My Lords and Gentlemen, there is no further point until we come to Clause 20, so with your permission I will move that Clauses 12 to 19 inclusive stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 20.

Chairman.

27. Clause 20. This is merely an explanation of why the word "regulation" is used?—Yes, my Lord, it is something that is frequently done in Consolidation Bills, to make the term "rules" apply only to courts or other tribunals, and to use the word "regulation" to apply to other things. So we changed the word "rule" to "regulation" here.

Chairman.] The Question is that Clause 20 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 21 AND CLAUSE 22.

Chairman.] Clause 21 and Clause 22. The Question is that these Clauses stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 23.

Chairman.

28. Clause 23. Is there any point on that?—Again, I would not wish to add to the note, my Lord.

Chairman.] Are there any Questions on Clause 23 from Members of the Committee?

The Question is that Clause 23 stand part of the Bill.

(The same is agreed to.)

18° Junii, 1958.]

Mr. F. A. R. BENNION,
Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD.

[Continued.]

ON CLAUSE 24 AND CLAUSE 25.

Chairman.] Clause 24, Clause 25. The Question is that these Clauses stand of the Bill.

(The same is agreed to.)

ON CLAUSE 26.

Chairman.

29. Clause 26. Have you anything to add on that, Mr. Bennion?—The note merely explains a provision which might appear rather puzzling otherwise.

Chairman.] Are there any Questions on Clause 26? The Question is that Clause 26 stand part of the Bill.

(The same is agreed to.)

ON CLAUSES 27 TO 32 INCLUSIVE.

Chairman.] Clauses 27 to 32 inclusive. The Question is that these Clauses stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 33.

Chairman.

30. Clause 33, which is an interpretation clause. The Association has a point on this as to "actuary"?—(Mr. Bunford.) I do not want to add anything to what is in the note. I hope the words in the note are self-explanatory. The suggestion is that the words "except in section 14 of this Act" are unnecessary and misleading, and therefore should be removed. That really is the nub of what I want to say, my Lord.

31. I think you have views on this, Mr. Bennion?—(Mr. Bennion.) My Lords, there is no doubt, I think, that the definition of actuary in Clause 33 reproduces the present law. The Act of 1909, the principal Act, defines actuary as "an actuary possessing the qualifications prescribed by the Board of Trade", but Section 14, that is Clause 14, of the Bill, derives from section 2 of the Assurance Companies (Winding-up) Act, 1933, which uses the word "actuary", but does not apply the definition in the 1909 Act; it merely talks about an actuary "approved by the Board of Trade". So that it is quite clear that that provision, which is reproduced in Clause 14, does not mean an actuary possessing the prescribed qualifications. That is why these words "except in section 14 of this Act" appear in the definition of "actuary" in Clause 33.

Mr. Janner.] It is quite clear that nothing could be done about it.

Mr. Oliver.

32. In section 14 it would appear that there is some special reference to the qualifications an actuary should have; is that not right?—I think these words simply mean that the definition does not apply to Clause 14 and therefore "actuary" has its natural meaning.

Mr. Janner.] I gather that the British Insurance Association would like to see the thing tightened up, but, apparently, that cannot be done. That is the real position. We merely consolidate the law as it is.

Chairman.

33. This is the law as it is?—(Mr. Bunford.) It has just been suggested that because in the 1933 Act "actuary" was not specifically defined, therefore that particular actuary has no definition. Well, surely, in the absence of a definition in any particular Act of something—an actuary in this case—which is elsewhere defined, the ruling definition still applies. Our suggestion, Sir, is founded on this, that for all purposes to do with the Act, subject to Mr. Bennion's point of course on the 1933 Act, an actuary must be an actuary as defined by the Board of Trade. In section 14 of this Bill, surely, he must not only be an actuary subject to the ordinary Board of Trade definitions of an actuary, but he must have been something rather special, specially approved for dealing with this complicated problem of investigating a company of doubtful solvency.

Mr. Philip Bell.

34. It is true that the definition section says "actuary means except in section 14", but what is an actuary in section 14?—somebody approved by the Board, but the Board has to see whether the man they are approving is an actuary, and there is no clue as to whether they are going to discover he is an actuary, because in the definition here it is not one who has prescribed qualifications—so they have got to go round and find an actuary who has not got prescribed qualifications and choose him. It ought to be resolved?—(Mr. Bennion.) The rule is that if a definition does not apply to a term, the term has its natural meaning. There is a well understood meaning of the word "actuary," and in Clause 14 there are the words "approved by the Board of Trade". It is quite clear that

18° Junii, 1958.]

Mr. F. A. R. BENNION,
Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD.

[Continued.]

the Board of Trade could approve an actuary who did not have the prescribed qualifications, but I understand it is extremely unlikely they would do so.

Chairman.] Does that satisfy you, Mr. Bell?

[Mr. Ronald Bell.] I do not know what is the definition of an actuary.

Chairman.

35. Has "actuary" a meaning attached to it, or can anyone be described as an actuary? For example he would not be in the same category as a barrister, would he?—I do not think he is in the same category as a barrister, who obviously is someone who has been called to the Bar. I think perhaps he is rather more like, say, a builder, a plumber, a mason, something of that sort, who uses a term which describes his calling without anybody being able to say he is not entitled to do so.

Mr. Oliver.

36. Must he not pass qualifying examination?—I believe there is an Institute of Actuaries.

Chairman.

37. Could I put a plate on my door saying that I was an actuary?—I do not think there is any legal impediment stopping it.

[Mr. Janner.] In my experience, I have come across the use of a term in an agreement which has differed in its general sense from a definition given in a particular Act and, consequently, it has been interpreted as being something different, as meaning something different from the definition in the Act—the definition in the Act being given specifically for that Act. I do not think we can alter it.

Chairman.

38. I do not think we can. I think we shall have to leave it as it is. I think that is the law. However desirable it may be, we must leave it as it is?—[Mr. Bunford.] You asked, my Lord, might you call yourself an actuary. If you did, the Institute of Actuaries could, I think, take no action against you. If, however, you used the initials F.I.A., Fellow of the Institute of Actuaries, then you would be liable to penalty. May I just add that there is another brand of actuary other than the one I represent: namely, some of the "penny-banks" and institutions of that kind have an official

they call an actuary, and he is not an actuary in my sense, so that there is another kind of actuary.

Mr. Janner.

39. The Board of Trade could appoint that kind of actuary?—Yes, Sir. I would like to prevent their doing that.

Chairman.

40. I do not think we can accept it?—Very well, Sir; of course I accept it.

Chairman.] The Question is that Clause 33 stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 34 AND CLAUSE 35.

Chairman.] Clause 34, Clause 35. The Question that these Clauses stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 36.

Chairman.

41. Clause 36. There is a proposed amendment that has been tabled to that. Could you tell us why you want this in, Mr. Bennion?—[Mr. Bennion.] My Lord, this is an amendment to modify references in existing Acts to an assurance company within the meaning of the Assurance Companies Act, 1909, to make them refer to an insurance company to which the present Bill applies. Strictly speaking, it is not necessary to put this in because the Interpretation Act will take care of it, but it has been suggested that it will be helpful because we are changing from assurance to insurance.

Chairman.] I propose that amendment. The Question is that the amendment be agreed.

(The same is agreed to.)

Chairman.] The Question is that Clause 36 as amended stand part of the Bill.

(The same is agreed to.)

ON CLAUSE 37.

Chairman.] Clause 37. The Question is that this Clause stand part of the Bill.

(The same is agreed to.)

ON THE FIRST SCHEDULE.

Chairman.] The First Schedule to the Bill. The Question is that this be the First Schedule to the Bill.

(The same is agreed to.)

18° Junii, 1958.]

Mr. F. A. R. BENNION,
Mr. T. DOUGLAS WILSON, and Mr. J. F. BUNFORD.

[Continued.]

ON THE SECOND SCHEDULE.

Chairman.] The Second Schedule. The Question is that this be the Second Schedule of the Bill.

(*The same is agreed to.*)

ON THE THIRD SCHEDULE.

Chairman.

42. The Third Schedule. I think, Mr. Bennion, that you have a suggestion on this. You want to leave out the word "immediate"?—In the Schedule reproduced here, which contains rules for valuing policies, there are two references to the amount which would if invested in the purchase of a life annuity purchase an annuity of a certain amount. In one case there is a reference to an "immediate life annuity" and in the other case the word "immediate" is not there. I understand that the word "immediate" adds nothing to the meaning whatsoever, and therefore it seems desirable to have consistency and to leave out a word which, as I say, does not add any meaning to the provision.

Mr. Janner.] It sounds a very laudable thing.

Chairman.] The Question is that the Third Schedule be the Third Schedule to the Bill.

(*The same is agreed to.*)

ON THE FOURTH SCHEDULE.

Chairman.] The Question is that the Fourth Schedule be the Fourth Schedule to the Bill.

(*The same is agreed to.*)

ON THE FIFTH SCHEDULE.

Chairman.

43. On the Fifth Schedule I think the Association have something to say?—

(Mr. Bunford.) This is a rather technical point and I am quite prepared to be confounded by Mr. Bennion. The point is made on the paper and I do not think I want to add anything to it.

44. I think it is covered by the Interpretation Act?—(Mr. Bennion.) Yes, certain amendments have been made in this Schedule to the Act of 1923. The effect of the re-wording done by the Bill is to make it difficult to apply the Interpretation Act in certain cases and this is to "smooth the path" of those who have to look at references in the 1923 Act. But amendments have not been made except where it is desirable for that purpose, so the Interpretation Act is left to apply in the usual way in the case mentioned by the Association here.

45. Are you happy about that, Mr. Bunford?—(Mr. Bunford.) Yes, my Lord.

Chairman.] The Question is that the Fifth Schedule be the Fifth Schedule to the Bill.

(*The same is agreed to.*)

Chairman.

46. That, my Lords and Gentlemen, is as far as we can take it today. We will take the Title next week, and would you be good enough, Mr. Bennion, to have a look at Clause 3 and bring it up next time?—(Mr. Bennion.) Yes, my Lord.

47. Thank you very much, Mr. Wilson and Mr. Bunford, we are much obliged for the help you have given the Committee.—(Mr. Wilson.) Thank you very much for hearing us.

The witnesses are directed to withdraw.

Ordered : That the Committee be adjourned till Wednesday, 25th June, at 4.30 o'clock.

DIE MERCURII, 25° JUNII, 1958.

Present :

Lord Terrington.
Lord Derwent.
Lord Rathcreedan.
Lord Cawley.

Mr. Forman.
Mr. Janner.
Sir Hugh Linstead.
Mr. Oliver.

The Lord Terrington, in the Chair.

Mr. F. A. R. BENNION, Senior Assistant Parliamentary Counsel, is called in and further examined.

Chairman.] My Lords and Gentlemen, I have letters from the Lord Chancellor and from the Speaker in which they say they concur in the approval of the proposals contained in the memorandum ; so that disposes of that.

ON CLAUSE 3.

Chairman.

48. You will remember that we postponed Clause 3. I understand, Mr. Bennion, you have agreed the form of the amendment there with our friends from the insurance offices?—Yes, my Lord. I sent them a copy, and I have had a letter from them to say they are satisfied.

Chairman.] The proposed amendment is that on page 4, line 10, we leave out from "policies" to the end of line 14, and insert "there distinctly appears the liability, in respect of the other business, of the life assurance fund or the industrial assurance fund, or, in the case of a company carrying on both life and in-

dustrial assurance business, of either or both of those funds, as the case may be." That seems to cover the point we discussed.

The Question is that the amendment be agreed to.

(The same is agreed to.)

The Question is that Clause 3 as amended stand part of the Bill.

(The same is agreed to.)

ON THE TITLE.

Chairman.] The Question is that this be the Title of the Bill.

(The same is agreed to.)

ON THE REPORT.

Chairman.] The Question is that the Bill be reported in the usual manner to the two Houses.

(The same is agreed to.)

Chairman.] Thank you, Mr. Bennion.

The witness is directed to withdraw.

Ordered : That the Lord in the Chair do report the Bill, as amended, to the House of Lords.

Ordered : That the Lord in the Chair do make the Report to the House of Lords and that Mr. Oliver do make the Report to the House of Commons and report the Minutes of the evidence taken before the Committee.

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**CONSOLIDATION OF ENACTMENTS
(PROCEDURE) ACT, 1949**

89

**CONSOLIDATION OF THE
ASSURANCE COMPANIES ACTS,
1909 to 1946**

MEMORANDUM

Laid before Parliament pursuant to 12, 13 and 14 Geo. 6. c. 33.

*Ordered by The House of Lords to be Printed
6th May 1958*

*Ordered by The House of Commons to be Printed
6th May 1958*

LONDON
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H.C. 119

**CONSOLIDATION OF THE ASSURANCE COMPANIES
ACTS, 1909 TO 1946**

MEMORANDUM

*Laid before Parliament pursuant to 12, 13 and 14 Geo. 6. c. 33,
6th May, 1958*

I, the Right Honourable David Viscount Kilmuir, Lord High Chancellor of Great Britain, being of opinion that a Bill should be prepared for the purpose of consolidating, to the extent that they apply in Great Britain, the Assurance Companies Acts, 1909 to 1946, and the enactments amending those Acts, and that, in order to facilitate the consolidation of those enactments, corrections and minor improvements ought to be made therein, do, in pursuance of the Consolidation of Enactments (Procedure) Act, 1949, hereby propose, to the said extent, the corrections and minor improvements specified in the Schedule to this Memorandum.

KILMUIR, C.

House of Lords, 24th April, 1958.

SCHEDULE

1. The last paragraph of section one of the Assurance Companies Act, 1909, shall not apply to any company other than a company as defined by subsection (1) of section four hundred and fifty-five of the Companies Act, 1948.

[*Note.* The last paragraph of the Assurance Companies Act, 1909, s. 1, as modified by the Government of Ireland (Companies, Societies, &c.) Order, 1922 (S.R. & O. 1922 No. 184), Art. 12, has the effect that a company registered in Northern Ireland under the Companies (Consolidation) Act, 1908, or earlier Companies Acts, which transacts business outside Great Britain only is nevertheless deemed to be transacting that business within Great Britain and is thus subject to all the provisions of the Act of 1909 as they apply in Great Britain as well as being subject to those provisions as they apply in Northern Ireland. The company is thus subject to supervision both by the Board of Trade and the Ministry of Commerce for Northern Ireland. This is clearly an anomaly and in practice the Board of Trade do not exercise supervision. It is thought that the intention of the 1922 Order in adapting enactments for the purposes of the Government of Ireland Act, 1920, was to transfer supervision of such companies to the Ministry of Commerce and that the effect actually produced was unintended.]

The Assurance Companies Act, 1946, s. 11 (2) is in similar terms to the last paragraph of s. 1 of the Act of 1909 but does not apply to companies registered in Northern Ireland. Unless the change made by this proposal were effected, therefore, the Consolidation Bill would be compelled to treat these companies differently according to whether a provision of the Bill were derived from the Act of 1909 or the Act of 1946.]

2. For references in section two of the Assurance Companies Act, 1909, to the Paymaster General there shall be substituted references to the Accountant-General of the Supreme Court.

[*Note.*—Although Her Majesty's Paymaster General now has no functions in relation to the Supreme Court, and the functions formerly exercised by him are now exercised by the Accountant-General of the Supreme Court, it appears that the provisions effecting this transfer of functions did not adapt the references to the Paymaster General in s. 2 of the Assurance Companies Act, 1909.]

The Paymaster General was originally given his functions by s. 4 of the Court of Chancery (Funds) Act, 1872, which transferred to him the functions of the former Accountant-General of the Court of Chancery. By s. 11 of the Administration of Justice Act, 1925, the functions of the Paymaster General under the Act of 1872 "or any Act amending that Act" were transferred to the Accountant-General of the Supreme Court, whose office was established by that section. Since the Act of 1909

was not an Act amending the Act of 1872, the references in s. 2 thereof to the Paymaster General were not affected by this provision. However, under s. 11 (2) of the Act of 1925, all moneys vested in the Paymaster General became vested in the Accountant-General, and this included deposits paid under s. 2 of the Act of 1909. By s. 133 (6) of the Supreme Court of Judicature (Consolidation) Act, 1925, the references to the Paymaster General in any rules made under or for the purposes of the Act of 1872, or any Act amending that Act, were to be construed as references to the Accountant-General, and in the Supreme Court Funds Rules, 1927 (under which deposits under s. 2 of the Act of 1909 now have to be made) there are no references to the Paymaster General but only to the Accountant-General.

In view of these circumstances it is clearly necessary to alter the present references to the Paymaster General in s. 2 of the Act of 1909 to references to the Accountant-General of the Supreme Court.]

3. In section four of the Assurance Companies Act, 1946, in sub-paragraph (i) of paragraph (b) of subsection (2), the words "under section three of the principal Act" shall be omitted.

[*Note.* The Assurance Companies Act, 1946, s. 4 (2), provides for the withdrawal of deposits made under the Assurance Companies Act, 1909, in consequence of the abrogation by the Act of 1946, s. 4 (1), of the duty to make deposits. This duty had been extended to collecting societies by the Industrial Assurance Act, 1923, s. 7 (1), which provides that the obligation shall be the same as that existing in the case of industrial assurance companies. The Act of 1946, s. 4 (2), applies to industrial assurance companies by virtue of s. 8 (1) thereof. In the case of collecting societies the duty to keep separate funds is not imposed by the Act of 1909, s. 3, but by the Act of 1923, s. 8 (which is not embodied in the Consolidation Bill). The effect therefore of the words which this proposal would repeal is to exclude collecting societies from the protection conferred by the Act of 1946, s. 4 (2) (b) (i). It is thought that this exclusion was not intended, and it is disregarded in rule 10 (1) (c) of the Industrial Assurance (Deposits, &c.) Rules, 1950 (S.I. 1950 No. 1544).]

4. Where an assurance company is liable to a penalty under section twenty-three of the Assurance Companies Act, 1909, in respect of a default, a director, manager or secretary of the company shall not be liable to a like penalty under that section unless he is knowingly a party to the default.

[*Note.* It is not clear whether the words "who is knowingly a party to the default" in s. 23 of the Act of 1909 merely govern the words "other officer or agent of the company" or apply also to the words "every director, manager or secretary". It is thought that the words were intended to have the wider

application, and although the point has not apparently come before the courts, it is probable that a court would hold that the ambiguity should be resolved in favour of the subject.]

5. The Board of Trade shall have power to make by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) regulations prescribing the forms to be used in cases in which the forms contained in the First, Second, Third, Fourth and Fifth Schedules to the Assurance Companies Act, 1909, and Part I of the First Schedule to the Assurance Companies Act, 1946, are under either of those Acts required to be used, and accordingly—

- (a) references in those Acts and in the Employers' Liability Insurance (Modification) Order, 1948, to the said forms shall be construed as references to corresponding forms prescribed by such regulations, and**
- (b) the said Schedules to the Assurance Companies Act, 1909, and Part I of the First Schedule to the Assurance Companies Act, 1946, together with subsection (3) of section seven of the said Act of 1946 and subparagraph (b) of paragraph 1 of the Sixteenth Schedule to the Companies Act, 1948, shall cease to have effect.**

[*Note.* Sections 4 to 6 of the Assurance Companies Act, 1909, require assurance companies from time to time to prepare accounts, balance sheets, actuarial reports and statements of business according to the forms contained in the First, Second, Third, Fourth and Fifth Schedules to that Act. A further form was laid down for revenue accounts relating to marine, aviation and transit insurance business by Part I of the First Schedule to the Assurance Companies Act, 1946. S. 22 of the Act of 1909 empowers the Board of Trade to alter these forms in relation to particular companies and s. 7 (3) of the Act of 1946 empowers the Board to prescribe by regulations such modifications of the forms as may be needed in consequence of the passing of that Act. This latter power was extended to cover modifications made necessary in the light of the Eighth Schedule to the Companies Act, 1948, by paragraph 1 (b) of the Sixteenth Schedule to that Act. The powers of the Board of Trade described above are, in relation to industrial assurance companies, exercisable by the Industrial Assurance Commissioner by virtue of s. 12 (2) of the Industrial Assurance Act, 1923.

As all but one of the forms mentioned above are nearly 50 years old their wording has become out of date and, in addition, their presence on the Statute Book does not accord with modern practice as to the form in which the law is stated. Since in any case various powers exist to alter the forms it is

considered right not to reproduce the forms in the Bill, but to give power to the Board of Trade and the Industrial Assurance Commissioner to prescribe them by regulations. Similar changes were made in the Medical Act, 1956, and the Births and Deaths Registration Act, 1953.]

6. The Assurance Companies Act, 1909, shall have effect as if paragraph (1) of Article 13 of the Government of Ireland (Companies, Societies, &c.,) Order, 1922, did not apply in relation to assurance business carried on in Great Britain by an assurance company registered or having its head office in Northern Ireland.

[*Note.* Art. 13 (1) of the Government of Ireland (Companies, Societies, &c.,) Order, 1922, provides that, in relation to companies registered or having their head office in Northern Ireland, references in the Assurance Companies Act, 1909, to the Board of Trade shall be construed as references to the Ministry of Commerce for Northern Ireland. Although this provision is wide enough to apply even as respects business carried on by such companies in Great Britain it is doubtful if this application was intended, since the Board of Trade has supervisory powers under the Act of 1909 in relation to insurance business carried on in Great Britain by all other companies. It appears that there are in fact no companies registered or having their head offices in Northern Ireland which carry on business in Great Britain but it is nevertheless thought right to remove this anomaly in the law although it is of no practical importance.]

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**CONSOLIDATION OF ENACTMENTS
RELATING TO MARKETING, ETC.,
OF AGRICULTURAL PRODUCTS**

MEMORANDUM

Laid before Parliament pursuant to 12, 13 and 14 Geo. 6. c. 33.

Ordered by The House of Lords to be Printed

1st April 1958

Ordered by The House of Commons to be Printed

1st April 1958

LONDON

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CONSOLIDATION OF ENACTMENTS RELATING TO MARKETING, ETC., OF AGRICULTURAL PRODUCTS

EXPLANATORY NOTES TO THE MEMORANDUM UNDER THE CONSOLIDATION OF ENACTMENTS (PROCEDURE) ACT, 1949

Proposal 1 (Clause 2 (13))

Section 1 (5) of the Agricultural Marketing Act, 1931, provides for the holding of an inquiry in certain cases where objections have been made to a scheme submitted for Ministerial approval under that section, and section 1 (6) provides that such an inquiry "shall be held in accordance with rules made by the Minister for the purpose". "Minister" is defined in section 18 (1) of the Act of 1931, and references to the Minister in that Act must also be construed in accordance with section 18 (5) of the Agricultural Marketing Act, 1949, section 18 (1) of which extended the Act of 1931 to Northern Ireland. Unless "the Minister", where it occurs in the provision in question in section 1 (6), can be said to be used "in relation to a scheme" neither the definition of "Minister" in section 18 (1) of the Act of 1931 nor section 18 (5) of the Act of 1949 attributes any meaning to the expression. If the expression is used in relation to a scheme its meaning varies according to the geographical extent of the scheme and may mean the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, or any two of those Ministers, or the Minister of Agriculture, Fisheries and Food or the Secretary of State concerned with agriculture in Scotland. The rules required to be made by section 1 (6) are required for all schemes and although it may be that the subsection, when read with section 18 (5) of the Act of 1949, contemplates the making of six separate sets of rules to be made by the different Ministers, acting alone or jointly, to operate in relation to inquiries into objections made to the different classes of schemes, this would result in unnecessary duplication and the provisions in question have not in practice been so construed. The rules now in force, the Agricultural Marketing (Public Inquiry) Rules, 1949 (S.I. 1949 No. 2094 I. p. 35) were made by all three Ministers and apply to an inquiry into objections to any scheme. This proposal therefore amends section 1 (6) so as to make it clear that the rules are to be made by the three Ministers concerned.

Proposal 2 (Clauses 12 and 45)

Section 11 (1) of the Agricultural Marketing Act, 1933, empowers the Minister or Ministers of the Crown by whom an agricultural marketing scheme in force under the Agricultural Marketing Act, 1931, was approved to modify the scheme for certain purposes by inserting therein certain provisions described

in section 11 (1). These provisions include two which, apart from section 11, can be included in a scheme by virtue of section 5 of the Act of 1931. By virtue of section 11 (2) of the Act of 1933 a scheme may be further modified by an order under the section so as to include a provision requiring the board administering the scheme to impose on, and recover from, a registered producer who contravenes either of the two provisions above referred to and inserted in the scheme by the order such monetary penalties as may be specified in the order. If the two provisions in question are contained in the scheme by virtue of section 5 of the Act of 1931, sections 5 to 8 of the Agricultural Marketing Act, 1949, apply. Section 5 of the Act of 1949 contains comprehensive provisions regulating the procedure to be observed before a penalty is imposed on a registered producer who contravenes a provision of a scheme made in pursuance of section 5 of the Act of 1931. An essential feature of this procedure is the requirement that no penalty shall be imposed except after a hearing by a committee of the board, known as the disciplinary committee, constituted in accordance with paragraph (a) of subsection (1) of section 5 of the Act of 1949. Section 6 of that Act provides that in certain circumstances a loss caused to a board by a contravention of a provision of a scheme may be recovered in the same way as a penalty. Section 7 gives power to postpone the imposition of a penalty and section 8 provides for the enforcement of the decisions of the disciplinary committee and for the statement of a case by that committee. It is clearly anomalous that these provisions of the Act of 1949 should apply where a registered producer contravenes a provision of a scheme made in pursuance of the Act of 1931 but not where he contravenes an identical provision which has been inserted in the scheme by an order made under section 11 of the Act of 1933. This proposal would remove this anomaly.

Proposal 3 (Clause 3)

Section 15 of the Agricultural Marketing Act, 1933, provides that every scheme under the Agricultural Marketing Act, 1931, other than a scheme approved before the commencement of the Act of 1933, shall, inter alia, require the board administering the scheme to appoint from among the members thereof an executive committee of not more than seven persons. As originally enacted, it also provided that at least one member of the committee should be qualified as therein mentioned. Subsection (2) of section 15 empowers the Minister or Ministers of the Crown by whom any scheme then in force had been approved to amend the scheme by order so as to make it conform with the requirements of the section.

Section 1 of the Agricultural Marketing Act, 1949, amended the law with regard to the composition of boards administering schemes under the Act of 1931 and provides that every scheme

shall be so framed as to secure, inter alia, that the executive committee of the board shall include at least one of the members of the board who are appointed by the Minister. Section 15 (1) of the Act requires the Minister or Ministers of the Crown by whom a scheme approved before the passing of the Act was approved to make by order such amendments of the scheme as are necessary to bring the scheme into accordance with the provisions of the Act which require schemes to be framed so as to secure particular results.

In the case of a scheme approved before the commencement of the Act of 1933 there are therefore two sections which provide for the amendment of the scheme with respect to the appointment and composition of an executive committee of the board administering the scheme. An order under section 15 of the Act of 1933 is required to be laid before Parliament by section 26 (1) of that Act. An order under section 15 of the Act of 1949 is subject to annulment in pursuance of a resolution of either House of Parliament by virtue of section 15 (5). The Minister concerned is not bound to make an order under section 15 of the Act of 1933 but, if he were to do so, section 15 (1) of the Act of 1949 would require him also to make an order under that section amending the scheme to ensure that at least one member of the board qualified as mentioned in paragraph (d) of section 1 (1) of that Act is a member of the executive committee. In these circumstances it is obviously right that there should be one order and it is, therefore, necessary to make, in relation to the order under section 15 of the Act of 1933, the same provision as is made by section 15 (5) of the Act of 1949, in relation to the order under that section.

Proposal 4

Section 1 of the Agricultural Marketing Act, 1933, empowers the Board of Trade, in certain circumstances, to make orders regulating the importation into the United Kingdom of agricultural products, and section 21 of that Act empowers the Board, for the purpose of enabling them to decide whether any regulation or control of the importation of an agricultural product into the United Kingdom is desirable or should be varied or discontinued, to make an order requiring the occupier of any premises used by way of trade for the storage of that product or of a specified commodity manufactured or derived therefrom to make a return to the Board showing the quantity of that product or commodity which was stored in the premises on any specified day or during any specified period. No order has ever been made by the Board of Trade under section 21 and that section has been virtually superseded by section 1 of the Statistics of Trade Act, 1947, which enables certain Government departments, including the Board of Trade, to obtain information necessary for, inter alia, the discharge of their functions. One of the matters with respect to which a person carrying on

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an undertaking by way of trade or business can be required under section 1 to furnish periodical or other estimates or returns is stocks.

The Board can require an occupier of premises in Northern Ireland to furnish information under section 21 of the Act of 1933. Section 19 (2) of the Act of 1947 enables the Board to exercise their powers under section 1 of that Act in Northern Ireland in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws. The information which the Board would require for the purpose of enabling them to decide whether any regulation or control of the importation of an agricultural product into the United Kingdom is desirable or should be varied or discontinued would be required to enable them to discharge their functions with respect to trade and, subject to certain exceptions, trade with any place outside Northern Ireland is listed in section 4 of the Government of Ireland Act, 1920, with other matters in respect of which the Parliament of Northern Ireland has not power to make laws.

In view of the comprehensive provisions contained in section 1 of the Statistics of Trade Act, 1947, which enable the Board of Trade to obtain under that section the information they are authorised to obtain under section 21 of the Agricultural Marketing Act, 1933, it is proposed that section 21 should be repealed as unnecessary.

Proposal 5 (Clause 50)

Section 27 of the Agricultural Marketing Act, 1933, which makes provision as to the persons who may do the things required or authorised by the Act to be done by or to the Board of Trade, is to some extent out of date. The proposal amends the section so as to make provision in the terms invariably found in modern Acts which confer functions on the Board.

Proposal 6 (Clauses 12, 35 and 47)

Sections 5, 7 and 8 of the Agricultural Marketing Act, 1949, which are referred to in the note on proposal 2, only apply where there has been a contravention of a provision of a scheme made in pursuance of section 5 of the Agricultural Marketing Act, 1931. They are not therefore applicable to a contravention of a determination made under section 12 (3) of the Milk Act, 1934, by a board administering a milk marketing scheme. That subsection requires the board to impose on and recover from a registered producer who deals with any milk in contravention of such a determination a monetary penalty. In the case both of a contravention of a provision of a scheme made in pursuance of section 5 of the Act of 1931 and of a contravention of a determination of a board under section 12 (3) of the Act of 1934,

the board are required to recover a monetary penalty from the producer responsible for the contravention, and it is clearly anomalous that the provisions of the Act of 1949 referred to should apply in the first case but not in the second.

Section 17 (2) of the Agricultural Marketing Act, 1931, makes it an offence for any person to disclose information obtained by him in the exercise of any power conferred by or under that Act on any marketing board, consumers' committee, committee of investigation or Agricultural Marketing Reorganisation Commission unless the information is required for, inter alia, the purposes of legal proceedings under that Act or any report of such proceedings. Section 12 of the Milk Act, 1934, contains provisions which may result in legal proceedings under that section and it constitutes an anomaly if a member of a milk marketing board, for example, can lawfully disclose information obtained by him in that capacity which is required for the purpose of legal proceedings under the Act of 1931, but not if it is required for the purpose of such proceedings under section 12 of the Act of 1934. The last subsection which this proposal seeks to insert in section 12 of the Act of 1934 would remove this anomaly.

Proposal 7 (Clause 36)

By virtue of section 6 (1) of the Agriculture (Miscellaneous Provisions) Act, 1949, read with section 15 (2) of that Act, the board administering a milk marketing scheme have power, with the approval of the Minister or Ministers by whom the scheme was approved, to establish or acquire a centre for the artificial drying of grass and forage crops. By virtue of section 29 of the Agriculture Act, 1957, the board administering such a scheme have power, with the approval of the Minister or Ministers aforesaid, to provide services of artificial insemination for pigs. Section 5 of the Agriculture (Artificial Insemination) Act, 1946, empowers such a board, with the approval of the Minister, to provide services of artificial insemination for cattle, and in that section "the Minister" means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State.

When the said Acts of 1946 and 1949 were passed a scheme under the Agricultural Marketing Act, 1931, could not apply to Northern Ireland. Now, however, by virtue of section 18 (1) and (2) of the Agricultural Marketing Act, 1949, a scheme under that Act may apply to Great Britain or any part thereof and also to Northern Ireland or any part thereof but cannot apply only to Northern Ireland or a part thereof. The three sections aforesaid which confer powers on milk marketing boards do not extend to Northern Ireland but it would in theory be possible, though in practice extremely unlikely, for a scheme regulating the marketing of milk to be made to apply to Great Britain or a part thereof and also to Northern Ireland or a part thereof.

If such a scheme were made the board administering that scheme would have to obtain the approval of the Secretary of State concerned with agriculture in Northern Ireland and of the other Minister or Ministers by whom the scheme was approved before exercising the powers conferred on the board by the two sections first referred to in this note, even though the board could not exercise those powers in Northern Ireland. The position would however be different in the case of the powers conferred by section 5 of the Agriculture (Artificial Insemination) Act, 1946. The difference in this respect between the three sections referred to constitutes an anomaly which is of no practical importance but the removal of which would facilitate the re-statement of the law. This proposal is therefore designed to bring section 5 of the Act of 1946 into line with the two later Acts.

Proposal 8 (Clause 42)

The three sections referred to in the proposal confer certain powers on boards administering milk marketing schemes. Other powers are conferred on such boards by the provisions of certain Milk Acts which are still in force, that is to say, section 12 of the Milk Act, 1934, section 7 of the Milk (Amendment) Act, 1937, and section 6 (2) of the Milk Industry Act, 1939. Section 12 (6) of the Act of 1934 and section 9 (3) of the Act of 1939 in effect provide that, for the purposes of a milk marketing scheme, functions conferred by those Acts on the board administering the scheme shall be taken to be conferred by the scheme. The Act of 1937 is to be construed as one with the Act of 1934. There is no such provision in the Acts referred to in the proposal. The provisions in question were no doubt intended to ensure that, for the purposes of a milk marketing scheme, there should be no distinction between the functions conferred on the board administering the scheme by the Milk Acts and the other functions of the board which derive from the scheme. In view of those provisions, it could not be argued, for example, that the provision contained in every scheme empowering the board administering the scheme to borrow money "for the purposes of exercising their functions under the scheme" does not enable a milk marketing board to borrow for the purpose of exercising a power conferred by the Act of 1934, 1937 or 1939.

The provisions of the Milk Acts still in force and the three sections referred to in the proposal are to be re-enacted in one Act. If section 12 (6) of the Act of 1934 and section 9 (3) of the Act of 1939 were to be re-enacted as applying only to functions conferred on boards administering milk marketing schemes by the sections which reproduce provisions now contained in the Milk Acts, it could certainly be contended that, by implication, the functions conferred on those boards by the sections which reproduce the enactments referred to in the proposal are not to be taken, for the purposes of a scheme, as con-

ferred by the scheme. This is not a possible argument as the Acts now stand. Apart from that there is nothing in the later Acts to suggest that the powers conferred by those Acts on boards administering milk marketing schemes are in any way different, as far as the operation of the schemes are concerned, from their other powers. Such a result would be anomalous and can scarcely have been intended. The proposal would therefore remove any doubt there may be on this point and would also cure the difficulty caused by the proposed re-enactment in one Act of provisions now contained in different Acts.

**CONSOLIDATION OF ENACTMENTS RELATING TO
MARKETING, ETC., OF AGRICULTURAL PRODUCTS**

MEMORANDUM

*Laid before Parliament pursuant to 12, 13 & 14 Geo. 6 c. 33
1st April, 1958.*

I, the Right Honourable David Viscount Kilmuir, Lord High Chancellor of Great Britain, being of opinion that a Bill should be prepared for the purpose of consolidating certain enactments regulating the marketing, importation and sale of agricultural products, and that, in order to facilitate the consolidation of those enactments, corrections and minor improvements ought to be made therein, do, in pursuance of the provisions of the Consolidation of Enactments (Procedure) Act, 1949, hereby propose in the Acts referred to in the Schedule to this Memorandum the corrections and minor improvements shown in that Schedule.

Kilmuir, C.

House of Lords, 18th March, 1958.

SCHEDULE

THE AGRICULTURAL MARKETING ACT, 1931

(21 & 22 Geo. 5 c. 42)

1. In subsection (6) of section one, the words "in accordance with rules made by the Minister for the purpose" shall be omitted, and after the words "the Minister", in the second place where those words occur, there shall be inserted the words "and shall be held in accordance with rules made for the purpose by the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly".

THE AGRICULTURAL MARKETING ACT, 1933

(23 & 24 Geo. 5 c. 31)

2. In subsection (2) of section eleven, for the words "the board to impose on and" there shall be substituted the words "the disciplinary committee of the board to impose on, and the board to", and after the said subsection (2) there shall be inserted the following subsections:—

"(2A) Where by virtue of an order under this section a scheme requires the disciplinary committee of the board to impose on, and the board to recover from, any registered producer who contravenes any provision of the scheme inserted therein by an order made in pursuance of paragraph (a) or paragraph (b) of subsection (1) of this section such monetary penalties as may be specified in the order, then, for the purposes of paragraphs (b) to (f) of subsection (1) of section five of the Agricultural Marketing Act, 1949 (which make provision with respect to the imposition of penalties on registered producers and in particular require every scheme under the principal Act to be so framed as to secure that no penalty is imposed on such a producer for a contravention of any provision of the scheme made in pursuance of section five of that Act except after a hearing by the disciplinary committee of the board), and of any provision of the scheme made in pursuance of the said paragraphs, the provision so inserted shall be deemed to be a provision made in pursuance of section five of the principal Act.

(2B) So much of a scheme as, in pursuance of an order under this section, requires the disciplinary committee to impose penalties on a registered producer and the board to recover penalties from such a producer shall not be construed as preventing the disciplinary committee, if they find that a contravention has occurred, from postponing the imposition of a penalty for such period, not exceeding

twelve months, as may be specified in the scheme, but save¹⁰⁷ as aforesaid nothing in this or the last foregoing subsection shall be construed as derogating from the duty to impose and recover penalties imposed by the scheme in pursuance of the said order.

(2C) Section eight of the said Act of 1949 (which makes provision for the enforcement of certain decisions of the disciplinary committee of a board and for the statement of a case by the said committee) shall have effect in relation to the hearing and determination of any matter which by virtue of the foregoing provisions of this section is referred to the disciplinary committee of a board, and in relation to the enforcement of the decision of that committee with respect to that matter, and the references in that section to the preceding provisions of that Act shall be construed accordingly ”.

3. After subsection (2) of section fifteen there shall be added the following subsection :—

“ (3) The power to make orders conferred by this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and for the purposes of section five of the Statutory Instruments Act, 1946, this section shall be deemed to be an Act passed after the commencement of that Act ”.

4. Section twenty-one shall cease to have effect.

5. In subsection (1) of section twenty-seven—

- (a) the words from “ order ” to “ other ” shall be omitted ;
- (b) after the word “ Board ”, in the last place where it occurs, there shall be inserted the words “ any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board ” ; and
- (c) for the word “ him ” there shall be substituted the words “ the President ”.

THE MILK ACT, 1934

(24 & 25 Geo. 5, c. 51)

6. In subsection (3) of section twelve, the words “ imposition and ” shall be omitted, for the words “ the board shall impose on and ” there shall be substituted the words “ the disciplinary committee of the board shall impose on, and the board shall ” and after that subsection there shall be inserted the following subsections :—

“ (3A) Any provision of a milk marketing scheme made in pursuance of paragraphs (b) to (f) of subsection (1) of section five of the Agricultural Marketing Act, 1949 (which

make provision with respect to the imposition of penalties on registered producers and in particular require every scheme under the Agricultural Marketing Act, 1931, to be so framed as to secure that no penalty is imposed on such a producer for a contravention of any provision of the scheme made in pursuance of section five of that Act except after a hearing by the disciplinary committee of the board) shall apply to a contravention of a determination of the board under the last foregoing subsection as it applies to a contravention of any provision of the scheme made in pursuance of section five of the said Act of 1931.

(3B) Subsection (3) of this section, in so far as it requires a board administering a milk marketing scheme to recover penalties from a registered producer, shall not be construed as preventing the disciplinary committee of the board, if they find that a contravention of any determination made by the board under that subsection has occurred, from postponing the imposition of a penalty for such period as may be specified in the scheme in relation to the contravention of any provision of the scheme made in pursuance of section five of the said Act of 1931, but save as aforesaid nothing in this section shall be construed as derogating from the duty imposed by the said subsection (3) to impose and recover penalties.

(3C) Section eight of the Agricultural Marketing Act, 1949 (which makes provision for the enforcement of certain decisions of the disciplinary committee of a board and for the statement of a case by the said committee), shall have effect in relation to the hearing and determination of any matter which by virtue of the foregoing provisions of this section is referred to the disciplinary committee of a board, and in relation to the enforcement of the decision of that committee with respect to that matter, and the references in that section to the preceding provisions of that Act shall be construed accordingly.

(3D) Nothing in subsection (2) of section seventeen of the Agricultural Marketing Act, 1931 (which imposes restrictions on the disclosure of information obtained under that Act) shall apply to the disclosure of any information in so far as it is required to be disclosed for the purposes of legal proceedings under this section or for the purpose of any report of such proceedings."

THE AGRICULTURE (ARTIFICIAL INSEMINATION) ACT, 1946

(9 & 10 Geo. 6 c. 29)

7. In section five, for the words "the Minister" there shall be substituted the words "the appropriate Minister", and at the end of that section there shall be added the words "In this

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section 'the appropriate Minister' means the Minister or Ministers, as the case may be, by whom the relevant marketing scheme was approved".

THE AGRICULTURE (ARTIFICIAL INSEMINATION) ACT, 1946, THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT, 1949 (12 & 13 Geo. 6 c. 37) AND THE AGRICULTURE ACT, 1957 (5 & 6 Eliz. 2 c. 57)

8. The powers conferred by section five of the Agriculture (Artificial Insemination) Act, 1946, subsection (1) of section six of the Agriculture (Miscellaneous Provisions) Act, 1949, and section twenty-nine of the Agriculture Act, 1957, on the board administering any milk marketing scheme in force under the Agricultural Marketing Acts, 1931 to 1949, shall, for the purposes of that scheme, be deemed to be conferred on the board by the scheme.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
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13A Castle Street, Edinburgh 2
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Derwent Water Order, 1957 111

AMENDMENTS

MADE BY THE JOINT COMMITTEE OF THE HOUSE OF LORDS AND OF THE HOUSE OF COMMONS APPOINTED PURSUANT TO SECTION FOUR OF THE STATUTORY ORDERS (SPECIAL PROCEDURE) ACT, 1945, TO CONSIDER THREE PETITIONS FOR THE AMENDMENT OF THE DERWENT WATER ORDER, 1957, AND TWO COUNTER-PETITIONS.

Section 5, subsection (1), in the description of Work No. 9, leave out (" a point 310 yards north of ")

Section 7, in line 5 of subsection (1), after (" plans ") insert (" , together with so much of the road from Ruffside to Barleyhill as lies between the junction of that road with the road from Blanchland to Edmondbyers and the point marked ' a l ' on the said plans, ")

Derwent Water Order, 1957

**A M E N D M E N T S
MADE BY THE JOINT
COMMITTEE**

Ordered by, The House of Lords
to be Printed 13th March, 1958

LONDON
PRINTED AND PUBLISHED BY
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Price 3d. net

(49)

(39335)

Dundee Corporation (Consolidated Powers) Order Confirmation Bill 113

AMENDMENTS TO BE MOVED ON CONSIDERATION ON REPORT

[The references are to the Bill [10] as printed for the House of Commons.]

BY THE LORD STRATHCLYDE

IN THE PREAMBLE

Page 1, line 1, leave out the first (" the ") and insert (" a ").

Page 1, line 1, leave out (" set forth in the schedule hereunto annexed ") and insert (" relating to Dundee Corporation (Consolidated Powers) ")

Page 1, line 5, leave out (" requisite ") and insert (" expedient ")

Page 1, line 5, after (" should ") insert (" subject to amendment ")

CLAUSE 1

Page 1, line 11, leave out (" contained ") and insert (" so made which as amended is set forth ")

IN THE SCHEDULE

Page 141, line 43, leave out (" dealing with residual products shall be paid by the ") and insert (" plant provided at the slaughter-houses in the city for the ")

Page 227, line 25, after (" section ") insert (" or ")

**Dundee Corporation
(Consolidated Powers) Order
Confirmation Bill**

A M E N D M E N T S
TO BE MOVED ON
CONSIDERATION ON REPORT
[*The references are to the Bill [10] as
printed for the House of Commons.*]

BY THE
LORD STRATHCLYDE

6th December, 1957

LONDON
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Price 3d. net

(a)

(37241)

Report
by the Ecclesiastical Committee
upon the
Church Schools (Assistance
by Church Commissioners)
Measure, 1957

LAID BEFORE BOTH HOUSES OF PARLIAMENT

in pursuance of the provisions of the
Church of England Assembly (Powers) Act,
1919 [9 & 10 Geo. 5, c. 76, ss. 3 (4) and 4],
the Legislative Committee having
signified a desire accordingly

*Ordered by The House of Lords to be Printed
19th December 1957*

*Ordered by The House of Commons to be Printed
19th December 1957*

LONDON
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ECCLESIASTICAL COMMITTEE—ONE HUNDRED AND
TWENTY-SEVENTH REPORT

**Report by the Ecclesiastical Committee upon
the Church Schools (Assistance by Church
Commissioners) Measure, 1957**

laid before both Houses of Parliament in pursuance of the provisions of the Church of England Assembly (Powers) Act, 1919 [9 & 10 Geo. 5. c. 76, ss. 3 (4) and 4], the Legislative Committee having signified a desire accordingly

ORDERED TO REPORT:—

That the Ecclesiastical Committee have met and considered the

*Church Schools (Assistance by Church Commissioners)
Measure, 1957,*

referred to them under the provisions of the Church of England Assembly (Powers) Act, 1919.

1. By this Measure it is proposed to enable the Church Commissioners to make to the Central Board of Finance of the Church of England payments up to £1,000,000 within a period of twenty-five years to assist Church of England aided and special agreement schools.

2. The Measure proposes that the payments so made shall be distributed by the Central Board of Finance among such diocesan bodies as they think fit to provide—

- (a) grants or loans for the acquisition of sites for, or the building, improvement or extension of, Church of England aided or special agreement secondary schools;
- (b) loans for similar purposes relating to Church of England aided or special agreement primary schools.

3. The Measure is more fully explained in the Comments and Explanations submitted by the Legislative Committee printed as an Appendix to this Report.

4. The Church Assembly divided on the Measure. The divisions were as follows:—

				<i>Ayes</i>	<i>Noes</i>
House of Bishops	...	...	...	25	2
House of Clergy ...	...	...	...	158	62
House of Laity ...	...	...	...	194	42

5. The Measure does not affect prejudicially the constitutional rights of any of Her Majesty's subjects.

6. The Ecclesiastical Committee, after holding a conference with the Legislative Committee, are satisfied that it is expedient that the Measure should proceed.

18th December, 1957.

Appendix

Comments and Explanations submitted by the Legislative Committee with the

CHURCH SCHOOLS (ASSISTANCE BY CHURCH COMMISSIONERS) MEASURE, 1957

1. The Legislative Committee of the National Assembly of the Church of England, having had referred to them the Measure entitled "The Church Schools (Assistance by Church Commissioners) Measure, 1957," have the honour to submit the said Measure to the Ecclesiastical Committee.

2. The object of this Measure is to enable the Church Commissioners to make payments out of their General Fund to assist Church of England schools. Under the Education Act, 1944, Church schools fall into two main categories, aided or controlled. There are also certain schools known as special agreement schools, but these are in nearly all material respects treated as aided schools. The main advantages of an aided school from the point of view of the Church are that two-thirds of the managers are appointed by the Church as apposed to one-third of the managers of a controlled school; all the teachers in an aided school are appointed by the managers as opposed to none in a controlled school, though their approval is required in the selection of reserved teachers, that is teachers qualified to give denominational instruction; and specifically Church of England teaching is given in aided schools, whereas in controlled schools an agreed syllabus is used, though parents can require that their children should be withdrawn for denominational teaching. On the other hand the managers of an aided school have a responsibility for meeting expenses incurred in altering and maintaining school premises, whereas the managers of a controlled school have none. Therefore the decision that a school shall be an aided school involves a considerable financial liability.

3. In November, 1954, the Schools Council, which is a departmental council of the Church of England Council for Education, presented a Report to the Assembly which drew attention to the position and suggested that some time in the future financial difficulties might arise which would require consideration by the Church Assembly and possibly financial support from the centre. Within a fortnight of the Session the Minister of Education, speaking in the Debate on the Address, foreshadowed a considerable acceleration of the re-organisation of rural secondary education and described this as a challenge to the Church—a challenge accepted on behalf of the Church by the Bishop of London in a speech in the House of Lords. Shortly afterwards Circular 283 was issued by the Ministry. This change of policy necessitated a complete revision of the Church's financial programme and after a preliminary investigation the Church of England Council for Education presented a Report at the Summer Session, 1955. A resolution was passed welcoming the determination of the Minister to accelerate the re-organisation of rural education and requesting the Central Board of Finance, the Church Commissioners and the Schools Council to make a joint investigation into the position.

4. The three bodies did not confine their investigation to rural schools as they regarded the whole problem of Church Schools as one and indivisible. According to returns from the dioceses it was contemplated that the Church would ultimately have about 178 aided and 64 controlled secondary schools and 2,535 aided and 2,888 controlled primary schools. The total estimated cost of works falling upon the Church in respect of secondary and primary schools was a minimum of £14½ million. After a careful analysis of the assets available it was estimated that a further capital sum of approximately £3 million of new money was required to meet the estimated liabilities. In addition to this Report from the three bodies the Church of England Council for Education presented a Report of its own which suggested

that while £2 million could probably be raised within the dioceses it was desirable that aid not exceeding £1 million in all should be available from the centre. The only central body which could provide a sum of this nature was the Church Commissioners. The two following resolutions were proposed by the Council and after a considerable debate, passed by the Assembly.

"That the Assembly notes with approval the number of Church Schools which are now aided as a result of the policy adopted by the dioceses and welcomes their efforts to secure the future of these schools."

"That the Assembly requests the Church Commissioners to prepare a Measure to empower them to make funds available, not exceeding in all £40,000 per annum for not more than twenty-five years, for grants to Church Secondary Schools and loans to Church Primary Schools."

5. In the course of the debate on these motions hesitations were expressed which fall under two main headings. First, it was doubted whether the Church ought to expend such large sums on this particular purpose in view of other urgent financial commitments. Against this it was argued that aided schools were of great value in the life of the Church and that it was most undesirable that the Church should abdicate from its age-long position in the educational life of the nation. Once a school had become controlled it could never achieve aided status, so it was a question of now or never. Secondly objections were raised to the use of the Church Commissioners' money for purposes other than the stipends and pensions of the clergy. Against this it was pointed out that the General Fund of the Church Commissioners was to a large extent derived from the Common Fund of the Ecclesiastical Commissioners. The object of the Common Fund as laid down by section 67 of the Ecclesiastical Commission Act, 1840, was "the cure of souls in parishes where such assistance is most required, in such manner as shall, by the like authority, be deemed most conducive to the effectiveness of the Established Church." The true beneficiaries were not the clergy but the souls of the parishioners, though the most direct method of benefiting such souls was by making proper provision for the clergy who would care for them. The Church Commissioners took the view that a Measure would be necessary, but that such a use would not be an improper one for the General Fund if such a course were approved by the Church Assembly. Grants from the General Fund were already made for the provision of church buildings in new housing areas. The policy of the Commissioners was to allocate to stipends and pensions as much of their annual distributable income as seemed prudent in view of the hardship which would be caused if grants could not be maintained in future years, and to allocate the balance annually for other purposes for which single grants, as opposed to recurring grants, would be of assistance. It was made clear that grants for Church schools would only be made out of this balance, possibly at the expense of parsonage houses or church building in new housing areas but certainly not at the expense of stipends or pensions, except in so far as reinvestment might have produced a slightly higher income in the future. Grants for Church schools, as with grants for the other purposes mentioned, could only be made if there was a balance of income over and above what could be promised for stipends and pensions.

6. The Commissioners prepared a Measure which was introduced into the Assembly at the Autumn Session. It was considered for revision at the Spring Session, 1957, and finally approved at the Summer Session. No substantial amendments were made. There was considerable debate on general approval and a division was taken at the request of certain members of the House of Laity who desired that the House of Clergy should express a separate opinion as the financial position of the clergy was to some extent affected. The result of the division was as follows:—

					<i>Ayes</i>	<i>Noes</i>
House of Bishops	...	...	...	...	25	2
House of Clergy	...	...	...	...	158	62
House of Laity	...	...	...	...	194	42

7. The Measure has only one substantive clause. It provides that the Church Commissioners shall have power to make payments out of their General Fund to the Central Board of Finance. Such payments are not to exceed £1 million and no payment is to be made after a period of 25 years from the passing of the Measure.

There is no obligation to pay any sum, but only a power to do so. The Central Board of Finance will make payments to the appropriate diocesan bodies either for the provision, improvement or extension of school buildings or for the provision of sites. Grants or loans may be given for secondary schools but only loans for primary schools. Secondary schools are regarded as of particular value for the church as children of that age are more able to understand and profit from Church teaching. Also a secondary school draws its pupils from a wider area than is usual in the case of a primary school and it is therefore less easy to gain the kind of support that a primary school receives from the church of the parish in which it is situated. The Central Board of Finance will in practice be advised in making allocations by the Schools Council of the Church of England Council for Education.

8. In the event of the Ecclesiastical Committee finding any difficulty in making a favourable report on the Measure the Legislative Committee would be glad of having an opportunity of discussing it with the Ecclesiastical Committee in conference.

On behalf of the Legislative Committee,
GEOFFREY CANTUAR:

Chairman.

October, 1957.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London w.c.2
423 Oxford Street, London w.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
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Printed in Great Britain

ECCLESIASTICAL COMMITTEE 128TH REPORT

Report
by the Ecclesiastical Committee
upon the
Church Funds Investment
Measure, 1957

LAID BEFORE BOTH HOUSES OF PARLIAMENT

in pursuance of the provisions of the
Church of England Assembly (Powers) Act,
1919 [9 & 10 Geo. 5. c. 76, ss. 3 (4) and 4],
the Legislative Committee having
signified a desire accordingly

*Ordered by The House of Lords to be Printed
19th December 1957*

*Ordered by The House of Commons to be Printed
19th December 1957*

LONDON

HER MAJESTY'S STATIONERY OFFICE

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H.L. 25
H.C. 46

ECCLESIASTICAL COMMITTEE—ONE HUNDRED AND
TWENTY-EIGHTH REPORT

Report by the Ecclesiastical Committee upon the Church Funds Investment Measure, 1957

laid before both Houses of Parliament in pursuance of the provisions of the Church of England Assembly (Powers) Act, 1919 [9 & 10 Geo. 5. c. 76, ss. 3 (4) and 4], the Legislative Committee having signified a desire accordingly

ORDERED TO REPORT:

That the Ecclesiastical Committee have met and considered the

Church Funds Investment Measure, 1957

referred to them under the provisions of the Church of England Assembly (Powers) Act, 1919.

1. It is proposed by this Measure to provide a scheme whereby—
 - (a) the corporate funds of the Central Board of Finance;
 - (b) the corporate funds of diocesan boards of finance and other bodies concerned with diocesan funds;
 - (c) the funds of Church of England educational endowments; and
 - (d) funds held upon trust for charitable objects connected with the Church of England;

may be invested centrally.

2. The scheme will establish an investment fund and a deposit fund, both administered by the Central Board of Finance. To these funds it will be open to the persons in charge of any fund such as is mentioned in the preceding paragraph ("contributors") to transfer the whole or part of the cash or (in the case of the investment fund) other assets of the fund.

The Investment Fund

3. The investment fund will be a common fund administered for the benefit of the contributors. That is to say, each contributor will be a part owner of all the assets of the fund.

4. The investment fund will be divided into shares, which will be recorded in the books of the Central Board of Finance in the names of the several contributors. The number of shares recorded in the name of a contributor will be proportional to the amount of his contribution.

5. A share will be non-transferable, and will be held by the Central Board of Finance free of any trust affecting the funds contributed.

6. After the initial contributions, further contributions will take the form of purchase of additional shares.

7. Withdrawals will be on notice, and will be in cash or, if agreed between the contributor and the Central Board of Finance, in other assets. Withdrawals will reduce the number of shares in proportion to the cash or value withdrawn.

8. The Central Board of Finance will have the widest powers of investment of the investment fund. They will have power to apportion property received as between income and capital and to transfer income to capital. Subject to this, they will be required to distribute the income to the contributors in proportion to the number of shares recorded in the name of each contributor.

The Deposit Fund

9. The deposit fund will differ from the investment fund in that a contributor will receive interest on his deposit at a rate agreed between the depositor and the Central Board of Finance.

10. Deposits will be repayable on notice. The deposit fund will be subject to a limited power of investment, namely, in United Kingdom government or local government securities, in United Kingdom building society securities, in trustee securities, in bank deposits and in loans to an investment fund constituted under the scheme or to a diocesan board of finance.

General

11. The investment fund and the deposit fund will be authorised investments for any fund such as is mentioned in paragraph 1 of this Report.

12. The Central Board of Finance will have power to constitute additional investment funds with, if they think fit, limited powers of investment, or additional deposit funds.

13. The Central Board of Finance will have power, with the consent of the Church Assembly, to transfer their functions under the Measure to any other body corporate having objects concerned with the work of the Church of England.

14. The foregoing paragraphs are an outline of the main features of the Measure. The Measure is more fully explained in the Comments and Explanations submitted by the Legislative Committee printed as an Appendix to this Report. The Measure has been drafted with the assistance of a number of Government Departments. It passed through all its stages in the Assembly without a division.

15. The Measure does not affect prejudicially the constitutional rights of any of Her Majesty's subjects.

16. The Ecclesiastical Committee are of opinion that it is expedient that the Measure should proceed.

18th December, 1957.

Appendix

Comments and Explanations submitted by the Legislative Committee with the

CHURCH FUNDS INVESTMENT MEASURE, 1957

1. The Legislative Committee of the National Assembly of the Church of England having had referred to them the Measure entitled the "Church Funds Investment Measure 1957," which was passed by the Assembly at the Autumn Session, 1957, have the honour to submit the Measure to the Ecclesiastical Committee.

INTRODUCTION

2. The object of this Measure is to provide facilities for the better investment of Church funds held by the Central Board of Finance, the Diocesan Boards of Finance, Diocesan Education Committees and other bodies and person, including funds vested in Diocesan Boards of Finance pursuant to Section 6 of the Parochial Church Councils (Powers) Measure, 1956. It is proposed to secure this object by—

- (a) creating an Investment Fund (or Funds) and a Deposit Fund (or Funds), to be administered by the Central Board of Finance of the Church of England;
- (b) declaring these Investment and Deposit Funds to be for all purposes authorised investments of the funds with which the Measure is concerned; and
- (c) conferring upon the Central Board of Finance in relation to the monies comprised in the Investment and Deposit Funds wider powers of investment than are now possessed by the trustees or administrators of most of the funds in question.

The participating funds, however small, would thus obtain the following benefits:—

- (a) a wider spread of investments than could in practice be provided separately for any but the largest of the funds in question, no matter what the range of investments authorised in any particular case;
- (a) a wider range of investments, including equities, than is authorised for most of the funds in question; and
- (c) more expert management, assisted by the best advice obtainable than could possibly be provided for a great number of separate funds, mostly very small.

3. Action on these lines was suggested by a Financial Commission of the Church Assembly in a Report (C.A.785) presented at the Autumn Session, 1945. The Commission wrote as follows:—

"It might be well for the Central Board of Finance to examine the possibility of legislative action, on lines similar to those of the Universities and Colleges (Trusts) Act, 1943, to simplify and facilitate the administration of a number of small and diverse trusts by one central body."

4. The Measure is the fruit of over three years' work and of exhaustive consultation with the dioceses prior to its introduction to the Church Assembly at the Spring Session, 1957. The Measure received the General Approval of the Assembly at the Spring Session and was then committed to an Appointed Committee. The Revision Stage was taken at the Summer Session, the Drafting Stage between the Summer and Autumn Sessions, and the Measure received Final Approval at the Autumn Session. At no stage was there a division.

5. The Measure and Schedule are modelled upon the Universities and Colleges (Trusts) Act, 1943, and the Schemes made by Orders in Council thereunder, but are necessarily more elaborate and include refinements based upon the practice of Unit Trusts. The Measure itself, which has only nine clauses, corresponds very roughly to the Act, and the Scheduled Scheme to one of the Schemes made thereunder by Order in Council.

6. The Measure is permissive. It does not restrict the powers of Diocesan Boards of Finance or of any other bodies, who will be free to take advantage of the facilities created under the powers conferred by the Measure, or not to do so, as they think fit.

7. The Measure concerns a number of Departments of Her Majesty's Government in regard to matters of policy. They have been fully consulted at all stages, and have given most valuable assistance in the preparation of the Measure which is gratefully acknowledged. Moreover, the successful administration of the Investment and Deposit Funds in the manner most convenient to the participants will require the goodwill and co-operation of Departments, of which the Central Board of Finance has been assured.

8. The scope of the Measure is defined by Clause 2. Attention is drawn to the fact that the Measure applies only to funds connected with the Church of England which are exclusively charitable. The intention is to require that money contributed to an Investment or Deposit Fund should be accompanied by a declaration that it is the property of a pure charitable trust entitled to the recovery in full of United Kingdom Income Tax on income taxed at source. The Central Board of Finance will then be in a position to make a corresponding declaration to the Board of Inland Revenue, and to recover United Kingdom Income Tax deducted from dividends and interest paid on the investments of the Funds. The Central Board of Finance intends to pay dividends and interest without deduction of tax. See paragraph 49 below.

9. Initially there will be one Deposit Fund and one Investment Fund, but power is taken to create additional Deposit and Investment Funds if it should at any time be desired to do so. The deposit facilities to be provided are intended for funds which must be recovered for use, without capital loss, either at short notice or on a definite date. The investment facilities are intended for funds the capital of which either cannot be used at all, or is unlikely to be used for a considerable and indefinite period and which, if there is need to use capital, can be realised at a time of the trustee's own choosing.

THE CLAUSES OF THE MEASURE

10. The clauses of the Measure fall into two groups. Clauses 1-3 contain the substance of the matter; Clauses 4-9 are ancillary.

11. *Clause 1* brings into effect the Scheme set out in detail in the Schedule to the Measure; *Clause 2* defines the funds to which the Measure applies; and *Clause 3* (1) authorises the investment of funds covered by the definition in *Clause 2* in the Investment and Deposit Funds to be set up under the Scheduled Scheme.

12. *Clause 1* requires no further explanation.

13. *Clause 2* refers to four classes of funds:—

- (a) The Corporate Funds of the Central Board of Finance are funds which the Board is free to use for any purpose within the scope of the objects defined in the Memorandum of Association of the Board.
- (b) The corporate funds of any Diocesan Authority are funds analogous to those mentioned above. "Diocesan Authority" is defined in *Clause 8* of the Measure (see paragraph 22 below).
- (c) The funds of any Church Educational Endowment are those funds held by a Diocesan Authority, or other trustees (including the Official Trustees), for the purpose of a Church Educational Endowment as defined in *Clause 8* of the Measure (see paragraph 22 below). They include funds held under Section 86 of the Education Act, 1944.
- (d) This sub-section brings in any funds held by the Central Board of Finance, a Diocesan Authority, a Parochial Church Council, or any other person or body upon trust for objects connected with the Church of England which are exclusively charitable. It is essential that the funds should be exclusively charitable, and the Measure does not apply to any that are not. For example, certain types of trust for the upkeep of graves are not exclusively charitable and are thus excluded from the benefits of the Measure.

The sub-section has been drafted in wide terms so as to cover all the types of funds for which it is thought that the Measure should provide. The Central Board of Finance wishes to make the advantages of the Measure available to as many charitable funds as possible connected with the Church of England; but, as has been emphasised before, the Measure is purely permissive. That a particular fund may be covered by the Measure does not oblige the holder of that fund to take advantage of the facilities created by it.

14. *Clause 3 (1)*. The list of investments authorised for any particular trust fund may be derived from any one or more of several sources, including the terms of the trust instrument, the provisions of Sections 1-7 of the Trustee Act, 1925, and an Order of the Court. If a trustee invests outside the list of investments authorised for the fund in question, and if loss results from his action, he is liable for that loss to the beneficiaries. The effect of the Church Funds Investment Measure is merely to add the Funds to be constituted under the Measure to whatever investments may already be authorised for the investment of the various funds to which the Measure applies. It is for the trustees of such funds to decide whether the additional investment facilities thus made available to them are of utility to the funds for which they are responsible. (See paragraph 9 above.)

15. *Clause 3 (2)*. Under the general law trustees are bound to have strict regard to the distinction between capital and income. The Schedule however, by Paragraph 11, confers upon the Central Board a wide discretion to decide in relation to an Investment Fund what is to be treated as income and what is to be treated as capital, and to convert income into capital. *Clause 3 (2)* is accordingly necessary for the protection of trustees, and relieves them of any necessity to look behind the decisions and actions of the Central Board in this regard. (See paragraph 11 of the Schedule and paragraphs 44 and 45 below.)

16. The object of *Clause 4* is to ensure that, if the Investment Fund includes land, trustees investing in that Fund shall not be subject to the Mortmain laws on the grounds that they are investing in land.

17. *Clause 5 (1)*. Many transactions in charitable property, particularly dealings in land, require the approval of the Minister of Education or the Board of Charity Commissioners. The purpose of this sub-clause, which was suggested by the Ministry of Education and has the agreement of the Charity Commissioners, is to exempt the Board from the jurisdiction of the Minister or the Commissioners in any transaction arising in the administration of the Scheduled Scheme.

18. The purpose of *Clause 5 (2)*, which, like *Clause 5 (1)*, was suggested by the Ministry of Education and has the agreement of the Charity Commissioners, is two-fold:—

- (a) It extends to contributing funds the exemption from the powers and jurisdiction of the Minister of Education or the Board of Charity Commissioners referred to above.
- (b) It preserves the power and jurisdiction of the Minister of Education or the Board of Charity Commissioners over property vested or to be vested in the Official Trustees. This is necessary so that the Minister of Education or the Board of Charity Commissioners may be able to instruct the Official Trustees to invest funds in an Investment Fund or Deposit Fund set up under the Measure.

19. *Clause 5 (3)* makes it clear that the power and jurisdiction of the Minister of Education or the Board of Charity Commissioners (for example, over the utilisation of the capital or income of trust funds) are not otherwise affected.

20. *Clause 6*. The Prevention of Fraud (Investments) Act, 1939, prohibits (with certain exceptions) the carrying on of "the business of dealing in securities" without a licence from the Board of Trade and also regulates the issue of circulars relating to investments. With the approval of the Board of Trade the provisions of the Act have been excluded.

21. *Clause 7* has been inserted at the request of the Lords Commissioners of Her Majesty's Treasury.

22. Only two of the definitions contained in *Clause 8* require comment.

- (a) The definition of Diocesan Authority is derived partly from the Diocesan Boards of Finance Measure, 1925, and partly from the Parochial Church Councils (Powers) Measure, 1956.
- (b) The definition of Church Educational Endowment comes from two sources. The first part is taken from the Diocesan Education Committees Measure, 1955. The second part, which defines the phrase "Educational Endowment," is taken from the Education (Miscellaneous Provisions) Act, 1948, with one slight amendment.

23. No comment is necessary on *Clause 9*.

THE PARAGRAPHS OF THE SCHEDULE

24. In the Schedule, Paragraph 1 contains the definitions, Paragraphs 2-18 relate to Investment Funds and Paragraphs 19-26 relate to Deposit Funds. The most difficult Paragraphs are Paragraphs 7-11.

25. No comment is required on the definitions in *Paragraph 1*.

26. *Paragraphs 2 (1) and 2 (2)* create an Investment Fund and empower the Central Board of Finance to create more than one Fund. Such a power will be required if it is desired—

- (a) to limit the total of an Investment Fund;
- (b) to create a Fund for investment in a limited or specialised field;
- (c) to create a Fund for the purpose of pursuing a particular policy;
- (d) to create a Fund for a particular class of funds only; or
- (e) to create a Fund having rules different from those governing the original Fund, e.g., regarding notice of withdrawal.

The needs of the future cannot be foreseen; and the legislation will stand, it is hoped, for a great number of years. The Schedule therefore provides for more than one Investment Fund, so that if distinct needs are revealed they may be separately provided for.

27. *Paragraph 2 (3)* provides that the provisions of the Scheme shall apply to all Investment Funds alike save in so far as the Central Board of Finance may on the constitution of an Investment Fund—

- (a) restrict the class of funds from which contributions to it may be made;
- (b) restrict the powers of investment for that particular Fund, under *Paragraph 5 (1)*.

28. *Paragraph 3*. The gist of sub-paragraph (1) is that, with the approval of the Central Board of Finance, a Holder of a fund may contribute either cash or assets to an Investment Fund. Rules relating to the valuation of assets so contributed are laid down in *Paragraph 9 (2)* of the Schedule (see paragraph 41 below). By sub-paragraph (2) the Board is given discretion to accept or reject any contribution to an Investment Fund. The Board might wish, for example, to refuse to accept an asset offered by a Holder of a fund on the grounds that it was not a suitable asset for the Board to hold, or because it would not suit the portfolio and, if accepted, would therefore have to be sold. In these circumstances the Holder would sell the asset and would make a contribution in cash. By sub-paragraph (3) the Holder of a fund must obtain the consent of any other person whose consent is required by the trust instrument or by Statute before contributing to an Investment Fund; but it is not a responsibility of the Central Board of Finance to see that such consent has been obtained. Thus a custodian trustee might have to obtain the consent of an administrative trustee before contributing to an Investment Fund; and a Diocesan Authority would need the authority of the Parochial Church Council before funds vested in the Diocesan Authority by virtue of *Section 6 (2)* of the Parochial Church Councils (Powers) Measure, 1956, could be contributed to an Investment Fund.

29. The significance of *Paragraph 4* is that a contributor to an Investment Fund has no direct interest in any particular assets of the Fund but becomes a part-owner of the entire assets of the Fund.

30. *Paragraph 5 (1)* authorises the Central Board of Finance to invest in any property, real or personal, whatsoever. This power, though expressed in different language, is substantially the same as the powers of investment given by Orders in Council under the Universities and Colleges (Trusts) Act, 1943, and as the power of investment given to the National Trust in the National Trust Act, 1953. The basic objective of the Measure is to provide machinery for the better investment of Church Funds. It is impossible to foresee the circumstances that will arise in future; and accordingly the Measure does not lay down the investment policy to be adopted by those responsible for the management of the Investment Fund or Funds but confers an unfettered discretion.

31. *Paragraphs 5 (2), (3) and (4)* require no comment.

32. *Paragraph 6 (1)–(3):—*

- (1) The method chosen to record the interest in an Investment Fund of each Contributor is that the Fund shall be divided into Shares and each Contributor shall be allotted one or more Shares, calculated according to the basic value of a Share at the date of contribution. There will be no fractions. The method of determining the number of Shares to which a Contributor is entitled is laid down in Paragraphs 7 and 8 (1). These Shares will be quite unlike shares in a limited company.
- (2) Shares in an Investment Fund cannot be transferred or assigned. This provision is necessary so as to ensure that an interest in the Fund cannot be acquired by funds not within the scope of Clause 2 of the Measure. It does not prevent the recording of Shares in the names of new trustees in the event of a change in the trustees of a contributory fund.
- (3) The object of this sub-paragraph is to relieve the Central Board from the responsibility of having to inquire into the trusts affecting Shares. The Board will treat each Holder of a Share as though he were absolutely entitled to the Share, and any payment to that Holder will discharge the Board from all liability.

33. *Paragraph 7.* The Shares in an Investment Fund will have no nominal or par value; but if, for example, the initial value of a Share, on the commencement date of a Fund, is fixed by the Central Board at £1 the Contributor of £100 on that date will be allotted 100 Shares. (The number of Shares in existence is not constant, but is increased or decreased with every fresh contribution or withdrawal—see Paragraph 8, sub-paragraphs (1) and (3).)

34. *Paragraph 8 (1).* Contributions after the commencement date will only be accepted on valuation dates (generally half-yearly) fixed by the Central Board. The Investment Fund will be valued at each such date and the basic value of a Share calculated (see Paragraph 9 (3)). A Contributor will receive Shares at the basic value on the date in question. Shares may be paid for in cash or (with the consent of the Central Board) assets other than cash.

35. *Paragraph 8 (2).* In order that the value of a Share in an Investment Fund shall not be diminished by the acceptance of fresh contributions, each Contributor of cash may be called on to pay a surcharge (see Paragraph 8 (5) and paragraph 38 below). If assets other than cash are contributed, the Contributor will, instead of the surcharge, pay the actual cost of transferring the assets to the Central Board.

36. *Paragraph 8 (3).* Any Holder of Shares may withdraw on a valuation date, but only on a valuation date, provided he has given to the Central Board such notice as the Board may prescribe. As soon as possible after the valuation date, the Holder will receive cash, or (by agreement between the Holder and the Central Board) assets other than cash, equal in value to the basic value of the Shares withdrawn. In order that the value of a Share in an Investment Fund shall not be diminished by withdrawals,

the Central Board may make a deduction (see Paragraph 8 (5) and paragraph 38 below). If assets other than cash are transferred, the Holder must pay the actual cost of transferring the assets to him.

37. The second sentence of *Paragraph 8 (4)* corresponds with *Paragraph 3 (3)*. See paragraph 28 above.

38. *Paragraph 8 (5)* deals with an important matter of principle. It is fundamental to the whole conception that the value of the interest in an Investment Fund of a Holder whose contribution remains in the Fund over a valuation date should not be affected either by withdrawals or by the introduction of fresh money. It follows that the expenses incurred in investing cash or in selling investments to realise cash must be borne by those for whose benefit these transactions are made, and not allowed to fall on those who have no part in them. These expenses will normally be made up of three elements:—

- (a) Stamp duty.
- (b) Commissions, fees, etc.
- (c) The difference between the mid-market prices at which investments have been valued for the purpose of computing the basic value of a Share (see Paragraphs 9 (2) (a) and 9 (3)) and the buying prices or selling prices as the case may be.

To the extent that cash introduced and cash withdrawn on the same valuation date can be offset the one against the other, the expenses (and therefore the surcharge and deduction) will be reduced. If cash introduced should exactly equal cash withdrawn there would be no such expenses as this sub-paragraph is concerned with, and therefore no surcharge and no deduction.

39. *Paragraph 8 (6)*. Before any withdrawal can be made, a complete valuation of the Investment Fund must be made to arrive at the basic value of a Share; for reasons of administration and expense it is probable that these valuations will not be made more frequently than at approximately half-yearly intervals. There may, however, be occasions when a Holder of Shares intending to withdraw needs the cash between valuation dates. This sub-paragraph enables the Central Board to advance to the withdrawing Holder, at interest, a sum not exceeding the estimated value of the Shares to be withdrawn. The Central Board will have a lien on the proceeds of withdrawal for the amount advanced and the interest on it.

40. *Paragraph 9 (1)*. A valuation of each Investment Fund will be made approximately half-yearly and more often if the Central Board thinks fit. Valuation dates will be notified in advance to all Holders of Shares.

41. *Paragraph 9 (2)*. This sub-paragraph prescribes the manner in which valuations of the assets of Investment Funds, or of assets contributed to or withdrawn from an Investment Fund, are to be made:—

- (a) Investments quoted on a Stock Exchange will be valued at mid-market prices.
- (b) All other assets will be taken at such value as the Central Board shall determine, with the assistance of such professional advice as the Board may think to obtain.

42. *Paragraph 9 (3)*. This sub-paragraph prescribes the manner in which the basic value of a Share is to be calculated. The entire Investment Fund is first valued. From this value is deducted any dividend declared and awaiting distribution. The balance is divided by the number of Shares in existence at the time. The result, rounded off to the nearest one-tenth of a penny, is the basic value of a Share.

43. *Paragraph 10* is self-explanatory.

44. *Paragraph 11 (1)*. Questions may arise whether some special dividend, bonus issue or other cash or property, such as cash received for a sale of rights or in connection with an amalgamation or reorganisation of companies, should be regarded as capital or income, or should be apportioned between them. Similar questions

may arise in connection with assets contributed to or withdrawn from an Investment Fund, or assets otherwise acquired or disposed of. All such questions may be decided by the Central Board. See also Clause 3 (2) of the Measure and paragraph 15 above.

45. *Paragraphs 11 (2) and 11 (3)* are based, with adaptations, upon Section 2 (g) of the Universities and Colleges (Trusts) Act, 1943, and provisions of Schemes made thereunder. The Board will decide on each valuation date what dividend to declare in respect of the period ending on that date. If the dividend declared is less than the income for the period, there will be a balance of income to be carried forward to the next period. Such balances will remain available for distribution as income, and can thus be drawn upon in a lean year to maintain the dividend. In addition, for the purpose of strengthening and building up the Fund, income may be transferred permanently to capital account. Capital cannot in any circumstances be brought back and distributed as income. The basic value of a Share in the Investment Fund is determined by the value of the entire assets of the Fund (Paragraph 9 (3)) and therefore includes a proportionate part of any income withheld from distribution and either carried forward or transferred to capital. There is thus no question of reserve funds being created from which those who withdraw receive no benefit.

46. *Paragraph 12.* The Central Board of Finance is authorised to retain out of income or capital any expenses incurred in constituting, administering or winding up an Investment Fund together with a due proportion of any overhead expenses of the Board.

47. *Paragraph 13.* This paragraph authorises the Central Board of Finance to sell any assets of an Investment Fund or to borrow money upon the security of such assets. There are many situations in which it might be necessary or advisable to borrow. For example, it might well be necessary to borrow at a valuation date so as to pay withdrawing Holders out promptly without waiting for the proceeds of the sale of investments; or the Board might take up shares on favourable terms in anticipation of fresh contributions of which it had received notice.

48. *Paragraph 14* deals with the Accounts which the Board must keep, and with the circulation of reports and accounts to the Holders of Shares. For the information of Holders of Shares the Board must circulate—

- (a) a half-yearly report on the operation of each Investment Fund;
- (b) annually an audited balance sheet, capital account and statement of income and expenditure made up to the last half-yearly valuation date, and the first such audited accounts must be circulated within eighteen months of the commencement of an Investment Fund.

The information circulated annually to Holders of Shares must also include the following:—

- (a) The basic value of a Share.
- (b) The amount per Share which the Board has determined to distribute as income.
- (c) The total amount which the Board has determined to distribute as income.
- (d) The total amount (if any) which the Board has determined to transfer from income to capital pursuant to Paragraph 11 of the Schedule.

49. *Paragraph 15.* The object of Paragraph 15 (1) is to save the Central Board of Finance from the necessity of having to investigate every trust instrument before a contribution can be accepted for an Investment Fund. In appropriate cases the responsibility for making any investigations necessary may be placed upon the Diocesan Authority. The importance of this Paragraph is that the Board can, either upon its own investigation or upon the investigation of a Diocesan Authority, be satisfied that all contributions come from exclusively charitable funds entitled to the recovery in full of United Kingdom Income Tax deducted at source. The Central Board of Finance will then be in a position to make a declaration to this effect to the Board of Inland Revenue and to recover United Kingdom Income Tax deducted from dividends and interest paid on the investments of an Investment Fund. With the co-operation and

approval of the Board of Inland Revenue, the Central Board of Finance will then be in a position to pay dividends to Holders of Shares without deduction of tax. No comment is necessary on Paragraph 15 (2).

50. *Paragraph 16.* The investments and property of an Investment Fund may be held in the name of the Central Board of Finance or in the name of a suitable nominee. The appointment of a nominee would be useful (and prudent) if, for example, the Holder of a Fund wished to contribute a holding of Church Training Colleges Loan Stock which has been issued by the Board.

51. *Paragraph 17* empowers the Central Board, with the agreement of the Church Assembly, to transfer its responsibilities in relation to all or any of the Investment Funds for the time being constituted under the Measure to another "body corporate having objects concerned with the Church of England."

52. *Paragraph 18* is self-explanatory.

53. *Paragraph 19* is self-explanatory.

54. *Paragraph 20 (1).* It is expected that deposits will be of two kinds. There will be deposits for fixed periods of the depositor's choice (and these periods need not necessarily be short periods) at rates of interest fixed at the time of the deposit, and deposits repayable on demand or short notice which would receive interest at rates determined by the Central Board from time to time.

55. *Paragraph 20 (2).* In a Deposit Fund the depositors do not participate in capital appreciation or depreciation, and do not own any reserves that may be built up. Their right is to be repaid in full with interest, and any surplus remaining on winding up is at the Board's disposal (see Paragraph 23).

56. *Paragraph 20 (3)* corresponds with Paragraph 6 (3). (See Paragraph 32 above.)

57. *Paragraph 20 (4)* corresponds with Paragraph 6 (2). (See Paragraph 32 above.)

58. *Paragraph 21* defines the powers of investment of the Central Board in relation to a Deposit Fund. It should be compared with Paragraph 5.

59. *Paragraphs 22 and 23* are self-explanatory.

60. *Paragraph 24* corresponds with Paragraph 14. The Board must circulate to depositors—

(a) a half-yearly Report on the operation of each Deposit Fund;

(b) annually an audited statement of account made up to a date not more than three months earlier, and the first such audited statement must be circulated within eighteen months of the commencement of a Deposit Fund.

61. *Paragraph 25* is self-explanatory, and corresponds in part with Paragraph 3 (2).

62. *Paragraph 26.* By this Paragraph certain provisions relating to Investment Funds are made to apply to Deposit Funds also. They are Paragraphs 3 (3), 15, 16 and 17, discussed respectively in paragraphs 28, 49, 50 and 51 above.

63. In the event of the Ecclesiastical Committee finding any difficulty in making a favourable report on this Measure, the Legislative Committee will be glad to have an opportunity of discussing its provisions with the Ecclesiastical Committee in Conference.

On behalf of the Legislative Committee,

GEOFFREY CANTUAR,

Chairman.

December, 1957.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
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Printed in Great Britain

FIRST REPORT
FROM THE
SELECT COMMITTEE
ON THE
HOUSE OF LORDS
OFFICES

Ordered to be Printed 5th December, 1957

LONDON
HER MAJESTY'S STATIONERY OFFICE
FOURPENCE NET

First Report from the Select Committee on the House of Lords Offices

Thursday, the 28th of November, 1957

BY THE SELECT COMMITTEE appointed to consider of the House of Lords' Offices: to whom leave was given to report from time to time to The House.

ORDERED TO REPORT:—

That the Committee have met and been attended by the Clerk of the Parliaments and the Gentleman Usher of the Black Rod.

1.—APPOINTMENT OF SUB-COMMITTEES.

(1) LIBRARY

The Sub-Committee on the Library was appointed as follows: E. Attlee, E. Home, E. Ilchester, V. Esher, V. Simonds (Chairman), V. Soulbury, L. Burden, L. Reid, and the Lord Great Chamberlain, with the Clerk of the Parliaments.

(2) REFRESHMENT DEPARTMENT

The Sub-Committee on the Refreshment Department was appointed as follows: E. Fortescue (Chairman), E. Gosford, L. Ammon, L. Amulree, L. Blackford, L. Henderson, L. Killearn, L. Lucas of Chilworth, L. Macpherson of Drumochter, L. Mancroft, and the Lord Great Chamberlain, with the Clerk of the Parliaments.

(3) WINDOWS IN THE PRINCE'S CHAMBER

The Sub-Committee on the Windows in the Prince's Chamber was appointed as follows: D. Wellington (Chairman), M. Salisbury, E. Crawford, E. Munster, L. Burden, and the Lord Great Chamberlain, with the Clerk of the Parliaments.

(4) HOUSING OF HISTORICAL DOCUMENTS IN THE VICTORIA TOWER

The Sub-Committee on the Housing of Historical Documents in the Victoria Tower was appointed as follows: M. Salisbury (Chairman), E. Home, E. Lucan, E. Munster, V. Thurso, L. Amulree, L. Teynham, and the Lord Great Chamberlain, with the Clerk of the Parliaments.

2.—PAPERS NOT AVAILABLE FOR DISTRIBUTION.

The Committee considered what might be the best method by which Papers not available for distribution through the Printed Paper Office should be brought to the notice of the House and made available to Peers. The Committee were of the opinion that such Papers would be best placed in the Library, and invited the Sub-Committee on the Library to make arrangements accordingly and report.

3.—RECORD OFFICE.

The Committee were informed of the increased work in the Record Office and authorised the permanent appointment of the Assistant Archivist, Mr. Henry Stephen Cobb. The Committee approved the scale of salary for the post.

4.—REVISED SCALES OF PAY.

The Committee sanctioned the application of the following Establishment Circulars:—

- (a) No. 31/57 Central Pay Settlement
 - (b) No. 33/57 Pay of Messengerial and Paperkeeping grades
 - (c) No. 52/57 Temporary Additions to Pay
- to analogous grades of the staff of the House of Lords.

5.—CUSTODIAN DUE FOR RETIREMENT.

The Committee sanctioned a revised pension and additional allowance under the Superannuation Acts to Mr. Sidney Edward Wrangles, who attained 70 years of age on 6th August, 1957. The Committee were informed that Mr. Wrangles is being re-employed in a temporary capacity.

6.—GRATUITY TO LEGAL PERSONAL REPRESENTATIVE OF CUSTODIAN.

The Committee sanctioned the payment of a supplementary death gratuity under section 2 (2) of the Superannuation Act, 1909, to the legal personal representative of Custodian Albert Thomas Shields, who died on the 12th of October, 1957.

7.—ESTIMATES.

The Estimates for the House of Lords for 1958–59 were laid before the Committee and approved.

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Printed in Great Britain

SECOND REPORT
FROM THE
SELECT COMMITTEE
ON THE
HOUSE OF LORDS
OFFICES

Ordered to be Printed 12th March, 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
FOURPENCE NET

Second Report from the Select Committee on the House of Lords Offices

Wednesday, the 12th of March, 1958

BY THE SELECT COMMITTEE appointed to consider of the House of Lords Offices: to whom leave was given to report from time to time to The House.

ORDERED TO REPORT:—

That the Committee have met and been attended by the Clerk of the Parliaments and the Gentleman Usher of the Black Rod.

1.—TRAVELLING EXPENSES OF PEERS.

The Committee considered the existing arrangements for the repayment of Peers' travelling expenses.

2.—LIBRARY.

The Report from the Sub-Committee on the Library was laid before the Committee, and in particular the Committee were informed that arrangements had been made for a folder, marked "Deposited Papers", to be placed in the Library containing Papers provided for the use of Peers but not available for distribution through the Printed Paper Office; and that a list of such Papers would be displayed in the Library.

The Chairman of Committees was added to the Sub-Committee on the Library.

3.—SUPPLEMENTARY ESTIMATE 1957-58.

The Committee approved the Supplementary Estimate, submitted to meet an excess which was mainly due to revised scales of pay, telephone services and further provision required for the reimbursement of travelling expenses of Peers, which have however been largely offset by savings on staff changes and an increase in Appropriations-in-Aid.

4.—APPOINTMENT OF A CLERK IN THE PARLIAMENT OFFICE.

The Clerk of the Parliaments informed the Committee of the appointment of Mr. John Victor Duncombe Webb as a Clerk in the Parliament Office in place of Mr. A. P. D. Smyth, who has resigned. The appointment dates from 16th January, 1958. The Committee sanctioned the salary payable to Mr. Webb.

5.—VICTORIA TOWER.

The Clerk of the Parliaments informed the Committee that the Minister of Works had authorised the commencement of the next stage, which would probably take four years to complete, of the reconstruction of the Victoria Tower, involving the substitution of lighter floors for the dangerously heavy floors removed in 1954, the provision of adequate air-conditioned storage space for the records of the House, and the installation of a lift.

The Committee authorised an extension of the temporary employment of two male cleaners in the Victoria Tower.

6.—STARTING PAY ON PROMOTION AND SUBSTITUTION PAY.

The Committee authorised the application to the staff of the House of Lords of Establishments Circulars Nos. 50/57 (Starting Pay on Promotion) and 60/57 (Review of the 1949 Agreement on Starting Pay).

7.—SUPERANNUATION.

The Committee sanctioned the adoption of the provisions of the Superannuation Act, 1957, for the staff of the House of Lords.

8.—DOORKEEPER DUE FOR RETIREMENT.

The Committee sanctioned a revised pension and additional allowance under the Superannuation Acts to Mr. John Spelman, M.M., B.E.M., at the age of 70 on the 23rd March, 1958, and authorised the temporary extension of his service to the 30th June, 1958.

9.—RETIREMENT OF SENIOR CUSTODIAN INSPECTOR.

The Committee sanctioned a pension and additional allowance under the Superannuation Acts to Mr. Edward George Warters, B.E.M., Senior Custodian Inspector, who retires on the 1st April, 1958.

10.—RETIREMENT OF A SENIOR CUSTODIAN.

The Committee sanctioned a pension and additional allowance under the Superannuation Acts to Mr. Frederick Frank George Rule who reached the age of 65 on the 7th February, 1958.

11.—LIFE PEERAGES BILL.

The Committee considered certain matters which might arise on the passing of the Life Peerages Bill. They have appointed a Sub-Committee, consisting of the Chairman of Committees, the Lord Great Chamberlain, the Earl Fortescue, the Earl of Lucan and the Lord Amulree, with the Clerk of the Parliaments, to inquire into and make recommendations upon certain of these matters.

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THIRD REPORT
FROM THE
SELECT COMMITTEE
ON THE
HOUSE OF LORDS
OFFICES

Ordered to be Printed 25th June, 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Third Report from the Select Committee on the House of Lords Offices

Wednesday, the 25th of June, 1958.

BY THE SELECT COMMITTEE appointed to consider of the House of Lords
Offices: to whom leave was given to report from time to time to The House.

ORDERED TO REPORT:—

That the Committee have met and been attended by the Clerk of the Parliaments and the Gentleman Usher of the Black Rod.

1.—TRAVELLING EXPENSES OF PEERS.

The Committee again considered the existing arrangements for the repayment of Peers' travelling expenses, and recommend that a further approach be made to Her Majesty's Government on the question of the reimbursement, up to the amount of the first-class railway fare, of expenses incurred by Peers in travelling to the House by means other than train or aeroplane.

2.—ARRANGEMENTS FOR LIFE PEERESSES.

The Committee considered the Report of the Sub-Committee appointed to inquire into and make recommendations upon certain matters which might arise on the passing of the Life Peerages Bill. The Committee recommend that the room between the Earl Marshal's room and the West Front corridor, and the lavatory adjacent thereto, be allotted for the use of Life Peeresses. They suggest that the Lord Great Chamberlain be requested to make the necessary arrangements.

The Committee will report again to the House in due course upon other matters arising on the Sub-Committee's Report.

3.—REORGANISATION OF STAFF.

The Committee authorised the substitution, from 1st April, 1958, of two posts of Senior Office Assistant for two posts of Office Assistant.

4.—RETIREMENT OF A REPORTER.

The Committee sanctioned the payment of a pension and an additional allowance under the Superannuation Acts to Mr. William James Baker, on his retirement on 3rd June, 1958, after 17 completed years' service.

5.—RETIREMENT OF SENIOR CUSTODIAN INSPECTOR.

The Committee sanctioned the payment of a revised pension and additional allowance under the Superannuation Acts to Mr. Edward George Warters, B.E.M., who retired on 1st April, 1958.

6.—RETIREMENT OF RE-EMPLOYED CUSTODIAN.

The Committee sanctioned a revised pension and additional allowance under the Superannuation Acts to Mr. Andrew White Falls, on his retirement on 22nd May, 1958, after five years' re-employed service.

7.—RETIREMENT OF A CUSTODIAN FIREMAN.

The Committee were informed of the retirement of Mr. Walter Jackson on the grounds of age and ill-health.

The Committee sanctioned the payment of a gratuity and an additional allowance under the Superannuation Acts to Mr. Jackson.

REPORT

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FROM THE

SELECT COMMITTEE ON LEAVE OF ABSENCE

*Ordered by The House of Lords to be Printed
2nd April 1958*

LONDON
HER MAJESTY'S STATIONERY OFFICE
SIXPENCE NET

ORDERS OF REFERENCE

Die Martis, 10° Decembris, 1957

Leave of Absence—*Moved* to resolve, That this House would welcome the adoption of the conclusions relating to the delivery of Writs of Summons contained in paragraph 15, and the conclusions relating to Leave of Absence contained in paragraphs 29 to 39, of the Report of the Select Committee on the Powers of the House in relation to the Attendance of its Members; and that a Select Committee be appointed to frame and propose to the House Standing Orders for giving effect to the conclusions relating to Leave of Absence (The Earl of Swinton); *objected to*, and, after Debate, on Question *resolved in the affirmative*.

Die Jovis, 30° Januarii, 1958

Leave of Absence—*Moved*, That the Lords following with the Chairman of Committees be named of the Select Committee ordered on 10th December last to be appointed to frame and propose to the House Standing Orders for giving effect to the conclusions relating to Leave of Absence contained in the Report of the Select Committee on the Powers of the House in relation to the Attendance of its Members:—

D. Northumberland.
M. Reading.
E. Attlee.
E. Selkirk.
E. Swinton.
V. Gage.
V. Samuel.
L. Greenhill.
L. Henderson.
L. Rea.
L. Reid.
L. Silkin.
L. Strang.
L. Teynham.

—(The Earl of Home); *agreed to*.

Die Jovis, 6° Februarii, 1958

Leave of Absence—Select Committee to meet on *Wednesday*, the 19th instant.

REPORT FROM THE SELECT COMMITTEE ON LEAVE OF ABSENCE

1. The Committee were instructed to frame and propose to the House a Standing Order to give effect to the conclusions of the Select Committee on the Powers of the House in relation to the Attendance of its Members concerning leave of absence which reported in 1956.

2. The Committee have adhered closely to the suggestions contained in sub-paragraphs (a) to (d) of paragraph 33 of the Report, namely,

- “(a) that it is the duty of Members of the House to attend regularly or as often as they reasonably can or else to apply for leave of absence ;
- (b) that a communication be addressed to all Members of the House at the beginning of every Parliament, stating that if they desire to be relieved of the obligation of attendance they should apply for leave of absence, either for the duration of the Parliament or for any shorter period, and further that they should state in reply to such communication whether they do or do not desire to apply for leave of absence ;
- (c) that any Member of the House who fails to reply to such a communication should be regarded as having applied for leave of absence, unless he attends to take the Oath within one month of the beginning of a Parliament ;
- (d) that Members of the House are expected, if they have been granted leave of absence, not to attend until their leave of absence has been terminated by their giving such notice as may be prescribed by Standing Order”.

3. In amplification of these guiding principles the Committee make the following recommendations :

- (1) That a Committee be appointed for the general supervision of leave of absence arrangements ;
- (2) That the communication mentioned in paragraph (b) should be issued by the Lord Chancellor and that Peers should be requested to reply to it within twenty-eight days of its issue ; and that a further letter be sent by the Lord Chancellor to any Peer who fails to reply within this period, stating that unless within a further period of seven days he notifies his desire to the contrary he will be considered to have applied for leave of absence for the remainder of the Parliament ;
- (3) That the period for which application for leave of absence should be made should be for a session, or the remainder of the session in which the application is made, or for the remainder of the Parliament, but not for shorter periods ;
- (4) That the period of notice referred to in paragraph (d) to be given by a Peer for the termination of his leave of absence should be three months, but that the House should be able to terminate his leave of absence, if it so desired, at short notice ;
- (5) That a Peer may apply for leave of absence not only at the beginning of a Parliament but also at any time during a Parliament ;
- (6) That in the case of Peers who have been granted leave of absence for a session only, the Lord Chancellor should be requested to write to them before the beginning of the following session asking them to notify their intentions in regard to that session ;

- (7) That if any Peer, in answer to the Lord Chancellor's letter, replies that he does not desire to apply for leave of absence and yet does not attend during the ensuing session (except to take the Oath of Allegiance), the Lord Chancellor should, before the beginning of the following session, call his attention to the opening words of the Standing Order and request him to notify his intentions for that session or for the remainder of the Parliament ;
- (8) That while leave of absence would normally be granted automatically on application, it requires to be formally granted by the House. The action of the House in granting it should be recorded by an entry in the Minutes of Proceedings and by appending to them a list of those to whom leave has been granted. The Committee consider it unnecessary that there should be any oral statement or motion in the House. The names of the Peers to whom leave of absence has been granted to be printed as an appendix to the Minutes and a list to be placed in the Prince's Chamber ;
- (9) That every peer to whom leave of absence has been granted should be notified accordingly.

4. The Committee have given much consideration to the question of whether there should be a closer definition of " regular attendance ". The Committee considered that this was neither possible nor desirable. They recognise that this must be a matter for individual interpretation. But in framing the Standing Order the Committee have taken account of the position of Peers who are engaged whole time in the professions and in industry and of others who have extensive commitments in local government or in other voluntary work. They realise that these are unable to devote more than a partial service to the House. They recall that such Peers have in the past made valuable contributions, based on their own knowledge and experience, to the work of the House in Debates, in the revision of Bills and in Private Bill and other Select Committees. They believe that the House would be reluctant to lose the services of such Peers and that Peers in this position need not feel themselves under any obligation, in consequence of their inability to attend regularly, to apply for leave of absence.

5. Accordingly they propose to the House the following Standing Order in substitution for the existing Standing Order 21 : —

" 21. (1) Lords are to attend the sittings of the House or, if Attendance of they cannot do so, obtain leave of absence, which the House Lords. may grant at pleasure ; but this Standing Order shall not be understood as requiring a Lord who is unable to attend regularly to apply for leave of absence if he proposes to attend as often as he reasonably can.

(2) A Lord may apply for leave of absence at any time during a Parliament either for a session or the remainder of the session in which the application is made or for the remainder of the Parliament.

(3) On the issue of Writs for the calling of a new Parliament the Lord Chancellor shall in writing request every Lord to whom he issues a Writ to answer whether he wishes to apply for leave of absence or no.

The Lord Chancellor shall, before the beginning of any session of a Parliament other than the first, in writing request—

- (a) every Lord who has been granted leave of absence ending with the preceding session ; and

- (b) every Lord who though not granted leave of absence, did not during the preceding session attend any sitting of the House (other than for the purpose of taking the Oath of Allegiance)

to answer whether he wishes to apply for leave or absence or no.

A Lord who fails to answer within twenty-eight days of being requested to do so may be granted leave of absence for the remainder of the Parliament.

(4) A Lord who has been granted leave of absence should not attend the sittings of the House until the period for which the leave was granted has expired or the leave has sooner ended unless it be to take the Oath of Allegiance.

(5) A Lord to whom leave of absence has been granted may give notice in writing to the House for the purpose of terminating the leave before the period for which it was granted has expired ; and at the end of three months following the notice, or sooner if the House so direct, the leave shall end."

6. The Committee propose that the following Order should be moved for the purpose of bringing leave of absence arrangements into operation during the current Parliament :—

"That, for the purpose of giving effect to the above Standing Order during the present Parliament, the Lord Chancellor shall forthwith in writing require every Lord to whom he has issued a Writ of Summons to this Parliament and who has not during this session attended a sitting of the House (except for the purpose of taking the Oath of Allegiance), to answer whether he wishes to apply for leave of absence or no. If a Lord fails to answer within twenty-eight days of being required to do so, he may be granted leave of absence for the remainder of this Parliament.

That a Committee be set up for general supervision of arrangements relating to leave of absence."

First Report from the Select Committee of the House of Lords on Leave of Absence

Ordered to report:—

1.—RECORD OF GRANT OF LEAVE BY THE HOUSE.

The Committee were informed of the number of applications received up to the date of their meeting and were agreed that applications for leave of absence which had been granted should be notified to the House, in the manner agreed to by the House on 24th April last, as soon as the period for replying to the Lord Chancellor's letter had expired.

2.—STATE OPENING OF PARLIAMENT AND OTHER FUNCTIONS.

The Committee recommend that Peers on leave of absence should be entitled to apply for places for their wives at the State Opening of Parliament, and for the usual number of places at such functions as Trooping the Colour. They should not, however, be entitled to apply for places on such occasions as visits to naval or military establishments which are organised to assist the active members of the House in their legislative duties.

3.—ACCOMMODATION OF THE HOUSE.

The Committee recommend that Peers on leave of absence should be entitled to use the Library, Dining Room, Guest Room, etc., and to give tickets for the Strangers' Gallery. Their wives and sons should enjoy the same facilities as at present.

4.—PARLIAMENTARY PAPERS.

The Committee recommend that Peers who are on leave of absence should, if they apply, be supplied with copies of Hansard and Parliamentary Papers generally.

5.—SUPPORTERS.

The Committee consider it inappropriate that Peers who are on leave of absence should act as supporters to a new Peer on his Introduction. The Committee are of the opinion that, as Introductions take place at ordinary sittings of the House, Peers who are on leave of absence should not be given any special exemption from their leave in order to act as supporters.

SECOND REPORT
FROM THE
SELECT COMMITTEE
OF THE
HOUSE OF LORDS
ON
LEAVE OF ABSENCE

(SESSION 1957-58)

Ordered to be printed 29th July 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Second Report from the Select Committee of the House of Lords on Leave of Absence

1.—GRANT OF LEAVE OF ABSENCE.

Lists of the Peers who have replied to the Lord Chancellor's letters of the 23rd of June and the 22nd of July were submitted to the Committee, and also a list of those Lords who did not reply to these two letters; and the Committee approved a letter to be sent to Peers who did not reply, informing them that they have been granted leave of absence.

In accordance with the first recommendation in the Committee's First Report, the names of the Peers who have been granted leave of absence will be published as an appendix to the Minutes of Proceedings of the House on the 29th of July.

2.—IRISH REPRESENTATIVE PEERS.

The Committee are of the opinion that leave of absence should not be granted to Representative Peers.

Church Funds Investment Measure, 1957

153

A Measure passed by the National Assembly of the Church of England, laid before both Houses of Parliament pursuant to the provisions of the Church of England Assembly (Powers) Act, 1919 [9 & 10 Geo. 5. c. 76, ss. 3 (4) and 4]

*Ordered by The House of Lords to be Printed
19th December 1957*

*Ordered by The House of Commons to be Printed
19th December 1957*

LONDON
HER MAJESTY'S STATIONERY OFFICE
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H.L. 24
H.C. 44

Church Funds Investment Measure, 1957

ARRANGEMENT OF SECTIONS

Section

1. The Scheduled Scheme to have effect.
2. Funds to which the Measure applies.
3. Contributions to Investment Funds and deposits in Deposit Funds to be authorised investments.
4. Interests in Investment Funds not interests in land.
5. Jurisdiction of Minister of Education and Charity Commissioners.
6. Exclusion of Prevention of Fraud (Investments) Act, 1939.
7. Saving for the Borrowing (Control and Guarantees) Act, 1946.
8. Definitions.
9. Short title and extent.

SCHEDULE.

A MEASURE

PASSED BY

THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To make better provision for the investment of certain funds of or connected with the Church of England.

1. The Scheduled Scheme shall have effect for the purpose of enabling the funds to which this Measure applies to be invested as provided by the said Scheme. The Scheduled Scheme to have effect.

2. The funds to which this Measure applies are :—

- (a) The corporate funds of the Central Board ;
- (b) The corporate funds of any Diocesan Authority ;
- (c) The funds of any Church Educational Endowment ; and
- (d) Any funds held for the time being by the Central Board or a Diocesan Authority or any other person or body upon any trust for objects which are connected with the work of the Church of England and which are exclusively charitable objects, other than a trust coming into operation after the date of this Measure which by its terms expressly provides that this Measure shall not apply to it.

Funds to which the Measure applies.

3.—(1) Notwithstanding anything contained in any trust instrument the trustees or other persons or bodies responsible for the investment of a fund to which this Measure applies may from time to time invest such fund or part thereof by contributing the same to an Investment Fund, or by depositing moneys belonging to such fund in a Deposit Fund. Such contribution and deposit shall for all purposes be an authorised investment of the moneys of such fund. Contributions to Investment Funds and deposits in Deposit Funds to be authorised investments.

(2) In the administration of any trust, assets of which have been contributed to an Investment Fund, all sums distributed from that Investment Fund as income shall be treated as income of the trust, and all sums distributed on withdrawal from or on the winding up of that Investment Fund shall, unless specifically designated by the Central Board as income, be treated as capital of the trust.

4. Notwithstanding that the assets comprised in an Investment Fund may include land, an interest in an Investment Fund shall not, for the purpose of any enactment or rule of law concerning charities or of any trust instrument, be deemed to be an interest in land or in moneys to be laid out in the purchase of land. Interests in Investment Funds not interests in land.

Jurisdiction
of Minister
of Education
and Charity
Commis-
sioners.

16 & 17 Vict.
c. 137.

5.—(1) In the administration of an Investment Fund or of a Deposit Fund the Central Board shall enjoy the same exemption from the powers and jurisdiction of the Minister of Education or the Board of Charity Commissioners for England and Wales as it would enjoy if it had been one of the bodies exempted by section sixty-two of the Charitable Trusts Act, 1853, from the operation of that Act.

(2) A contribution to or a withdrawal from an Investment Fund (whether or not involving a transfer of land or any interest therein) or a deposit in or withdrawal from a Deposit Fund, being a contribution deposit or withdrawal made in respect of a fund to which this Measure applies, shall not require the consent or direction of the Minister of Education or the Board of Charity Commissioners for England and Wales except as regards a fund or any land or other property comprised therein which is or is to be vested in the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds.

(3) Save as aforesaid nothing in this Measure or in the Scheduled Scheme shall affect any power or jurisdiction of the said Minister or Board of Charity Commissioners.

Exclusion of
Prevention
of Fraud
(Investments)
Act, 1939.
2 & 3 Geo. 6.
c. 16.

6. The Prevention of Fraud (Investments) Act, 1939, shall not apply to any dealings undertaken by or on behalf of the Central Board, or to any documents issued by or on behalf of the Central Board or a Diocesan Authority, in connection with the constitution or operation of an Investment Fund or a Deposit Fund.

Saving for the
Borrowing
(Control and
Guarantees)
Act, 1946.
9 & 10 Geo. 6.
c. 58.

7. Nothing in this Measure or the Scheduled Scheme shall authorise the Central Board to exercise the power to borrow contained in the Scheduled Scheme otherwise than in accordance with any Order made under Section One of the Borrowing (Control and Guarantees) Act, 1946, and for the time being in force.

Definitions.

8. In this Measure—

“The Central Board” means the Central Board of Finance of the Church of England, but includes in sections three, five, six and seven any body substituted for that Board pursuant to paragraph 17 of the Scheduled Scheme;

“Church Educational Endowment” means an educational endowment which includes among the purposes for which it has been made applicable or is applied instruction in religious knowledge according to the faith and practice of the Church of England; and for this purpose the expression “educational endowment” means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education, whether

the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, Measure, letters patent, decree, scheme, order, instrument, or other authority ;

“ Deposit Fund ” means any Deposit Fund constituted by or pursuant to the Scheduled Scheme ;

“ Diocesan Authority ” means a Diocesan Board of Finance, including any existing or future body exercising the functions of a Diocesan Board of Finance for the purposes of the Diocesan Boards of Finance Measure, 15 & 16 Geo. 5. 1925, and any body appointed by a Diocesan Conference to act as Trustees of any Diocesan trust property ; No. 3.

“ Investment Fund ” means any Investment Fund constituted by or pursuant to the Scheduled Scheme ;

“ The Scheduled Scheme ” means the Scheme contained in the Schedule to this Measure ;

“ Trust instrument ” means any Act of Parliament, Measure, trust deed, letters patent, decree, scheme, order or other instrument or authority affecting the administration of a fund to which this Measure applies.

9.—(1) This Measure may be cited as the “ Church Funds Investment Measure, 1957.” Short title
and extent.

(2) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man.

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them in accordance with the provisions of that Measure. 21 & 22 Geo. 5.
No. 4.

Provided also that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

SCHEDULE

SCHEME

Sections 1, 8.

Definitions.

1. In this Scheme—

“The Auditors” means, in relation to a particular Investment Fund or Deposit Fund, the persons appointed by the Central Board to audit the accounts of that Fund, or if no persons have been specially so appointed, the auditors of the Central Board;

“The Central Board” means the Central Board of Finance of the Church of England and includes, unless the context otherwise requires, any body substituted for the Central Board pursuant to paragraph 17 hereof;

“The commencement date” means, as regards any particular Investment Fund or Deposit Fund, the date fixed by the Central Board as the date on which such Investment Fund or Deposit Fund is to commence operating;

“Contributing Fund” means, in relation to a particular Investment Fund, a fund assets of which have been contributed to and have not subsequently been wholly withdrawn from that Investment Fund;

“Diocesan Authority” has the meaning ascribed thereto in the Measure;

“The Holder of a fund” means the following persons and bodies, namely:—

(a) In relation to the corporate funds of the Central Board or a Diocesan Authority, the Central Board or the Diocesan Authority as the case may be;

(b) In relation to any other fund to which the Measure applies, the trustee or trustees in whom that fund is vested, and so that a custodian trustee or like person in whom a fund is vested shall be deemed to be the Holder to the exclusion of any managing trustees on whose directions the custodian trustee or like person is required to act;

“The Holder of a Share” means, in relation to any Share in an Investment Fund, the person or body in whose name such Share is recorded in the books of the Central Board;

“Investment Fund” means the Investment Fund constituted by this Scheme or any Investment Fund which may hereafter be constituted under the powers contained in this Scheme, and “Deposit Fund” means the Deposit Fund constituted by this Scheme or any Deposit Fund which may hereafter be constituted under the powers contained in this Scheme;

“The Measure” means the Church Funds Investment Measure, 1957, to which this Scheme is Scheduled;

“Trust instrument” has the meaning ascribed thereto in the Measure;

“Valuation date” means, as regards any Investment Fund, a date on which a valuation of that Investment Fund is made in accordance with this Scheme.

Investment Funds

2.—(1) There is hereby constituted an Investment Fund to be held by the Central Board, consisting of such contributions as may from time to time be made thereto in accordance with the provisions of this Scheme and the property for the time being representing the same. Such Investment Fund shall commence operations on such date as the Central Board may fix. Constitution of
Investment
Funds.

(2) The Central Board may at any time or times constitute one or more additional Investment Funds and may fix the date or dates on which they shall commence operating.

(3) The Central Board may on the constitution of an Investment Fund by instrument in writing declare that the class of funds from which contributions may be made to that Investment Fund shall be restricted in manner declared in the instrument; but subject as aforesaid, and save as provided in paragraph 5 hereof, all the provisions of this Scheme shall apply equally to the original and any additional Investment Fund.

3.—(1) Subject to the requisite consents or directions mentioned in sub-paragraphs (2) and (3) being obtained, and subject also to compliance with the provisions of this Scheme and with such conditions as the Central Board may from time to time prescribe with regard to the length of notice to be given and the procedure to be followed by the Holder, the Holder of any fund to which the Measure applies may contribute in respect of that fund to an Investment Fund, by paying or transferring to the Central Board for the purpose of that Investment Fund cash or other assets of the fund, or, in a case where the fund is already vested in the Central Board, by appropriating cash or other assets of the fund to that Investment Fund. Contributions.

(2) The consent of the Central Board shall be requisite to any contribution to an Investment Fund, and nothing in this Scheme shall limit the discretion of the Central Board to refuse to accept any contribution or to refuse to accept any particular asset by way of contribution.

(3) In a case where the Holder of a fund is, under the provisions of a trust instrument relating to that fund, required in investing that fund to obtain the consent of some other person or body, or to act on the directions or some other person or body, the consent or direction of such other person or body shall also be requisite for a contribution in respect of that fund to an Investment Fund; but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section five of the Measure is not required for such contribution; and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.

4. An Investment Fund shall be held and administered as a common fund for the benefit of the Contributing Funds. Administration
as common
fund.

Investment.

5.—(1) Subject as hereinafter provided any moneys comprised in an Investment Fund shall from time to time be invested at the discretion of the Central Board in the purchase of any investments or property of any sort either real or personal and whether or not being investments or property authorised by the general law for the investment of trust funds, or upon loan upon the security of any property of any description or without security. Provided that if, on the constitution of an Investment Fund, the Central Board shall by instrument in writing declare that the power of investment of moneys comprised in that Investment Fund shall be restricted in manner declared in the instrument, the provisions of this paragraph shall have effect as regards that Investment Fund subject to the terms of such instrument.

(2) Moneys which the Central Board does not think fit immediately to invest may be deposited in a Deposit Fund or at any bank.

(3) The Central Board may from time to time at its discretion transpose or vary the investments comprised in an Investment Fund for or into any others authorised by this paragraph.

(4) In relation to land, whether freehold or leasehold, the Central Board may exercise all the powers of management or improvement which could be exercised by an absolute owner holding the land beneficially.

Shares in
Investment
Funds.

6.—(1) For convenience in recording the respective interests of the Holders of the Contributing Funds in an Investment Fund each Investment Fund shall be regarded as being divided into Shares each of which shall represent an equal undivided part or share in that Investment Fund. Such Shares shall be recorded in the names of the Holders for the time being of the Contributing Funds in books to be kept for that purpose by the Central Board. No fraction of any Share shall in any event be recorded by the Central Board.

(2) Such Shares and the interests represented thereby shall not be capable of being transferred or assigned; but on any change occurring in the Holder of a Contributing Fund the Central Board shall (subject to the provisions of paragraph 15 hereof) record the Shares affected in the name of the new Holder.

(3) The Central Board shall not be concerned with any trusts or equities affecting any Share in an Investment Fund notwithstanding that it may have notice of such trusts or equities nor shall the Central Board recognise (even when having notice thereof) any rights in respect of a Share except an absolute right to the entirety thereof in the Holder thereof. Payment or transfer to the Holder of a Share shall discharge the Central Board in respect of any sum paid or assets transferred in respect of that Share.

(4) No documents of title shall be issued by the Central Board in respect of Shares in any Investment Fund but the Central Board shall at any time upon request certify to the Holder of any Contributing Fund the number of Shares recorded in the name of such Holder.

Initial
contributions:
division into
Shares.

7. On the commencement date of each Investment Fund the initial contributions received or to be received by the Central Board for the purposes of that Investment Fund shall be valued and the

Central Board shall determine the number of Shares into which the Fund shall be divided. Such Shares shall be recorded in the names of the respective Holders of Contributing Funds in proportion to the values as at the said date of their contributions.

8.—(1) Every contribution to an Investment Fund which is made after its commencement date shall be made at or to take effect from a valuation date and shall consist of cash equal to the basic value at that date of one or more complete Shares in that Investment Fund arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof or (with the consent of the Central Board) assets other than cash equal in value thereto; and as from that date the number of Shares into which that Investment Fund is divided shall be increased accordingly and the additional Share or Shares shall be recorded in the name of the Holder of the Contributing Fund. Subsequent contributions and withdrawals.

(2) With every such contribution as is mentioned in sub-paragraph (1) of this paragraph there shall be paid to the Central Board in addition to the basic value of the Shares such surcharge (if any) as the Central Board may assess as the appropriate surcharge for the purposes of sub-paragraph (5) of this paragraph. Provided that in the event of the Central Board accepting a contribution in the form of assets other than cash no such surcharge shall be payable but the Holder of the Contributing Fund shall bear the costs of transferring to and vesting in the Central Board for the purposes of the Investment Fund the assets in question.

(3) Subject to compliance with such conditions as the Central Board may from time to time prescribe regarding the notice to be given on withdrawal any Holder of Shares in an Investment Fund may at any valuation date withdraw all or any of those Shares in which event there shall be paid or transferred to such Holder as soon as practicable after the valuation date in question cash or assets other than cash as may be agreed between the Holder and the Central Board of an amount or value equal at that valuation date to the basic value of the Share or Shares withdrawn arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof less such deduction (if any) as the Central Board may assess as the appropriate deduction for the purposes of sub-paragraph (5) of this paragraph. Provided that if assets other than cash are transferred to the Holder in satisfaction of the basic value of a Share no such deduction shall be made but the Holder shall bear the costs of transferring the assets in question. On any such withdrawal from an Investment Fund the number of Shares into which that Investment Fund is divided and the number of Shares recorded in the name of the Holder concerned shall as from the relevant valuation date be reduced by the number of Shares withdrawn.

(4) Any notice of withdrawal shall be given by the Holder of the Share in respect of which the withdrawal is to be made. Before giving such notice the Holder shall obtain the consent or direction of any other person whose consent or direction would be necessary on a sale by the Holder of investments comprised in the Contributing Fund; but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section five of the Measure is not required for such withdrawal; and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.

(5) In order to ensure that the basic value of the Shares in an Investment Fund shall not be affected to a material extent by the effects of contributions or withdrawals the Central Board shall assess and impose such surcharge (if any) in respect of any contributions in cash made to an Investment Fund subsequent to the commencement date and shall assess and impose such deduction (if any) in respect of any withdrawals in cash from an Investment Fund as it shall consider appropriate. Provided always that in respect of all contributions in cash made as on the same valuation date the surcharge shall be of the same amount per Share, and that in respect of all withdrawals in cash made as on the same valuation date the deduction shall be of the same amount per Share.

(6) When notice of withdrawal has been given in respect of any Share in an Investment Fund the Central Board may pending the payment out of the proceeds of withdrawal advance to the Holder of the Share such sum as it may think fit, not exceeding the sum which it estimates to be the net amount which will be payable to such Holder by virtue of the withdrawal of the Share. Any sum so advanced shall be repayable with interest at such rate as may have been agreed at the time of the advance on the date of the payment out of the proceeds of withdrawal of the Share concerned; and the Central Board shall be entitled to a lien on the proceeds of withdrawal of any Share for any amount advanced to the Holder of such Share pursuant to this sub-paragraph and for interest thereon.

Valuations.

9.—(1) The Central Board shall value each Investment Fund on such dates, approximately half-yearly, as it may determine and may value an Investment Fund on any other dates if it shall think fit to do so. The Central Board shall notify in advance each valuation date to the Holders of Shares in the Investment Fund to be valued on that date.

(2) The following provisions shall apply to any valuation made for the purposes of this Schedule of an Investment Fund or of any assets contributed to or withdrawn from an Investment Fund:—

- (a) Investments quoted on a Stock Exchange shall be taken at the mid-market price on the valuation date as published in relation to the relevant Stock Exchange, or, if there is no published price on that date, the mid-market price on the last day preceding that date for which there is a published price. In the case of investments quoted on more than one Stock Exchange the expression "the relevant Stock Exchange" means for this purpose such Stock Exchange as the Central Board may consider to be the most appropriate;
- (b) All assets other than investments quoted on a Stock Exchange shall be taken at such value as may be determined on each occasion by the Central Board; and for this purpose the Central Board shall be entitled at its discretion to obtain and to accept a valuation of any asset made by a professional valuer accountant stockbroker or other person considered by the Central Board to be qualified to make such valuation or to treat the cost of acquisition of any asset as the value thereof or to make such estimates of value as they may consider appropriate;

(c) Fractions of one pound may be disregarded or rounded off to the nearest one pound.

(3) The basic value of a Share shall be arrived at by (i) deducting from the value of an Investment Fund as valued in accordance with sub-paragraphs (1) and (2) of this paragraph any amount which the Central Board may have determined to distribute as income but which has not yet been withdrawn from the Investment Fund; (ii) dividing the balance by the number of Shares into which the Fund is divided; and (iii) rounding off the resulting figure to the nearest one-tenth of one penny.

10. A certificate of the Central Board as to the value of an Investment Fund or of any asset contributed to or withdrawn from an Investment Fund or as to the basic value of a Share in an Investment Fund or as to the amount of any surcharge to be paid under sub-paragraph (2) of paragraph 8 hereof or of any deduction to be made under sub-paragraph (3) of paragraph 8 hereof shall be binding upon all concerned. Certificates as to value.

11.—(1) The Central Board may decide at its discretion (and without regard to any rule of law usually applicable to trust funds) whether any special dividend, bonus issue of shares or other cash or property received by it in respect of property comprised in an Investment Fund shall be treated as income or capital or shall be apportioned. The Central Board may in like manner decide any question of apportionment between income and capital which may arise on a contribution or a withdrawal or on the acquisition or disposal of any asset. Income.

(2) Notwithstanding any rule of law concerning accumulations any part of the net income of an Investment Fund may at the discretion of the Central Board be at any time transferred to the capital of that Investment Fund and unless and until so transferred shall be available for distribution as income.

(3) The Central Board shall as on each valuation date determine the amount (if any) to be distributed as income in respect of an Investment Fund. Each such distribution of income shall be made on or as soon as practicable after the valuation date in question to the Holders of the Shares in that Investment Fund in proportion to the numbers of Shares recorded in their names on the day preceding that valuation date and the amount determined to be distributed shall be deducted in arriving at the basic value of the Shares in that Investment Fund as at that valuation date. The Central Board may at any time at its discretion make interim distributions of income.

12. The Central Board shall be entitled to retain out of the income or capital of an Investment Fund any costs or expenses incurred by it in constituting or administering or winding up that Investment Fund, or otherwise incurred in connection with the Fund or in connection with any assets comprised therein, including a due proportion of any overhead expenses of the Central Board. The certificate of the Central Board as to the amount of any such costs or expenses shall be conclusive. The Central Board may decide at Costs and expenses.

its discretion (and without regard to any rule of law usually applicable to trust funds) whether any costs or expenses shall be charged to income or capital or shall be apportioned and may at its discretion recoup out of subsequent income costs or expenses initially charged to capital.

Borrowing.

13. Any moneys required to be raised for the purpose of making any payment to be made under this Scheme out of an Investment Fund, or for the purpose of the management or improvement of any assets comprised in that Investment Fund, or for the purpose of discharging any liability properly payable out of such assets, or for payment of any such costs or expenses as are mentioned in paragraph 12 hereof, may be raised by the Central Board either by selling or by borrowing on the security of any asset of that Investment Fund.

Accounts and information.

14. The Central Board shall keep accounts of the assets and liabilities of each Investment Fund and of its income and expenditure and shall cause such accounts to be audited by the Auditors. The Central Board shall circulate half-yearly to the Holders of the Shares of each Investment Fund a report on the operation of that Investment Fund, and within eighteen months from the commencement date of that Investment Fund and thereafter not less frequently than once in every subsequent calendar year an audited balance sheet, capital account and statement of income and expenditure made up to the last half-yearly valuation date. There shall be shown in each such balance sheet, or in a statement annexed thereto, the basic value of a Share in the Investment Fund at the date as at which the balance sheet is made up and the amount per Share which the Central Board had as on that date determined to distribute as income; and there shall be shown in each such statement of income and expenditure, or in a statement annexed thereto, the amount (if any) which the Central Board had determined to distribute as income and the amount of income (if any) which the Central Board had determined to transfer to capital pursuant to paragraph 11 hereof.

Certificate of Diocesan Authority.

15.—(1) The Central Board may accept, as conclusive of the matters stated therein, a certificate by a Diocesan Authority certifying as regards any fund (whether or not being a fund vested in the Diocesan Authority) any or all of the following matters, namely:—

- (a) that the fund is a fund to which the Measure applies;
- (b) that, in relation to any Investment Fund to which restrictions have been applied pursuant to sub-paragraph (3) of paragraph 2 hereof, the fund falls within the class of funds from which contributions may be made to that Investment Fund;
- (c) that the Holder of the fund is the person or persons or body named in the certificate.

(2) The Central Board may assume, until otherwise expressly notified, that the person or persons or body previously so certified to be the Holder, or otherwise ascertained to be the Holder, continues to be the Holder of a fund.

Holding of investments.

16. Any property comprised in an Investment Fund may be held in the name of or under the control of the Central Board, or at the discretion of the Central Board in the name of or under the

control of any trust corporation as nominee for the Central Board ; and in the latter case the Central Board may out of the income of the Investment Fund remunerate any such nominee.

17. The Central Board may by instrument in writing, confirmed by resolution of the National Assembly of the Church of England, appoint some other body corporate having objects concerned with the work of the Church of England to hold and administer all or any of the Investment Funds for the time being constituted hereunder in place of the Central Board and generally to exercise in relation to such Investment Fund or Investment Funds all functions vested in the Central Board by this Scheme ; and as from the execution and confirmation of such an instrument this Scheme (including this present paragraph) shall, in relation to such Investment Fund or Investment Funds, operate as if for any reference in this Scheme to the Central Board were substituted a reference to such other body, save only where the reference relates to the Central Board as holder of its own corporate funds.

Replacement
of Central
Board.

18. The Central Board may by instrument in writing declare that an Investment Fund shall be wound up as from a date specified in the instrument. On such declaration, the Central Board shall, as from the specified date, distribute the net assets of that Investment Fund (after discharging the costs of winding up and all other liabilities properly payable out of such assets) among the Holders of the Shares in that Investment Fund in proportion to their holdings of such Shares. For the purpose of such winding up the Central Board may at its discretion—

Winding up of
an Investment
Fund.

- (a) Appropriate any assets in specie to any Share of the Investment Fund and so that different assets may be appropriated to different Shares ;
- (b) Sell any asset or otherwise convert the same into money ;
- (c) Make or cause to be made any necessary valuations, make payments to secure equality, and generally settle any questions requiring to be settled for the purpose of the distribution;

Deposit Funds

19.—(1) There shall be a Deposit Fund held and administered by the Central Board for the purpose of receiving deposits of money from the Holders of any of the funds to which the Measure applies.

Constitution
of Deposit
Funds.

(2) The Central Board may at any time or times constitute one or more additional Deposit Funds and may fix the date or dates on which they shall commence operating.

(3) All the provisions of this Scheme relating to Deposit Funds shall apply equally to the original and to any additional Deposit Fund.

20.—(1) The terms upon which money may be deposited in a Deposit Fund, including the rate of interest to be paid by the Central Board thereon and the length of notice required for withdrawal and the minimum or maximum size of any deposit, shall be in the discretion of the Central Board.

Terms of
deposit.

(2) The right of the depositors in a Deposit Fund shall be a right to be repaid by the Central Board their deposits on due notice of withdrawal or on the winding up of such Deposit Fund and meanwhile to be paid interest in accordance with the terms on which the deposits were made.

(3) In the administration of a Deposit Fund the Central Board shall not be concerned with any trusts or equities to which any deposited funds may be subject notwithstanding that it may have notice of such trusts or equities. Payment to a depositor of any sum due to such depositor shall discharge the Central Board in respect of the sum so paid.

(4) The rights of a depositor in a Deposit Fund shall not be assignable.

Range of
Investment.

21.—(1) The Central Board shall invest the sums received by it as deposits in a Deposit Fund at its discretion in any of the following manners, namely:—

- (a) In the securities of or upon loan to or in the purchase of bills issued by the Government of the United Kingdom or any local or municipal authority in the United Kingdom;
- (b) In the shares or securities of or upon loan to or deposit with any building society registered in the United Kingdom;
- (c) In any investments for the time being authorised by law for the investment of trust funds;
- (d) Upon deposit with any bank;
- (e) Upon loan to any Investment Fund constituted under this Scheme;
- (f) Upon loan to any Diocesan Authority.

(2) The Central Board may from time to time at its discretion transpose or vary the investments comprised in a Deposit Fund for or into any others authorised by this paragraph.

Income.

22. Out of the income of the investments and any capital gains of a Deposit Fund the Central Board shall pay the expenses of management of that Deposit Fund and the interest payable to depositors.

Winding up
of a Deposit
Fund.

23. The Central Board may at any time wind up any Deposit Fund, repaying to the depositors the amount of their deposits and interest. Any surplus on such winding up shall be applied for such objects connected with the work of the Church of England, being charitable objects, as the Central Board shall think fit.

Accounts.

24. The Central Board shall keep accounts of the assets and liabilities of each Deposit Fund and shall cause such accounts to be audited by the Auditors. The Central Board shall circulate half-yearly to the depositors in each Deposit Fund a report on the operation of that Deposit Fund and within eighteen months from the commencement date of that Deposit Fund and thereafter not less frequently than once in every subsequent calendar year an audited statement of account made up to a date not earlier than three months prior to the date of circulation thereof.

25.—(1) Nothing in this Scheme shall limit the discretion of the Central Board to refuse to accept any deposit. Central Board
may refuse
or return
deposits.

(2) Subject to any agreement with a depositor the Central Board may at any time pay off any deposit with interest accrued to the date of payment.

26. Sub-paragraph (3) of paragraph 3 and paragraphs 15, 16 and Earlier 17 of this Scheme shall apply to Deposit Funds in like manner as provisions they apply to Investment Funds, as if references therein to a of Scheme contribution referred to a deposit. applicable.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
423 Oxford Street, London W.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
39 King Street, Manchester 2
Tower Lane, Bristol 1
2 Edmund Street, Birmingham 3
80 Chichester Street, Belfast
or through any bookseller

Printed in Great Britain

Church Schools (Assistance by Church Commissioners) Measure, 1957

A Measure passed by the National Assembly of the Church of England, laid before both Houses of Parliament pursuant to the provisions of the Church of England Assembly (Powers) Act, 1919 [9 & 10 Geo. 5. c. 76, ss. 3 (4) and 4]

*Ordered by The House of Lords to be Printed
19th December 1957*

*Ordered by The House of Commons to be Printed
19th December 1957*

LONDON
HER MAJESTY'S STATIONERY OFFICE
FOURPENCE NET

Church Schools (Assistance by Church Commissioners) Measure, 1957

ARRANGEMENT OF SECTIONS

Section

1. Financial assistance for certain church schools.
2. Interpretation.
3. Extent.
4. Short title.

A MEASURE

PASSED BY

THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To enable the Church Commissioners to make payments for the provision of financial assistance for certain church schools ; and for purposes connected therewith.

1.—(1) The Church Commissioners shall have power to make payments out of their general fund to the Central Board of Finance of the Church of England for the provision of financial assistance for Church of England aided schools and Church of England special agreement schools in accordance with the provision of this section. Financial assistance for certain church schools.

(2) The aggregate amount of any payments made under the foregoing subsection shall not exceed one million pounds, and no such payment shall be made after the expiration of the period of twenty-five years beginning with the date of the passing of this Measure.

(3) The Central Board of Finance of the Church of England shall out of moneys paid to them under subsection (1) of this section make to such diocesan bodies as they may think fit:—

- (a) payments by way of grant or by way of loan, or partly by way of grant and partly by way of loan, for the improvement or extension of the buildings of secondary schools which are Church of England aided schools or Church of England special agreement schools or for the provision of sites or buildings for such schools.
- (b) payments by way of loan for the improvement or extension of the buildings of primary schools which are Church of England aided schools or for the provision of sites or buildings for such schools.

2.—(1) In this Measure:—

Interpretation.

the expressions “ aided school ”, “ primary school ”, “ secondary school ” and “ special agreement school ” have the same meanings as in the Education Acts, 1944 to 1953; and

the expression “ Church of England aided school ” means an aided school which is a church school as defined by the Diocesan Education Committees Measure, 1955, 4 Eliz. 2 No. 1. and the expression “ Church of England special agreement school ” means a special agreement school which is a Church school as defined by the said measure.

(2) Reference in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

Extent.

3. This Measure shall extend to the whole of the Provinces of Canterbury and York, except the Channel Islands and the Isle of Man.

Short title.

4. This Measure may be cited as the Church Schools (Assistance by Church Commissioners) Measure, 1957.

ROLL OF THE LORDS
SPIRITUAL AND
TEMPORAL

Ordered to be Printed 5 November 1957

LONDON
HER MAJESTY'S STATIONERY OFFICE
PRICE 1s. 9d. NET

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NOTES ON ROLL OF THE LORDS

1. An asterisk after the name of a Lord indicates that he has not yet applied for a Writ of Summons.

2. The following Lords are named twice in the Roll:

VISCOUNT KILMUIR as Lord High Chancellor, and as Viscount Kilmuir. (Nos. 6 and 303.)

VISCOUNT HAILSHAM as Lord President of the Council, and as Viscount Hailsham. (Nos. 8 and 258.)

DUKE OF BRANDON (Duke of Hamilton) as Lord Steward and as Duke of Brandon (Duke of Hamilton). (Nos. 10 and 21.)

EARL OF SCARBROUGH as Lord Chamberlain and as Earl of Scarbrough. (Nos. 58 and 76.)

EARL OF DROGHEDA as Earl of Drogheda (*Elected for Ireland*) and as Lord Moore. (Nos. 117 and 850.)

EARL OF CHESTERFIELD. Entered on the Roll as Earl Stanhope. (No. 93.)

ROLL OF THE LORDS 175

- 1 His Royal Highness CHARLES PHILIP ARTHUR GEORGE Duke of CORNWALL. (*Minor.*)*
- 2 His Royal Highness HENRY WILLIAM FREDERICK ALBERT Duke of GLOUCESTER.
- 3 His Royal Highness EDWARD ALBERT CHRISTIAN GEORGE ANDREW PATRICK DAVID Duke of WINDSOR.
- 4 His Royal Highness EDWARD GEORGE NICHOLAS PAUL PATRICK Duke of KENT.*
- 5 GEOFFREY FRANCIS Archbishop of CANTERBURY.
- 6 DAVID PATRICK MAXWELL Viscount KILMUIR. (*Lord High Chancellor.*)
- 7 ARTHUR MICHAEL Archbishop of YORK.
- 8 QUINTIN MCGAREL Viscount HAILSHAM. (*Lord President of the Council.*)
- 9 BERNARD MARMADUKE Duke of NORFOLK. (*Earl Marshal of England.*)
- 10 DOUGLAS Duke of BRANDON. (*Duke of Hamilton.*) (*Lord Steward of the Household.*)
- 11 PERCY HAMILTON Duke of SOMERSET.
- 12 FREDERICK CHARLES Duke of RICHMOND AND GORDON.
- 13 CHARLES ALFRED EUSTON Duke of GRAFTON.
- 14 HENRY HUGH ARTHUR FITZROY Duke of BEAUFORT.
- 15 OSBORNE DE VERE Duke of ST. ALBANS.
- 16 JOHN FRANCIS GODOLPHIN Duke of LEEDS.*
- 17 JOHN ROBERT Duke of BEDFORD.
- 18 ANDREW ROBERT BUXTON Duke of DEVONSHIRE.
- 19 JOHN ALBERT EDWARD WILLIAM Duke of MARLBOROUGH.
- 20 CHARLES JOHN ROBERT Duke of RUTLAND.
- 21 DOUGLAS Duke of BRANDON. (*Duke of Hamilton.*) (*In another place as Lord Steward of the Household.*)
- 22 WILLIAM ARTHUR HENRY Duke of PORTLAND.
- 23 ALEXANDER GEORGE FRANCIS DROGO Duke of MANCHESTER.
- 24 HENRY EDWARD HUGH Duke of NEWCASTLE.*
- 25 HUGH ALGERNON Duke of NORTHUMBERLAND.
- 26 GERALD Duke of WELLINGTON.
- 27 GEORGE GRANVILLE Duke of SUTHERLAND.
- 28 WILLIAM Duke of WESTMINSTER.
- 29 JOHN DOUGLAS Duke of ARGYLL.
- 30 His Royal Highness The Prince PHILIP Duke of EDINBURGH.
- 31 HENRY WILLIAM MONTAGU Marquess of WINCHESTER.
- 32 GEORGE JOHN CHARLES Marquess of LANSDOWNE.
- 33 GEORGE JOHN PATRICK DOMINIC Marquess TOWNSHEND.
- 34 ROBERT ARTHUR JAMES Marquess of SALISBURY.
- 35 HENRY FREDERICK Marquess of BATH.
- 36 JAMES EDWARD Marquess of ABERCORN. (*Duke of Abercorn.*)
- 37 HUGH EDWARD CONWAY Marquess of HERTFORD.
- 38 JOHN Marquess of BUTE.

- 39 DAVID GEORGE BROWNLOW Marquess of EXETER.
- 40 WILLIAM BINGHAM Marquess of NORTHAMPTON.
- 41 JOHN CHARLES HENRY Marquess CAMDEN.
- 42 GEORGE CHARLES HENRY VICTOR Marquess of ANGLESEY.
- 43 GEORGE HORATIO CHARLES Marquess of CHOLMONDELEY.
- 44 GEORGE WILLIAM JAMES CHANDOS Marquess of AILESBUURY.
- 45 HERBERT ARTHUR ROBERT Marquess of BRISTOL.
- 46 ARCHIBALD DAVID Marquess of AILSA.
- 47 OSWALD CONSTANTINE JOHN Marquess of NORMANBY.
- 48 JOHN HENRY GUY Marquess of ABERGAVENNY.
- 49 SHERIDAN FREDERICK TERENCE Marquess of DUFFERIN AND AWA.
(*Minor.*)*
- 50 LAWRENCE JOHN LUMLEY Marquess of ZETLAND.
- 51 CHARLES WILLIAM FREDERICK Marquess of LINLITHGOW.
- 52 GEORGE Marquess of ABERDEEN AND TEMAIR.
- 53 GEORGE FRANCIS HUGH Marquess of CAMBRIDGE.
- 54 DAVID MICHAEL Marquess of MILFORD HAVEN.
- 55 ALEXANDER ALBERT Marquess of CARISBROOKE.
- 56 GERALD RUFUS Marquess of READING.
- 57 INIGO BRASSEY Marquess of WILLINGDON.
- 58 LAWRENCE ROGER Earl of SCARBROUGH (*Lord Chamberlain of the Household.*)
- 59 JOHN GEORGE CHARLES HENRY ALTON ALEXANDER CHETWYND
Earl of SHREWSBURY.
- 60 EDWARD JOHN Earl of DERBY.
- 61 FRANCIS JOHN CLARENCE WESTENRA PLANTAGENET Earl of
HUNTINGDON.
- 62 REGINALD Earl of PEMBROKE AND MONTGOMERY.
- 63 CHARLES CHRISTOPHER Earl of DEVON.
- 64 MICHAEL JOHN JAMES GEORGE ROBERT Earl of SUFFOLK AND
BERKSHIRE.
- 65 WILLIAM RUDOLPH STEPHEN Earl of DENBIGH.
- 66 DAVID ANTHONY THOMAS Earl of WESTMORLAND.
- 67 MONTAGU HENRY EDMUND CECIL Earl of LINDSEY AND ABINGDON.
- 68 ROGER Earl of STAMFORD.
- 69 CHRISTOPHER DENYS STORMONT Earl of WINCHILSEA AND
NOTTINGHAM. (*Minor.*)*
- 70 JAMES RICHARD Earl of CHESTERFIELD.*†
- 71 GEORGE CHARLES Earl of SANDWICH.
- 72 ALGERNON GEORGE DE VERE Earl of ESSEX.
- 73 GEORGE JOSSLYN L'ESTRANGE Earl of CARLISLE.
- 74 WALTER JOHN Earl of DONCASTER. (*Duke of Buccleuch and Queensberry.*)
- 75 ANTHONY Earl of SHAFTESBURY.
- 76 LAWRENCE ROGER Earl of SCARBROUGH. (*In another place as Lord Chamberlain of the Household.*)
- 77 WALTER EGERTON GEORGE LUCIAN Earl of ALBEMARLE.
- 78 GEORGE WILLIAM Earl of COVENTRY.
- 79 GEORGE FRANCIS Earl of JERSEY.

† Entered on the Roll as Earl Stanhope, No. 93.

- 80 GEORGE AMIAS FITZWARRINE Earl POULETT.
- 81 MALCOLM GEORGE DYER-EDWARDES Earl of ROTHES. (*Elected for Scotland.*)
- 82 JAMES RODERICK Earl of CAITHNESS. (*Elected for Scotland.*)
- 83 JOHN DAVID Earl of PERTH (*Elected for Scotland.*)
- 84 GEORGE Earl of HADDINGTON. (*Elected for Scotland.*)
- 85 WILLIAM TUCKER Earl of LINDSAY. (*Elected for Scotland.*)
- 86 DAVID LYULPH GORE WOLSELEY Earl of AIRLIE. (*Elected for Scotland.*)
- 87 GEORGE NIGEL Earl of SELKIRK. (*Elected for Scotland.*)
- 88 CHARLES WILLIAM Earl of BREADALBANE AND HOLLAND. (*Elected for Scotland.*)
- 89 ROBERT WASHINGTON Earl FERRERS.
- 90 WILLIAM Earl of DARTMOUTH.
- 91 CHARLES AUGUSTUS KER Earl of TANKERVILLE.
- 92 CHARLES DANIEL Earl of AYLESFORD.
- 93 JAMES RICHARD Earl STANHOPE.
- 94 GEORGE LOVEDEN WILLIAM HENRY Earl of MACCLESFIELD.
- 95 JAMES ANGUS Earl GRAHAM. (*Duke of Montrose.*)
- 96 GEOFFREY NOEL Earl WALDEGRAVE.
- 97 WILLIAM HENRY LEICESTER Earl of HARRINGTON.*
- 98 GERARD VERNON Earl of PORTSMOUTH.
- 99 CHARLES GUY FULKE Earl BROOKE and Earl of WARWICK.
- 100 JOHN HAMPDEN Earl of BUCKINGHAMSHIRE.
- 101 WILLIAM THOMAS GEORGE Earl FITZWILLIAM.
- 102 EDWARD FRANCIS Earl of GUILFORD.
- 103 PHILIP GRANTHAM Earl of HARDWICKE.
- 104 GILES STEPHEN Earl of ILCHESTER.
- 105 HERBRAND EDWARD DUNDONALD BRASSEY Earl DE LA WARR.
- 106 WILLIAM Earl of RADNOR.
- 107 ALBERT EDWARD JOHN Earl SPENCER.
- 108 HENRY ALLEN JOHN Earl BATHURST.
- 109 ARTHUR WILLS PERCY WELLINGTON BLUNDELL TRUMBULL SANDYS Earl of HILLSBOROUGH. (*Marquess of Downshire.*)
- 110 GEORGE FREDERICK LAURENCE HYDE Earl of CLARENDON.
- 111 MUNGO DAVID MALCOLM Earl of MANSFIELD.
- 112 KENELM WILLIAM EDWARD Earl of MOUNT EDGCUMBE.
- 113 HUGH WILLIAM Earl FORTESCUE.
- 114 HENRY GEORGE ALFRED MARIUS VICTOR FRANCIS Earl of CARNARVON.
- 115 WILLIAM GERALD CHARLES Earl CADOGAN.
- 116 WILLIAM JAMES Earl of MALMESBURY.
- 117 HENRY CHARLES PONSONBY Earl of DROGHEDA. (*Elected for Ireland.*)
- 118 HUGH FRANCIS HARRY ANTONY Earl of ROSSLYN.
- 119 WILLIAM ROBERT BRADLEY Earl of CRAVEN.
- 120 WILLIAM ARTHUR BAMPFYLDE Earl of ONSLOW.
- 121 CHARLES Earl of ROMNEY.
- 122 JOHN NICHOLAS Earl of CHICHESTER. (*Minor.*)*
- 123 SEYMOUR WILLIAM ARTHUR JOHN Earl of WILTON.

- 124 EDWARD ROBERT HENRY Earl of POWIS.
- 125 HENRY EDWARD JOSEPH HORATIO Earl NELSON.*
- 126 CHARLES ROBERT Earl GREY.
- 127 JAMES HUGH WILLIAM Earl of LONSDALE.
- 128 DUDLEY Earl of HARROWBY.
- 129 GEORGE HENRY HUBERT Earl of HAREWOOD.
- 130 VICTOR GILBERT LARISTON GARNET Earl of MINTO.
- 131 ALAN Earl CATHCART.
- 132 JAMES BRABAZON Earl of VERULAM.*
- 133 MONTAGUE CHARLES Earl of ST. GERMANS.
- 134 MONTAGU Earl of MORLEY.
- 135 GERALD MICHAEL ORLANDO Earl of BRADFORD.
- 136 WILLIAM Earl BEAUCHAMP.
- 137 JOHN Earl of ELDON.
- 138 FRANCIS RICHARD HENRY PENN Earl HOWE.
- 139 JOHN ANTHONY ALEXANDER Earl of STRADBROKE.
- 140 CHANDOS GRENVILLE Earl TEMPLE of STOWE.
- 141 FRANCIS CHARLES ADELBERT HENRY Earl of KILMOREY. (*Elected for Ireland.*)
- 142 ALEXANDER CHARLES ROBERT Earl VANE. (*Marquess of Londonderry.*) (*Minor.*)*
- 143 JEFFERY JOHN ARCHER Earl AMHERST.
- 144 JOHN DUNCAN VAUGHAN Earl CAWDOR.
- 145 GEOFFREY WILLIAM RICHARD HUGH Earl of MUNSTER.
- 146 THOMAS EDWARD Earl of LICHFIELD.
- 147 JOHN FREDERICK Earl of DURHAM.
- 148 GRANVILLE JAMES Earl GRANVILLE.
- 149 MOWBRAY HENRY GORDON Earl of EFFINGHAM.
- 150 BASIL HOWARD Earl of DUCIE.*
- 151 MARCUS HERBERT Earl of YARBOROUGH.
- 152 GEORGE VICTOR ROBERT JOHN Earl INNES. (*Duke of Roxburghe.*)
- 153 THOMAS WILLIAM EDWARD Earl of LEICESTER.
- 154 PETER MALCOLM Earl of LOVELACE.
- 155 ANTHONY GERARD EDWARD Earl of GAINSBOROUGH.
- 156 JOHN SUTHERLAND Earl of ELLESMERE.
- 157 ROBERT CECIL Earl of STRAFFORD.
- 158 JOHN DIGBY THOMAS Earl of COTTENHAM.
- 159 CHRISTIAN ARTHUR Earl COWLEY.*
- 160 ARCHIBALD WILLIAM ALEXANDER Earl of WINTON. (*Earl of Eglinton.*)
- 161 WILLIAM HUMBLE ERIC Earl of DUDLEY.
- 162 BERTRAND Earl RUSSELL.
- 163 JOHN Earl of KIMBERLEY.
- 164 CHARLES WILLIAM SLINGSBY Earl of FEVERSHAM.
- 165 ALAN JAMES Earl of WHARNCLIFFE.*
- 166 DAVID CHARLES Earl CAIRNS.
- 167 NOEL ANTHONY SCAWEN Earl of LYTTON.
- 168 GEORGE HENRY Earl SONDES.
- 169 ROUNDALL CECIL Earl of SELBORNE.
- 170 HENRY STAFFORD Earl of IDDESLEIGH.

- 171 JOHN DAVID Earl of CRANBROOK.
- 172 GILBERT JAMES Earl of ANCASTER.
- 173 JOHN ANTHONY HARDINGE Earl of HALSBURY.
- 174 GEORGE ROWLAND STANLEY Earl of CROMER.
- 175 OTHER ROBERT IVOR Earl of PLYMOUTH.
- 176 GERALD WILLIAM FREDERICK SAVILE Earl of LIVERPOOL.
- 177 ALBERT EDWARD HARRY MEYER ARCHIBALD Earl of MIDLOTHIAN.
(*Earl of Rosebery.*)
- 178 HENRY HERBERT Earl KITCHENER.
- 179 MICHAEL JOHN Earl St. ALDWYN.
- 180 DAVID FIELD Earl BEATTY.
- 181 GEORGE ALEXANDER EUGENE DOUGLAS Earl HAIG.
- 182 RUPERT EDWARD CECIL LEE Earl of IVEAGH.
- 183 GEORGE ST. JOHN Earl of MIDLETON.
- 184 ROBERT ARTHUR LYTTON Earl of BALFOUR.
- 185 JOHN RICHARD LOWNDES Earl of YPRES.
- 186 FREDERICK WINSTON FURNEAUX Earl of BIRKENHEAD.
- 187 JULIAN EDWARD GEORGE Earl of OXFORD AND ASQUITH.
- 188 GEORGE PATRICK JOHN RUSHWORTH Earl JELlicoe.
- 189 KENNETH JAMES WILLIAM Earl of INCHCAPE.
- 190 ARTHUR WILLIAM ASHTON Earl PEEL.
- 191 TIMOTHY PATRICK Earl of STRATHMORE AND KINGHORNE.
- 192 FREDERICK EDWARD NEUFLIZE Earl of BESSBOROUGH.
- 193 OLIVER RIDSDALE Earl BALDWIN OF BEWDLEY.
- 194 EDWARD FREDERICK LINDLEY Earl of HALIFAX.
- 195 ALEXANDER PATRICK GREYSTEEL Earl of GOWRIE.*
- 196 RICHARD Earl LLOYD-GEORGE OF DWYFOR.*
- 197 LOUIS FRANCIS ALBERT VICTOR NICHOLAS Earl MOUNTBATTEN OF
BURMA.
- 198 HAROLD RUPERT LEOFRIC GEORGE Earl ALEXANDER OF TUNIS.
- 199 PHILIP Earl of SWINTON.
- 200 CLEMENT RICHARD Earl ATTLEE.
- 201 FREDERICK JAMES Earl of WOOLTON.
- 202 ROBERT MILO Viscount HEREFORD.
- 203 VERNON HENRY Viscount BOLINGBROKE AND St. JOHN.
- 204 CHARLES JOHN Viscount COBHAM.
- 205 EVELYN HUGH JOHN Viscount FALMOUTH.
- 206 ARTHUR STANLEY Viscount TORRINGTON.
- 207 EDWARD Viscount LEINSTER. (*Duke of Leinster.*)*
- 208 SAMUEL Viscount HOOD.
- 209 IVO RICHARD Viscount DE VESCI. (*Elected for Ireland.*)
- 210 RONALD GEORGE JAMES Viscount St. VINCENT.
- 211 HENRY CHARLES PATRIC BROUNKER Viscount MELVILLE.*
- 212 RAYMOND ANTHONY Viscount SIDMOUTH.*
- 213 POWNOLL IRVING EDWARD Viscount EXMOUTH.
- 214 JOHN MICHAEL HENRY Viscount HUTCHINSON. (*Earl of
Donoughmore.*)
- 215 RICHARD FREDERICK JOHN DONOUGH LE POER Viscount CLANCARTY.
(*Earl of Clancarty.*)
- 216 FRANCIS LYNCH WELLINGTON Viscount COMBERMERE.

- 217 GERALD ROWLAND Viscount HILL.*
- 218 CARYL NICHOLAS CHARLES Viscount HARDINGE.
- 219 SHANE HUGH MARYON Viscount GOUGH. (*Minor.*)*
- 220 ROWLAND ARTHUR HERBERT NELSON Viscount BRIDPORT.
- 221 GERALD WILLIAM BERKELEY Viscount PORTMAN.
- 222 THOMAS WALTER Viscount HAMPDEN.
- 223 ASSHETON HENRY Viscount CROSS.
- 224 WILLIAM HERBERT Viscount HAMBLEDEN.
- 225 THURSTAN Viscount KNUTSFORD.
- 226 OLIVER SYLVAIN BALIOL Viscount ESHER.
- 227 JOHN ALEXANDER Viscount GOSCHEN.
- 228 MATTHEW WHITE Viscount RIDLEY.
- 229 JOHN MARK ALEXANDER Viscount COLVILLE OF CULROSS.
- 230 VICTOR ALEXANDER Viscount CHURCHILL.
- 231 THOMAS SUTTON EVELYN Viscount SELBY.
- 232 ARTHUR CECIL Viscount ELIBANK.
- 233 EDWARD GEORGE WILLIAM TYRWHITT Viscount KNOLLYS.
- 234 WENTWORTH HUBERT CHARLES Viscount ALLENDALE.*
- 235 ERIC ALEXANDER Viscount CHILSTON.
- 236 RICHARD NATHANIEL Viscount SCARSDALE.
- 237 EDWARD CLIVE Viscount MERSEY.
- 238 ANTHONY FRESKYN CHARLES HAMBY Viscount CHAPLIN.*
- 239 WEETMAN JOHN CHURCHILL Viscount COWDRAY.
- 240 WILLIAM EDWARD Viscount HARCOURT.
- 241 GERALD CHESTER Viscount DEVONPORT.
- 242 WILLIAM WALDORF Viscount ASTOR.
- 243 WILLIAM ANTHONY Viscount FURNESS.
- 244 IVOR GROSVENOR Viscount WIMBORNE.
- 245 JESTYN REGINALD AUSTEN PLANTAGENET Viscount ST. DAVIDS.
- 246 ESMOND CECIL Viscount ROTHERMERE.
- 247 DUDLEY JAFFRAY HYNMAN Viscount ALLENBY.
- 248 HENRY EDMUND Viscount FITZALAN OF DERWENT.
- 249 ANDREW CHARLES GERALD Viscount CHELMSFORD.
- 250 RICHARD ERIC ONSLOW Viscount LONG.
- 251 NICHOLAS JAMES CHRISTOPHER Viscount ULLSWATER. (*Minor.*)*
- 252 PHILIP WILLIAM BRYCE Viscount LEVERHULME.
- 253 EDWARD GEORGE Viscount YOUNGER OF LECKIE.
- 254 EDGAR ALGERNON ROBERT Viscount CECIL OF CHELWOOD.
- 255 MARCUS RICHARD Viscount BEARSTED.
- 256 JAMES Viscount CRAIGAVON.
- 257 ROBERT CLIVE Viscount BRIDGEMAN.
- 258 QUINTIN MCGAREL Viscount HAILSHAM. (*In another place as Lord
President of the Council.*)
- 259 RICHARD CECIL JOYNSON Viscount BRENTFORD.
- 260 OWEN STANLEY Viscount BUCKMASTER.
- 261 CHARLES Viscount BLEDISLOE.
- 262 BOLTON MEREDITH Viscount MONSELL.
- 263 DAVID BERTRAM Viscount HANWORTH.
- 264 THOMAS Viscount TRENCHARD.
- 265 DAVID HENRY HAMAR Viscount GREENWOOD.

- 266 HERBERT LOUIS Viscount SAMUEL.
- 267 WALTER LESLIE Viscount RUNCIMAN OF DOXFORD.
- 268 JOHN COLIN CAMPBELL Viscount DAVIDSON.
- 269 WILLIAM RICHARD Viscount NUFFIELD.
- 270 WILLIAM DOUGLAS Viscount WEIR.
- 271 JAMES IAN Viscount STONEHAVEN.
- 272 ROBERT ANDREW Viscount CALDECOTE.
- 273 FREDERIC HERBERT Viscount MAUGHAM.
- 274 JOHN GILBERT Viscount SIMON.
- 275 HUGH VAUGHAN Viscount HEWART.*
- 276 JOHN SEYMOUR THOMAS Viscount CAMROSE.
- 277 WILLIAM WEDGWOOD Viscount STANS_GATE.
- 278 HENRY DAVID REGINALD Viscount MARGESSON.
- 279 SAMUEL JOHN GURNEY Viscount TEMPLEWOOD.
- 280 CHRISTOPHER Viscount ADDISON.
- 281 GEORGE Viscount LAMBERT.
- 282 JAMES GOMER Viscount KEMSLEY.
- 283 PETER GEORGE Viscount MARCHWOOD.
- 284 ANDREW BROWNE Viscount CUNNINGHAM OF HYNDHOPE.
- 285 CHARLES FREDERICK ALGERNON Viscount PORTAL OF HUNGERFORD.
- 286 ALAN FRANCIS Viscount ALANBROOKE.
- 287 BERNARD LAW Viscount MONTGOMERY OF ALAMEIN.
- 288 GEORGE HENRY Viscount HALL.
- 289 STANLEY MELBOURNE Viscount BRUCE OF MELBOURNE.
- 290 JOHN SCOTT Viscount HYNDLEY.
- 291 ALBERT VICTOR Viscount ALEXANDER OF HILLSBOROUGH.
- 292 DOUGLAS CLIFTON Viscount RUFFSIDE.
- 293 ROBERT WILLIAM Viscount HUDSON.*
- 294 BRENDAN Viscount BRACKEN.
- 295 JOHN Viscount WAVERLEY.
- 296 ARCHIBALD HENRY MACDONALD Viscount THURSO.
- 297 BASIL STANLAKE Viscount BROOKEBOROUGH.
- 298 JOHN JULIUS Viscount NORWICH.
- 299 FREDERICK JAMES Viscount LEATHERS.
- 300 HERWALD Viscount SOULBURY.
- 301 OLIVER Viscount CHANDOS.
- 302 GAVIN TURNBULL Viscount SIMONDS. (*A Lord of Appeal in Ordinary.*)
- 303 DAVID PATRICK MAXWELL Viscount KILMUIR. (*In another place as Lord High Chancellor.*)
- 304 GODFREY MARTIN Viscount MALVERN.
- 305 WILLIAM PHILIP Viscount DE L'ISLE.
- 306 HARRY FREDERICK COMFORT Viscount CROOKSHANK.
- 307 OSBERT Viscount INGLEBY.
- 308 JAMES PURDON LEWES Viscount CILCENNIN.
- 309 WALTER TURNER Viscount MONCKTON OF BRENCHLEY.
- 310 GWILYM Viscount TENBY.
- 311 HAROLD VINCENT Viscount MACKINTOSH OF HALIFAX.
- 312 HENRY COLVILLE MONTGOMERY Bishop of LONDON.

- 313 MAURICE HENRY Bishop of DURHAM.
- 314 ALWYN TERRELL PETRE Bishop of WINCHESTER.
- 315 PERCY MARK Bishop of NORWICH.
- 316 GEORGE KENNEDY ALLEN Bishop of CHICHESTER.
- 317 ALFRED EDWARD JOHN Bishop of DERBY.
- 318 LESLIE STANNARD Bishop of SHEFFIELD.
- 319 CHRISTOPHER MAUDE Bishop of ROCHESTER.
- 320 NOEL BARING Bishop of ELY.
- 321 FRANK RUSSELL Bishop of SOUTHWELL.
- 322 BERTRAM FITZGERALD Bishop of SOUTHWARK.
- 323 WILLIAM LOUIS Bishop of SALISBURY.
- 324 WILFRED MARCUS Bishop of GLOUCESTER.
- 325 CLIFFORD ARTHUR Bishop of LIVERPOOL.
- 326 HAROLD WILLIAM Bishop of BATH AND WELLS.
- 327 FREDERIC ARTHUR Bishop of BRISTOL.
- 328 THOMAS Bishop of CARLISLE.
- 329 GEORGE ARMITAGE Bishop of RIPON.
- 330 WILLIAM DERRICK LINDSAY Bishop of MANCHESTER.
- 331 ROGER PLUMPTON Bishop of WAKEFIELD.
- 332 ROBERT CECIL Bishop of EXETER.
- 333 TOM Bishop of HEREFORD.
- 334 WILLIAM LAUNCELOT SCOTT Bishop of PORTSMOUTH.
- 335 EDWARD MICHAEL GRESFORD Bishop of ST. ALBANS.
- 336 WILLIAM MARMADUKE Lord MOWBRAY AND STOURTON.
- 337 EDWARD DELAVAL HENRY Lord HASTINGS.
- 338 FITZWALTER BROOK Lord FITZWALTER.
- 339 EDWARD SOUTHWELL Lord DE CLIFFORD.
- 340 THOMAS PERCY HENRY TOUCHET Lord AUDLEY.
- 341 DAVID MONTAGUE DE BURGH Lord STRABOLGI.
- 342 JOHN LANCELOT WYKEHAM Lord GREY DE RUTHYN.*
- 343 ROBERT GODFREY WOLSELEY Lord CROMWELL.
- 344 RALPH FRANCIS JULIAN Lord CAMOYS.
- 345 THOMAS BURDETT Lord LATYMER.
- 346 FERDINANDO DUDLEY HENRY Lord DUDLEY.
- 347 JOHN HENRY PEYTO Lord WILLOUGHBY DE BROKE.
- 348 ALEXANDER LEIGH HENRY Lord BURGH.
- 349 THOMAS ADRIAN Lord BRAYE.
- 350 CHARLES JOHN HALSWELL Lord WHARTON.
- 351 JOHN MOUBRAY RUSSELL Lord ST. JOHN OF BLETSO.
- 352 JOHN OSMAEL Lord HOWARD DE WALDEN.
- 353 JOSEPH WILLIAM LIONEL Lord PETRE.
- 354 IVO MURRAY Lord SAYE AND SELE.
- 355 PETER STUART Lord CLIFTON. (*Earl of Darnley*.)*
- 356 CHARLES WALTER JAMES Lord DORMER.
- 357 CHRISTOPHER JOHN HENRY Lord TEYNHAM.
- 358 BASIL FRANCIS NICHOLAS Lord STAFFORD.
- 359 RUPERT FREDERICK GEORGE Lord BYRON.*
- 360 CHARLES OSWALD HUGH Lord CLIFFORD OF CHUDLEIGH.
- 361 CHRISTOPHER WILLIAM Lord BARNARD.
- 362 NIGEL IVAN Lord FORBES. (*Elected for Scotland*.)

- 363 ALEXANDER ARTHUR Lord SALTOUN. (*Elected for Scotland.*)
- 364 ARCHIBALD JAMES MURRAY Lord SINCLAIR. (*Elected for Scotland.*)
- 365 WILLIAM FRANCIS Lord SEMPILL. (*Elected for Scotland.*)
- 366 GEORGE JOHN GORDON Lord BALFOUR OF BURLEIGH. (*Elected for Scotland.*)
- 367 THOMAS BRYAN McKELVIE Lord FAIRFAX OF CAMERON. (*Elected for Scotland.*)
- 368 AENEAS ALEXANDER Lord REAY. (*Elected for Scotland.*)
- 369 HENRY ALEXANDER Lord POLWARTH. (*Elected for Scotland.*)
- 370 WILLIAM HENRY DUDLEY Lord BOYLE. (*Earl of Cork and Orrery.*)
- 371 ARTHUR WILLIAM GEORGE PATRICK Lord HAY. (*Earl of Kinnoull.*)
- 372 MICHAEL GUY PERCIVAL Lord MIDDLETON.
- 373 ROBERT HENRY MONTGOMERIE Lord WALPOLE.
- 374 JOHN ROSEBERY Lord MONSON.
- 375 GREVILLE NORTHEY Lord BOSTON.
- 376 FREDERICK GEORGE MOORE Lord LOVEL AND HOLLAND. (*Earl of Egmont.*)
- 377 FRANCIS LAWRENCE WILLIAM Lord VERNON.
- 378 EDWARD KENELM Lord DIGBY.
- 379 BLADEN WILMER Lord HAWKE.
- 380 PEREGRINE FRANCIS ADELBERT Lord BROWNLOW.
- 381 ADRIAN GERALD Lord FOLEY.
- 382 CHARLES ARTHUR URYAN Lord DINEVOR.
- 383 GEORGE Lord WALSINGHAM.
- 384 CARYL ERNEST Lord BAGOT.
- 385 CHARLES HENRY Lord SOUTHAMPTON.
- 386 JOHN RICHARD BRINSLEY Lord GRANTLEY.
- 387 GEORGE BRIDGES HARLEY GUEST Lord RODNEY.
- 388 JOHN Lord SOMERS.
- 389 CHARLES Lord SHERBORNE.
- 390 JOHN HUBERT DE LA POER Lord Tyrone. (*Marquess of Waterford.*)
- 391 ROBERT HENRY Lord CARLETON. (*Earl of Shannon.*)
- 392 ANTHONY PHILIP Lord SUFFIELD.
- 393 LLOYD Lord KENYON.
- 394 HENRY SEYMOUR Lord BRAYBROOKE.
- 395 EDWARD ARTHUR DONALD ST. GEORGE HAMILTON Lord FISHERWICK. (*Marquess of Donegall.*)
- 396 HENRY RAINALD Lord GAGE. (*Viscount Gage.*)
- 397 HENRY CHARLES Lord THURLOW.
- 398 IAN GEORGE Lord AUCKLAND.*
- 399 FRANCIS GERALD Lord MENDIP. (*Viscount Clifden.*)
- 400 ARCHIBALD JOHN MORTON Lord STUART OF CASTLESTUART. (*Earl of Moray.*)
- 401 RANDOLPH ALGERNON RONALD Lord STEWART OF GARLIES. (*Earl of Galloway.*)
- 402 JAMES MONTAGU BURGoyNE Lord SALTERSFORD. (*Earl of Courtown.*)
- 403 PETER WALDO SOMERSET Lord CALTHORPE.
- 404 PETER ALEXANDER RUPERT Lord CARRINGTON.
- 405 NIGEL AMYAS Lord BOLTON.

- 406 GEORGE VERNON Lord LILFORD.
- 407 GEORGE HENRY WELLINGTON Lord LOFTUS. (*Marquess of Ely.*)
- 408 RICHARD EDWARD CECIL Lord ELLENBOROUGH.
- 409 ARTHUR FITZGERALD SANDYS Lord SANDYS.
- 410 DONALD CARDROSS FLOWER Lord ERSKINE.
- 411 DENIS EDWARD Lord MONTEAGLE. (*Marquess of Sligo.*)
- 412 ARTHUR PATRICK HASTINGS Lord GRANARD. (*Earl of Granard.*)
- 413 FRANCIS HENRY Lord MANNERS.
- 414 DOUGLAS CHARLES LINDSEY Lord MELDRUM. (*Marquess of Huntly.*)
- 415 JOHN HENRY MICHEAL Lord GRINSTEAD. (*Earl of Enniskillen.*)
- 416 EDMUND COLQUHOUN Lord FOXFORD. (*Earl of Limerick.*)
- 417 GEORGE ST. VINCENT Lord HARRIS.
- 418 PETER FRANCIS WALTER Lord KER. (*Marquess of Lothian.*)
- 419 FREDERICK WILLIAM BURTON Lord MINSTER. (*Marquess Conyngham.*)
- 420 JAMES ARTHUR NORMAN Lord ORMONDE. (*Marquess of Ormonde.*)
- 421 FRANCIS DAVID Lord WEMYSS. (*Earl of Wemyss.*)
- 422 EDWARD ARTHUR HENRY Lord SILCHESTER. (*Earl of Longford.*)*
- 423 JOHN CLOTWORTHY TALBOT FOSTER WHYTE-MELVILLE Lord ORIEL. (*Viscount Massereene and Ferrard.*)
- 424 ARTHUR WALLER Lord RAVENSWORTH.
- 425 THOMAS PITT HAMILTON Lord DELAMERE.
- 426 CECIL GEORGE WILFRED Lord FORESTER.
- 427 JOHN ARTHUR Lord RAYLEIGH.*
- 428 CHARLES MAURICE ELTON Lord GIFFORD.
- 429 ROBERT ALEXANDER Lord WIGAN. (*Earl of Crawford.*)
- 430 THOMAS DANIEL Lord RANFURLY. (*Earl of Ranfurly.*)
- 431 PATRICK TERENCE WILLIAM SPAN Lord PLUNKET.
- 432 WILLIAM LEONARD FRANK Lord HEYTESBURY.
- 433 JOHN CHARLES EDMUND CARSON Lord CLANWILLIAM. (*Earl of Clanwilliam.*)
- 434 ARTHUR GEORGE Lord SKELMERSDALE.*
- 435 ROBERT SAMUEL Lord WYNFORD.
- 436 GILBERT ALLAN ROWLAND Lord KILMARNOCK.
- 437 OLIVER JAMES HORACE Lord FINGALL. (*Earl of Fingall.*)
- 438 HUGH WILLIAM OSBERT Lord SEFTON. (*Earl of Sefton.*)
- 439 TERENCE GEOFFREY THOMAS Lord KENLIS. (*Marquess of Headfort.*)
- 440 ANTHONY WINDHAM NORMAND Lord CHAWORTH. (*Earl of Meath.*)
- 441 ALEXANDER EDWARD Lord DUNMORE. (*Earl of Dunmore.*)
- 442 GEORGE WENTWORTH WARWICK Lord POLTIMORE.
- 443 EDWARD LLEWELYN Lord MOSTYN.
- 444 DERMOT RICHARD CLAUD Lord TEMPLEMORE.
- 445 JAMES ST. VINCENT BROKE Lord DE SAUMAREZ.
- 446 THOMAS Lord DENMAN.*
- 447 JAMES RICHARD Lord ABINGER.
- 448 ALEXANDER FRANCIS ST. VINCENT Lord ASHBURTON.
- 449 EDWARD THOMAS WALHOUSE Lord HATHERTON.
- 450 ARCHIBALD ALEXANDER JOHN STANLEY Lord WORLINGHAM. (*Earl of Gosford.*)

- 451 ALASTAIR Lord STRATHEDEN AND CAMPBELL.
- 452 SIMON CHRISTOPHER JOSEPH Lord LOVAT.
- 453 ARTHUR GEORGE Lord KINTORE. (*Earl of Kintore.*)
- 454 WILLIAM Lord ROSSMORE.
- 455 WILLIAM FRANCIS Lord CAREW.
- 456 HUBERT WILLIAM Lord DE MAULEY.
- 457 VICTOR ALEXANDER Lord WROTTESEY.*
- 458 MERLYN CHARLES SAINTHILL Lord SUDELEY. (*Minor.*)*
- 459 PAUL AYSHFORD Lord METHUEN.
- 460 EDWARD JOHN Lord STANLEY OF ALDERLEY. (*Lord Sheffield.*)
- 461 RUPERT WILLIAM DUDLEY Lord LEIGH.
- 462 WILLIAM GEORGE EDWARD Lord LURGAN.
- 463 GERALD Lord MONTEAGLE OF BRANDON.
- 464 JOHN JAMES Lord OXENFOORD. (*Earl of Stair.*)
- 465 ANTHONY CRESPIGNY CLAUD Lord VIVIAN.
- 466 WILLIAM JARED Lord CONGLETON.
- 467 EDWARD JAMES Lord ELGIN. (*Earl of Elgin and Kincardine.*)
- 468 ERNEST WILLIAM Lord LONDESBOROUGH.
- 469 FRANCIS ARTHUR JOHN Lord DE FREYNE.
- 470 FRANK EDWARD Lord SAINT LEONARDS.
- 471 FITZROY RICHARD Lord RAGLAN.
- 472 ALEXANDER RONALD GEORGE Lord BELPER.*
- 473 MILO JOHN REGINALD Lord TALBOT DE MALAHIDE.
- 474 FRANCIS EGERTON Lord EBURY.*
- 475 JOHN CHARLES COMPTON Lord CHESHAM.
- 476 RICHARD FRANCIS ROGER Lord CHURSTON.
- 477 HUGH ARCHIBALD Lord LECONFIELD.
- 478 MAURICE Lord EGERTON.
- 479 FREDERIC CHARLES JOHN Lord TREDEGAR.
- 480 ROBERT FITZPATRICK COURTENAY Lord LYVEDEN.
- 481 VICTOR HENRY PETER Lord BROUGHAM AND VAUX.*
- 482 KENNETH FITZGERALD Lord KINNAIRD.
- 483 RICHARD MORLAND TOLLEMACHE Lord WESTBURY.
- 484 LUKE HENRY Lord ANNALY.
- 485 WILLIAM GASPARD GUY Lord ROMILLY.
- 486 FRANCIS JOHN Lord NORTHBROOK.
- 487 HENRY WYNDHAM STANLEY Lord MONCK. (*Viscount Monck.*)
- 488 JOHN ERNEST DE GRAY Lord HARTISMERE. (*Lord Henniker.*)*
- 489 WILLIAM GEORGE HERVEY Lord HYLTON.
- 490 FRANK Lord PENRHYN.*
- 491 GUSTAVUS MICHAEL GEORGE Lord BRANCEPETH. (*Viscount Boyne.*)
- 492 JOHN ARTHUR CHARLES Lord ORMATHWAITE.
- 493 RAYMOND ARTHUR CLANABOY Lord O'NEILL.
- 494 ROBERT JOHN Lord NAPIER OF MAGDÂLA.
- 495 JENICO NICHOLAS DUDLEY Lord GORMANSTON. (*Viscount Gormanston.*) (*Minor.*)*
- 496 JOHN ANTHONY EDWARD Lord LAWRENCE.*
- 497 ERIC JOHN STAPLYTON Lord DUNNING. (*Lord Rollo.*)
- 498 CHARLES ALEXANDER Lord BALINHARD. (*Earl of Southesk.*)
- 499 WILLIAM FRANCIS Lord HARE. (*Earl of Listowel.*)

- 500 BERNARD EDWARD Lord HOWARD OF GLOSSOP.
- 501 JOHN EMERICH HENRY Lord ACTON.
- 502 NIGEL REGINALD VICTOR Lord WOLVERTON.
- 503 RONALD CHARLES FULKE Lord GREVILLE.
- 504 MAURICE HERBERT TOWNELEY Lord O'HAGAN.
- 505 RALPH SHELDON Lord SANDHURST.
- 506 FRANCIS NIGEL Lord ETTRICK. (*Lord Napier.*)
- 507 EDWARD JOHN SIDNEY CHRISTIAN WELBORE ELLIS Lord SOMERTON.
(*Earl of Normanton.*)
- 508 MORYS GEORGE LYNDHURST Lord ABERDARE.*
- 509 HARRY ROBERT WELLWOOD Lord MONCREIFF.
- 510 RICHARD DUKE Lord COLERIDGE.*
- 511 JOHN WALGRAVE HALFORD Lord COTTESLOE.
- 512 HERBERT STUART Lord HAMPTON.
- 513 ALEXANDER FREDERICK Lord DOUGLAS. (*Earl of Home.*)
- 514 SIMON Lord RAMSAY. (*Earl of Dalhousie.*)
- 515 HENRY GEORGE VICTOR JOHN Lord FERMANAGH. (*Earl Erne.*)
(*Minor.*)*
- 516 WILLIAM GEORGE ARTHUR Lord HARLECH.
- 517 JOHN EDWARD HAMILTON Lord TOLLEMACHE.
- 518 ROBERT WILLIAM FREDERICK ALWYN Lord GERARD.*
- 519 CHARLES JOHN Lord SACKVILLE.
- 520 HUBERT BOWYER ARDEN Lord NORTON.
- 521 WILLIAM REGINALD SHUTE Lord SHUTE. (*Viscount Barrington.*)
- 522 CHARLES EDWIN Lord TREVOR.
- 523 JOHN ULICK Lord BRABOURNE.
- 524 JOHN HUGO Lord AMPHILL.
- 525 WILLIAM GEORGE MONTAGU Lord TWEEDDALE. (*Marquess of Tweeddale.*)
- 526 PATRICK ROBIN GILBERT Lord DERWENT.
- 527 HENRY HASTINGS SACKVILLE THANET Lord HOTHFIELD.
- 528 HAROLD CHRISTOPHER Lord TENNYSON.
- 529 DONALD PATRICK TREVOR Lord STRATHSPEY.
- 530 JOHN CHARLES Lord MONK BRETTON.
- 531 WALTER ERNEST CHRISTOPHER Lord NORTHBOURNE.
- 532 ARTHUR JOCELYN CHARLES Lord SUDLEY. (*Earl of Arran.*)
- 533 MERVYN PATRICK Lord POWERSCOURT. (*Viscount Powerscourt.*)
- 534 FRANCIS ROBERT Lord NORTHINGTON. (*Lord Henley.*)
- 535 NATHANIEL MAYER VICTOR Lord ROTHSCHILD.
- 536 RUPERT Lord REVELSTOKE.
- 537 ROBERT ALFRED HARDCASTLE Lord MONKSWELL.
- 538 EDWARD RUSSELL Lord ASHBOURNE.
- 539 ROWLAND DENYS GUY Lord SAINT OSWALD.
- 540 STEPHEN NICHOLAS Lord DERAMORE.
- 541 EDWARD JOHN BARRINGTON Lord MONTAGU OF BEAULIEU.
- 542 JOHN ALEXANDER Lord ELPHINSTONE.*
- 543 ROGNVALD RICHARD FARRER Lord HERSCHELL.
- 544 CHARLES HEDWORTH Lord HILLINGDON.
- 545 CHARLES SAMUEL VICTOR Lord HINDLIP.
- 546 RALPH WILLIAM ERNEST Lord GRIMTHORPE.

- 547 WILLIAM Lord KENSINGTON.
- 548 JOHN Lord HAMILTON OF DALZELL.
- 549 SIMON GEORGE ROBERT Lord MONCKTON. (*Viscount Galway.*)
- 550 FRANCIS CECIL Lord SAINT LEVAN.
- 551 JOHN LIMBREY ROBERT Lord BASING.
- 552 AILWYN EDWARD Lord DE RAMSEY.
- 553 FRANCIS ORMOND HENRY Lord CHEYLESMORE.*
- 554 JOHN GELLIBRAND Lord ADDINGTON.
- 555 GEORGE HALIFAX Lord SAVILE.
- 556 ROLAND CALVERT Lord ASHCOMBE.
- 557 WILLIAM MICHAEL CLIFTON Lord CRAWSHAW.
- 558 WILLIAM ALEXANDER EVERING Lord AMHERST OF HACKNEY.
- 559 RICHARD WILLIAM DAVENPORT Lord NEWTON.
- 560 CHARLES EDWARD HENRY JOHN Lord DUNLEATH.
- 561 JOHN HUSSEY HAMILTON Lord SWANSEA.
- 562 ANTHONY THOMAS Lord FARRER.*
- 563 GEORGE HENRY COMPTON Lord LOCH.*
- 564 WALTER DURANT Lord ALDENHAM.
- 565 THOMAS ROBERT Lord HENEAGE.*
- 566 PATRICK JAMES Lord FAIRLIE. (*Earl of Glasgow.*)
- 567 RICHARD Lord DAWNAY. (*Viscount Downe.*)
- 568 JAMES HANS Lord HOLM PATRICK.*
- 569 DAVID RUSSELL Lord GLANUSK.
- 570 BERTRAM FRANCIS Lord CRANWORTH.
- 571 DUDLEY MASSEY Lord DORCHESTER.
- 572 JOHN Lord AVEBURY.
- 573 MICHAEL Lord KILLANIN.
- 574 DONALD STERLING PALMER Lord STRATHCONA AND MOUNT ROYAL.
- 575 JOHN PATRICK DOUGLAS Lord KINROSS.
- 576 CHARLES UGHTRED JOHN Lord SHUTTLEWORTH.
- 577 GEORGE WILLIAM LAWIES Lord ALLERTON.
- 579 PASCOE CHRISTIAN VICTOR FRANCIS Lord GRENFELL.
- 578 DAVID OGILVY Lord REDESDALE.
- 580 EDWARD FREDERICK Lord BURNHAM.
- 581 MICHAEL WILLIAM JOHN Lord BIDDULPH.
- 582 WILLIAM JOHN MONTAGU Lord ARMSTRONG.
- 583 JOHN KENNETH Lord RITCHIE OF DUNDEE.
- 584 WILLIAM GEORGE HOOD Lord WALERAN.
- 585 HERMAN ALFRED Lord MICHELHAM.
- 586 PETER PATRICK FITZROY MARTYN Lord HEMPHILL.
- 587 HUGH EDWARD Lord JOICEY.
- 588 CHARLES JOHN Lord NUNBURNHOLME.
- 589 ROLAND DUDLEY Lord AIREDALE.
- 590 STUART ALBERT SAMUEL Lord SWAYTHLING.
- 591 IAN AUDLEY JAMES Lord BLYTH.*
- 592 JOHN WILLIAM TATTERSALL Lord MARCHAMLEY.*
- 593 HENRY JOHN Lord PENTLAND.
- 594 RONALD GORELL Lord GORELL.
- 595 JOHN Lord FISHER.*
- 596 JOHN RAYMOND Lord KILBRACKEN.

- 597 ALEXANDER HENRY LOUIS Lord HARDINGE OF PENSHURST.
- 598 ARTHUR PERCY Lord DE VILLIERS.*
- 599 CHRISTOPHER GREY Lord GLENCONNER.
- 600 PIERS HENRY AUGUSTINE Lord MOUNTGARRET. (*Viscount Mountgarret.*)
- 601 CHARLES MELVILLE Lord ABERCONWAY.
- 602 ALEXANDER PEREGRINE Lord ST. AUDRIES.
- 603 WILLIAM BRERETON COUCHMAN LORD MERTHYR.
- 604 THOMAS GODFREY POLSON Lord ROWALLAN.
- 605 THOMAS HENRY RAYMOND Lord ASHTON OF HYDE.
- 606 EDWARD Lord STRACHIE.*
- 607 GEOFFREY HOPE Lord HOLLENDEN.
- 608 BRIAN STUART THEOBALD SOMERSET CAHER Lord BUTLER MOUNT JULIET. (*Earl of Carrick.*)*
- 609 THOMAS BANKS Lord WHITBURGH.
- 610 JOHN DURIVAL Lord ROCHDALE.
- 611 SEDDON Lord PARMOOR.
- 612 HERBERT ARTHUR Lord COZENS-HARDY.
- 613 CHARLES Lord LYELL. (*Minor.*)*
- 614 ROLF Lord CUNLIFFE.
- 615 JOHN BURTON Lord WRENBURY.
- 616 ALEXANDER GAVIN Lord FARINGDON.
- 617 WILLIAM GRAHAM Lord SHAUGHNESSY.
- 618 CHARLES PATRICK Lord RATHCREEDAN.
- 619 FRANCIS SAVILE Lord SOMERLEYTON.
- 620 ERSKINE ARTHUR Lord CARNOCK.
- 621 THOMAS Lord GLENTANAR.
- 622 WILLIAM MAXWELL Lord BEAVERBROOK.
- 623 JOSEPH Lord GAINFORD.
- 624 HENRY EVELYN ALEXANDER Lord FORTEVIOT.
- 625 FREDERICK JOHN VIVIAN Lord COLWYN.
- 626 THOMAS RICHARD JOHN LONG Lord GISBOROUGH.
- 627 JAMES SPENCER NEILL Lord SOUTHBOROUGH.
- 628 MICHAEL WILLIAM Lord MORRIS.
- 629 FREDERICK LEE Lord CAWLEY.
- 630 HORACE MARTON Lord TERRINGTON.
- 631 MATTHEW Lord GLENARTHUR.
- 632 ROBERT GODFREY Lord PHILLIMORE. (*Minor.*)*
- 633 ANDREW ALEXANDER MORTON Lord INVERFORTH.
- 634 AROON KUMAR Lord SINHA.
- 635 THOMAS GEORGE FREDERICK Lord COCHRANE OF CULTS.
- 636 HERMON ROBERT FLEMING Lord WYFOLD.
- 637 JOHN TREVOR Lord CLWYD.
- 638 EDWARD FREDERICK LANGLEY Lord RUSSELL OF LIVERPOOL
- 639 CHARLES SWINFEN Lord SWINFEN.
- 640 DOUGALL Lord MESTON.
- 641 CHARLES BORLASE MARSHAM Lord CULLEN OF ASHBOURNE.
- 642 ERIC WILLIAM EDWARD Lord AILWYN.
- 643 CHARLES HENRY GORDON Lord GLENAVY.
- 644 CHARLES TREVOR Lord TREVETHIN.

- 645 JOHN Lord GLENDYNE.
- 646 GEORGE MILES Lord MANTON.
- 647 FRANCIS VERNON Lord BARNBY.
- 648 JOHN ARCHIBALD HARFORD Lord FORRES.
- 649 SAMUEL GEORGE ARMSTRONG Lord VESTEY. (*Minor.*)*
- 650 ROBERT GEOFFREY Lord BORWICK.
- 651 JOSEPH PATON Lord MACLAY.
- 652 JOHN RAYMOND Lord BETHELL.
- 653 JOCELYN ARTHUR PIKE Lord DARYNGTON.*
- 654 EDWARD HERBERT Lord JESSEL.
- 655 ROBERT CHARLES HENRY Lord DARLING.
- 656 CHARLES WILLIAM Lord BANBURY OF SOUTHAM.
- 657 JACK HENRY EDMOND Lord MERRIVALE.
- 658 JOHN Lord BRADBURY.
- 659 ALEXANDER DAVID FREDERICK Lord LLOYD.
- 660 GEOFFREY DOMINICK EDWARD Lord MEREWORTH. (*Lord Oranmore and Browne.*)
- 661 CHARLES KELVYNGE Lord GREENWAY.
- 662 CHARLES ARCHIBALD Lord HAYTER.
- 663 WYKEHAM STANLEY Lord CORNWALLIS.
- 664 EDWARD Lord DARESBUY.
- 665 GEORGE RICHARD LAWLEY Lord WRAXALL.
- 666 JULIAN EDWARD ALFRED Lord MELCHETT.
- 667 ROBERT JOHN FARQUHARSON Lord REMNANT.
- 668 ROWLAND ROBERTS Lord EBBISHAM.
- 669 PATRICK BERKELEY Lord MOYNIHAN.
- 670 URBAN HUTTLESTON ROGERS Lord FAIRHAVEN.
- 671 THOMAS DONALD MACKAY Lord CRAIGMYLE.
- 672 FREDERICK ANTHONY HAMILTON Lord DULVERTON.
- 673 IAN ST. JOHN Lord LUKE.
- 674 ROBERT GUY EARDLEY Lord ALVINGHAM.
- 675 BASIL WILLIAM SHOLTO Lord AMULREE.
- 676 ARTHUR ROBERT PETER Lord BADEN-POWELL.
- 677 GODFREY PELHAM LEIGH Lord MARLEY.
- 678 MATTHEW HENRY HUBERT Lord PONSONBY OF SHULBREDE.
- 679 RICHARD CLAVERING HYETT Lord DICKINSON.
- 680 NOEL ALEXANDER Lord NOEL-BUXTON.
- 681 FRANCIS PHILIP RAPHAEL Lord HOWARD OF PENRITH.
- 682 FOSTER CHARLES LOWRY Lord ROCHESTER.
- 683 PATRICK WILLIAM MALCOLM Lord SELSDON.
- 684 BRYAN WALTER Lord MOYNE.
- 685 ROBERT ALDERSON Lord WRIGHT.
- 686 BRIAN EDMUND Lord ESSENDON.
- 687 DAVID Lord DAVIES. (*Minor.*)*
- 688 ARTHUR OSWALD Lord RANKEILLOUR.*
- 689 ARTHUR RONALD NALL Lord BROCKET.
- 690 THOMAS MERVYN Lord HORDER.*
- 691 GEORGE DOUGLASS Lord MILNE.
- 692 FRANCIS JAMES RENNELL Lord RENNELL.
- 693 HENRY JOHN ALEXANDER Lord MOTTISTONE.

- 694 EDWARD MAUGER Lord ILIFFE.
- 695 RAYMOND CECIL Lord PALMER.
- 696 ROBERT WILLIAM EVELYN Lord ROCKLEY.
- 697 GODFREY Lord ELTON.
- 698 GEORGE CHARLES PATRICK Lord BINGHAM. (*Earl of Lucan.*)
- 699 JOHN DE VERE Lord WAKEHURST.
- 700 THOMAS ALEXANDER Lord HESKETH. (*Minor.*)*
- 701 JOHN NORMAN STUART Lord TWEEDSMUIR.
- 702 JOHN FREDERICK Lord SYSONBY. (*Minor.*)*
- 703 CLIVE Lord WIGRAM.
- 704 GLYN KEITH MURRAY Lord BLACKFORD.
- 705 ROBERT ARTHUR Lord RIVERDALE.
- 706 MICHAEL ST. JOHN Lord MAY.
- 707 PETER GEORGE Lord ST. JUST.
- 708 EDWARD HILTON Lord KENNET.
- 709 DAVID WILLIAM ANTHONY BLYTH Lord STRATHCARRON.
- 710 THOMAS SIVEWRIGHT Lord CATTO.
- 711 WILLIAM MALCOLM Lord HAILEY.
- 712 CHRISTOPHER HENRY BEAUMONT Lord WARDINGTON.
- 713 JAMES BRIAN GEORGE Lord WINDLESHAM.
- 714 STORMONT MANCROFT SAMUEL Lord MANCROFT.
- 715 HARRY DUNCAN Lord MCGOWAN.
- 716 BERTRAM STANLEY MITFORD Lord DENHAM.
- 717 PHILIP RUSSELL Lord REA.
- 718 ALFRED ERNLE MONTACUTE Lord CHATFIELD.
- 719 JOHN BASIL COPE Lord CADMAN.
- 720 CYRIL DAVENPORT Lord KENILWORTH.
- 721 JOHN JOCELYN Lord PENDER.
- 722 MASSEY HENRY EDGCUMBE Lord ROBOROUGH.
- 723 CHRISTOPHER BROMHEAD Lord BIRDWOOD.
- 724 HENRY LEONARD CAMPBELL Lord BRASSEY OF APETHORPE.
- 725 FRANCIS JOHN CHILDS Lord BELSTEAD.
- 726 TREVOR CHARLES Lord STAMP.
- 727 RANDAL HUGH VIVIAN Lord BICESTER.
- 728 LAURENCE RICHARD Lord MILFORD.
- 729 MAURICE PASCHAL ALERS Lord HANKEY.
- 730 CECIL DESMOND BERNARD Lord HARMSWORTH.
- 731 HERBERT ROBIN Lord ROTHERWICK.
- 732 HENRY EDWARD Lord ENNISDALE.
- 733 DANIEL STEWART THOMAS BINGHAM Lord GLENTORAN.
- 734 CHARLES GEORGE VIVIAN Lord TRYON.
- 735 MICHAEL HENRY GLENDOWER PAGE Lord CROFT.
- 736 CHARLES IAIN Lord TEVIOT.
- 737 HARRY LOUIS Lord NATHAN.
- 738 JOHN CHARLES WALSHAM Lord REITH.
- 739 FRANK BOYD Lord MERRIMAN.
- 740 HUGH KENYON MOLESWORTH Lord KINDERSLEY.
- 741 WILLIAM EDMUND Lord IRONSIDE.
- 742 HUGH MICHAEL Lord SHERWOOD.
- 743 CHARLES Lord LATHAM.

- 744 FRANCIS CHARLES BOWEN Lord WEDGWOOD.*
- 745 ROSS CAMPBELL Lord GEDDES.
- 746 REGINALD THOMAS HERBERT Lord WINSTER.
- 747 VICTOR ALEXANDER GEORGE ANTHONY Lord BRUNTISFIELD.
- 748 JOHN THEODORE CUTHBERT Lord BRABAZON OF TARA.
- 749 ROGER GEORGE BOWLBY Lord KEYES.
- 750 DENNIS GEORGE RUDDOCK Lord HEMINGFORD.
- 751 CHARLES MCMORAN Lord MORAN.
- 752 MILES WEDDERBURN Lord KILLEARN.
- 753 HUGH CASWALL TREMENHEERE Lord DOWDING.
- 754 JOHN FREDERIC Lord GRETTON.
- 755 WILLIAM Lord WESTWOOD.
- 756 CHARLES GEORGE Lord AMMON.
- 757 RAYNER Lord GODDARD.
- 758 ARTHUR GREY Lord HAZLERIGG.
- 759 DOUGLAS ERIC Lord HACKING.
- 760 HAROLD HARINGTON Lord BALFOUR OF INCHRYE.
- 761 DAVID JOHN KINSLEY Lord QUIBELL.
- 762 PHILIP Lord CHETWODE. (*Minor.*)*
- 763 ALBERT JAMES Lord SANDFORD.
- 764 JOHN EDWARD POYNDER Lord ALTRINCHAM.*
- 765 FREDERICK WILLIAM Lord PETHICK-LAWRENCE.
- 766 CHARLES JOHN LEONARD Lord LYLE OF WESTBOURNE.
- 767 ERIC WILBERFORCE Lord BROADBRIDGE.
- 768 PATRICK OWEN ALEXANDER Lord BROUGHSHANE.
- 769 FRANCIS AUNGIER Lord PAKENHAM.
- 770 WILLIAM WATSON Lord HENDERSON.
- 771 RICHARD ANVORD Lord MOUNTEVANS.*
- 772 MICHAEL FRANCIS MORRIS Lord LINDSAY OF BIRKER.*
- 773 WILLIAM Lord PIERCY.
- 774 DENNIS GLOSSOP Lord MORRISON.
- 775 ROBERT SAMUEL THEODORE Lord CHORLEY.
- 776 GEORGE RAYMOND ORFORD Lord CALVERLEY.*
- 777 ROBERT ALEXANDER Lord RUSHOLME.
- 778 ARTHUR WILLIAM Lord TEDDER.
- 779 DONALD SWINTON Lord COLGRAIN.
- 780 PHILIP ALBERT Lord INMAN.
- 781 JOHN CRONYN Lord TOVEY.
- 782 CEDRIC PERCIVAL Lord DARWEN.
- 783 HENRY MAITLAND Lord WILSON.
- 784 WILLIAM HENRY Lord BEVERIDGE.
- 785 AMBROSE EDGAR Lord UVEDALE OF NORTH END.
- 786 GEORGE WILLIAM Lord LUCAS OF CHILWORTH.
- 787 MALCOLM NEWTON Lord SHEPHERD.
- 788 WALTER MCLENNAN Lord CITRINE.
- 789 ROBERT HENRY Lord BRAND.
- 790 CYRIL LOUIS NORTON Lord NEWALL.
- 791 BRUCE AUSTIN Lord FRASER OF NORTH CAPE.
- 792 WILFRID GUILD Lord NORMAND.
- 793 GEOFFREY Lord OAKSEY.

- 794 HASTINGS LIONEL Lord ISMAY.
- 795 JOHN LOADER Lord RUGBY.
- 796 WALTER THOMAS Lord LAYTON.
- 797 ERNEST DARWIN Lord SIMON OF WYTHENSHAW.
- 798 FRED Lord KERSHAW.
- 799 GEORGE MORGAN Lord TREFGARNE.
- 800 FERGUS DUNLOP Lord MORTON OF HENRYTON. (*A Lord of Appeal in Ordinary.*)
- 801 JOHN CLARKE Lord MACDERMOTT.
- 802 REGINALD DOUGLAS Lord CROOK.
- 803 FREDERICK Lord AMWELL.
- 804 ARTHUR FREDERICK Lord MILVERTON.
- 805 WILLIAM SHOLTO Lord DOUGLAS OF KIRTLESIDE.
- 806 VALENTINE GEORGE Lord BRAINTREE.
- 807 RONALD JOHN BILSLAND Lord CLYDESMUIR.
- 808 ALFRED EDWARD Lord WEBB-JOHNSON.
- 809 THOMAS EDWARD Lord WILLIAMS.
- 810 JAMES SCOTT CUMBERLAND Lord REID. (*A Lord of Appeal in Ordinary.*)
- 811 JOHN JACKSON Lord ADAMS.
- 812 JOHN Lord BOYD-ORR.
- 813 GORDON Lord MACDONALD OF GWAENYSGOR.
- 814 CYRIL JOHN Lord RADCLIFFE. (*A Lord of Appeal in Ordinary.*)
- 815 GEORGE Lord ARCHIBALD.
- 816 JOHN Lord WILMOT OF SELMESTON.
- 817 ALEXANDER STEVEN Lord BILSLAND.
- 818 THOMAS WILLIAM Lord BURDEN.
- 819 LESLIE HADEN Lord HADEN-GUEST.
- 820 JOHN JAMES Lord LAWSON.
- 821 FRANCIS CAMPBELL ROSS Lord DOUGLAS OF BARLOCH.
- 822 LEWIS Lord SILKIN.
- 823 CYRIL WILLIAM Lord HURCOMB.
- 824 GILBERT FRANCIS MONTRIOU Lord CAMPION.
- 825 ERNEST WALTER Lord HIVES.
- 826 ERNEST Lord GREENHILL.
- 827 DAVID REES Lord OGMORE.
- 828 PHILIP GEOFFREY Lord MORRIS OF KENWOOD.
- 829 FREDERICK JAMES Lord TUCKER. (*A Lord of Appeal in Ordinary.*)
- 830 THOMAS Lord MACPHERSON OF DRUMOCHTER.
- 831 ARCHIBALD Lord HUNGARTON.
- 832 ERNEST ALBERT Lord KENSWOOD.
- 833 BERNARD Lord FREYBERG.
- 834 LIONEL LEONARD Lord COHEN. (*A Lord of Appeal in Ordinary.*)
- 835 JAMES Lord MILNER OF LEEDS.
- 836 DAVID Lord KIRKWOOD.
- 837 FREDERICK JOHN Lord WISE.
- 838 GEORGE Lord MATHERS.
- 839 EDWARD Lord TURNOUR. (*Earl Winterton.*)
- 840 GEORGE DARELL Lord JEFFREYS.
- 841 ROBERT WILLIAM HUGH Lord RATHCAVAN.

- 842 EUSTACE SUTHERLAND CAMPBELL Lord PERCY OF NEWCASTLE.
- 843 CLIVE LATHAM Lord BAILLIEU.
- 844 RALPH GEORGE CAMPBELL Lord GLYN.
- 845 ALFRED JESSE Lord GRANTCHESTER.
- 846 JAMES ARTHUR Lord SALTER.
- 847 JAMES Lord KEITH OF AVONHOLM. (*A Lord of Appeal in Ordinary.*)
- 848 WILLIAM Lord STRANG.
- 849 JOSEPH STANLEY Lord DOVERCOURT.
- 850 HENRY CHARLES PONSONBY Lord MOORE. (*In another place as Earl of Drogheda.*)
- 851 RICHARD KIDSTON Lord COLERAINE.
- 852 OLIVER CHARLES Lord HARVEY OF TASBURGH.
- 853 HENRY JAMES Lord GLASSARY. (*Earl of Dundee.*)
- 854 DONALD BRADLEY Lord SOMERVELL OF HARROW. (*A Lord of Appeal in Ordinary.*)
- 855 ARNOLD BABB Lord GRIDLEY.
- 856 EDGAR DOUGLAS Lord ADRIAN.
- 857 WILLIAM Lord STRATHALMOND.
- 858 THOMAS DUNLOP Lord STRATHCLYDE.
- 859 HENRY GEORGE Lord CONESFORD.
- 860 RALPH Lord CLITHEROE.
- 861 GEOFFREY Lord HEYWORTH.
- 862 ARNOLD DUNCAN Lord MCNAIR.
- 863 MALCOLM STEWART Lord MCCORQUODALE OF NEWTON.
- 864 HENRY LENNOX D'AUBIGNÉ Lord COLYTON.
- 865 FRANCIS RAYMOND Lord EVERSLED.
- 866 JOHN JACOB Lord ASTOR OF HEVER.
- 867 FREDERICK Lord GODBER.
- 868 RONALD MORCE Lord WEEKS.
- 869 HENRY Lord COHEN OF BIRKENHEAD.
- 870 ROBERT JOHN Lord SINCLAIR OF CLEEVE.
- 871 PERCY HERBERT Lord MILLS.
- 872 EDWARD ETTINGDENE Lord BRIDGES.
- 873 PATRICK GEORGE THOMAS Lord HAILES.
- 874 ALFRED THOMPSON Lord DENNING. (*A Lord of Appeal in Ordinary.*)
- 875 HORACE Lord EVANS.
- 876 JOSEPH ARTHUR Lord RANK.
- 877 CHARLES WILLOUGHBY MOKE Lord NORRIE.

ALPHABETICAL LIST OF THE LORDS

	<i>No. in Roll.</i>
A	
ABERCONWAY, CHARLES MELVILLE Lord	601
ABERCORN, JAMES EDWARD Marquess of. (<i>Duke of Abercorn.</i>)	36
ABERDARE, MORYS GEORGE LYNDHURST Lord*	508
ABERDEEN AND TEMAIR, GEORGE Marquess of	52
ABERGAVENNY, JOHN HENRY GUY Marquess of	48
ABINGER, JAMES RICHARD Lord	447
ACTON, JOHN EMERICH HENRY Lord	501
ADAMS, JOHN JACKSON Lord	811
ADDINGTON, JOHN GELLIBRAND Lord	554
ADDISON, CHRISTOPHER Viscount	280
ADRIAN, EDGAR DOUGLAS Lord	856
AILESBUURY, GEORGE WILLIAM JAMES CHANDOS Marquess of	44
AILSAL, ARCHIBALD DAVID Marquess of	46
AILWYN, ERIC WILLIAM EDWARD Lord	642
AIREDALE, ROLAND DUDLEY Lord	589
AIRLIE, DAVID LYULPH GORE WOLSELEY Earl of. (<i>Elected for Scotland.</i>)	86
ALANBROOKE, ALAN FRANCIS Viscount	286
ALBEMARLE, WALTER EGERTON GEORGE LUCIAN Earl of	77
ALDENHAM, WALTER DURANT Lord	564
ALEXANDER OF HILLSBOROUGH, ALBERT VICTOR Viscount	291
ALEXANDER OF TUNIS, HAROLD RUPERT LEOFRIC GEORGE Earl	198
ALLENBY, DUDLEY JAFFRAY HYNMAN Viscount	247
ALLENDALE, WENTWORTH HUBERT CHARLES Viscount*	234
ALLERTON, GEORGE WILLIAM LAWIES Lord	577
ALTRINCHAM, JOHN EDWARD POYNTER Lord*	764
ALVINGHAM, ROBERT GUY EARDLEY Lord	674
AMHERST, JEFFERY JOHN ARCHER Earl	143
AMHERST OF HACKNEY, WILLIAM ALEXANDER EVERING Lord	558
AMMON, CHARLES GEORGE Lord	756
AMPTHILL, JOHN HUGO Lord	524
AMULREE, BASIL WILLIAM SHOLTO Lord	675
AMWELL, FREDERICK Lord	803
ANCASTER, GILBERT JAMES Earl of	172
ANGLESEY, GEORGE CHARLES HENRY VICTOR Marquess of	42
ANNALY, LUKE HENRY Lord	484
ARCHIBALD, GEORGE Lord	815
ARGYLL, JOHN DOUGLAS Duke of	29
ARMSTRONG, WILLIAM JOHN MONTAGU Lord	582
ASHBOURNE, EDWARD RUSSELL Lord	538
ASHBURTON, ALEXANDER FRANCIS ST. VINCENT Lord	448
ASHCOMBE, ROLAND CALVERT Lord	556
ASHTON OF HYDE, THOMAS HENRY RAYMOND Lord	605
ASTOR, WILLIAM WALDORF Viscount	242
ASTOR OF HEVER, JOHN JACOB Lord	866
ATTLEE, CLEMENT RICHARD Earl	200
AUCKLAND, IAN GEORGE Lord.*	398
AUDLEY, THOMAS PERCY HENRY TOUCHET Lord	340
AVEBURY, JOHN Lord	572
AYLESFORD, CHARLES DANIEL Earl of	92

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BADEN-POWELL, ARTHUR ROBERT PETER Lord	676
BAGOT, CARYL ERNEST Lord	384
BAILLIEU, CLIVE LATHAM Lord	843
BALDWIN OF BEWDLEY, OLIVER RIDSDALE Earl	193
BALFOUR, ROBERT ARTHUR LYTTON Earl of	184
BALFOUR OF BURLEIGH, GEORGE JOHN GORDON Lord. (<i>Elected for Scotland.</i>)	366
BALFOUR OF INCHRYE, HAROLD HARINGTON Lord	760
BALINHARD, CHARLES ALEXANDER Lord. (<i>Earl of Southesk.</i>)	498
BANBURY OF SOUTHAM, CHARLES WILLIAM Lord	656
BARNARD, CHRISTOPHER WILLIAM Lord	361
BARNBY, FRANCIS VERNON Lord	647
BASING, JOHN LIMBREY ROBERT Lord	551
BATH, HENRY FREDERICK Marquess of	35
BATH AND WELLS, HAROLD WILLIAM Bishop of	326
BATHURST, HENRY ALLEN JOHN Earl	108
BEARSTED, MARCUS RICHARD Viscount	255
BEATTY, DAVID FIELD Earl	180
BEAUCHAMP, WILLIAM Earl	136
BEAUFORT, HENRY HUGH ARTHUR FITZROY Duke of	14
BEAVERBROOK, WILLIAM MAXWELL Lord	622
BEDFORD, JOHN ROBERT Duke of	17
BELPER, ALEXANDER RONALD GEORGE Lord	472
BELSTEAD, FRANCIS JOHN CHILDS Lord	725
BESSBOROUGH, FREDERICK EDWARD NEUFLIZE Earl of	192
BETHELL, JOHN RAYMOND Lord	652
BEVERIDGE, WILLIAM HENRY Lord	784
BICESTER, RANDAL HUGH VIVIAN Lord	727
BIDDULPH, MICHAEL WILLIAM JOHN Lord	581
BILSLAND, ALEXANDER STEVEN Lord	817
BINGHAM, GEORGE CHARLES PATRICK Lord. (<i>Earl of Lucan.</i>)	698
BIRDWOOD, CHRISTOPHER BROMHEAD Lord	723
BIRKENHEAD, FREDERICK WINSTON FURNEAUX Earl of	186
BLACKFORD, GLYN KEITH MURRAY Lord	704
BLEDISLOE, CHARLES Viscount	261
BLYTH, IAN AUDLEY JAMES Lord*	591
BOLINGBROKE AND ST. JOHN, VERNON HENRY Viscount.	203
BOLTON, NIGEL AMYAS Lord	405
BORWICK, ROBERT GEOFFREY Lord	650
BOSTON, GREVILLE NORTHEY Lord	375
BOYD-ORR, JOHN Lord	812
BOYLE, WILLIAM HENRY DUDLEY Lord. (<i>Earl of Cork and Orrery.</i>)	370
BRABAZON OF TARA, JOHN THEODORE CUTHBERT Lord	748
BRABOURNE, JOHN ULICK Lord	523
BRACKEN, BRENDAN Viscount	294
BRADBURY JOHN Lord	658
BRADFORD, GERALD MICHAEL ORLANDO Earl of	135
BRAINTREE, VALENTINE GEORGE Lord	806
BRANCEPETH, GUSTAVUS MICHAEL GEORGE Lord. (<i>Viscount Boyne.</i>)	491
BRAND, ROBERT HENRY Lord	789
BRANDON, DOUGLAS Duke of. (<i>Duke of Hamilton.</i>) (<i>Lord Steward of the Household.</i>)	10 & 21

	No. in Roll.
BRASSEY OF APETHORPE, HENRY LEONARD CAMPBELL Lord	724
BRAYBROOKE, HENRY SEYMOUR Lord	394
BRAYE, THOMAS ADRIAN Lord	349
BREADALBANE AND HOLLAND, CHARLES WILLIAM Earl of. (<i>Elected for Scotland.</i>)	88
BRENTFORD, RICHARD CECIL JOYNSON Viscount	259
BRIDGEMAN, ROBERT CLIVE Viscount	257
BRIDGES, EDWARD ETTINGDENE Lord	872
BRIDPORT, ROWLAND ARTHUR HERBERT NELSON Viscount	220
BRISTOL, FREDERIC ARTHUR Bishop of	327
BRISTOL, HERBERT ARTHUR ROBERT Marquess of	45
BROADBRIDGE, ERIC WILBERFORCE Lord	767
BROCKET, ARTHUR RONALD NALL Lord	689
BROOKE, CHARLES GUY FULKE Earl, and Earl of WARWICK	99
BROOKEBOROUGH, BASIL STANLAKE Viscount	297
BROUGHAM AND VAUX, VICTOR HENRY PETER Lord*	481
BROUGHSHANE, PATRICK OWEN ALEXANDER Lord	768
BROWNLOW, PEREGRINE FRANCIS ADELBERT Lord	380
BRUCE OF MELBOURNE, STANLEY MELBOURNE Viscount	289
BRUNTISFIELD, VICTOR ALEXANDER GEORGE ANTHONY Lord	747
BUCKINGHAMSHIRE, JOHN HAMPDEN Earl of	100
BUCKMASTER, OWEN STANLEY Viscount	260
BURDEN, THOMAS WILLIAM Lord	818
BURGH, ALEXANDER LEIGH HENRY Lord	348
BURNHAM, EDWARD FREDERICK Lord	580
BUTE, JOHN Marquess of	38
BUTLER OF MOUNT JULIET, BRIAN STUART THEOBALD SOMERSET CAHER Lord. (<i>Earl of Carrick.</i>)*	608
BYRON, RUPERT FREDERICK GEORGE Lord*	359

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CADMAN, JOHN BASIL COPE Lord	719
CADOGAN, WILLIAM GERALD CHARLES Earl	115
CAIRNS, DAVID CHARLES Earl	166
CAITHNESS, JAMES RODERICK Earl of. (<i>Elected for Scotland.</i>)	82
CALDECOTE, ROBERT ANDREW Viscount	272
CALTHORPE, PETER WALDO SOMERSET Lord	403
CALVERLEY, GEORGE RAYMOND ORFORD Lord*	776
CAMBRIDGE, GEORGE FRANCIS HUGH Marquess of	53
CAMDEN, JOHN CHARLES HENRY Marquess	41
CAMOYS, RALPH FRANCIS JULIAN Lord	344
CAMPION, GILBERT FRANCIS MONTRIOU Lord	824
CAMROSE, JOHN SEYMOUR THOMAS Viscount	276
CANTERBURY, GEOFFREY FRANCIS Archbishop of	5
CAREW, WILLIAM FRANCIS Lord	455
CARISBROOKE, ALEXANDER ALBERT Marquess of	55
CARLETON, ROBERT HENRY Lord. (<i>Earl of Shannon.</i>)	391
CARLISLE, GEORGE JOSSLYN L'ESTRANGE Earl of	73
CARLISLE, THOMAS Bishop of	328
CARNARVON, HENRY GEORGE ALFRED MARIUS VICTOR FRANCIS Earl of	114
CARNOCK, ERSKINE ARTHUR Lord	620
CARRINGTON, PETER ALEXANDER RUPERT Lord	404

CATHCART, ALAN Earl	131
CATTO, THOMAS SIVEWRIGHT Lord	710
CAWDOR, JOHN DUNCAN VAUGHAN Earl	144
CAWLEY, FREDERICK LEE Lord	629
CECIL OF CHELWOOD, EDGAR ALGERNON ROBERT Viscount	254
CHANDOS, OLIVER Viscount	301
CHAPLIN, ANTHONY FRESKYN CHARLES HAMBY Viscount *	238
CHATFIELD, ALFRED ERNLE MONTACUTE Lord	718
CHAWORTH, ANTHONY WINDHAM NORMAND Lord. (<i>Earl of Meath.</i>)	440
CHELMSFORD, ANDREW CHARLES GERALD Viscount	249
CHESHAM, JOHN CHARLES COMPTON Lord	475
CHESTERFIELD, EDWARD HENRY Earl of*†.	70
CHETWODE, PHILIP Lord. (<i>Minor.</i>) *	762
CHEYLESMORE, FRANCIS ORMOND HENRY Lord *	553
CHICHESTER, GEORGE KENNEDY ALLEN Bishop of	316
CHICHESTER, JOHN NICHOLAS Earl of. (<i>Minor.</i>) *	122
CHILSTON, ERIC ALEXANDER Viscount	235
CHOLMONDELEY, GEORGE HORATIO CHARLES Marquess of	43
CHORLEY, ROBERT SAMUEL THEODORE Lord	775
CHURCHILL, VICTOR ALEXANDER Viscount	230
CHURSTON, RICHARD FRANCIS ROGER Lord	476
CILCENNIN, JAMES PURDON LEWES Viscount	308
CITRINE, WALTER MCLENNAN Lord	788
CLANCARTY, RICHARD FREDERICK JOHN DONOUGH LE POER Viscount. (<i>Earl of Clancarty.</i>)	215
CLANWILLIAM, JOHN CHARLES EDMUND CARSON Lord. (<i>Earl of Clanwilliam.</i>)	433
CLARENDON, GEORGE FREDERICK LAURENCE HYDE Earl of	110
CLIFFORD OF CHUDLEIGH, CHARLES OSWALD HUGH Lord	360
CLIFTON, PETER STUART Lord. (<i>Earl of Darnley.</i>)*	355
CLITHEROE, RALPH Lord	860
CLWYD, JOHN TREVOR Lord	637
CLYDESMUIR, RONALD JOHN BILSLAND Lord	807
COBHAM, CHARLES JOHN Viscount	204
COCHRANE OF CULTS, THOMAS GEORGE FREDERICK Lord	635
COHEN, LIONEL LEONARD Lord (<i>A Lord of Appeal in Ordinary.</i>)	834
COHEN OF BIRKENHEAD, HENRY Lord	869
COLERAINE, RICHARD KIDSTON Lord	851
COLERIDGE, RICHARD DUKE Lord*	510
COLGRAIN, DONALD SWINTON Lord	779
COLVILLE OF CULROSS, JOHN MARK ALEXANDER Viscount	229
COLWYN, FREDERICK JOHN VIVIAN Lord	625
COLYTON, HENRY LENNOX D'AUBIGNÉ Lord	864
COMBERMERE, FRANCIS LYNCH WELLINGTON Viscount	216
CONESFORD, HENRY GEORGE Lord	859
CONGLETON, WILLIAM JARED Lord	466
CORNWALL, His Royal Highness CHARLES PHILIP ARTHUR GEORGE Duke of. (<i>Minor.</i>) *	1
CORNWALLIS, WYKEHAM STANLEY Lord	663
COTTENHAM, JOHN DIGBY THOMAS Earl of	158
COTTESLOE, JOHN WALGRAVE HALFORD Lord	511

† Entered on the Roll as Earl Stanhope, No. 93.

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COVENTRY, GEORGE WILLIAM Earl of	78
COWDRAY, WEETMAN JOHN CHURCHILL Viscount	239
COWLEY, CHRISTIAN ARTHUR Earl *	159
COZENS-HARDY, HERBERT ARTHUR Lord	612
CRAIGAVON, JAMES Viscount	256
CRAIGMYLE, THOMAS DONALD MACKAY Lord	671
CRANBROOK, JOHN DAVID Earl of	171
CRANWORTH, BERTRAM FRANCIS Lord	570
CRAVEN, WILLIAM ROBERT BRADLEY Earl of	119
CRAWSHAW, WILLIAM MICHAEL CLIFTON Lord	557
CROFT, MICHAEL HENRY GLENDOWER PAGE Lord	735
CROMER, GEORGE ROWLAND STANLEY Earl of	174
CROMWELL, ROBERT GODFREY WOLSELEY Lord	343
CROOK, REGINALD DOUGLAS Lord	802
CROOKSHANK, HARRY FREDERICK COMFORT Viscount	306
CROSS, ASSHETON HENRY Viscount	223
CULLEN OF ASHBOURNE, CHARLES BORLASE MARSHAM Lord	641
CUNLIFFE, ROLF Lord	614
CUNNINGHAM OF HYNDHOPE, ANDREW BROWNE Viscount	284

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DARESBUY, EDWARD Lord	664
DARLING, ROBERT CHARLES HENRY Lord	655
DARTMOUTH, WILLIAM Earl of	90
DARWEN, CEDRIC PERCIVAL Lord	782
DARYNGTON, JOCELYN ARTHUR PIKE Lord*	653
DAVIDSON, JOHN COLIN CAMPBELL Viscount	268
DAVIES, DAVID Lord. (<i>Minor.</i>)*	687
DAWNAY, RICHARD Lord. (<i>Viscount Downe.</i>)	567
DE CLIFFORD, EDWARD SOUTHWELL Lord	339
DE FREYNE, FRANCIS ARTHUR JOHN Lord	469
DE LA WARR, HERBRAND EDWARD DUNDONALD BRASSEY Earl	105
DE L'ISLE, WILLIAM PHILIP Viscount	305
DE MAULEY, HUBERT WILLIAM Lord	456
DE RAMSEY, AILWYN EDWARD Lord	552
DE SAUMAREZ, JAMES ST. VINCENT BROKE Lord	445
DE VESCI, IVO RICHARD Viscount. (<i>Elected for Ireland.</i>)	209
DE VILLIERS, ARTHUR PERCY Lord*	598
DELAMERE, THOMAS PITT HAMILTON Lord	425
DENBIGH, WILLIAM RUDOLPH STEPHEN Earl of	65
DENHAM, BERTRAM STANLEY MITFORD Lord	716
DENMAN, THOMAS Lord*	446
DENNING, ALFRED THOMPSON Lord. (<i>A Lord of Appeal in Ordinary.</i>)	874
DERAMORE, STEPHEN NICHOLAS Lord	540
DERBY, ALFRED EDWARD JOHN Bishop of	317
DERBY, EDWARD JOHN Earl of	60
DERWENT, PATRICK ROBIN GILBERT Lord	526
DEVON, CHARLES CHRISTOPHER Earl of	63
DEVONPORT, GERALD CHESTER Viscount	241
DEVONSHIRE, ANDREW ROBERT BUXTON Duke of	18
DICKINSON, RICHARD CLAVERING HYETT Lord	679

DIGBY, EDWARD KENELM Lord	378
DINEVOR, CHARLES ARTHUR URYAN Lord	382
DONCASTER, WALTER JOHN Earl of. (<i>Duke of Buccleuch and Queensberry.</i>)	74
DORCHESTER, DUDLEY MASSEY Lord	571
DORMER, CHARLES WALTER JAMES Lord	356
DOUGLAS, ALEXANDER FREDERICK Lord. (<i>Earl of Home.</i>)	513
DOUGLAS OF BARLOCH, FRANCIS CAMPBELL ROSS Lord	821
DOUGLAS OF KIRTLESIDE, WILLIAM SHOLTO Lord	805
DOVERCOURT, JOSEPH STANLEY Lord	849
DOWDING, HUGH CASWALL TREMENHEERE Lord	753
DROGHEDA, HENRY CHARLES PONSONBY Earl of. (<i>Elected for Ireland.</i>)	117
DUCIE, BASIL HOWARD Earl of*	150
DUDLEY, FERDINANDO DUDLEY HENRY Lord	346
DUDLEY, WILLIAM HUMBLE ERIC Earl of	161
DUFFERIN AND AVA, SHERIDAN FREDERICK TERENCE Marquess of. (<i>Minor.</i>) *	49
DULVERTON, FREDERICK ANTHONY HAMILTON Lord	672
DUNLEATH, CHARLES EDWARD HENRY JOHN Lord	560
DUNMORE, ALEXANDER EDWARD Lord. (<i>Earl of Dunmore.</i>)	441
DUNNING, ERIC JOHN STAPLYTON Lord. (<i>Lord Rollo.</i>)	497
DURHAM, MAURICE HENRY Bishop of	313
DURHAM, JOHN FREDERICK Earl of	147

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EBBISHAM, ROWLAND ROBERTS Lord	668
EBURY, FRANCIS EGERTON Lord*	474
EDINBURGH, His Royal Highness The Prince PHILIP Duke of	30
EFFINGHAM, MOWBRAY HENRY GORDON Earl of	149
EGERTON, MAURICE Lord	478
ELDON, JOHN Earl of	137
ELGIN, EDWARD JAMES Lord. (<i>Earl of Elgin and Kincardine.</i>)	467
ELIBANK, ARTHUR CECIL Viscount	232
ELLENBOROUGH, RICHARD EDWARD CECIL Lord	408
ELLESMERE, JOHN SUTHERLAND Earl of	156
ELPHINSTONE, JOHN ALEXANDER Lord*	542
ELTON, GODFREY Lord	697
ELY, NOEL BARING Bishop of	320
ENNISDALE, HENRY EDWARD Lord	732
ERSKINE, DONALD CARDROSS FLOWER Lord	410
ESHER, OLIVER SYLVAIN BALIOL Viscount	226
ESSENDON, BRIAN EDMUND Lord	686
ESSEX, ALGERNON GEORGE DE VERE Earl of	72
ETTRICK, FRANCIS NIGEL Lord. (<i>Lord Napier.</i>)	506
EVANS, HORACE Lord	875
EVERSHED, FRANCIS RAYMOND Lord	865
EXETER, DAVID GEORGE BROWNLOW Marquess of*	39
EXETER, ROBERT CECIL Bishop of	332
EXMOUTH, POWNOLL IRVING EDWARD Viscount	213

FAIRFAX OF CAMERON, THOMAS BRYAN MCKELVIE Lord. (<i>Elected for Scotland.</i>)	367
FAIRHAVEN, URBAN HUTTLESTON ROGERS Lord	670
FAIRLIE, PATRICK JAMES Lord. (<i>Earl of Glasgow.</i>)	566
FALMOUTH, EVELYN HUGH JOHN Viscount	205
FARINGDON, ALEXANDER GAVIN Lord	616
FARRER, ANTHONY THOMAS Lord*	562
FERMANAGH, HENRY GEORGE VICTOR JOHN Lord. (<i>Earl Erne.</i>) (<i>Minor.</i>) *	515
FERRERS, ROBERT WASHINGTON Earl	89
FEVERSHAM, CHARLES WILLIAM SLINGSBY Earl of	164
FINGALL, OLIVER JAMES HORACE Lord. (<i>Earl of Fingall.</i>)	437
FISHER, JOHN Lord*	595
FISHERWICK, EDWARD ARTHUR DONALD ST. GEORGE HAMILTON Lord. (<i>Marquess of Donegall.</i>)	395
FITZALAN OF DERWENT, HENRY EDMUND Viscount	248
FITZWALTER, FITZWALTER BROOK Lord	338
FITZWILLIAM, WILLIAM THOMAS GEORGE Earl	101
FOLEY, ADRIAN GERALD Lord	381
FORBES, NIGEL IVAN Lord. (<i>Elected for Scotland.</i>)	362
FORESTER, CECIL GEORGE WILFRED Lord	426
FORRES, JOHN ARCHIBALD HARFORD Lord	648
FORTESCUE, HUGH WILLIAM Earl	113
FORTEVIOT, HENRY EVELYN ALEXANDER Lord	624
FOXFORD, EDMUND COLQUHOUN Lord. (<i>Earl of Limerick.</i>)	416
FRASER OF NORTH CAPE, BRUCE AUSTIN Lord	791
FREYBERG, BERNARD Lord	833
FURNESS, WILLIAM ANTHONY Viscount	243

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GAGE, HENRY RAINALD Lord. (<i>Viscount Gage.</i>)	396
GAINFORD, JOSEPH Lord	623
GAINSBOROUGH, ANTHONY GERARD EDWARD Earl of	155
GEDDES, ROSS CAMPBELL Lord	745
GERARD, ROBERT WILLIAM FREDERICK ALWYN Lord *	518
GIFFORD, CHARLES MAURICE ELTON Lord	428
GISBOROUGH, THOMAS RICHARD JOHN LONG Lord	626
GLANUSK, DAVID RUSSELL Lord	569
GLASSARY, HENRY JAMES Lord. (<i>Earl of Dundee.</i>)	853
GLENARTHUR, MATTHEW Lord	631
GLENNAVY, CHARLES HENRY GORDON Lord	643
GLENCONNER, CHRISTOPHER GREY Lord	599
GLENDYNE, JOHN Lord	645
GLENTANAR, THOMAS Lord	621
GLENTORAN, DANIEL STEWART THOMAS BINGHAM Lord	733
GLOUCESTER, WILFRED MARCUS Bishop of	324
GLOUCESTER, His Royal Highness HENRY WILLIAM FREDERICK ALBERT Duke of	2
GLYN, RALPH GEORGE CAMPBELL Lord	844
GODBER, FREDERICK Lord	867

GODDARD, RAYNER Lord	757
GORELL, RONALD GORELL Lord	594
GORMANSTON, JENICO NICHOLAS DUDLEY Lord. (<i>Viscount Gormanston.</i>) (<i>Minor.</i>) *	495
GOSCHEN, JOHN ALEXANDER Viscount	227
GOUGH, SHANE HUGH MARYON Viscount. (<i>Minor.</i>) *	219
GOWRIE, ALEXANDER PATRICK GREYSTEELE Earl of*	195
GRAFTON, CHARLES ALFRED EUSTON Duke of	13
GRAHAM, JAMES ANGUS Earl. (<i>Duke of Montrose.</i>)	95
GRANARD, ARTHUR PATRICK HASTINGS Lord. (<i>Earl of Granard.</i>)	412
GRANTCHESTER, ALFRED JESSE Lord	845
GRANTLEY, JOHN RICHARD BRINSLEY Lord	386
GRANVILLE, GRANVILLE JAMES Earl	148
GREENHILL, ERNEST Lord	826
GREENWAY, CHARLES KELVYNGE Lord	661
GREENWOOD, DAVID HENRY HAMAR Viscount	265
GRENFELL, PASCOE CHRISTIAN VICTOR FRANCIS Lord	578
GRETTON, JOHN FREDERIC Lord	754
GREVILLE, RONALD CHARLES FULKE Lord	503
GREY, CHARLES ROBERT Earl	126
GREY DE RUTHYN, JOHN LANCELOT WYKEHAM Lord *	342
GRIDLEY, ARNOLD BABB Lord	855
GRIMTHORPE, RALPH WILLIAM ERNEST Lord	546
GRINSTEAD, JOHN HENRY MICHEAL Lord. (<i>Earl of Enniskillen.</i>)	415
GUILFORD, EDWARD FRANCIS Earl of	102

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HACKING, DOUGLAS ERIC Lord	759
HADDINGTON, GEORGE Earl of. (<i>Elected for Scotland.</i>)	84
HADEN-GUEST, LESLIE HADEN Lord	819
HAIG, GEORGE ALEXANDER EUGENE DOUGLAS Earl	181
HAILES, PATRICK GEORGE THOMAS Lord	873
HAILEY, WILLIAM MALCOLM Lord	711
HAILSHAM, QUINTIN MCGAREL Viscount. (<i>Lord President of the</i> <i>Council.</i>)	8 & 258
HALIFAX, EDWARD FREDERICK LINDLEY Earl of	194
HALL, GEORGE HENRY Viscount.	288
HALSBURY, JOHN ANTHONY HARDINGE Earl of	173
HAMBLEDEN, WILLIAM HERBERT Viscount	224
HAMILTON OF DALZELL, JOHN Lord	548
HAMPDEN, THOMAS WALTER Viscount.	222
HAMPTON, HERBERT STUART Lord	512
HANKEY, MAURICE PASCHAL ALERS Lord	729
HANWORTH, DAVID BERTRAM Viscount	263
HARCOURT, WILLIAM EDWARD Viscount	240
HARDINGE, CARYL NICHOLAS CHARLES Viscount	218
HARDINGE OF PENSHURST, ALEXANDER HENRY LOUIS Lord	597
HARDWICKE, PHILIP GRANTHAM Earl of	103
HARE, WILLIAM FRANCIS Lord. (<i>Earl of Listowel.</i>)	499
HAREWOOD, GEORGE HENRY HUBERT Earl of	129
HARLECH, WILLIAM GEORGE ARTHUR Lord	516
HARMSWORTH, CECIL DESMOND BERNARD Lord	730

	No. in Roll.
HARRINGTON, WILLIAM HENRY LEICESTER Earl of *	97
HARRIS, GEORGE ST. VINCENT Lord	417
HARROWBY, DUDLEY Earl of	128
HARTISMERE, JOHN ERNEST DE GREY Lord. (<i>Lord Henniker.</i>)*	488
HARVEY OF TASBURGH, OLIVER CHARLES Lord	852
HASTINGS, EDWARD DELAVAL HENRY Lord	337
HATHERTON, EDWARD THOMAS WALHOUSE Lord	449
HAWKE, BLADEN WILMER Lord	379
HAY, ARTHUR WILLIAM GEORGE PATRICK Lord. (<i>Earl of Kinnoull.</i>)	371
HAYTER, CHARLES ARCHIBALD Lord	662
HAZLERIGG, ARTHUR GREY Lord	758
HEMINGFORD, DENNIS GEORGE RUDDOCK Lord	750
HEMPHILL, PETER PATRICK FITZROY MARTYN Lord	586
HENDERSON, WILLIAM WATSON Lord	770
HENEAGE, THOMAS ROBERT Lord*	565
HEREFORD, ROBERT MILO Viscount	202
HEREFORD, TOM Bishop of	333
HERSCHELL, ROGNVALD RICHARD FARRER Lord	543
HERTFORD, HUGH EDWARD CONWAY Marquess of	37
HESKETH, THOMAS ALEXANDER Lord. (<i>Minor.</i>)*	700
HEWART, HUGH VAUGHAN Viscount *	275
HEYTESBURY, WILLIAM LEONARD FRANK Lord	432
HEYWORTH, GEOFFREY Lord	861
HILL, GERALD ROWLAND Viscount*	217
HILLINGDON, CHARLES HEDWORTH Lord	544
HILLSBOROUGH, ARTHUR WILLS PERCY WELLINGTON BLUNDELL TRUMBULL SANDYS Earl of. (<i>Marquess of Downshire.</i>)	109
HINDLIP, CHARLES SAMUEL VICTOR Lord	545
HIVES, ERNEST WALTER Lord	825
HOLLENDEN, GEOFFREY HOPE Lord	607
HOLM PATRICK, JAMES HANS Lord *	568
HOOD, SAMUEL Viscount	208
HORDER, THOMAS MERVYN Lord*	690
HOTHFIELD, HENRY HASTINGS SACKVILLE THANET RICHARD Lord	527
HOWARD DE WALDEN, JOHN OSMAEL Lord	352
HOWARD OF GLOSSOP, BERNARD EDWARD Lord	500
HOWARD OF PENRITH, FRANCIS PHILIP RAPHAEL Lord	681
HOWE, FRANCIS RICHARD HENRY PENN Earl	138
HUDSON, ROBERT WILLIAM Viscount*	293
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WALSINGHAM, GEORGE Lord	383
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WAVERLEY, JOHN Viscount	295
WEBB-JOHNSON, ALFRED EDWARD Lord	808
WEDGWOOD, FRANCIS CHARLES BOWEN Lord *	744
WEEKS, RONALD MORCE Lord	868
WEIR, WILLIAM DOUGLAS Viscount	270
WELLINGTON, GERALD Duke of	26
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WESTWOOD, WILLIAM Lord	755
WHARNCLIFFE, ALAN JAMES Earl of *	165
WHARTON, CHARLES JOHN HALSWELL Lord	350
WHITBURGH, THOMAS BANKS Lord	609

	<i>No. in Roll.</i>
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WIGRAM, CLIVE Lord	703
WILLIAMS, THOMAS EDWARD Lord	809
WILLINGDON, INIGO BRASSEY Marquess of	57
WILLOUGHBY DE BROKE, JOHN HENRY PEYTO Lord	347
WILMOT OF SELMESTON, JOHN Lord	816
WILSON, HENRY MAITLAND Lord	783
WILTON, SEYMOUR WILLIAM ARTHUR JOHN Earl of	123
WIMBORNE, IVOR GROSVENOR Viscount	244
WINCHESTER, ALWYN TERRELL PETRE Bishop of	314
WINCHESTER, HENRY WILLIAM MONTAGU Marquess of	31
WINCHILSEA AND NOTTINGHAM, CHRISTOPHER DENYS STORMONT Earl of. (<i>Minor.</i>) *	69
WINDLESHAM, JAMES BRIAN GEORGE Lord	713
WINDSOR, His Royal Highness EDWARD ALBERT CHRISTIAN GEORGE ANDREW PATRICK DAVID Duke of	3
WINSTER, REGINALD THOMAS HERBERT Lord	746
WINTON, ARCHIBALD WILLIAM ALEXANDER Earl of. (<i>Earl of Eglinton.</i>)	160
WISE, FREDERICK JOHN Lord	837
WOLVERTON, NIGEL REGINALD VICTOR Lord	502
WOOLTON, FREDERICK JAMES Earl of	201
WORLINGHAM, ARCHIBALD ALEXANDER JOHN STANLEY Lord. (<i>Earl of Gosford.</i>)	450
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WRENBURY, JOHN BURTON Lord	615
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WROTTESEY, VICTOR ALEXANDER Lord *	457
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YARBOROUGH, MARCUS HERBERT Earl of	151
YORK, ARTHUR MICHAEL Archbishop of	7
YOUNGER OF LECKIE, EDWARD GEORGE Viscount	253
YPRES, JOHN RICHARD LOWNDES Earl of	185

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ZETLAND, LAWRENCE JOHN LUMLEY Marquess of	50
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**ALPHABETICAL LIST OF LORDS USUALLY ADDRESSED BY THEIR
HIGHER TITLES AS PEERS OF SCOTLAND OR IRELAND,
SHOWING THEIR TITLES IN THE ROLL AS PEERS OF THE
UNITED KINGDOM**

Note.—S in the margin denotes a Scottish Peerage

<i>Scottish or Irish Peerage</i>		<i>United Kingdom Peerage</i>	
	ABERCORN, Duke of		ABERCORN, Marquess of.
	ARRAN, Earl of		SUDLEY, Lord.
	BARRINGTON, Viscount		SHUTE, Lord.
	BOYNE, Viscount		BRANCEPETH, Lord.
S	BUCCLEUCH AND QUEENSBERRY, Duke of		DONCASTER, Earl of.
	CARRICK, Earl of		BUTLER OF MOUNT JULIET, Lord.
	CLANCARTY, Earl of		CLANCARTY, Viscount.
	CLANWILLIAM, Earl of		CLANWILLIAM, Lord.
	CLIFDEN, Viscount		MENDIP, Lord.
	CONYNTHAM, Marquess of		MINSTER, Lord.
	CORK AND ORRERY, Earl of		BOYLE, Lord.
	COURTOWN, Earl of		SALTERSFORD, Lord.
S	CRAWFORD, Earl of		WIGAN, Lord.
S	DALHOUSIE, Earl of		RAMSAY, Lord.
S	DARNLEY, Earl of		CLIFTON, Lord.
	DONEGALL, Marquess of		FISHERWICK, Lord.
	DONOUGHMORE, Earl of		HUTCHINSON, Viscount.
	DOWNE, Viscount		DAWNAY, Lord.
	DOWNSHIRE, Marquess of		HILLSBOROUGH, Earl of.
	DROGHEDA, Earl of		MOORE, Lord.
S	DUNDEE, Earl of		GLASSARY, Lord.
S	DUNMORE, Earl of		DUNMORE, Lord.
S	EGLINTON, Earl of		WINTON, Earl of.
	EGMONT, Earl of		LOVEL AND HOLLAND, Lord.
S	ELGIN AND KINCARDINE, Earl of		ELGIN, Lord.
	ELY, Marquess of		LOFTUS, Lord.
	ENNISKILLEN, Earl of		GRINSTEAD, Lord.
	ERNE, Earl		FERMANAGH, Lord.
	FINGALL, Earl of		FINGALL, Lord.
	GAGE, Viscount		GAGE, Lord.
S	GALLOWAY, Earl of		STEWART OF GARLIES, Lord.
	GALWAY, Viscount		MONCKTON, Lord.
S	GLASGOW, Earl of		FAIRLIE, Lord.
	GORMANSTON, Viscount		GORMANSTON, Lord.
	GOSFORD, Earl of		WORLINGHAM, Lord.
	GRANARD, Earl of		GRANARD, Lord.
S	HAMILTON, Duke of		BRANDON, Duke of.
	HEADFORT, Marquess of		KENLIS, Lord.
	HENLEY, Lord		NORTHINGTON, Lord.
	HENNIKER, Lord		HARTISMERE, Lord.
S	HOME, Earl of		DOUGLAS, Lord.
S	HUNTLY, Marquess of		MELDRUM, Lord.
S	KINNOULL, Earl of		HAY, Lord.
S	KINTORE, Earl of		KINTORE, Lord.
	LEINSTER, Duke of		LEINSTER, Viscount.

<i>Scottish or Irish Peerage</i>				<i>United Kingdom Peerage</i>			
	LIMERICK, Earl of	.	.	.	FOXFORD, Lord.		
	LISTOWEL, Earl of	.	.	.	HARE, Lord.		
	LONDONDERRY, Marquess of	.	.	.	VANE, Earl.		
	LONGFORD, Earl of	.	.	.	SILCHESTER, Lord.		
S	LOTHIAN, Marquess of	.	.	.	KER, Lord.		
	LUCAN, Earl of	.	.	.	BINGHAM, Lord.		
	MASSEREENE, Viscount	.	.	.	ORIEL, Lord.		
	MEATH, Earl of	.	.	.	CHAWORTH, Lord.		
	MONCK, Viscount	.	.	.	MONCK, Lord.		
S	MONTROSE, Duke of	.	.	.	GRAHAM, Earl.		
S	MORAY, Earl of	.	.	.	STUART OF CASTLESTUART, Lord.		
	MOUNTGARRET, Viscount	.	.	.	MOUNTGARRET, LORD.		
S	NAPIER, Lord	.	.	.	ETTRICK, Lord.		
	NORMANTON, Earl of	.	.	.	SOMERTON, Lord.		
	ORANMORE AND BROWNE, Lord	.	.	.	MEREWORTH, Lord.		
	ORMONDE, Marquess of	.	.	.	ORMONDE, Lord.		
	POWERSCOURT, Viscount	.	.	.	POWERSCOURT, Lord.		
	RANFURLY, Earl of	.	.	.	RANFURLY, Lord.		
S	ROLLO, Lord	.	.	.	DUNNING, Lord.		
S	ROSEBERY, Earl of	.	.	.	MIDLOTHIAN, Earl of.		
S	ROXBURGHE, Duke of	.	.	.	INNES, Earl.		
	SEFTON, Earl of	.	.	.	SEFTON, Lord.		
	SHANNON, Earl of	.	.	.	CARLETON, Lord.		
	SHEFFIELD, Lord	.	.	.	STANLEY of ALDERLEY, Lord.		
	SLIGO, Marquess of	.	.	.	MONTEAGLE, Lord.		
S	SOUTHESK, Earl of	.	.	.	BALINHARD, Lord.		
S	STAIR, Earl of	.	.	.	OXENFOORD, Lord.		
S	TWEEDDALE, Marquess of	.	.	.	TWEEDDALE, Lord.		
	WATERFORD, Marquess of	.	.	.	TYRONE, Lord.		
S	WEMYSS, Earl of	.	.	.	WEMYSS, Lord.		
	WINTERTON, Earl	.	.	.	TURNOUR, Lord.		

Printed and published in Great Britain by
HER MAJESTY'S STATIONERY OFFICE

FIRST REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 12th November 1957

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

First Report from the Special Orders Committee of the House of Lords

Draft Patents (Extension of Period of Emergency) Order, 1957

Draft Registered Designs (Extension of Period of Emergency) Order, 1957

The Committee have examined the Orders as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Orders raise important questions of policy and principle:

That the Orders are founded on precedent:

That in the opinion of the Committee the Orders cannot be passed by the House without special attention, but that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to present an Address to Her Majesty praying that the Orders be made.

Whilst in no way suggesting that these Orders are not proper to be approved, the Committee wish to point out that their effect is to continue for a year powers granted originally by the Patents and Designs Act, 1942, for the war period. These powers were continued by two Acts of Parliament until December, 1950, and have since been continued seven times by Order in Council for twelve months each time.

The Committee wish to point out that they made a similar Report in 1954, 1955 and 1956.

The Committee were informed that negotiations have recently been concluded upon which permanent legislation replacing these emergency powers could be based. The Committee feel that the present system of renewing these emergency powers year after year is anomalous, and are of the opinion that such legislation should be brought forward as soon as possible.

Draft National Assistance (Determination of Need) Amendment Regulations, 1957

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations raise important questions of policy and principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations cannot be passed by the House without special attention, but that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

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SECOND REPORT

FROM THE

SPECIAL ORDERS

COMMITTEE

OF THE

HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 27th November, 1957

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Second Report from the Special Orders Committee of the House of Lords

Registration of Restrictive Trading Agreements Order, 1957

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

Draft Army Act, 1955 (Continuation) Order, 1957

Draft Air Force Act, 1955 (Continuation) Order, 1957

The Committee have examined the Orders as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Orders do not raise important questions of policy or principle:

That the Orders are not founded on precedent:

That in the opinion of the Committee the Orders can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Orders.

Draft Lacc Industry (Scientific Research Levy) (Amendment No. 2) Order, 1957

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

THIRD REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 11th December, 1957

LONDON
HER MAJESTY'S STATIONERY OFFICE
FOURPENCE NET

Third Report from the Special Orders Committee of the House of Lords

DRAFT GOVERNMENT OF INDIA (FAMILY PENSION FUNDS) (AMENDMENT) ORDER, 1957.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to present an Address to Her Majesty praying that the Order be made.

DRAFT NATIONAL INSURANCE (MARINERS) AMENDMENT REGULATIONS, 1957.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

DRAFT NATIONAL INSURANCE (INDUSTRIAL INJURIES) (MARINERS) AMENDMENT REGULATIONS, 1957.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

DRAFT PNEUMOCONIOSIS AND BYSSINOSIS BENEFIT AMENDMENT SCHEME, 1957.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

DRAFT POLICE PENSIONS REGULATIONS, 1957.

DRAFT POLICE PENSIONS (SCOTLAND) REGULATIONS, 1957.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

DRAFT COUNCIL OF EUROPE (IMMUNITIES AND PRIVILEGES) ORDER IN COUNCIL, 1957.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order raise important questions of policy and principle:

That the Order is founded on precedent:

That the Committee doubt whether paragraph 12 of the Order is *intra vires* for the following reason:—

Section 1 (2) (c) of the International Organisations (Immunities and Privileges) Act, 1950, under which the Draft Order is made, provides that “ Her Majesty may by Order in Council . . . confer upon such other classes of officers and servants of the organisation as may be specified in the Order . . . the immunities and privileges set out in Part III of the Schedule to this Act ”.

Paragraph 12 of the Draft Order would confer certain privileges on “ all officials of the Council of Europe of the categories specified by the Secretary-General ”;

That in the opinion of the Committee the Order cannot be passed by the House without special attention.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
423 Oxford Street, London W.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
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or through any bookseller

Printed in Great Britain

FOURTH REPORT 217

FROM THE

**SPECIAL ORDERS
COMMITTEE**

OF THE

HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 5th February 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Fourth Report from the Special Orders Committee of the House of Lords

DRAFT SILO SUBSIDIES (VARIATION) (ENGLAND AND WALES AND NORTHERN IRELAND) SCHEME, 1958,

DRAFT SILO SUBSIDIES (VARIATION) (SCOTLAND) SCHEME, 1958.

The Committee have examined the Schemes as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Schemes do not raise important questions of policy or principle:

That the Schemes are founded on precedent:

That in the opinion of the Committee the Schemes can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Schemes.

DRAFT CINEMATOGRAPH FILMS (DISTRIBUTION OF LEVY) (AMENDMENT) REGULATIONS, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

FIFTH REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 19th March 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Fifth Report from the Special Orders Committee of the House of Lords

DRAFT NATIONAL HEALTH SERVICE (SUPERANNUATION) (AMENDMENT) REGULATIONS, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

DRAFT POLICE PENSIONS (NO. 2) REGULATIONS, 1958.

DRAFT POLICE PENSIONS (SCOTLAND) (NO. 2) REGULATIONS, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

DRAFT TUBERCULOSIS (EXTENSION OF PAYMENTS PERIOD) ORDER, 1958.

DRAFT TUBERCULOSIS (EXTENSION OF PAYMENTS PERIOD) (SCOTLAND) ORDER, 1958.

The Committee have examined the Orders as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Orders do not raise important questions of policy or principle:

That the Orders are not founded on precedent:

That in the opinion of the Committee the Orders can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Orders.

SIXTH REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 30th April 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Sixth Report from the Special Orders Committee of the House of Lords

IMPORTED LIVESTOCK ORDER, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is not founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

DRAFT INTERNATIONAL ORGANISATIONS (IMMUNITIES AND PRIVILEGES OF THE COUNCIL OF EUROPE) (AMENDMENT) ORDER IN COUNCIL, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order raise important questions of policy and principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order cannot be passed by the House without special attention, but that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to present an Address to Her Majesty praying that the Order be made.

DRAFT CINEMATOGRAPH FILMS (COLLECTION OF LEVY) (AMENDMENT) REGULATIONS, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

SEVENTH REPORT

FROM THE

SPECIAL ORDERS

COMMITTEE

OF THE

HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 14th May 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Seventh Report from the Special Orders Committee of the House of Lords

PIG INDUSTRY DEVELOPMENT AUTHORITY LEVY SCHEME (APPROVAL) ORDER, 1958

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is not founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

DRAFT PLOUGHING GRANTS SCHEME, 1958,

DRAFT PLOUGHING GRANTS (SCOTLAND) SCHEME, 1958.

The Committee have examined the Schemes as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Schemes do not raise important questions of policy or principle:

That the Schemes are founded on precedent:

That in the opinion of the Committee the Schemes can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Schemes.

EIGHTH REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 18th June 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Eighth Report from the Special Orders Committee of the House of Lords

DRAFT FERTILISERS (UNITED KINGDOM) SCHEME, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

DRAFT FURNITURE INDUSTRY DEVELOPMENT COUNCIL (AMENDMENT) ORDER, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

NINTH REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 3rd July 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Ninth Report from the Special Orders Committee of the House of Lords

Fatstock (Protection of Guarantees) Order, 1958,

Cereals (Protection of Guarantees) Order, 1958,

Eggs (Protection of Guarantees) Order, 1958.

The Committee have examined the Orders as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Orders do not raise important questions of policy or principle:

That the Orders are not founded on precedent:

That in the opinion of the Committee the Orders can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Orders.

TENTH REPORT
FROM THE
SPECIAL ORDERS
COMMITTEE
OF THE
HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 16th July 1958

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Tenth Report from the Special Orders Committee of the House of Lords

*Draft Calf Subsidies (England and Wales and Northern Ireland) Scheme, 1958,
Draft Calf Subsidies (Scotland) Scheme, 1958.*

The Committee have examined the Schemes as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Schemes do not raise important questions of policy or principle:

That the Schemes are founded on precedent:

That in the opinion of the Committee the Schemes can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Schemes.

White Fish Subsidy (United Kingdom) Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

Herring Subsidy (United Kingdom) Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

Draft National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

Draft Pneumoconiosis and Byssinosis Benefit Amendment Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

ELEVENTH REPORT

FROM THE

SPECIAL ORDERS

COMMITTEE

OF THE

HOUSE OF LORDS

(SESSION 1957-58)

Ordered to be printed 23rd July 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Tenth Report from the Special Orders Committee of the House of Lords

*Draft Calf Subsidies (England and Wales and Northern Ireland) Scheme, 1958,
Draft Calf Subsidies (Scotland) Scheme, 1958.*

The Committee have examined the Schemes as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Schemes do not raise important questions of policy or principle:

That the Schemes are founded on precedent:

That in the opinion of the Committee the Schemes can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Schemes.

White Fish Subsidy (United Kingdom) Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

Herring Subsidy (United Kingdom) Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

Draft National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Order do not raise important questions of policy or principle:

That the Order is founded on precedent:

That in the opinion of the Committee the Order can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

Draft Pneumoconiosis and Byssinosis Benefit Amendment Scheme, 1958.

The Committee have examined the Scheme as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Scheme do not raise important questions of policy or principle:

That the Scheme is founded on precedent:

That in the opinion of the Committee the Scheme can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Scheme.

ELEVENTH REPORT

FROM THE

SPECIAL ORDERS

COMMITTEE

OF THE

HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 23rd July 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Eleventh Report from the Special Orders Committee of the House of Lords

Draft Local Government Superannuation (Benefits) (New Towns Staffs) Regulations, 1958.

Draft Local Government Superannuation (Benefits) (New Towns Staffs) (Scotland) Regulations, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are not founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

TWELFTH REPORT

233

FROM THE

**SPECIAL ORDERS
COMMITTEE**

OF THE

HOUSE OF LORDS

(SESSION 1957–58)

Ordered to be printed 28th July 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

THREEPENCE NET

Twelfth Report from the Special Orders Committee of the House of Lords

Special Roads (Classes of Traffic) Order, 1958.

The Committee have examined the Order as required by the Standing Orders of the House and report :—

That in their opinion the provisions of the Order raise important questions of policy and principle:

That the Order is not founded on precedent:

That in the opinion of the Committee the Order cannot be passed by the House without special attention, but that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Order.

Motor Vehicles (Speed Limit on Special Roads) Regulations, 1958.

The Committee have examined the Regulations as required by the Standing Orders of the House and report:—

That in their opinion the provisions of the Regulations do not raise important questions of policy or principle:

That the Regulations are not founded on precedent:

That in the opinion of the Committee the Regulations can be passed by the House without special attention, and that no further special inquiry is necessary before the House proceeds to a decision on the Resolution to approve the said Regulations.

HOUSE OF LORDS

AMENDMENTS

made since 1954 to the

STANDING ORDERS RELATING TO

PUBLIC BUSINESS

Ordered to be Printed 22nd October 1958

LONDON

HER MAJESTY'S STATIONERY OFFICE

SIXPENCE NET

(171)

HOUSE OF LORDS

AMENDMENTS

made since 1954 to the

STANDING ORDERS RELATING TO PUBLIC BUSINESS

Leave out **Standing Order No. 21** and insert—

(1) Lords are to attend the sittings of the House or, if they cannot do so, obtain leave of absence, which the House may grant at pleasure; but this Standing Order shall not be understood as requiring a Lord who is unable to attend regularly to apply for leave of absence if he proposes to attend as often as he reasonably can.

21.
Leave of
Absence.
16th June 1958.

(2) A Lord may apply for leave of absence at any time during a Parliament either for a session or the remainder of the session in which the application is made or for the remainder of the Parliament.

(3) On the issue of Writs for the calling of a new Parliament the Lord Chancellor shall in writing request every Lord to whom he issues a Writ to answer whether he wishes to apply for leave of absence or no. The terms of the letter which he has written shall be reported to the House.

The Lord Chancellor shall, before the beginning of any session of a Parliament other than the first, in writing request—

(a) every Lord who has been granted leave of absence ending with the preceding session; and

(b) every Lord who though not granted leave of absence, did not during the preceding session attend any sitting of the House (other than for the purpose of taking the Oath of Allegiance)

to answer whether he wishes to apply for leave of absence or no.

A Lord who fails to answer within twenty-eight days of being requested to do so may be granted leave of absence for the remainder of the Parliament.

(4) A Lord who has been granted leave of absence is expected not to attend the sittings of the House until the period for which the leave was granted has expired or the leave has sooner ended unless it be to take the Oath of Allegiance.

(5) If a Lord, having been granted leave of absence, wishes to attend during the period for which the leave was granted, he is expected to give notice to the House accordingly at least one month before the day on which he wishes to attend; and at the end of the period specified in his notice, or sooner if the House so direct, the leave shall end.

Standing Order No. 46—paragraph 2, leave out (“three-minute”) and insert (“four-minute”); leave out (“three minutes”) and insert (“four minutes”)

Standing Order No. 50—line 1, leave out (“a”) and insert (“any”); leave out (“upon any stage of a Bill”)

Standing Order No. 63—last line of paragraph 2, leave out (“and the Committee for Privileges is to be appointed”)

last line of paragraph 3,
leave out (“and the Committee for Privileges appointed”)



Leave out **Standing Order No. 65** and insert—

A committee for Privileges shall be appointed at the beginning of every Session; sixteen Lords shall be named of the Committee, together with any four Lords of Appeal; in any claim of peerage, the Committee shall not sit unless three Lords of Appeal be present.

65.
Committee for Privileges.
19 Feb. 1957.

Leave out **Standing Order No. 66**.





