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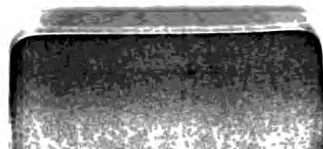
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Ap. Eng. Lords 1926
3



THE
SESSIONAL PAPERS
PRINTED BY ORDER
OF
THE HOUSE OF LORDS,

IN THE *J4063/22.*
Session 1926,

(16 & 17 GEORGE V.)

ARRANGED IN SIX VOLUMES.

VOL. III.

PUBLIC BILLS.

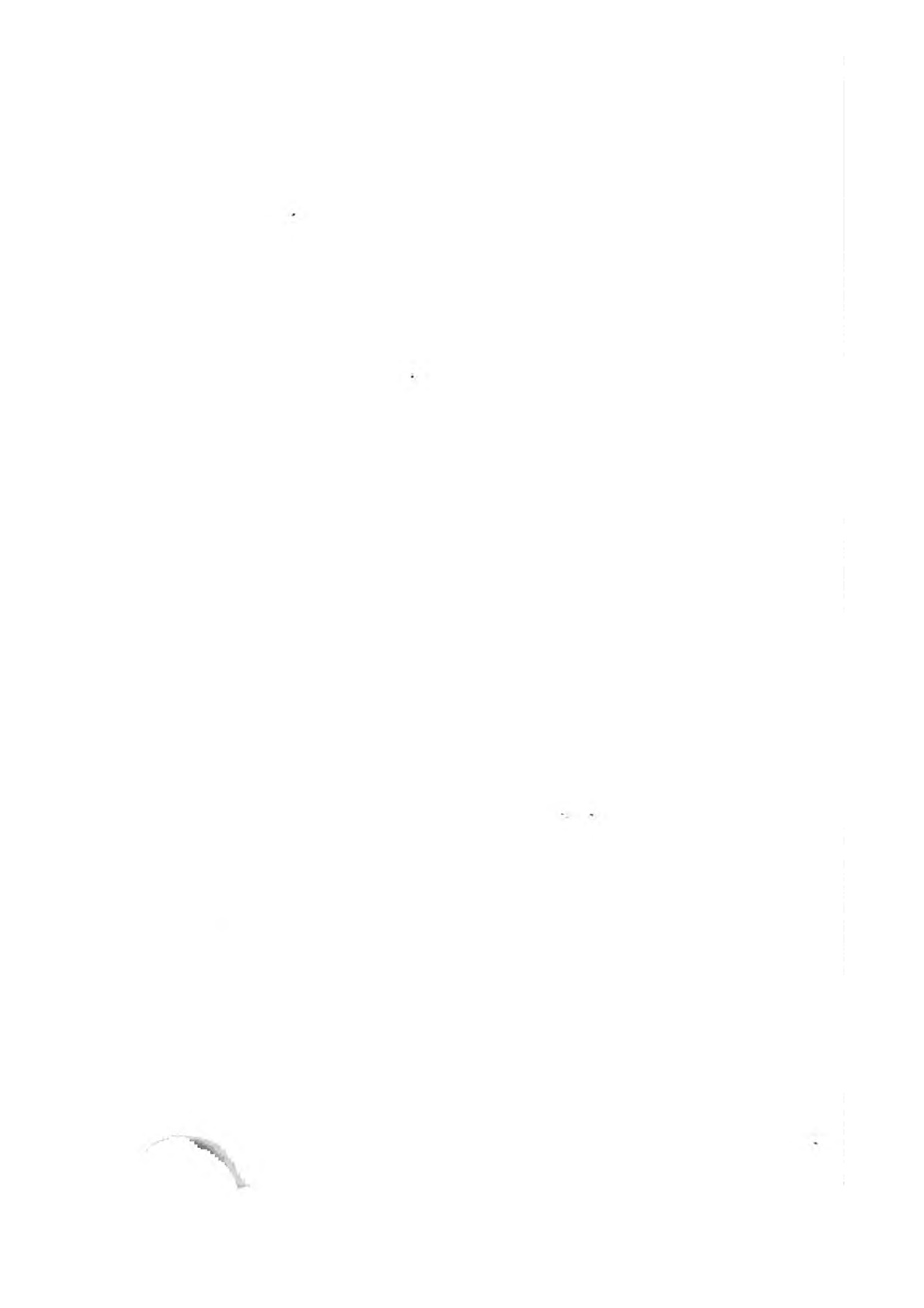
(Four Volumes.)

THE SUBJECTS ALPHABETICALLY ARRANGED.

FER - - LON

*(A List of Bills will be found in the General Table of Contents
prefixed to Vol. I.)*

1926.



Fertilisers and Feeding Stuffs.

[H.L.]

ARRANGEMENT OF CLAUSES.

Civil Liabilities.

Clause.

1. Obligation to furnish statutory statements.
2. Implied warranties.
3. Right of purchaser to have article sampled and analysed.

Criminal Liabilities.

4. Marking of articles prepared for consignment or delivery.
5. Consignments *ex ship* or quay.
6. Sales in small quantities.
7. Deleterious ingredients in feeding stuffs.
8. Penalties for failure to give and mis-statements in statutory statements.
9. Inspection of registers and statutory statements.
10. Relief from liability under the Merchandise Marks Acts in certain cases.

Administrative Provisions, Sampling and Analysis.

11. Enforcement of Act by councils of counties and county boroughs.
12. Powers of entry and sampling.
13. Provisions as to analysis of samples.
14. Tampering with samples.
15. Obstruction of inspectors.
16. Prohibition against disclosures.
17. Financial provisions relating to the councils of county and county boroughs.
18. Returns of results of analysis.

Legal Proceedings.

Clause.

19. Penalties for offences.
20. Safeguards to traders.
21. General provisions as to legal proceedings.
22. Evidence of certificates of analysis.

General.

23. Regulations.
 24. Meaning of certain expressions.
 25. Interpretation.
 26. Application to Scotland.
 27. Short title, commencement, repeal and extent.
- SCHEDULES.



A

B I L L

INTITULED

An Act to amend the law with respect to the sale of fertilisers and feeding stuffs. A.D. 1926.

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

Civil Liabilities.

1.—(1) It shall be the duty of every person who sells for use as a fertiliser of the soil or as food for cattle or poultry any article included in the first column of the
10 First or Second Schedule to this Act, whatever may be the name under which the article is sold, to give the purchaser on or before delivery, or as soon as reasonably practicable thereafter, a statement in writing (herein-
15 after referred to as a statutory statement) in such form (if any) as may be prescribed, containing the following particulars :—

Obligation
to furnish
statutory
statements.

- (a) the name under which the article is sold ;
- (b) such particulars (if any) of the nature, substance, or quality of the article as are in relation to the article mentioned in the second column of such schedule ;
- (c) where the article, if a feeding stuff, contains any ingredient included in the Third Schedule

A.D. 1926.
—

to this Act, or any ingredient not so included which is worthless for feeding purposes, the name of such ingredient :

Provided that the obligation so imposed shall not apply— 5

(i) to sales of two or more articles which are mixed at the request of the purchaser before delivery to him :

(ii) to sales of small quantities (that is to say, sales in quantities of fifty-six pounds or less) if the article sold is taken in the presence of the purchaser from a parcel bearing a conspicuous label on which are printed in the prescribed manner the particulars required by this section to be contained in the statutory statement. 10 15

(2) Failure to give a statutory statement in accordance with the provisions of this section shall not invalidate a contract for sale.

Implied warranties;

2.—(1) A statutory statement given by the seller of any such article as aforesaid shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct. 20

(2) On the sale for use as food for cattle or poultry of an article included in the first column of the First or Second Schedule to this Act there shall be implied, notwithstanding any contract or notice to the contrary, a warranty by the seller that the article is suitable to be used as such, and does not, except as otherwise expressly stated in the statutory statement, contain any ingredient included in the Third Schedule to this Act, or any ingredient not so included which is worthless for feeding purposes. 25 30

(3) Where an article sold for use as a fertiliser of the soil or as food for cattle or poultry is in a statutory statement or other document described by a name specified in the first column of the Fourth Schedule to this Act, the sale of the article under that name shall have effect as a written warranty that the article accords with the definition thereof contained in the second column of that schedule. 35 40

A.D. 1926.

(4) Any statement as to the amount of chemical or other ingredients of an article sold for use as a fertiliser of the soil, or as to the amount of the nutritive or other ingredients of an article sold for use
5 as food for cattle or poultry, which is made after the commencement of this Act in any written document (other than a statutory statement) descriptive of the article shall have effect as a warranty by the seller that the facts stated are correct.

10 (5) No action on any such warranty as is mentioned in this section shall lie for any mis-statement therein as to the particulars of the nature, substance or quality of the article or as to the amount of any ingredient where the mis-statement does not exceed the limits of
15 variation (if any) prescribed under this Act in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the rights of the purchaser under the warranty shall not be affected by such limits.

20 **3.—**(1) The purchaser of any article included in the first column of the First or Second Schedule to this Act, or of any fertiliser or feeding stuff not included therein in respect of which a warranty, express or implied, has been given by the seller, shall, on payment of such fee (if any) as may be fixed under this Act, be
25 entitled to have a sample of the article taken by an official sampler in the prescribed manner and analysed by the agricultural analyst, and to receive from the analyst a certificate of the result of his analysis :

Right of purchaser to have article sampled and analysed.

30 Provided that a purchaser of an article who requires a sample to be taken under this section shall, if so requested, furnish to the official sampler who takes the sample a copy of the statutory statement or warranty relating to the article.

35 (2) A sample taken under this Act by an official sampler at the request of a purchaser shall be taken in the prescribed manner, and shall not be taken after the expiration of fourteen days from the delivery to the purchaser of the article sampled, or the receipt by the purchaser of the statutory statement or warranty,
40 whichever date may be the later.

A.D. 1926.

Criminal Liabilities.

Marking of
articles pre-
pared for
consign-
ment of
delivery.

4.—(1) Every parcel of an article included in the first column of the First Schedule to this Act when prepared for sale or consignment for use as a fertiliser of the soil or as food for cattle or poultry shall, if exposed for sale, or, if not exposed for sale, before being delivered to a purchaser or carrying agent, be durably and visibly marked with a mark or marks stating or indicating the particulars required by this Act to be contained in the statutory statement. 5 10

(2) Any person dealing in any such parcels may for the purposes of this section keep in such form (if any) as may be prescribed a register of marks specifying the particulars which the several marks entered in the register are used as indicating, and the making of any parcel with any mark entered in the register shall, for the purposes of this section, be treated as indicating that the particulars of the article are those entered in the register in relation to the mark : 15

Provided that— 20

- (a) on the sale of any parcel so marked the mark shall be added to the statutory statement; and
- (b) where the statutory statement received by the seller on the sale to him of the article contains any such mark, and the article has not been on his premises, that mark shall be added by him to the statutory statement required to be given by him to a purchaser. 25

(3) If any parcel required under this section to be marked is not so marked, or if from the analysis of a sample of the article taken by an inspector in the prescribed manner on the premises on which the parcel is exposed for sale or on any premises on which the article after having been so marked may happen to be before being delivered to a purchaser or carrying agent, it appears that the particulars marked or indicated by a mark are false to the prejudice of the purchaser, or do not include any particulars which are required by this Act to be contained in the statutory statement, the person selling or consigning the article or exposing it for sale shall be guilty of an offence against this Act. 30 35 40

5.—(1) In the case of an article delivered or con- A.D. 1926.
signed direct from a ship or quay to a purchaser, the
provisions of this section shall apply in lieu of the
provisions of the last preceding section. —
Consign-
ments ex
ship or
quay.

5 (2) The seller of an article included in the first
column of the First Schedule to this Act and so delivered
or consigned shall as soon as practicable enter in a
register kept by him in such form (if any) as may be
prescribed the following particulars :—

10 (a) the date of delivery or consignment to the
purchaser, the place of delivery to the purchaser
or other destination, and the quantity delivered
or consigned ;

(b) any shipping or other mark on the article ;

15 (c) the particulars which by this Act are required
to be contained in the statutory statement.

(3) The seller of any such article shall be guilty of
an offence against this Act—

20 (a) if he fails to enter in his register any particular
required by this section to be entered therein
other than a particular required to be contained
in the statutory statement ; or

25 (b) if any particular entered therein, other than
a particular required to be contained in the
statutory statement, is false in any material
particular ; or

30 (c) if from the analysis of a sample of the article
taken by an inspector on the quay or at the
time of its delivery to the purchaser or during
its transit to him it appears that any particular
entered in the register, being a particular
required to be contained in the statutory state-
ment, is false to the prejudice of the purchaser,
35 or that any particular required to be contained
in the statutory statement is not entered in the
register.

6. Where an article is sold for use as a fertiliser of Sales in
the soil or as food for cattle or poultry in small quan- small
tities from a parcel which purports to be labelled in quantities.
40 manner hereinbefore provided, and from an analysis
of a sample thereof taken by an inspector in the pre-
scribed manner on the premises on which the parcel
is kept it appears that the particulars stated on the
label are false to the prejudice of the purchaser, or

A.D. 1926. do not include any particulars which are required by
— this Act to be contained in a statutory statement, the
seller shall be guilty of an offence against this Act.

Deleterious
ingredients
in feeding
stuffs.

7.—(1) Any person who sells or offers or exposes
for sale for use as food for cattle or poultry any article 5
which contains any ingredient deleterious to cattle or
poultry, or has in his possession, packed and prepared,
for sale for such use any such article, shall be guilty
of an offence against this Act :

Provided that proceedings for an offence under this 10
section shall not be instituted unless the article has been
sampled in the prescribed manner on the premises on
which it was sold or exposed or offered for sale or on
which it was when prepared for sale or consignment,
and the sample has been analysed in accordance with 15
the provisions of this Act.

(2) For the purposes of this section, any ingredient
mentioned in the Fifth Schedule to this Act if present in
a proportion higher than the maximum proportion men- 20
tioned in that schedule, and any substance which may be
prescribed as being a substance which if present in a
proportion higher than the prescribed proportion might,
having regard to the quantity of the feeding stuff con-
taining it, that might in practice reasonably be fed to 25
animals, produce deleterious effects, shall, for the purposes
of this section, be deemed to be a deleterious ingredient
unless the contrary is proved.

Penalties
for failure
to give and
mis-state-
ments in
statutory
statements.

8.—(1) If a person fails to give a statutory state-
ment in such form (if any) as may be prescribed in any 30
case where he is required by this Act so to do, he shall
be guilty of an offence against this Act.

(2) If on the sale of an article included in the
first column of the First Schedule to this Act a person
gives a statutory statement in which the particulars
stated therein differ :— 35

(a) from the particulars marked or indicated by a
mark placed on a parcel of the article in accord-
ance with this Act; or

(b) in the case of an article delivered or consigned
direct from a ship or quay to a purchaser, 40
from the particulars entered in accordance
with this Act in the seller's register; or

(c) in the case of an article which has not been on the premises of the seller, from the particulars stated in the statutory statement given to the seller in respect of the article; A.D. 1926.

5 he shall be guilty of an offence against this Act unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud.

10 (3) If a person fails to add to a statutory statement any mark which by virtue of this Act is required to be added thereto, he shall be guilty of an offence against this Act.

9.—(1) It shall be the duty of any person by whom a register under this Act is kept, or to whom a statutory statement relating to an article which has been sold by him but which has never been on his premises has been sent, to preserve the register or statement for such period as may be prescribed, and on demand by an inspector at any time within that period to produce it for his inspection, and if the person keeping the register, or to whom such a statutory statement was sent, fails so to preserve it, he shall be liable on summary conviction to a fine not exceeding twenty pounds. Inspection of registers and statutory statements.

25 (2) Any person having in his possession or under his control any register kept under this Act or any statutory statement made under this Act shall on demand by an inspector produce it for his inspection and if he fails to do so shall be liable on summary conviction to a fine not exceeding twenty pounds.

30 (3) An inspector may at all reasonable times enter any premises where he has reasonable cause to believe that any such register or statutory statement is for the time being kept, and may take copies thereof.

10. Where in pursuance of the foregoing provisions of this Act a description has been applied to any article included in the first column of the First Schedule to this Act, and such description is a trade description within the meaning of the Merchandise Marks Act, 1887, no proceedings shall be taken under that Act on the ground that the description so applied is a false description. Relief from liability under the Merchandise Marks Acts in certain cases.

A.D. 1926.

*Administrative Provisions, Sampling and Analysis.*Enforce-
ment of
Act by
councils of
counties
and county
boroughs.

11.—(1) It shall be the duty of the council of every county or county borough to enforce within their county or county borough the provisions of this Act, and for that purpose to appoint an official agricultural analyst (in this Act referred to as the agricultural analyst) and such inspectors and official samplers as may be necessary : 5

Provided that every such inspector shall be a whole-time officer of the council. 10

(2) Any such council may also appoint a deputy agricultural analyst, who shall in the case of the illness, incapacity, or absence of the agricultural analyst, or pending the appointment of the agricultural analyst, have all the powers and duties of the agricultural analyst ; and where the deputy acts, this Act shall apply as if he were the agricultural analyst. 15

(3) The appointment by a council of the agricultural analyst, or deputy agricultural analyst, inspectors, and official samplers, shall be subject to the approval of the Minister. 20

(4) A person while holding the office of official sampler shall not engage in farming or any business connected with the manufacture, sale, or importation of articles used as fertilisers of the soil or as food for cattle or poultry. 25

(5) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are required or authorised to make under this section and as to the apportionment amongst the several councils of the expenses of any such joint appointment, but this power shall be in addition to and not in derogation of the power conferred on councils by the Local Government Act, 1888, to appoint joint committees for the purposes of this Act. 30 35

Powers of
entry and
sampling.

12.—(1) An inspector appointed by a council under this Act may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any article included in the first column of the First Schedule to this Act which has been prepared for sale or 40

A.D. 1926.

consignment, or any article included in the first column of the First or Second Schedule to this Act which is stored for use and not for sale or manufacture, and may take samples in the prescribed manner of any article on
5 such premises which he has reasonable cause to believe to be such an article as aforesaid :

Provided that an inspector shall not exercise such power as aforesaid in respect of any premises situate outside the county or county borough for which he acts
10 without the consent of the council thereof or of some officer of that council to whom powers of giving such consent may have been delegated by that council.

(2) An inspector appointed by a council under this Act may for the purposes of the information of his
15 council take a sample otherwise than in the prescribed manner of any article which has been sold for use as a fertiliser of the soil or as food for cattle or poultry, or which he has reasonable cause to believe to be intended for sale as such ; but the result of an analysis of a sample
20 so taken shall not be communicated to any person other than the council.

(3) An inspector appointed by the Minister may, if specially authorised in that behalf, exercise in any county or county borough the powers conferred by this section
25 on an inspector appointed by the council thereof.

If in the opinion of the Minister the council of a county or county borough have insufficiently exercised their powers under this Act, either generally or in any particular case, the inspector appointed by the Minister
30 may submit to the agricultural analyst for the county or county borough the samples so taken by him within that county or county borough ; and the amount of any expenses certified by the Minister to have been incurred by an inspector appointed by him in the exercise
35 of such powers as aforesaid shall, on demand, be repaid to the Minister by the council in default, and shall be recoverable from the council either as a debt due to the Crown or summarily as a civil debt.

13.—(1) Where a sample has been taken by an
40 inspector or official sampler in the prescribed manner he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall send two of the parts to the agricultural analyst together with a
Provisions as to analysis of samples.

A.D. 1926. signed statement that the sample was taken in the prescribed manner, and the third part he shall send to the owner or seller :

Provided that if the inspector does not know the name and address of the owner or seller it shall be sufficient if he delivers or offers such third part as aforesaid to the occupier or person in charge of the premises upon which the sample was taken. 5

(2) Where a sample submitted to the agricultural analyst has been so divided into parts, the agricultural analyst shall analyse one of the parts of the sample sent to him and shall retain the other for such period as may be prescribed. 10

(3) If the person by or on whose behalf the sample of an article is taken and analysed, or the owner or seller of the article, objects to the certificate of the agricultural analyst, the person objecting thereto shall, on payment of such fee as may be fixed by the Treasury be entitled to have submitted to the Government Chemist the part of the sample retained by the agricultural analyst and to have that part analysed by him and to receive from him a certificate of the result of his analysis. 15 20

(4) Where a sample or part of a sample is under this section sent for analysis to the agricultural analyst or the Government Chemist, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof, and a copy of the particulars marked on or indicated by a mark applied to the article. 25

(5) A certificate of analysis shall be signed by the agricultural analyst or the Government Chemist as the case may be; but the analysis may be made by any person acting under the direction of the agricultural analyst or the Government Chemist. 30

(6) Where a sample taken in the prescribed manner has been analysed by the agricultural analyst, he shall furnish to the person who submitted the sample for analysis and, where that person is not the purchaser, also to the purchaser and in every case to the owner or seller of the article a copy of his certificate of analysis : 35 40

Provided that if the agricultural analyst does not know the name and address of the owner or seller, he

shall send a copy of his certificate intended for the owner or seller to the person who submitted the sample, who shall forward it to the owner or seller. A.D. 1926.
—

(7) Where the sample has not been taken in the prescribed manner, the agricultural analyst shall send the certificate to the person who submitted the sample to him.

14. If any person fraudulently—

10 (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or

Tampering
with
samples.

(b) tampers or interferes with any sample taken or submitted for analysis under this Act;

15 he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

15. If the owner or person entrusted for the time being with the charge and custody of any article refuses to allow an inspector to take a sample of the article on any premises on which he is authorised under this Act to take a sample, or if any person otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Obstruction
of inspec-
tors.

Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

30 **16.** If any inspector or official sampler discloses, except for the purposes of proceedings for alleged offences, any information obtained by him in or in connection with the exercise of his powers under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Prohibition
against
disclosures.

35 **17.**—(1) The council of any county or county borough may contribute towards the expenses incurred by any agricultural body or association in causing samples to be taken for analysis by the agricultural analyst.

Financial
provisions
relating to
the councils
of county
and county
boroughs.

40 (2) The council of any county or county borough may fix the fees to be payable in respect of the making

A.D. 1926. of any analysis by the agricultural analyst and the taking
--- of samples at the request of purchasers, and the council
may fix different fees for different articles and for
different quantities of the same article or for different
analyses of the same article. 5

(3) The expenses of a council incurred in the
execution of this Act (including any expenditure on the
purchase by the council of articles for the purpose of
enforcing the provisions of this Act) shall be defrayed in
the case of a county council as part of their expenses for 10
general county purposes, and in the case of a county
borough council, out of the borough fund or borough
rate.

Returns of
results of
analysis.

18. The council of each county or county borough
shall, as soon as practicable after the first day of January, 15
the first day of April, the first day of July, and the
first day of October in each year, make a return to the
Minister of the results of the analysis of the samples
submitted to the agricultural analyst for the county or 20
the county borough during the preceding three months
in such form as may be prescribed, and the agricultural
analyst shall furnish to the council such information as
may be necessary for the purpose.

Legal Proceedings.

Penalties
for offences.

19. Any person guilty of an offence against this Act 25
for which no special penalty is provided by this Act shall
on summary conviction be liable in the case of a first
offence to a fine not exceeding twenty pounds and in
the case of a second or subsequent offence to a fine not
exceeding fifty pounds. 30

Safeguards
to traders.

20.—(1) Proceedings for any offence against this
Act to which the last foregoing section applies, other
than an offence of failing to give a statutory statement
prescribed by this Act, or to add to a statutory statement
any mark required by this Act to be added thereto, shall 35
not be commenced without the consent of the Minister;
and where the proceedings are in respect of causing or
permitting any name, mark or particulars to be false,
or in respect of the presence in a feeding stuff of any
ingredient included in the Third Schedule to this Act 40
or of any deleterious or worthless ingredient, the consent

of the Minister shall not be given until the part of the sample retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist. A.D. 1926.
—

5 (2) A person shall not be liable to conviction under this Act for applying a false mark to an article or making a false entry in his register or for failure to state the presence in a feeding stuff of an ingredient included in the Third Schedule to this Act or any worthless ingredient
10 if he proves—

(a) that having taken all reasonable precautions against committing an offence against this Act he had not at the time of committing the alleged offence reason to suspect the correctness of the mark or entry; and
15

(b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it.
20

(3) A prosecution in respect of causing or permitting any name, mark or particulars to be false or in respect of the presence of any ingredient included in the Third Schedule to this Act or of any deleterious or worthless ingredient, shall not be instituted under this Act after the expiration of three months from the date on which a sample of the article was taken in the prescribed manner.
25

(4) In any such prosecution as aforesaid the summons shall state the particulars of the offence alleged and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the date on which it is served, and there shall also be served
30 therewith a copy of any certificate of the agricultural analyst obtained on behalf of the prosecutor.
35

21.—(1) Proceedings for an offence under this Act may, if the prosecutor so desires, be taken in the place where the person charged resides or carries on
40 business. General provisions as to legal proceedings.

(2) In any proceedings for an offence under this Act it shall be no defence to allege that a sample having

A.D. 1926. — been taken for analysis only there was no prejudice to the purchaser.

(3) A prosecution for an offence under this Act may, subject to the provisions of this Act as to the consent of the Minister, be instituted by the person aggrieved or by the council of a county or county borough, and in any case where a sample has been taken by an inspector appointed by the Minister, may be instituted by the Minister. 5

Evidence of certificate of analysis.

22.—(1) Where a sample which has been taken in the prescribed manner by an inspector or official sampler, and has been divided into parts and marked, sealed and fastened up as hereinbefore mentioned, has been analysed, the agricultural analyst's certificate shall at the hearing of any civil or criminal proceedings with respect to the article sampled be sufficient evidence of the facts therein stated, unless the defendant or person charged requires, either before or during the proceedings, that the person who made the analysis be called as a witness, or that the sample be further analysed by the Government Chemist. 10 15 20

(2) In any legal proceedings the production of a certificate by the Government Chemist shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that the person who made the analysis be called as a witness. 25

General.

Regulations. **23.**—(1) The Minister and the Board of Agriculture for Scotland jointly may, after consultation with the advisory committee to be constituted under this section, make regulations for prescribing anything which under this Act is required or authorised to be prescribed, and generally for carrying this Act into operation; and in particular such regulations may provide— 30

(a) for varying any of the schedules to this Act; 35

(b) for prescribing the manner in which articles required to be marked under this Act are to be marked and the nature of such marks;

(c) for prescribing the limits of variation for the purposes of this Act; 40

(d) for prescribing the manner in which samples are to be taken and dealt with in cases where under this Act they are taken in the prescribed manner; A.D. 1926.
—

5 (e) as to the method in which analyses for determining the percentages of particular substances are to be made;

10 (f) as to the qualifications to be possessed by agricultural analysts and deputy agricultural analysts and as to the form of certificates of analysis given by them;

and where any schedule is varied by regulations so made, this Act shall have effect as if the schedule as so varied were substituted for the schedule contained
15 in this Act.

(2) For the purpose of assisting and advising them with respect to the making of regulations under this Act, the Minister and Board shall jointly appoint an advisory committee consisting of representatives of
20 manufacturers and importers of articles used as fertilisers of the soil or food for cattle and poultry, and of the agricultural industry, together with such other persons as the Minister and Board may think desirable.

(3) All regulations made under this section shall
25 be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat next after the regulations are laid before them, presents an address to His Majesty praying
30 that the regulations or any part of them may be annulled, His Majesty may annul the regulations without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

35 **24.** Where for the purposes of this Act the expressions “percentage of soluble phosphates” and “percentage of insoluble phosphates,” are used in statements of equivalents, they shall be taken to mean respectively the percentage of tribasic phosphate of lime which has been and which has not been rendered soluble in water. **Meaning of certain expressions.**

A.D. 1926.
—
Interpreta-
tion.

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

The expression “Minister” means the Minister of Agriculture and Fisheries :

The expression “purchaser” includes any person 5
other than a carrying agent acting on behalf
of a purchaser :

The expression “inspector” includes an inspector
appointed by the Minister or an inspector
appointed by the council of a county or county 10
borough :

The expression “Government Chemist” means the
head of the department of the Government
Chemist, and shall include any deputy govern- 15
ment chemist appointed to act in the case of
illness, incapacity, or absence of the Government
Chemist, or pending the appointment of the
Government Chemist, to act in his place :

The expression “cattle” means bulls, cows, oxen,
heifers, calves, sheep, goats and swine. 20

(2) An article consigned to a purchaser shall not
for the purposes of this Act be deemed to be delivered
to him until it arrives at the place to which it is
consigned whether the consignment is by direction of 25
the seller or the purchaser.

(3) Where an article is delivered to a purchaser
in two or more consignments, this Act shall apply to
each consignment as though it were a separate article.

(4) Where the method of analysis for determining
the amount of any substance contained in an article 30
is prescribed under this Act, any statement in any
statutory statement or document which by virtue of
this Act takes effect as a warranty and any mark on an
article or entry in a register under this Act stating the
amount of such substance shall be taken to be a 35
statement of the amount of the substance as determined
by analysis in accordance with the method so prescribed.

(5) Particulars as to the nature, substance, or quality of an article marked or indicated by a mark or entered in a register shall not for the purposes of this Act be deemed to be false to the prejudice of the purchaser if the mis-statement as respects any ingredient does not exceed the limits of variation (if any) prescribed under this Act in relation thereto.

A.D. 1926.

26.—(1) This Act shall apply to Scotland subject to the following modifications: Application to Scotland.

10 (a) References to the Minister shall, except in the provisions of this Act relating to joint action by the Minister and the Board of Agriculture for Scotland, be construed as references to the Board of Agriculture for Scotland:

15 (b) The powers and duties of councils of counties and county boroughs under this Act shall be exercisable and performed by the local authorities under the Diseases of Animals Act, 1894, and the expenses incurred under this Act by such local authorities shall be defrayed out of a rate to be levied, ascertained, fixed, and paid in like manner as the local rate under that Act:

20 (c) Such local authorities as aforesaid shall have the like power to appoint a joint committee for any purpose of this Act as is conferred by section seventy-six of the Local Government (Scotland) Act, 1889, on county and town councils for any purpose of that Act, and the provisions of the said section shall apply accordingly, and a reference to the Local Government Act, 1888, shall be construed as a reference to the provisions of the said Act of 1889 as so applied:

25 (d) Subsections (1) and (4) of section twenty and subsection (3) of section twenty-one shall not apply.

27.—(1) This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1926. Short title, commencement, repeal and extent.

(2) This Act shall come into operation on such day not earlier than the first day of January nineteen hundred and twenty-seven as may be appointed for the purpose by the Minister and the Board of Agriculture for Scotland jointly.

A.D. 1926. (3) The Fertilisers and Feeding Stuffs Act, 1906, is
— hereby repealed :

Provided that nothing in this repeal shall affect any appointment made under that Act, but any such appointment shall have effect as if made under this Act. 5

(4) This Act shall not apply to Northern Ireland.

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

ARTICLES TO WHICH ALL THE PROVISIONS OF THE ACT
ARE APPLICABLE.

5

PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
10	Basic slag - - - - Amount of phosphoric acid. Amount of the article that will pass through a prescribed sieve.
15	Basic superphosphate - - Amount of phosphoric acid. Bone meal, or other product Amounts of nitrogen and phos- (excluding dissolved or vitriol- phoric acid respectively. lised bone) obtained by grinding or otherwise treating bone, used for fertilising purposes.
20	Calcium cyanamide - - - Amount of nitrogen. Amount of dicyandiamide if in excess of 2 per cent.
25	Compound fertilisers, that is to Amounts of nitrogen, potash, say, mixtures of any article soluble phosphoric acid and or of two or more articles insoluble phosphoric acid mentioned in this Part of this respectively. Schedule or in Part I. of the Second Schedule with any other such article or articles
30	or with any other substance. Dissolved or vitriolised bone - Amounts of nitrogen, soluble phosphoric acid and insoluble phosphoric acid respectively.
35	Fish residues or other product Amounts of nitrogen and phos- obtained by drying and phoric acid respectively. grinding or otherwise treating fish or fish waste, used for fertilising purposes.

A.D. 1926.	Article.	Particulars to be contained in Statutory Statement.	
1st SCH. —cont.	Guano, including Peruvian and other raw guanos.	Amounts of nitrogen, phosphoric acid and potash respectively.	
	Hoofs - - - - -	Amount of nitrogen.	5
	Hoofs and horns - - - - -	Amount of nitrogen.	
	Horns - - - - -	Amount of nitrogen.	
	Meat and bone residues, or any product not specifically mentioned elsewhere in this Part of this Schedule obtained by drying and grinding or otherwise treating, bone, flesh, flesh fibre (including whale meat) and other slaughterhouse residues, used for fertilising purposes.	Amounts of nitrogen and phosphoric acid respectively.	10
	Nitrate of lime - - - - -	Amount of nitrogen.	
	Nitrate of soda - - - - -	Amount of nitrogen.	
	Oil seed fertilisers, including castor meal, mowrah meal, rape meal, or any residue which is obtained by the removal of oil from seeds.	Amount of nitrogen.	20
	Potassium salts used as fertilisers, including kainit, extra kainit, sylvinit, potash manure salt, muriate of potash, sulphate of potash and sulphate of potash-magnesia.	Amount of potash.	25
	Raw phosphate or phosphate rock, ground or unground.	Amount of phosphoric acid. Amount that will pass through a prescribed sieve.	30
	Sulphate of ammonia - - - - -	Amount of nitrogen and amount of free acid.	35
	Sulphate of ammonia (neutral)	Amount of nitrogen.	
	Superphosphate - - - - -	Amount of soluble phosphoric acid.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule. 40

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid, soluble phosphoric acid and insoluble phosphoric acid are to be stated in terms of phosphoric anhydride (P_2O_5).

Potash is to be stated in terms of potassium oxide (K_2O).

5 Free acid is to be stated in terms of sulphuric acid (H_2SO_4).

A.D. 1926.

—
1ST SCH.

—cont.

PART II.

FEEDING STUFFS.

Article.	Particulars to be contained in Statutory Statement.
10 Barley meal - - - -	None.
Bean meal - - - -	None.
Cocoonut or copra cake or meal	Amounts of oil and albuminoids (protein) respectively.
Compound cakes or meals, that is to say, any cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in this	Amounts of oil, albuminoids (protein) and fibre respectively.
15 Part of this schedule or in Part II. of the Second Schedule with any other such article or articles or with any other substance, or any cakes	
20 or meals produced by grinding, crushing, or otherwise treating together, or by mixing together after being separately crushed, ground	
25 or otherwise separately treated, any two or more raw materials out of which such articles are produced, or any one or more of such	
30 materials with any other substance or substances.	
Cotton cakes or meals, not decorticated.	Amounts of oil and albuminoids (protein) respectively.
Cotton cakes or meals from decorticated or partly decorticated cotton seed.	Amounts of oil, albuminoids (protein) and fibre respectively.
40 Dari or durra meal - - -	None.
Dried sugar beet residue - -	Amounts of sugar and fibre respectively.
45 Feeding bone flour, or any other bone product for feeding purposes.	Amounts of phosphoric acid and albuminoids (protein) respectively.

A.D. 1926.

1st Sch.
—cont.

Article.	Particulars to be contained in Statutory Statement.	
Feeding meat and bone meal, or any other product of meat (including whale meat) and bone for feeding purposes.	Amounts of oil albuminoids (protein) and phosphoric acid respectively.	5
Feeding meat meal, or any other product of meat (including whale meat) for feeding purposes.	Amounts of oil and albuminoids (protein) respectively.	10
Fish meal, or other product obtained by drying and grinding or otherwise treating fish or fish waste.	Amounts of albuminoids (protein), phosphoric acid, oil and salt respectively.	15
Ground oats - - - -	None.	15
Linseed cakes and the meals of such cakes.	Amounts of oil and albuminoids (protein) respectively.	
Linseed meal - - - -	Amount of oil.	
Locust bean meal - - - -	None.	
Maize by-products not otherwise specifically mentioned in this schedule.	Amounts of oil, albuminoids (protein) and fibre respectively.	20
Maize germ cake or meal -	Amounts of oil and albuminoids (protein) respectively.	
Maize gluten feed - - -	Amounts of oil and albuminoids (protein) respectively.	25
Maize meal; Indian meal -	None.	
Molasses feeds, including any feeding stuffs, composed of treacle or molasses with an absorbent, containing not less than 10 per cent. of sugar.	Amounts of sugar and fibre respectively.	30
Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one undecorticated substance or seed from which oil has been removed.	Amounts of oil and albuminoids (protein) respectively.	35
Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one decorticated or partly decorticated substance or seed from which oil has been removed.	Amounts of oil, albuminoids (protein) and fibre respectively.	40
Palm kernel cake or meal -	Amounts of oil and albuminoids (protein) respectively.	45
Pea meal - - - -	None.	

Article.	Particulars to be contained in Statutory Statement.	A.D. 1926. — 1st Sch. —cont.
Rape cake or meal -	- Amounts of oil and albuminoids (protein) respectively.	
5 Rice bran or rice meal, or the by-product produced in milling shelled rice.	Amounts of oil, albuminoids (protein) and fibre respectively.	
Soya cake or meal -	- Amounts of oil and albuminoids (protein) respectively.	
10 Treacle or molasses -	- Amount of sugar.	
Wheat meal -	- None.	
Wheat offals, or millers' offals -	Amount of fibre.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

Amounts are to be stated as percentages of the weight of the article.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5).

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25.

Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

SECOND SCHEDULE.

ARTICLES TO WHICH SOME ONLY OF THE PROVISIONS OF
THE ACT ARE APPLICABLE.

30 PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
35 Calcium hydrate; slaked lime -	Amount of calcium hydrate and equivalent of calcium oxide.
Chalk, ground -	- Amount of calcium carbonate and equivalent of calcium oxide.

A.D. 1926. — 2ND SCH. —cont.	Article. —	Particulars to be contained in Statutory Statement. —	
	Dried blood for fertilising purposes.	Amount of nitrogen.	
	Limestone, ground - - -	Amount of calcium carbonate and equivalent of calcium oxide. Amount that will pass through a prescribed sieve.	5
	Precipitated bone - - -	Amount of phosphoric acid.	
	Quick lime, ground or otherwise.	Amount of calcium oxide.	10
	Shoddy - - - - -	None.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale, and notwithstanding that it contains a substance not mentioned in this Part of this Schedule. 15

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5). 20

Calcium carbonate is to be stated in terms of calcium carbonate ($CaCO_3$).

Calcium hydrate is to be stated in terms of calcium hydrate ($Ca(HO)_2$). 25

Calcium oxide is to be stated in terms of calcium oxide (CaO).

PART II.

FEEDING STUFFS.

Article. —	Particulars to be contained in Statutory Statement. —	
Clover meal - - - -	Amount of fibre.	
Dried brewery and distillery grains.	Amounts of oil and albuminoids (protein) respectively.	
Dried yeast - - - -	Amount of albuminoids (protein).	35
Feeding dried blood - -	Amount of albuminoids (protein).	
Malt culms - - - -	Amounts of albuminoids (protein) and fibre respectively.	40

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

A.D. 1926.

—
2ND SCH.
—cont.

5 Amounts are to be stated as percentages of the weight of the article.

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25.

10 Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

THIRD SCHEDULE.

INGREDIENTS IN FEEDING STUFFS THE PRESENCE OF WHICH MUST BE DECLARED.

15

(a) Husks, chaff, glumes, shudes, hulls, nutshells or skins of nuts, from any source, when used as separate ingredients or artificial mixtures in the manufacture of feeding stuffs.

20

Where the kernels naturally associated in seeds with one or other of the above materials are present in a feeding stuff along with the materials with which they are so associated, regard shall be had to the proportion of the above materials that might reasonably be expected to accompany such kernels when the seed from which they are derived is in its natural condition, provided that feeding in this condition is regarded as a common practice in the feeding of livestock.

25

(b) Wheat or rye straw, ground or otherwise.

(c) Peat or peat moss, treated or untreated.

30

(d) Sawdust or any other form of wood, treated or untreated.

A.D. 1926.

FOURTH SCHEDULE.

DEFINITIONS IMPLIED ON THE SALE OF ARTICLES UNDER
CERTAIN NAMES.

PART I.

FERTILISERS.

5

Name under which Article sold.	Implied Definition.	
Basic slag - - -	A by-product, containing phosphorus, obtained in the manufacture of steel and to which no addition has been made at the time of leaving or after it has left the furnace.	10
Basic superphosphate -	A non-acid phosphate produced by mixing lime with superphosphate of lime and to which no other matter has been added.	15
Bone meal - - -	Commercially pure bone, raw or degreased, which has been ground or crushed.	
Calcium cyanamide -	Commercial calcium cyanamide.	20
Calcium hydrate; slaked lime.	Commercial hydrate of lime.	
Castor meal - - -	The residue which is obtained by the removal of oil from commercially pure castor seed.	25
Chalk, ground - - -	The product obtained by grinding cretaceous limestone, to which no other matter has been added.	
Compound fertilisers -	Mixtures of any article or of two or more articles mentioned in Part I. of the First Schedule or in Part I. of the Second Schedule with any other such article or articles or with any other substance.	30
Dissolved or vitriolised bone.	Commercially pure bone which has been treated with sulphuric acid.	35
Dried blood manure -	Blood which has been dried, to which no other matter has been added.	
Fish guano; fish manure	A product obtained by drying and grinding or otherwise treating fish or fish waste, to which no other matter has been added.	40

A.D. 1926.

4TH SCH.
—cont.

Name under which Article sold.	Implied Definition.
Hoofs - - -	The product obtained by crushing or grinding hoof, to which no other matter has been added.
5 Hoofs and horns - -	A mixture of hoof and horn, crushed or ground, to which no other matter has been added.
10 Horns - - -	The product obtained by crushing or grinding horn, to which no other matter has been added.
Limestone, ground	The product obtained by grinding sedimentary rock consisting largely of carbonate of lime, to which no other matter has been added.
15 Meat and bone manure; meat meal; carcass meal.	The product of drying and grinding or otherwise treating bone, flesh, flesh fibre (including whale meat) and other slaughter-house residues, to which no other matter has been added.
20 Mowrah meal - - -	The residue which is obtained by the removal of oil from commercially pure mowrah seed.
25 Muriate of potash - -	Potassium chloride for fertilising purposes.
Nitrate of lime - - -	Calcium nitrate for fertilising purposes.
Nitrate of soda - - -	Sodium nitrate for fertilising purposes.
30 Precipitated bone - -	An insoluble calcium phosphate prepared by treating commercially pure bone with acid, and precipitation of phosphate from the solution.
Quicklime, ground or otherwise.	Commercial calcium oxide.
35 Rape meal - - -	The residue which is obtained by the removal of oil from commercially pure rape seed.
Raw guano - - -	The excrement and remains of birds, containing both nitrogen and phosphorus, prepared for use by screening where necessary, but to which no addition has been made.
40 Raw phosphate or phos- phate rock, ground or 45 otherwise.	The substance obtained from mineral calcium phosphate deposits, to which no other matter has been added.

A.D. 1926, — 4TH SCH. —cont.	Name under which. Article sold.	Implied Definition.	
	Shoddy manure; wool waste; wool combings; wool manure; flock dust.	Waste of wool, or of wool mixed with fibrous materials such as are associated with wool in the textile industries, to which no other matter has been added.	5
	Steamed bone flour; steamed bone meal.	Commercially pure bone from which nitrogen has been removed by steam.	
	Sulphate of ammonia -	Ammonium sulphate for fertilising purposes.	10
	Sulphate of ammonia (neutral).	Ammonium sulphate for fertilising purposes, containing not more than 0·025 per cent. of free acid in terms of sulphuric acid.	15
	Sulphate of potash -	Potassium sulphate for fertilising purposes.	
	Superphosphate -	A mineral substance containing soluble phosphate of lime.	
		PART II.	20
		FEEDING STUFFS.	
	Barley meal - -	The meal obtained by grinding commercially pure barley, as grown.	
	Bean meal - -	The meal obtained by grinding commercially pure beans of the species <i>fabā vulgaris</i> or <i>phaseolus vulgaris</i> , as grown.	25
	Clover meal - -	Whole clover, as grown, dried and ground, to which no other matter has been added.	30
	Compound cakes or meals	Cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in Part II of the First Schedule or in Part II of the Second Schedule with any other such article or articles or with any other substance, or any cakes or meals produced by grinding, crushing or otherwise treating together, or by mixing together after being separately crushed, ground or otherwise separately treated, any two or more raw materials out of which such articles are produced or any one or more of such materials with any other substance or substances.	35 40 45

A.D. 1926.

4TH SCH.
—cont.

Name under which Article sold.	Implied Definition.
Cotton cakes or meals not decorticated.	The residue resulting from the removal of oil from commercially pure cotton seed, not decorticated.
Cotton cakes or meals from decorticated or partly decorticated cotton seed.	The residue resulting from the removal of oil from commercially pure cotton seed from which the cortex, in whole or in part, has been removed.
Dari meal; durra meal	The meal obtained by grinding com- mercially pure dari or durra seed.
Dried brewery grains -	The article produced by drying the residue of malted and unmalted cereals used in brewing, to which no other matter has been added.
Dried distillery grains -	The article produced by drying the residues from distillery mash-tuns, to which no other matter has been added.
Dried sugar beet residue	The article produced by drying the sugar beet residue produced in the manufacture of sugar from sugar beet.
Dried yeast - - -	An article produced by drying yeast or yeast residues, to which no other matter has been added.
Feeding bone flour -	The product obtained by grinding commercially pure steamed bone.
Feeding dried blood -	Blood which has been dried, to which no other matter has been added.
Feeding meat and bone meal.	The product (containing not more than 4 per cent. of salt) of grinding bone, flesh and flesh fibre (including whale meat), to which no other matter has been added.
Feeding meat meal -	The product (containing not more than 4 per cent. of salt) of drying and grinding flesh and flesh fibre (includ- ing whale meat), to which no other matter has been added.
Fish meal; fish residue meal.	A product obtained by drying and grinding or otherwise treating waste of fish, to which no other matter has been added.
Ground bone - -	The meal obtained by grinding com- mercially pure bone.

A.D. 1926.	Name under which Article sold.	Implied Definition.	
— 4TH SCH. —cont.	Ground oats - -	The meal obtained by grinding commercially pure oats, as grown.	
	Linseed cakes or the meals of such cakes.	The residue resulting from the removal of oil from commercially pure linseed.	5
	Linseed meal - -	The meal obtained by grinding or crushing commercially pure linseed.	
	Locust bean meal -	The meal obtained by grinding or crushing commercially pure locust beans.	10
	Maize germ cake or meal	The residue resulting from the removal of oil from maize germs, to which no other matter has been added.	
	Maize gluten feed -	A by-product resulting from the removal of starch and germ from maize, to which no other matter has been added.	15
	Maize meal; Indian meal	The meal obtained by grinding commercially pure maize or Indian corn, as grown.	20
	Malt culms - - -	The rootlets and shoots arising from the screening of malt, to which no other matter has been added.	
	Molasses feeds - -	Any mixture, containing not less than 10 per cent. of sugar, of an absorbent material and treacle or molasses.	25
	Nut cakes or meals, including cocoanut, copra, palm kernel and ground nut cakes and meals.	The residue resulting from the removal of oil from commercially pure nut kernels.	30
	Pea meal - - -	The meal obtained by grinding commercially pure peas, as grown.	
	Rape cake or meal -	The residue resulting from the removal of oil from commercially pure rape seed.	35
	Rice bran; rice meal -	The by-product produced in milling shelled rice, to which no other matter has been added.	40
	Soya cake or meal -	The residue resulting from the removal of oil from commercially pure soya beans.	
	Sugar beet treacle; sugar beet molasses.	A concentrated syrup product obtained in the manufacture of sugar from sugar beet, to which no other matter has been added.	45

Name under which Article sold.	Implied Definition.	A.D. 1926.
5	Sugar cane treacle ; sugar cane molasses. A concentrated syrup product obtained in the manufacture of sugar from sugar cane, to which no other matter has been added.	— 4TH SCH. —cont.
10	Wheat meal - - - The meal obtained by grinding com- mercially pure wheat, as grown. Wheat offals; millers' A product of wheat separated in the offals. process of milling and containing not more than 4 per cent. of vegetable substances, other than wheat, ex- tracted from wheat in the process of cleaning by the maker of the offals in the production of flour.	
15	White fish meal - - A product (containing not more than 6 per cent. of oil and not more than 4 per cent. of salt) obtained by drying and grinding or otherwise treating waste of white fish, and to which no other matter has been added.	
20		

In the case of every article mentioned in this Schedule the definition of which includes the expression "commercially pure" it is implied that no other matter may be added.

25

FIFTH SCHEDULE.

DELETERIOUS INGREDIENTS IN FEEDING STUFFS.

(a) Salts soluble in water, if present in a feeding stuff in proportion likely to be injurious to the health of animals.

30 (b) All poisonous substances except those naturally present in the material or materials from which the feeding stuff is derived.

35 (c) Sand, silicious matter or other insoluble mineral matter not naturally associated with ingredients of the feeding stuff which do not fall within the scope of this Schedule, or which, even if naturally so associated, are present in greater proportion than the maximum that may be expected to be due to such natural association.

40 For the purposes of this paragraph the term "insoluble" shall imply insolubility in hydrochloric acid, as determined by a prescribed method; the term "natural association" shall be construed as applying to average commercial samples of the feeding material with which it may be claimed that a particular mineral ingredient is associated.

Fertilisers and Feeding Stuffs. [H.L.]

A

B I L L

INTITLED

An Act to amend the law with respect
to the sale of fertilisers and feeding
stuffs.

The Lord Bledisloe.

Ordered to be printed 10th June 1926.

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses :
Admiral House, Kingway, London, W.C. 2; 28, Abingdon
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East Harding Street, E.C. 4.
Printers to the King's most Excellent Majesty.

[*Price 9d. Net.*]

(96)

**Fertilisers and Feeding Stuffs
Bill. [H.L.]**

A M E N D M E N T

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

B Y

T H E L O R D S T R A C H I E.

Clause 23, page 15, line 31, leave out (" His Majesty
" may annul the regulations ") and insert (" they shall
" henceforth be void, but ")

(96 a)

Fertilisers and Feeding Stuffs Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD STRACHIE.

17th June 1926.



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(96 a)

Fertilisers and Feeding Stuffs Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD BLEDISLOE.

Clause 1, page 2, line 1, leave out from (“ Act, ”) to (“ the ”) in line 2.

Clause 2, page 2, line 31, leave out from (“ Act ”) to the end of subsection (2).

Clause 5, page 5, line 28, after (“ inspector ”) insert (“ in the prescribed manner ”)

Clause 6, page 6, line 2, after (“ the ”) insert (“ owner or ”)

Clause 7, page 6, line 9, after (“ Act ”) insert (“ unless he proves—

“ (a) that he did not know, and could not with reasonable care have known, that the article contained a deleterious ingredient ; and

“ (b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it, and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it.”)

Clause 12, page 9, line 10, leave out (“ thereof ”) and insert (“ of the county or county borough ”)

Clause 13, page 10, line 2, after (“ shall ”) insert (“ deliver or ”)

line 3, after (“ seller ”) insert (“ as may be prescribed ”)

line 4, leave out lines 4 to 8.

line 40, leave out (“ a copy

“ of ”)

(96 b)

[OVER

Clause 13, page 11, line 1, leave out (" a copy of ")

Clause 17, page 11, line 38, after (" taken ") insert
(" by an official sampler in the prescribed manner ")

Clause 20, page 12, line 41, leave out (" or worth-
less ")

page 13, line 9, leave out (" or any
worthless ingredient ")

line 15, after (" entry ") insert
(" or as the case may be the absence of such ingredient
as aforesaid ")

line 26, leave out (" or worth-
less ")

Clause 25, page 16, line 34, after (" stating ") insert
(" or indicating ")

Fertilisers and Feeding Stuffs Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BLEDISLOE.

23rd June 1926.

LONDON:
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(96 b)

**Fertilisers and Feeding Stuffs
Bill. [H.L.]**

MARSHALLED LIST

OF

AMENDMENTS

TO BE MOVED IN COMMITTEE.

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BY THE LORD BLEDISLOE.

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Clause 2.

BY THE LORD BLEDISLOE.

Page 2, line 31, leave out from (" Act") to the end
of subsection (2).

Clause 5.

BY THE LORD BLEDISLOE.

Page 5, line 28, after (" inspector") insert (" in the
" prescribed manner")



Clause 6.

BY THE LORD BLEDISLOE.

Page 6, line 2, after (" the ") insert (" owner or ")

Clause 7.

BY THE LORD BLEDISLOE.

Page 6, line 9, after (" Act ") insert (" unless he
" proves—

" (a) that he did not know, and could not with
reasonable care have known, that the article
contained a deleterious ingredient; and

" (b) where he obtained the article from some other
person, that on demand by or on behalf of the
prosecutor he gave all the information in his
power with respect to the person from whom
he obtained it, and as to the statutory state-
ment given to him, and as to any mark applied
to the article when he obtained it."

Clause 12.

BY THE LORD BLEDISLOE.

Page 9, line 10, leave out (" thereof ") and insert
(" of the county or county borough ")

Clause 13.

BY THE LORD BLEDISLOE.

Page 10, line 2, after (" shall ") insert (" deliver
" or ")

line 3, after (" seller ") insert (" as may
" be prescribed ")

line 4, leave out lines 4 to 8.

line 40, leave out (" a copy of ")

Page 11, line 1, leave out (" a copy of ")

Clause 17.

BY THE LORD BLEDISLOE.

Page 11, line 38, after ("taken") insert ("by an
" official sampler in the prescribed manner")

Clause 20.

BY THE LORD BLEDISLOE.

Page 12, line 41, leave out ("or worthless")
Page 13, line 9, leave out ("or any worthless
" ingredient")
line 15, after ("entry") insert ("or as the
" case may be the presence of such ingredient as
" aforesaid")
line 26, leave out ("or worthless")

Clause 23.

BY THE LORD STRACHIE.

Page 15, line 31, leave out ("His Majesty may
" annul the regulations") and insert ("they shall
" henceforth be void, but")

Clause 25.

BY THE LORD BLEDISLOE.

Page 16, line 34, after ("stating") insert ("or
" indicating")

Fertilisers and Feeding Stuffs Bill. [H.L.]

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED IN COMMITTEE.

28th June 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
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Fertilisers and Feeding Stuffs.

[H. L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Civil Liabilities.

Clause.

1. Obligation to furnish statutory statements.
2. Implied warranties.
3. Right of purchaser to have article sampled and analysed.

Criminal Liabilities.

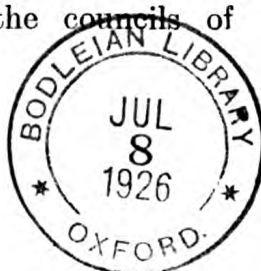
4. Marking of articles prepared for consignment or delivery.
5. Consignments *ex ship* or quay.
6. Sales in small quantities.
7. Deleterious ingredients in feeding stuffs.
8. Penalties for failure to give and mis-statements in statutory statements.
9. Inspection of registers and statutory statements.
10. Relief from liability under the Merchandise Marks Acts in certain cases.

Administrative Provisions, Sampling and Analysis.

11. Enforcement of Act by councils of counties and county boroughs.
12. Powers of entry and sampling.
13. Provisions as to analysis of samples.
14. Tampering with samples.
15. Obstruction of inspectors.
16. Prohibition against disclosures.
17. Financial provisions relating to the councils of county and county boroughs.
18. Returns of results of analysis.

(116)

a



Legal Proceedings.

Clause.

19. Penalties for offences.
20. Safeguards to traders.
21. General provisions as to legal proceedings
22. Evidence of certificates of analysis.

General.

23. Regulations.
 24. Meaning of certain expressions.
 25. Interpretation.
 26. Application to Scotland.
 27. Short title, commencement, repeal and extent.
- SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law with respect to the sale of fertilisers and feeding stuffs. A.D. 1926.

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

Civil Liabilities.

1.—(1) It shall be the duty of every person who sells for use as a fertiliser of the soil or as food for cattle or poultry any article included in the first column of the First or Second Schedule to this Act, whatever may be the name under which the article is sold, to give the purchaser on or before delivery, or as soon as reasonably practicable thereafter, a statement in writing (hereinafter referred to as a statutory statement) in such form (if any) as may be prescribed, containing the following particulars :—

Obligation
to furnish
statutory
statements.

- (a) the name under which the article is sold;
- (b) such particulars (if any) of the nature, substance, or quality of the article as are in relation to the article mentioned in the second column of such schedule;
- (c) where the article, if a feeding stuff, contains any ingredient included in the Third Schedule to this Act, the name of such ingredient :

A.D. 1926. — Provided that the obligation so imposed shall not apply—

- (i) to sales of two or more articles which are mixed at the request of the purchaser before delivery to him : 5
- (ii) to sales of small quantities (that is to say, sales in quantities of fifty-six pounds or less) if the article sold is taken in the presence of the purchaser from a parcel bearing a conspicuous label on which are printed in the prescribed manner the particulars required by this section to be contained in the statutory statement. 10

(2) Failure to give a statutory statement in accordance with the provisions of this section shall not invalidate a contract for sale. 15

Implied warranties.

2.—(1) A statutory statement given by the seller of any such article as aforesaid shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct. 20

(2) On the sale for use as food for cattle or poultry of an article included in the first column of the First or Second Schedule to this Act there shall be implied, notwithstanding any contract or notice to the contrary, a warranty by the seller that the article is suitable to be used as such, and does not, except as otherwise expressly stated in the statutory statement, contain any ingredient included in the Third Schedule to this Act. 25

(3) Where an article sold for use as a fertiliser of the soil or as food for cattle or poultry is in a statutory statement or other document described by a name specified in the first column of the Fourth Schedule to this Act, the sale of the article under that name shall have effect as a written warranty that the article accords with the definition thereof contained in the second column of that schedule. 30

(4) Any statement as to the amount of chemical or other ingredients of an article sold for use as a fertiliser of the soil, or as to the amount of the nutritive or other ingredients of an article sold for use as food for cattle or poultry, which is made after the 35

commencement of this Act in any written document (other than a statutory statement) descriptive of the article shall have effect as a warranty by the seller that the facts stated are correct. A.D. 1926.
—

5 (5) No action on any such warranty as is mentioned
in this section shall lie for any mis-statement therein
as to the particulars of the nature, substance or quality
of the article or as to the amount of any ingredient
where the mis-statement does not exceed the limits of
10 variation (if any) prescribed under this Act in relation
to such particulars or amounts, but where the mis-
statement exceeds such limits, the rights of the purchaser
under the warranty shall not be affected by such limits.

15 3.—(1) The purchaser of any article included in
the first column of the First or Second Schedule to this
Act, or of any fertiliser or feeding stuff not included
therein in respect of which a warranty, express or
implied, has been given by the seller, shall, on payment
of such fee (if any) as may be fixed under this Act, be
20 entitled to have a sample of the article taken by an
official sampler in the prescribed manner and analysed
by the agricultural analyst, and to receive from the
analyst a certificate of the result of his analysis :
Right of
purchaser to
have article
sampled and
analysed.

25 Provided that a purchaser of an article who requires
a sample to be taken under this section shall, if so
requested, furnish to the official sampler who takes the
sample a copy of the statutory statement or warranty
relating to the article.

30 (2) A sample taken under this Act by an official
sampler at the request of a purchaser shall be taken in
the prescribed manner, and shall not be taken after the
expiration of fourteen days from the delivery to the
purchaser of the article sampled, or the receipt by the
purchaser of the statutory statement or warranty,
35 whichever date may be the later.

Criminal Liabilities.

4.—(1) Every parcel of an article included in the
first column of the First Schedule to this Act when
prepared for sale or consignment for use as a fertiliser of
40 the soil or as food for cattle or poultry shall, if exposed
for sale, or, if not exposed for sale, before being delivered
Marking of
articles pre-
pared for
consign-
ment of
delivery.

A.D. 1926. to a purchaser or carrying agent, be durably and visibly
— marked with a mark or marks stating or indicating
the particulars required by this Act to be contained in
the statutory statement.

(2) Any person dealing in any such parcels may for 5
the purposes of this section keep in such form (if any)
as may be prescribed a register of marks specifying the
particulars which the several marks entered in the
register are used as indicating, and the making of any
parcel with any mark entered in the register shall, for 10
the purposes of this section, be treated as indicating
that the particulars of the article are those entered
in the register in relation to the mark :

Provided that—

- (a) on the sale of any parcel so marked the mark 15
shall be added to the statutory statement; and
(b) where the statutory statement received by the
seller on the sale to him of the article contains
any such mark, and the article has not been
on his premises, that mark shall be added by 20
him to the statutory statement required to be
given by him to a purchaser.

(3) If any parcel required under this section to be
marked is not so marked, or if from the analysis of a
sample of the article taken by an inspector in the pre- 25
scribed manner on the premises on which the parcel
is exposed for sale or on any premises on which the
article after having been so marked may happen to be
before being delivered to a purchaser or carrying agent,
it appears that the particulars marked or indicated by a 30
mark are false to the prejudice of the purchaser, or do
not include any particulars which are required by this
Act to be contained in the statutory statement, the
person selling or consigning the article or exposing it
for sale shall be guilty of an offence against this Act. 35

Consign-
ments ex
ship or
quay.

5.—(1) In the case of an article delivered or con-
signed direct from a ship or quay to a purchaser, the
provisions of this section shall apply in lieu of the
provisions of the last preceding section.

(2) The seller of an article included in the first 40
column of the First Schedule to this Act and so delivered
or consigned shall as soon as practicable enter in a

register kept by him in such form (if any) as may be prescribed the following particulars :—

A.D. 1926.
—

- 5 (a) the date of delivery or consignment to the purchaser, the place of delivery to the purchaser or other destination, and the quantity delivered or consigned ;
(b) any shipping or other mark on the article ;
(c) the particulars which by this Act are required to be contained in the statutory statement.

10 (3) The seller of any such article shall be guilty of an offence against this Act—

- 15 (a) if he fails to enter in his register any particular required by this section to be entered therein other than a particular required to be contained in the statutory statement ; or
(b) if any particular entered therein, other than a particular required to be contained in the statutory statement, is false in any material particular ; or
20 (c) if from the analysis of a sample of the article taken by an inspector in the prescribed manner on the quay or at the time of its delivery to the purchaser or during its transit to him it appears that any particular entered in the register, being a particular required to be contained in the statutory statement, is false to the prejudice of the purchaser, or that any particular required to be contained in the statutory statement is not entered in the register.

30 **6.** Where an article is sold for use as a fertiliser of the soil or as food for cattle or poultry in small quantities from a parcel which purports to be labelled in manner hereinbefore provided, and from an analysis of a sample thereof taken by an inspector in the prescribed manner on the premises on which the parcel is kept it appears that the particulars stated on the label are false to the prejudice of the purchaser, or do not include any particulars which are required by this Act to be contained in a statutory statement, the owner or seller shall be guilty of an offence against this Act.

Sales in small quantities.

35 **7.—(1)** Any person who sells or offers or exposes for sale for use as food for cattle or poultry any article which contains any ingredient deleterious to cattle or poultry, or has in his possession, packed and prepared,

Deleterious ingredients in feeding stuffs.

A.D. 1926. for sale for such use any such article, shall be guilty
--- of an offence against this Act unless he proves—

- (a) that he did not know, and could not with reasonable care have known, that the article contained a deleterious ingredient; and 5
- (b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it, and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it : 10

Provided that proceedings for an offence under this section shall not be instituted unless the article has been sampled in the prescribed manner on the premises on which it was sold or exposed or offered for sale or on which it was when prepared for sale or consignment, and the sample has been analysed in accordance with the provisions of this Act. 15

(2) For the purposes of this section, any ingredient mentioned in the Fifth Schedule to this Act if present in a proportion higher than the maximum proportion mentioned in that schedule, and any substance which may be prescribed as being a substance which if present in a proportion higher than the prescribed proportion might, having regard to the quantity of the feeding stuff containing it, that might in practice reasonably be fed to animals, produce deleterious effects, shall, for the purposes of this section, be deemed to be a deleterious ingredient unless the contrary is proved. 20 25 30

Penalties
for failure
to give and
mis-state-
ments in
statutory
statements.

8.—(1) If a person fails to give a statutory statement in such form (if any) as may be prescribed in any case where he is required by this Act so to do, he shall be guilty of an offence against this Act.

(2) If on the sale of an article included in the first column of the First Schedule to this Act a person gives a statutory statement in which the particulars stated therein differ :— 35

- (a) from the particulars marked or indicated by a mark placed on a parcel of the article in accordance with this Act; or 40

(b) in the case of an article delivered or consigned direct from a ship or quay to a purchaser, from the particulars entered in accordance with this Act in the seller's register; or

A.D. 1926.
—

5 (c) in the case of an article which has not been on the premises of the seller, from the particulars stated in the statutory statement given to the seller in respect of the article;

he shall be guilty of an offence against this Act unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud.

(3) If a person fails to add to a statutory statement any mark which by virtue of this Act is required to be added thereto, he shall be guilty of an offence against this Act.

9.—(1) It shall be the duty of any person by whom a register under this Act is kept, or to whom a statutory statement relating to an article which has been sold by him but which has never been on his premises has been sent, to preserve the register or statement for such period as may be prescribed, and on demand by an inspector at any time within that period to produce it for his inspection, and if the person keeping the register, or to whom such a statutory statement was sent, fails so to preserve it, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Inspection of registers and statutory statements.

(2) Any person having in his possession or under his control any register kept under this Act or any statutory statement made under this Act shall on demand by an inspector produce it for his inspection and if he fails to do so shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) An inspector may at all reasonable times enter any premises where he has reasonable cause to believe that any such register or statutory statement is for the time being kept, and may take copies thereof.

10. Where in pursuance of the foregoing provisions of this Act a description has been applied to any article included in the first column of the First Schedule to this Act, and such description is a trade description

Relief from liability under the Merchandise Marks Acts

A.D. 1926. within the meaning of the Merchandise Marks Act, 1887, no proceedings shall be taken under that Act on the ground that the description so applied is a false description.
—
in certain cases.

Administrative Provisions, Sampling and Analysis. 5

Enforce-
ment of
Act by
councils of
counties
and county
boroughs.

11.—(1) It shall be the duty of the council of every county or county borough to enforce within their county or county borough the provisions of this Act, and for that purpose to appoint an official agricultural analyst (in this Act referred to as the agricultural analyst) and such inspectors and official samplers as may be necessary : 10

Provided that every such inspector shall be a whole-time officer of the council.

(2) Any such council may also appoint a deputy agricultural analyst, who shall in the case of the illness, incapacity, or absence of the agricultural analyst, or pending the appointment of the agricultural analyst, have all the powers and duties of the agricultural analyst; and where the deputy acts, this Act shall apply as if he were the agricultural analyst. 15 20

(3) The appointment by a council of the agricultural analyst, or deputy agricultural analyst, inspectors, and official samplers, shall be subject to the approval of the Minister. 25

(4) A person while holding the office of official sampler shall not engage in farming or any business connected with the manufacture, sale, or importation of articles used as fertilisers of the soil or as food for cattle or poultry. 30

(5) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are required or authorised to make under this section and as to the apportionment amongst the several councils of the expenses of any such joint appointment, but this power shall be in addition to and not in derogation of the power conferred on councils by the Local Government Act, 1888, to appoint joint committees for the purposes of this Act. 35

12.—(1) An inspector appointed by a council under this Act may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any article included in the first column of the First Schedule to this Act which has been prepared for sale or consignment, or any article included in the first column of the First or Second Schedule to this Act which is stored for use and not for sale or manufacture, and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article as aforesaid :

A.D. 1926.
—
Powers of
entry and
sampling.

Provided that an inspector shall not exercise such power as aforesaid in respect of any premises situate outside the county or county borough for which he acts without the consent of the council thereof or of some officer of that council to whom powers of giving such consent may have been delegated by that council.

(2) An inspector appointed by a council under this Act may for the purposes of the information of his council take a sample otherwise than in the prescribed manner of any article which has been sold for use as a fertiliser of the soil or as food for cattle or poultry, or which he has reasonable cause to believe to be intended for sale as such ; but the result of an analysis of a sample so taken shall not be communicated to any person other than the council.

(3) An inspector appointed by the Minister may, if specially authorised in that behalf, exercise in any county or county borough the powers conferred by this section on an inspector appointed by the council thereof.

If in the opinion of the Minister the council of a county or county borough have insufficiently exercised their powers under this Act, either generally or in any particular case, the inspector appointed by the Minister may submit to the agricultural analyst for the county or county borough the samples so taken by him within that county or county borough ; and the amount of any expenses certified by the Minister to have been incurred by an inspector appointed by him in the exercise of such powers as aforesaid shall, on demand, be repaid to the Minister by the council in default, and shall be recoverable from the council either as a debt due to the Crown or summarily as a civil debt.

A.D. 1926.
—
Provisions
as to
analysis of
samples.

13.—(1) Where a sample has been taken by an inspector or official sampler in the prescribed manner he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall send two of the parts to the agricultural analyst together with a signed statement that the sample was taken in the prescribed manner, and the third part he shall deliver or send to the owner or seller as may be prescribed.

(2) Where a sample submitted to the agricultural analyst has been so divided into parts, the agricultural analyst shall analyse one of the parts of the sample sent to him and shall retain the other for such period as may be prescribed.

(3) If the person by or on whose behalf the sample of an article is taken and analysed, or the owner or seller of the article, objects to the certificate of the agricultural analyst, the person objecting thereto shall, on payment of such fee as may be fixed by the Treasury be entitled to have submitted to the Government Chemist the part of the sample retained by the agricultural analyst and to have that part analysed by him and to receive from him a certificate of the result of his analysis.

(4) Where a sample or part of a sample is under this section sent for analysis to the agricultural analyst or the Government Chemist, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof, and a copy of the particulars marked on or indicated by a mark applied to the article.

(5) A certificate of analysis shall be signed by the agricultural analyst or the Government Chemist as the case may be; but the analysis may be made by any person acting under the direction of the agricultural analyst or the Government Chemist.

(6) Where a sample taken in the prescribed manner has been analysed by the agricultural analyst, he shall furnish to the person who submitted the sample for analysis and, where that person is not the purchaser, also to the purchaser and in every case to the owner or seller of the article his certificate of analysis :

Provided that if the agricultural analyst does not know the name and address of the owner or seller, he

shall send his certificate intended for the owner or seller to the person who submitted the sample, who shall forward it to the owner or seller. A.D. 1926.
—

(7) Where the sample has not been taken in the prescribed manner, the agricultural analyst shall send the certificate to the person who submitted the sample to him.

14. If any person fraudulently—

Tampering
with
samples.

10 (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or

(b) tampers or interferes with any sample taken or submitted for analysis under this Act;

15 he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

15. If the owner or person entrusted for the time being with the charge and custody of any article refuses to allow an inspector to take a sample of the article on any premises on which he is authorised under this Act to take a sample, or if any person otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds:

Obstruction
of inspec-
tors.

20 Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

16. If any inspector or official sampler discloses, except for the purposes of proceedings for alleged offences, any information obtained by him in or in connection with the exercise of his powers under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Prohibition
against
disclosures.

35 **17.**—(1) The council of any county or county borough may contribute towards the expenses incurred by any agricultural body or association in causing samples to be taken by an official sampler in the prescribed manner for analysis by the agricultural analyst.

Financial
provisions
relating to
the councils
of county
and county
boroughs.

40 (2) The council of any county or county borough may fix the fees to be payable in respect of the making

A.D. 1926. — of any analysis by the agricultural analyst and the taking of samples at the request of purchasers, and the council may fix different fees for different articles and for different quantities of the same article or for different analyses of the same article. 5

(3) The expenses of a council incurred in the execution of this Act (including any expenditure on the purchase by the council of articles for the purpose of enforcing the provisions of this Act) shall be defrayed in the case of a county council as part of their expenses for general county purposes, and in the case of a county borough council, out of the borough fund or borough rate. 10

Returns of results of analysis. **18.** The council of each county or county borough shall, as soon as practicable after the first day of January, the first day of April, the first day of July, and the first day of October in each year, make a return to the Minister of the results of the analysis of the samples submitted to the agricultural analyst for the county or the county borough during the preceding three months in such form as may be prescribed, and the agricultural analyst shall furnish to the council such information as may be necessary for the purpose. 15 20

Legal Proceedings.

Penalties for offences. **19.** Any person guilty of an offence against this Act for which no special penalty is provided by this Act shall on summary conviction be liable in the case of a first offence to a fine not exceeding twenty pounds and in the case of a second or subsequent offence to a fine not exceeding fifty pounds. 25 30

Safeguards to traders. **20.**—(1) Proceedings for any offence against this Act to which the last foregoing section applies, other than an offence of failing to give a statutory statement prescribed by this Act, or to add to a statutory statement any mark required by this Act to be added thereto, shall not be commenced without the consent of the Minister; and where the proceedings are in respect of causing or permitting any name, mark or particulars to be false, or in respect of the presence in a feeding stuff of any ingredient included in the Third Schedule to this Act or of any deleterious ingredient, the consent of the 35 40

Minister shall not be given until the part of the sample retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist.

A.D. 1926.
—

5 (2) A person shall not be liable to conviction under this Act for applying a false mark to an article or making a false entry in his register or for failure to state the presence in a feeding stuff of an ingredient included in the Third Schedule to this Act if he proves—

10 (a) that having taken all reasonable precautions against committing an offence against this Act he had not at the time of committing the alleged offence reason to suspect the correctness of the mark or entry, or the presence of such
15 ingredient as aforesaid, as the case may be; and

(b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom
20 he obtained it and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it.

(3) A prosecution in respect of causing or permitting any name, mark or particulars to be false or in respect
25 of the presence of any ingredient included in the Third Schedule to this Act or of any deleterious ingredient, shall not be instituted under this Act after the expiration of three months from the date on which a sample of the article was taken in the prescribed manner.

30 (4) In any such prosecution as aforesaid the summons shall state the particulars of the offence alleged and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the date on which it is served, and there shall also be served
35 therewith a copy of any certificate of the agricultural analyst obtained on behalf of the prosecutor.

40 **21.**—(1) Proceedings for an offence under this Act may, if the prosecutor so desires, be taken in the place where the person charged resides or carries on
business. General provisions as to legal proceedings.

(2) In any proceedings for an offence under this Act it shall be no defence to allege that a sample having

A.D. 1926. been taken for analysis only there was no prejudice to
— the purchaser.

(3) A prosecution for an offence under this Act may, subject to the provisions of this Act as to the consent of the Minister, be instituted by the person 5 aggrieved or by the council of a county or county borough, and in any case where a sample has been taken by an inspector appointed by the Minister, may be instituted by the Minister.

Evidence of certificate of analysis.

22.—(1) Where a sample which has been taken in 1 the prescribed manner by an inspector or official sampler, and has been divided into parts and marked, sealed and fastened up as hereinbefore mentioned, has been analysed, the agricultural analyst's certificate shall at the hearing 1 of any civil or criminal proceedings with respect to the article sampled be sufficient evidence of the facts therein stated, unless the defendant or person charged requires, either before or during the proceedings, that the person who made the analysis be called as a witness, or that the sample be further analysed by the Government 2 Chemist.

(2) In any legal proceedings the production of a certificate by the Government Chemist shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that the person who made the 2 analysis be called as a witness.

General.

Regulations.

23.—(1) The Minister and the Board of Agriculture for Scotland jointly may, after consultation with the advisory committee to be constituted under this section, 3 make regulations for prescribing anything which under this Act is required or authorised to be prescribed, and generally for carrying this Act into operation; and in particular such regulations may provide—

- (a) for varying any of the schedules to this Act; 3
- (b) for prescribing the manner in which articles required to be marked under this Act are to be marked and the nature of such marks;
- (c) for prescribing the limits of variation for the purposes of this Act; 4

(d) for prescribing the manner in which samples are to be taken and dealt with in cases where under this Act they are taken in the prescribed manner; A.D. 1926.
—

5 (e) as to the method in which analyses for determining the percentages of particular substances are to be made;

10 (f) as to the qualifications to be possessed by agricultural analysts and deputy agricultural analysts and as to the form of certificates of analysis given by them;

and where any schedule is varied by regulations so made, this Act shall have effect as if the schedule as so varied were substituted for the schedule contained
15 in this Act.

(2) For the purpose of assisting and advising them with respect to the making of regulations under this Act, the Minister and Board shall jointly appoint an advisory committee consisting of representatives of
20 manufacturers and importers of articles used as fertilisers of the soil or food for cattle and poultry, and of the agricultural industry, together with such other persons as the Minister and Board may think desirable.

(3) All regulations made under this section shall
25 be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat next after the regulations are laid before them, presents an address to His Majesty praying
30 that the regulations or any part of them may be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

35 **24.** Where for the purposes of this Act the expressions "percentage of soluble phosphates" and "percentage of insoluble phosphates," are used in statements of equivalents, they shall be taken to mean respectively the percentage of tribasic phosphate of lime which has been and which has not been rendered soluble in water. **Meaning of certain expressions.**

A.D. 1926.
—
Interpreta-
tion.

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

The expression “Minister” means the Minister of Agriculture and Fisheries :

The expression “purchaser” includes any person 5
other than a carrying agent acting on behalf
of a purchaser :

The expression “inspector” includes an inspector
appointed by the Minister or an inspector
appointed by the council of a county or county 10
borough :

The expression “Government Chemist” means the
head of the department of the Government
Chemist, and shall include any deputy govern- 15
ment chemist appointed to act in the case of
illness, incapacity, or absence of the Government
Chemist, or pending the appointment of the
Government Chemist, to act in his place :

The expression “cattle” means bulls, cows, oxen,
heifers, calves, sheep, goats and swine. 20

(2) An article consigned to a purchaser shall not
for the purposes of this Act be deemed to be delivered
to him until it arrives at the place to which it is
consigned whether the consignment is by direction of
the seller or the purchaser. 25

(3) Where an article is delivered to a purchaser
in two or more consignments, this Act shall apply to
each consignment as though it were a separate article.

(4) Where the method of analysis for determining
the amount of any substance contained in an article 30
is prescribed under this Act, any statement in any
statutory statement or document which by virtue of
this Act takes effect as a warranty and any mark on an
article or entry in a register under this Act stating or
indicating the amount of such substance shall be taken 35
to be a statement of the amount of the substance as
determined by analysis in accordance with the method
so prescribed.

(5) Particulars as to the nature, substance, or quality of an article marked or indicated by a mark or entered in a register shall not for the purposes of this Act be deemed to be false to the prejudice of the purchaser if the mis-statement as respects any ingredient does not exceed the limits of variation (if any) prescribed under this Act in relation thereto.

A.D. 1926.
—

26.—(1) This Act shall apply to Scotland subject to the following modifications : Application to Scotland.

- 10 (a) References to the Minister shall, except in the provisions of this Act relating to joint action by the Minister and the Board of Agriculture for Scotland, be construed as references to the Board of Agriculture for Scotland :
- 15 (b) The powers and duties of councils of counties and county boroughs under this Act shall be exercisable and performed by the local authorities under the Diseases of Animals Act, 1894, and the expenses incurred under this Act by such local authorities shall be defrayed out of a rate to be levied, ascertained, fixed, and paid in like manner as the local rate under that Act :
- 20
- 25 (c) Such local authorities as aforesaid shall have the like power to appoint a joint committee for any purpose of this Act as is conferred by section seventy-six of the Local Government (Scotland) Act, 1889, on county and town councils for any purpose of that Act, and the provisions of the said section shall apply accordingly, and a reference to the Local Government Act, 1888, shall be construed as a reference to the provisions of the said Act of 1889 as so applied :
- 30
- 35 (d) Subsections (1) and (4) of section twenty and subsection (3) of section twenty-one shall not apply.

27.—(1) This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1926. Short title, commencement, repeal and extent.

(2) This Act shall come into operation on such day not earlier than the first day of January nineteen hundred and twenty-seven as may be appointed for the purpose by the Minister and the Board of Agriculture for Scotland jointly.

A.D. 1926. (3) The Fertilisers and Feeding Stuffs Act, 1906, is
— hereby repealed :

Provided that nothing in this repeal shall affect any appointment made under that Act, but any such appointment shall have effect as if made under this Act. 5

(4) This Act shall not apply to Northern Ireland.

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

ARTICLES TO WHICH ALL THE PROVISIONS OF THE ACT
ARE APPLICABLE.

5

PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
10	Basic slag - - - - Amount of phosphoric acid. Amount of the article that will pass through a prescribed sieve.
15	Basic superphosphate - - Amount of phosphoric acid. Bone meal, or other product Amounts of nitrogen and phos- (excluding dissolved or vitriol- phoric acid respectively. lised bone) obtained by grinding or otherwise treating bone, used for fertilising purposes.
20	Calcium cyanamide - - - Amount of nitrogen. Amount of dicyandiamide if in excess of 2 per cent.
25	Compound fertilisers, that is to Amounts of nitrogen, potash, say, mixtures of any article soluble phosphoric acid and or of two or more articles insoluble phosphoric acid mentioned in this Part of this respectively. Schedule or in Part I. of the Second Schedule with any other such article or articles or with any other substance.
30	Dissolved or vitriolised bone - Amounts of nitrogen, soluble phosphoric acid and insoluble phosphoric acid respectively.
35	Fish residues or other product Amounts of nitrogen and phos- obtained by drying and phoric acid respectively. grinding or otherwise treating fish or fish waste, used for fertilising purposes.

A.D. 1926.	Article.	Particulars to be contained in Statutory Statement.	
1ST SCH. —cont.	Guano, including Peruvian and other raw guanos.	Amounts of nitrogen, phosphoric acid and potash respectively.	
	Hoofs - - - - -	Amount of nitrogen.	5
	Hoofs and horns - - - - -	Amount of nitrogen.	
	Horns - - - - -	Amount of nitrogen.	
	Meat and bone residues, or any product not specifically mentioned elsewhere in this Part of this Schedule obtained by drying and grinding or otherwise treating, bone, flesh, flesh fibre (including whale meat) and other slaughterhouse residues, used for fertilising purposes.	Amounts of nitrogen and phosphoric acid respectively.	10
	Nitrate of lime - - - - -	Amount of nitrogen.	
	Nitrate of soda - - - - -	Amount of nitrogen.	
	Oil seed fertilisers, including castor meal, mowrah meal, rape meal, or any residue which is obtained by the removal of oil from seeds.	Amount of nitrogen.	20
	Potassium salts used as fertilisers, including kainit, extra kainit, sylvinit, potash manure salt, muriate of potash, sulphate of potash and sulphate of potash-magnesia.	Amount of potash.	25
	Raw phosphate or phosphate rock, ground or unground.	Amount of phosphoric acid. Amount that will pass through a prescribed sieve.	30
	Sulphate of ammonia - - - - -	Amount of nitrogen and amount of free acid.	35
	Sulphate of ammonia (neutral)	Amount of nitrogen.	
	Superphosphate - - - - -	Amount of soluble phosphoric acid.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid, soluble phosphoric acid and insoluble phosphoric acid are to be stated in terms of phosphoric anhydride (P_2O_5).

Potash is to be stated in terms of potassium oxide (K_2O).

5 Free acid is to be stated in terms of sulphuric acid (H_2SO_4).

A.D. 1926.

—
1st Sch.
—cont.

PART II.

FEEDING STUFFS.

Article.	Particulars to be contained in Statutory Statement.
10 Barley meal - - - -	None.
Bean meal - - - -	None.
Cocoonut or copra cake or meal	Amounts of oil and albuminoids (protein) respectively.
15 Compound cakes or meals, that is to say, any cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in this 20 Part of this schedule or in Part II. of the Second Sched- ule with any other such ar- ticle or articles or with any other substance, or any cakes 25 or meals produced by grind- ing, crushing, or otherwise treating together, or by mix- ing together after being separately crushed, ground 30 or otherwise separately treated, any two or more raw materials out of which such articles are produced, or any one or more of such 45 materials with any other substance or substances.	Amounts of oil, albuminoids (protein) and fibre respec- tively.
Cotton cakes or meals, not de- corticated.	Amounts of oil and albuminoids (protein) respectively.
0 Cotton cakes or meals from de- corticated or partly decorti- cated cotton seed.	Amounts of oil, albuminoids (protein) and fibre respec- tively.
Dari or durra meal - - -	None.
Dried sugar beet residue - -	Amounts of sugar and fibre respectively.
5 Feeding bone flour, or any other bone product for feeding pur- poses.	Amounts of phosphoric acid and albuminoids (protein) respec- tively.

A.D. 1926.	Article.	Particulars to be contained in Statutory Statement.	
1st Sch. —cont.	Feeding meat and bone meal, or any other product of meat (including whale meat) and bone for feeding purposes.	Amounts of oil albuminoids (protein) and phosphoric acid respectively.	5
	Feeding meat meal, or any other product of meat (including whale meat) for feeding purposes.	Amounts of oil and albuminoids (protein) respectively.	10
	Fish meal, or other product obtained by drying and grinding or otherwise treating fish or fish waste.	Amounts of albuminoids (protein), phosphoric acid, oil and salt respectively.	15
	Ground oats - - - -	None.	15
	Linseed cakes and the meals of such cakes.	Amounts of oil and albuminoids (protein) respectively.	
	Linseed meal - - - -	Amount of oil.	
	Locust bean meal - - - -	None.	
	Maize by-products not otherwise specifically mentioned in this schedule.	Amounts of oil, albuminoids (protein) and fibre respectively.	20
	Maize germ cake or meal -	Amounts of oil and albuminoids (protein) respectively.	
	Maize gluten feed - - -	Amounts of oil and albuminoids (protein) respectively.	25
	Maize meal; Indian meal -	None.	
	Molasses feeds, including any feeding stuffs, composed of treacle or molasses with an absorbent, containing not less than 10 per cent. of sugar.	Amounts of sugar and fibre respectively.	30
	Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one undecorticated substance or seed from which oil has been removed.	Amounts of oil and albuminoids (protein) respectively.	35
	Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one decorticated or partly decorticated substance or seed from which oil has been removed.	Amounts of oil, albuminoids (protein) and fibre respectively.	40
	Palm kernel cake or meal -	Amounts of oil and albuminoids (protein) respectively.	45
	Pea meal - - - -	None.	

Article.	Particulars to be contained in Statutory Statement.	A.D. 1926.
		— 1st SCH. —cont.
Rape cake or meal -	- Amounts of oil and albuminoids (protein) respectively.	
5 Rice bran or rice meal, or the by-product produced in milling shelled rice.	Amounts of oil, albuminoids (protein) and fibre respectively.	
Soya cake or meal -	- Amounts of oil and albuminoids (protein) respectively.	
10 Treacle or molasses -	- Amount of sugar.	
Wheat meal -	- None.	
Wheat offals, or millers' offals -	- Amount of fibre.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

Amounts are to be stated as percentages of the weight of the article.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5).

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25.

Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

SECOND SCHEDULE.

ARTICLES TO WHICH SOME ONLY OF THE PROVISIONS OF
THE ACT ARE APPLICABLE.

30

PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
35 Calcium hydrate; slaked lime -	- Amount of calcium hydrate and equivalent of calcium oxide.
Chalk, ground -	- Amount of calcium carbonate and equivalent of calcium oxide.

A.D. 1926.

2ND SCH.
—cont.

Article.	Particulars to be contained in Statutory Statement.	
Dried blood for fertilising purposes.	Amount of nitrogen.	
Limestone, ground - - -	Amount of calcium carbonate and equivalent of calcium oxide. Amount that will pass through a prescribed sieve.	5
Precipitated bone - - -	Amount of phosphoric acid.	
Quick lime, ground or otherwise.	Amount of calcium oxide.	10
Shoddy - - - - -	None.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale, and notwithstanding that it contains a substance not mentioned in this Part of this Schedule. 15

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5). 20

Calcium carbonate is to be stated in terms of calcium carbonate ($CaCO_3$).

Calcium hydrate is to be stated in terms of calcium hydrate ($Ca(HO)_2$). 25

Calcium oxide is to be stated in terms of calcium oxide (CaO).

PART II.

FEEDING STUFFS.

Article.	Particulars to be contained in Statutory Statement.	
Clover meal - - - -	Amount of fibre.	30
Dried brewery and distillery grains.	Amounts of oil and albuminoids (protein) respectively.	
Dried yeast - - - -	Amount of albuminoids (protein).	35
Feeding dried blood - -	Amount of albuminoids (protein).	
Malt culms - - - -	Amounts of albuminoids (protein) and fibre respectively.	40

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

A.D. 1926.

—
2ND SCH.
—cont.

5 Amounts are to be stated as percentages of the weight of the article.

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6·25.

10 Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

THIRD SCHEDULE.

INGREDIENTS IN FEEDING STUFFS THE PRESENCE OF WHICH MUST BE DECLARED.

15

(a) Husks, chaff, glumes, shudes, hulls, nutshells or skins of nuts, from any source, when used as separate ingredients or artificial mixtures in the manufacture of feeding stuffs.

20

Where the kernels naturally associated in seeds with one or other of the above materials are present in a feeding stuff along with the materials with which they are so associated, regard shall be had to the proportion of the above materials that might reasonably be expected to accompany such kernels when the seed from which they are derived is in its natural condition, provided that feeding in this condition is regarded as a common practice in the feeding of livestock.

25

(b) Wheat or rye straw, ground or otherwise.

(c) Peat or peat moss, treated or untreated.

30

(d) Sawdust or any other form of wood, treated or untreated.

A.D. 1926.

FOURTH SCHEDULE.

DEFINITIONS IMPLIED ON THE SALE OF ARTICLES UNDER
CERTAIN NAMES.

PART I.

FERTILISERS.

5

Name under which Article sold.	Implied Definition.	
Basic slag - - -	A by-product, containing phosphorus, obtained in the manufacture of steel and to which no addition has been made at the time of leaving or after it has left the furnace.	10
Basic superphosphate -	A non-acid phosphate produced by mixing lime with superphosphate of lime and to which no other matter has been added.	15
Bone meal - - -	Commercially pure bone, raw or degreased, which has been ground or crushed.	
Calcium cyanamide -	Commercial calcium cyanamide.	20
Calcium hydrate; slaked lime.	Commercial hydrate of lime.	
Castor meal - - -	The residue which is obtained by the removal of oil from commercially pure castor seed.	25
Chalk, ground - - -	The product obtained by grinding cretaceous limestone, to which no other matter has been added.	
Compound fertilisers -	Mixtures of any article or of two or more articles mentioned in Part I. of the First Schedule or in Part I. of the Second Schedule with any other such article or articles or with any other substance.	30
Dissolved or vitriolised bone.	Commercially pure bone which has been treated with sulphuric acid.	35
Dried blood manure -	Blood which has been dried, to which no other matter has been added.	
Fish guano; fish manure	A product obtained by drying and grinding or otherwise treating fish or fish waste, to which no other matter has been added.	40

Name under which Article sold.	Implied Definition.	A.D. 1926.
		— 4TH SCH. —cont.
5 Hoofs - - - -	The product obtained by crushing or grinding hoof, to which no other matter has been added.	
Hoofs and horns - -	A mixture of hoof and horn, crushed or ground, to which no other matter has been added.	
10 Horns - - - -	The product obtained by crushing or grinding horn, to which no other matter has been added.	
Limestone, ground	The product obtained by grinding sedimentary rock consisting largely of carbonate of lime, to which no other matter has been added.	
15 Meat and bone manure; meat meal; carcase meal.	The product of drying and grinding or otherwise treating bone, flesh, flesh fibre (including whale meat) and other slaughter-house residues, to which no other matter has been added.	
20 Mowrah meal - - -	The residue which is obtained by the removal of oil from commercially pure mowrah seed.	
25 Muriate of potash - -	Potassium chloride for fertilising purposes.	
Nitrate of lime - - -	Calcium nitrate for fertilising purposes.	
Nitrate of soda - - -	Sodium nitrate for fertilising purposes.	
30 Precipitated bone - -	An insoluble calcium phosphate prepared by treating commercially pure bone with acid, and precipitation of phosphate from the solution.	
Quicklime, ground or otherwise.	Commercial calcium oxide.	
35 Rape meal - - - -	The residue which is obtained by the removal of oil from commercially pure rape seed.	
40 Raw guano - - - -	The excrement and remains of birds, containing both nitrogen and phosphorus, prepared for use by screening where necessary, but to which no addition has been made.	
45 Raw phosphate or phosphate rock, ground or otherwise.	The substance obtained from mineral calcium phosphate deposits, to which no other matter has been added.	

A.D. 1926.	Name under which. Article sold.	Implied Definition.	
— 4TH SCH. —cont.			
	Shoddy manure; wool waste; wool combings; wool manure; flock dust.	Waste of wool, or of wool mixed with fibrous materials such as are associated with wool in the textile industries, to which no other matter has been added.	5
	Steamed bone flour; steamed bone meal.	Commercially pure bone from which nitrogen has been removed by steam.	
	Sulphate of ammonia -	Ammonium sulphate for fertilising purposes.	10
	Sulphate of ammonia (neutral).	Ammonium sulphate for fertilising purposes, containing not more than 0·025 per cent. of free acid in terms of sulphuric acid.	15
	Sulphate of potash -	Potassium sulphate for fertilising purposes.	
	Superphosphate -	A mineral substance containing soluble phosphate of lime.	
		PART II.	20
		FEEDING STUFFS.	
	Barley meal - -	The meal obtained by grinding commercially pure barley, as grown.	
	Bean meal - -	The meal obtained by grinding commercially pure beans of the species <i>fabā vulgaris</i> or <i>phaseolus vulgaris</i> , as grown.	25
	Clover meal - -	Whole clover, as grown, dried and ground, to which no other matter has been added.	30
	Compound cakes or meals	Cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in Part II of the First Schedule or in Part II of the Second Schedule with any other such article or articles or with any other substance, or any cakes or meals produced by grinding, crushing or otherwise treating together, or by mixing together after being separately crushed, ground or otherwise separately treated, any two or more raw materials out of which such articles are produced or any one or more of such materials with any other substance or substances.	35 40 45

A.D. 1926.

4TH SOL.
—cont.

Name under which Article sold.	Implied Definition.
Cotton cakes or meals not decorticated.	The residue resulting from the removal of oil from commercially pure cotton seed, not decorticated.
5 Cotton cakes or meals from decorticated or partly decorticated cotton seed.	The residue resulting from the removal of oil from commercially pure cotton seed from which the cortex, in whole or in part, has been removed.
10 Dari meal; durra meal	The meal obtained by grinding com- mercially pure dari or durra seed.
Dried brewery grains -	The article produced by drying the residue of malted and unmalted cereals used in brewing, to which no other matter has been added.
15 Dried distillery grains -	The article produced by drying the residues from distillery mash-tuns, to which no other matter has been added.
20 Dried sugar beet residue	The article produced by drying the sugar beet residue produced in the manufacture of sugar from sugar beet.
25 Dried yeast - - -	An article produced by drying yeast or yeast residues, to which no other matter has been added.
Feeding bone flour -	The product obtained by grinding commercially pure steamed bone.
30 Feeding dried blood -	Blood which has been dried, to which no other matter has been added.
Feeding meat and bone meal.	The product (containing not more than 4 per cent. of salt) of grinding bone, flesh and flesh fibre (including whale meat), to which no other matter has been added.
35 Feeding meat meal -	The product (containing not more than 4 per cent. of salt) of drying and grinding flesh and flesh fibre (includ- ing whale meat), to which no other matter has been added.
40 Fish meal; fish residue meal.	A product obtained by drying and grinding or otherwise treating waste of fish, to which no other matter has been added.
45 Ground bone - - -	The meal obtained by grinding com- mercially pure bone.

A.D. 1926.	Name under which Article sold.	Implied Definition.	
4TH SECT. —cont.	Ground oats - - -	The meal obtained by grinding commercially pure oats, as grown.	
	Linseed cakes or the meals of such cakes.	The residue resulting from the removal of oil from commercially pure linseed.	5
	Linseed meal - - -	The meal obtained by grinding or crushing commercially pure linseed.	
	Locust bean meal - - -	The meal obtained by grinding or crushing commercially pure locust beans.	10
	Maize germ cake or meal	The residue resulting from the removal of oil from maize germs, to which no other matter has been added.	
	Maize gluten feed - - -	A by-product resulting from the removal of starch and germ from maize, to which no other matter has been added.	15
	Maize meal; Indian meal	The meal obtained by grinding commercially pure maize or Indian corn, as grown.	20
	Malt culms - - -	The rootlets and shoots arising from the screening of malt, to which no other matter has been added.	
	Molasses feeds - - -	Any mixture, containing not less than 10 per cent. of sugar, of an absorbent material and treacle or molasses.	25
	Nut cakes or meals, including cocoanut, copra, palm kernel and ground nut cakes and meals.	The residue resulting from the removal of oil from commercially pure nut kernels.	30
	Pea meal - - -	The meal obtained by grinding commercially pure peas, as grown.	
	Rape cake or meal - - -	The residue resulting from the removal of oil from commercially pure rape seed.	35
	Rice bran; rice meal - - -	The by-product produced in milling shelled rice, to which no other matter has been added.	40
	Soya cake or meal - - -	The residue resulting from the removal of oil from commercially pure soya beans.	
	Sugar beet treacle; sugar beet molasses.	A concentrated syrup product obtained in the manufacture of sugar from sugar beet, to which no other matter has been added.	45

Name under which Article sold.	Implied Definition.	A.D. 1926.
5 Sugar cane treacle ; sugar cane molasses.	A concentrated syrup product obtained in the manufacture of sugar from sugar cane, to which no other matter has been added.	— 4TH SCH. —cont.
Wheat meal - - -	The meal obtained by grinding com- mercially pure wheat, as grown.	
10 Wheat offals; millers' offals.	A product of wheat separated in the process of milling and containing not more than 4 per cent. of vegetable substances, other than wheat, ex- tracted from wheat in the process of cleaning by the maker of the offals in the production of flour.	
15 White fish]meal - - -	A product (containing not more than 6 per cent. of oil and not more than 4 per cent. of salt) obtained by drying and grinding or otherwise treating waste of white fish, and to which no other matter has been added.	
20		

In the case of every article mentioned in this Schedule the definition of which includes the expression "commercially pure" it is implied that no other matter may be added.

25

FIFTH SCHEDULE.

DELETERIOUS INGREDIENTS IN FEEDING STUFFS.

(a) Salts soluble in water, if present in a feeding stuff in proportion likely to be injurious to the health of animals.

30 (b) All poisonous substances except those naturally present in the material or materials from which the feeding stuff is derived.

35 (c) Sand, silicious matter or other insoluble mineral matter not naturally associated with ingredients of the feeding stuff which do not fall within the scope of this Schedule, or which, even if naturally so associated, are present in greater proportion than the maximum that may be expected to be due to such natural association.

40 For the purposes of this paragraph the term "insoluble" shall imply insolubility in hydrochloric acid, as determined by a prescribed method; the term "natural association" shall be construed as applying to average commercial samples of the feeding material with which it may be claimed that a particular mineral ingredient is associated.

Fertilisers and Feeding Stuffs. [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the law with respect
to the sale of fertilisers and feeding
stuffs.

The Lord Bledisloe.

Ordered to be printed 29th June 1926.

L O N D O N :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 28, Abchurch
Street, London, S.W. 1; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
East Harding Street, E.C. 4.
Printers to the King's most Excellent Majesty.

[*Price 9d. Net.*]

(116)

Fertilisers and Feeding Stuff's Bill. [H.L.]

A M E N D M E N T S

T O B E M O V E D O N R E P O R T

B Y

T H E L O R D S T R A C H I E.

Clause 15, page 11, line 28, at end insert the following new clause:

“(.—(1) It shall be the duty of the council of every county and county borough to publish, not later than the thirty-first day of January and the thirty-first day of July in every year, in any two local newspapers circulating in the county or county borough as the case may be, a statement of the results of the analyses of all formal samples taken by or on behalf of the council in accordance with the provisions of this Act during the six months ending on the thirty-first day of December and the thirtieth day of June immediately preceding such dates respectively, together with in each case the name and address of the owner, seller or consignor, and particulars of any warranty (express or implied) given by him :

Provided that—

- (a) the first statement required to be published in accordance with the provisions of this section shall be so published in the month of January, one thousand nine hundred and twenty-eight, and shall relate to the whole or whatever period may elapse between the date on which this Act shall come into operation and the thirty-first day of December, one thousand nine hundred and twenty-seven; and

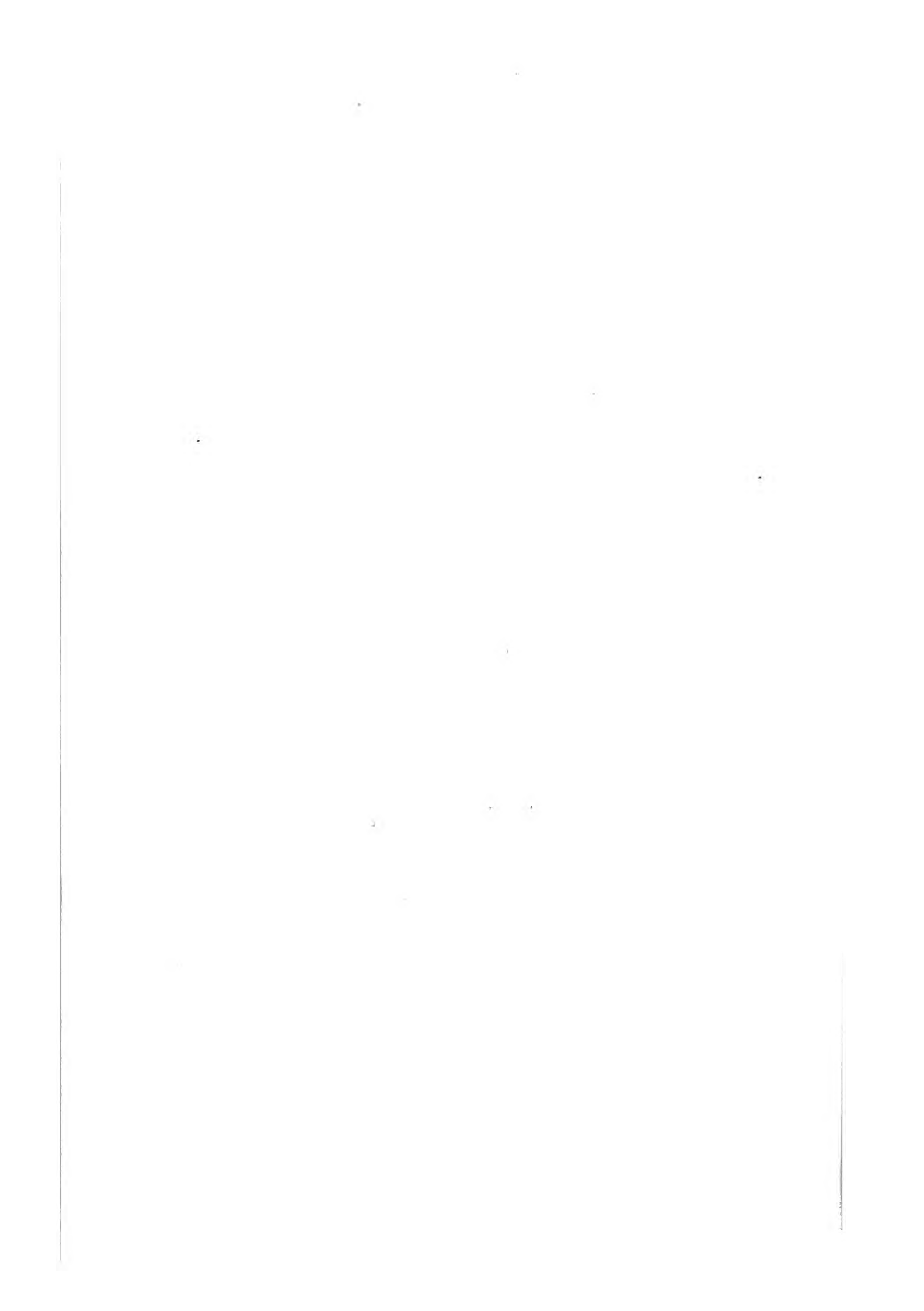
(b) there shall be included in any statement published in accordance with the provisions of this section such part only of any certificate of analysis as indicates to what extent the results of the analysis differ, in some stated particular or particulars, from the warranty given by the owner, seller or consignor, or in what respect the sample analysed is not genuine.

(2) A county or county borough council shall not be liable to any proceedings whatsoever in consequence of the publication of a statement in accordance with the provisions of this section.”)

Clause 16, page 11, line 30, after (“ except ”) insert (“ for the purposes of any statement published in accordance with the provisions of section sixteen of this Act or ”)

Clause 21, page 14, line 9, at end insert the following new clause:—

(“ . An inspector appointed by a council under this Act may, with the authority in writing of such council, prosecute before a court of summary jurisdiction or justices any information, complaint or proceeding arising under this Act or in the discharge of his duties as such inspector.”)



Fertilisers and Feeding Stuffs Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD STRACHIE.

6th July 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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East Harding Street, E.C. 4,
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[*Price 1d. Net.*]

(116*a*)

**Fertilisers and Feeding Stuffs
Bill. [H.L.]**

A M E N D M E N T S

TO BE MOVED ON REPORT


BY

THE LORD BLEDISLOE.

Clause 12, page 9, line 15, leave out (" thereof ") and insert (" of the County or County Borough in which " the said premises are situate ")

Clause 16, page 11, line 29, leave out (" or official " sampler ") |
line 30, after (" except ") insert (" to persons acting in the execution of this Act or ")

(116 b)



Fertilisers and Feeding Stuffs Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD BLEDISLOE.

6th July 1926.

LONDON:
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(116b)

**Fertilisers and Feeding Stuffs
Bill. [H.L.]**

MARSHALLED LIST

OF

A M E N D M E N T S

TO BE MOVED ON REPORT.

*[The Amendments marked * have not been previously
circulated.]*

Clause 12.

BY THE LORD BLEDISLOE.

Page 9, line 15, leave out (" thereof ") and insert
(" of the County or County Borough in which the said
" premises are situate ")

Clause 16.

BY THE LORD BLEDISLOE.

Page 11, line 29, leave out (" or official sampler ")
line 30, after (" except ") insert (" to
" persons acting in the execution of this Act or ")

Clause 21.

BY THE LORD STRACHIE.

* Page 14, line 6, at end insert (“or with the consent of such council by an inspector appointed by such council”)

After Clause 26.

BY THE LORD BLEDISLOE.

* Page 17, line 35, at end insert as new clause :

Application
to North-
ern Ireland.

(“ .—(1) This Act shall apply to Northern Ireland subject to the following modifications :

- (a) The regulations made by the Minister and the Board of Agriculture for Scotland shall apply to Great Britain only :
- (b) References to the Minister, and to the Minister and the Board of Agriculture for Scotland acting jointly shall be construed as references to the Ministry of Agriculture for Northern Ireland : Provided that the Ministry of Agriculture for Northern Ireland in lieu of appointing a separate advisory committee may in making regulations to be laid before the Parliament of Northern Ireland, act on the advice of the advisory committee appointed for Great Britain :
- (c) References to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :
- (d) References to the Government Chemist shall be construed as references to the Chief Agricultural Analyst for Northern Ireland :
- (e) The reference to the Local Government Act, 1888, shall be construed as a reference to article thirty-eight of the schedule to the Local Government (Application of Enactments) Order 1898 :

After Clause 26—continued.

- (f) The expenses of a council incurred in the execution of this Act shall be defrayed, in the case of a county council, out of the county fund as a county at large charge, and, in the case of a county borough council, out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1918 :
- (g) References to Parliament and to His Majesty shall be construed respectively as references to the Parliament and to the Governor of Northern Ireland, and the reference to twenty-one days, occurring in relation to regulations laid before Parliament, shall be construed as a reference to the period prescribed by subsection (1) of section 4 of the Rules Publication Act (Northern Ireland), 1925.

(2) For the purpose of section six of the Government of Ireland Act, 1920, this Act, in its application to Northern Ireland, shall be treated as if it had been an Act passed before the appointed day for the commencement of that section.”)

Fertilisers and Feeding Stuffs Bill. [H.L.]

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED ON REPORT.

*[The Amendments marked * have not
been previously circulated.]*

7th July 1926.



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(116 **)

Fertilisers and Feeding Stuff.

[H.L.]

[AS AMENDED ON REPORT.]

ARRANGEMENT OF CLAUSES.

Civil Liabilities.

Clause.

1. Obligation to furnish statutory statements.
2. Implied warranties.
3. Right of purchaser to have article sampled and analysed.

Criminal Liabilities.

4. Marking of articles prepared for consignment or delivery.
5. Consignments *ex ship* or quay.
6. Sales in small quantities.
7. Deleterious ingredients in feeding stuffs.
8. Penalties for failure to give and mis-statements in statutory statements.
9. Inspection of registers and statutory statements.
10. Relief from liability under the Merchandise Marks Acts in certain cases.

Administrative Provisions, Sampling and Analysis.

11. Enforcement of Act by councils of counties and county boroughs.
12. Powers of entry and sampling.
13. Provisions as to analysis of samples.
14. Tampering with samples.
15. Obstruction of inspectors.
16. Prohibition against disclosures.
17. Financial provisions relating to the councils of county and county boroughs.
18. Returns of results of analysis.

Legal Proceedings.

Clause.

19. Penalties for offences.
20. Safeguards to traders.
21. General provisions as to legal proceedings.
22. Evidence of certificates of analysis.

General.

23. Regulations.
 24. Meaning of certain expressions.
 25. Interpretation.
 26. Application to Scotland.
 27. Application to Northern Ireland.
 28. Short title, commencement, repeal and extent.
- SCHEDULES.



A

B I L L

[AS AMENDED ON REPORT.]

INTITULED

An Act to amend the law with respect to the sale of fertilisers and feeding stuffs. A.D. 1926.

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

Civil Liabilities.

1.—(1) It shall be the duty of every person who sells for use as a fertiliser of the soil or as food for cattle or poultry any article included in the first column of the First or Second Schedule to this Act, whatever may be the name under which the article is sold, to give the purchaser on or before delivery, or as soon as reasonably practicable thereafter, a statement in writing (hereinafter referred to as a statutory statement) in such form (if any) as may be prescribed, containing the following particulars :—

Obligation to furnish statutory statements.

- (a) the name under which the article is sold ;
- (b) such particulars (if any) of the nature, substance, or quality of the article as are in relation to the article mentioned in the second column of such schedule ;
- (c) where the article, if a feeding stuff, contains any ingredient included in the Third Schedule to this Act, the name of such ingredient :

*Fertilisers and Feeding [16 & 17 GEO. 5.]
Stuffs.*

A.D. 1926. Provided that the obligation so imposed shall not
— apply—

(i) to sales of two or more articles which are mixed
at the request of the purchaser before delivery
to him : 5

(ii) to sales of small quantities (that is to say, sales
in quantities of fifty-six pounds or less) if the
article sold is taken in the presence of the
purchaser from a parcel bearing a conspicuous
label on which are printed in the prescribed 10
manner the particulars required by this section
to be contained in the statutory statement.

(2) Failure to give a statutory statement in accord-
ance with the provisions of this section shall not 15
invalidate a contract for sale.

Implied
warranties.

2.—(1) A statutory statement given by the seller
of any such article as aforesaid shall, notwithstanding
any contract or notice to the contrary, have effect as
a written warranty by the seller that the particulars
contained in the statutory statement are correct. 20

(2) On the sale for use as food for cattle or poultry
of an article included in the first column of the First or
Second Schedule to this Act there shall be implied, not-
withstanding any contract or notice to the contrary, a 25
warranty by the seller that the article is suitable to be
used as such, and does not, except as otherwise expressly
stated in the statutory statement, contain any ingredient
included in the Third Schedule to this Act.

(3) Where an article sold for use as a fertiliser of
the soil or as food for cattle or poultry is in a statutory 30
statement or other document described by a name
specified in the first column of the Fourth Schedule to
this Act, the sale of the article under that name shall
have effect as a written warranty that the article accords
with the definition thereof contained in the second column 35
of that schedule.

(4) Any statement as to the amount of chemical
or other ingredients of an article sold for use as a
fertiliser of the soil, or as to the amount of the
nutritive or other ingredients of an article sold for use 40
as food for cattle or poultry, which is made after the

commencement of this Act in any written document (other than a statutory statement) descriptive of the article shall have effect as a warranty by the seller that the facts stated are correct. A.D. 1926.

5 (5) No action on any such warranty as is mentioned in this section shall lie for any mis-statement therein as to the particulars of the nature, substance or quality of the article or as to the amount of any ingredient where the mis-statement does not exceed the limits of
10 variation (if any) prescribed under this Act in relation to such particulars or amounts, but where the mis-statement exceeds such limits, the rights of the purchaser under the warranty shall not be affected by such limits.

15 3.—(1) The purchaser of any article included in the first column of the First or Second Schedule to this Act, or of any fertiliser or feeding stuff not included therein in respect of which a warranty, express or implied, has been given by the seller, shall, on payment of such fee (if any) as may be fixed under this Act, be
20 entitled to have a sample of the article taken by an official sampler in the prescribed manner and analysed by the agricultural analyst, and to receive from the analyst a certificate of the result of his analysis :

Right of purchaser to have article sampled and analysed.

25 Provided that a purchaser of an article who requires a sample to be taken under this section shall, if so requested, furnish to the official sampler who takes the sample a copy of the statutory statement or warranty relating to the article.

30 (2) A sample taken under this Act by an official sampler at the request of a purchaser shall be taken in the prescribed manner, and shall not be taken after the expiration of fourteen days from the delivery to the purchaser of the article sampled, or the receipt by the purchaser of the statutory statement or warranty,
35 whichever date may be the later.

Criminal Liabilities.

4.—(1) Every parcel of an article included in the first column of the First Schedule to this Act when prepared for sale or consignment for use as a fertiliser of the soil or as food for cattle or poultry shall, if exposed for sale, or, if not exposed for sale, before being delivered

Marking of articles prepared for consignment of delivery.

A.D. 1926. — to a purchaser or carrying agent, be durably and visibly marked with a mark or marks stating or indicating the particulars required by this Act to be contained in the statutory statement.

(2) Any person dealing in any such parcels may for the purposes of this section keep in such form (if any) as may be prescribed a register of marks specifying the particulars which the several marks entered in the register are used as indicating, and the making of any parcel with any mark entered in the register shall, for the purposes of this section, be treated as indicating that the particulars of the article are those entered in the register in relation to the mark :

Provided that—

- (a) on the sale of any parcel so marked the mark shall be added to the statutory statement; and
- (b) where the statutory statement received by the seller on the sale to him of the article contains any such mark, and the article has not been on his premises, that mark shall be added by him to the statutory statement required to be given by him to a purchaser.

(3) If any parcel required under this section to be marked is not so marked, or if from the analysis of a sample of the article taken by an inspector in the prescribed manner on the premises on which the parcel is exposed for sale or on any premises on which the article after having been so marked may happen to be before being delivered to a purchaser or carrying agent, it appears that the particulars marked or indicated by a mark are false to the prejudice of the purchaser, or do not include any particulars which are required by this Act to be contained in the statutory statement, the person selling or consigning the article or exposing it for sale shall be guilty of an offence against this Act.

Consign-
ments ex
ship or
quay.

5.—(1) In the case of an article delivered or consigned direct from a ship or quay to a purchaser, the provisions of this section shall apply in lieu of the provisions of the last preceding section.

(2) The seller of an article included in the first column of the First Schedule to this Act and so delivered or consigned shall as soon as practicable enter in a

register kept by him in such form (if any) as may be prescribed the following particulars :— A.D. 1926.

- 5 (a) the date of delivery or consignment to the purchaser, the place of delivery to the purchaser or other destination, and the quantity delivered or consigned;
- (b) any shipping or other mark on the article;
- (c) the particulars which by this Act are required to be contained in the statutory statement.

10 (3) The seller of any such article shall be guilty of an offence against this Act—

- 15 (a) if he fails to enter in his register any particular required by this section to be entered therein other than a particular required to be contained in the statutory statement; or
- (b) if any particular entered therein, other than a particular required to be contained in the statutory statement, is false in any material particular; or
- 20 (c) if from the analysis of a sample of the article taken by an inspector in the prescribed manner on the quay or at the time of its delivery to the purchaser or during its transit to him it appears that any particular entered in the register, being a particular required to be contained in the statutory statement, is false to the prejudice of the purchaser, or that any particular required to be contained in the statutory statement is not entered in the register.

30 **6.** Where an article is sold for use as a fertiliser of the soil or as food for cattle or poultry in small quantities from a parcel which purports to be labelled in manner hereinbefore provided, and from an analysis of a sample thereof taken by an inspector in the prescribed manner on the premises on which the parcel is kept it appears that the particulars stated on the label are false to the prejudice of the purchaser, or do not include any particulars which are required by this Act to be contained in a statutory statement, the owner or seller shall be guilty of an offence against this Act. Sales in small quantities.

40 **7.**—(1) Any person who sells or offers or exposes for sale for use as food for cattle or poultry any article which contains any ingredient deleterious to cattle or poultry, or has in his possession, packed and prepared, Deleterious ingredients in feeding stuffs.

A.D. 1926. for sale for such use any such article, shall be guilty
--- of an offence against this Act unless he proves—

(a) that he did not know and could not with
reasonable care have known that the article
contained a deleterious ingredient; and 5

(b) where he obtained the article from some other
person, that on demand by or on behalf of the
prosecutor he gave all the information in his
power with respect to the person from whom
he obtained it, and as to the statutory state- 10
ment given to him, and as to any mark applied
to the article when he obtained it :

Provided that proceedings for an offence under this
section shall not be instituted unless the article has been
sampled in the prescribed manner on the premises on 15
which it was sold or exposed or offered for sale or on
which it was when prepared for sale or consignment,
and the sample has been analysed in accordance with
the provisions of this Act.

(2) For the purposes of this section, any ingredient 20
mentioned in the Fifth Schedule to this Act if present in
a proportion higher than the maximum proportion men-
tioned in that schedule, and any substance which may be
prescribed as being a substance which if present in a
proportion higher than the prescribed proportion might, 25
having regard to the quantity of the feeding stuff con-
taining it, that might in practice reasonably be fed to
animals, produce deleterious effects, shall, for the purposes
of this section, be deemed to be a deleterious ingredient
unless the contrary is proved. 30

Penalties
for failure
to give and
mis-state-
ments in
statutory
statements.

8.—(1) If a person fails to give a statutory state-
ment in such form (if any) as may be prescribed in any
case where he is required by this Act so to do, he shall
be guilty of an offence against this Act.

(2) If on the sale of an article included in the 3
first column of the First Schedule to this Act a person
gives a statutory statement in which the particulars
stated therein differ:—

(a) from the particulars marked or indicated by a
mark placed on a parcel of the article in accord- 4
ance with this Act; or

(b) in the case of an article delivered or consigned direct from a ship or quay to a purchaser, from the particulars entered in accordance with this Act in the seller's register; or

A.D. 1926.

5 (c) in the case of an article which has not been on the premises of the seller, from the particulars stated in the statutory statement given to the seller in respect of the article;

10 he shall be guilty of an offence against this Act unless he proves that he took all reasonable steps to avoid committing the offence and that he acted without intent to defraud.

15 (3) If a person fails to add to a statutory statement any mark which by virtue of this Act is required to be added thereto, he shall be guilty of an offence against this Act.

20 9.—(1) It shall be the duty of any person by whom a register under this Act is kept, or to whom a statutory statement relating to an article which has been sold by him but which has never been on his premises has been sent, to preserve the register or statement for such period as may be prescribed, and on demand by an inspector at any time within that period to produce it for his inspection, and if the person keeping the register, 25 or to whom such a statutory statement was sent, fails so to preserve it, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Inspection of registers and statutory statements.

30 (2) Any person having in his possession or under his control any register kept under this Act or any statutory statement made under this Act shall on demand by an inspector produce it for his inspection and if he fails to do so shall be liable on summary conviction to a fine not exceeding twenty pounds.

35 (3) An inspector may at all reasonable times enter any premises where he has reasonable cause to believe that any such register or statutory statement is for the time being kept, and may take copies thereof.

40 10. Where in pursuance of the foregoing provisions of this Act a description has been applied to any article included in the first column of the First Schedule to this Act, and such description is a trade description

Relief from liability under the Merchandise Marks Acts

A.D. 1926. within the meaning of the Merchandise Marks Act, 1887, no proceedings shall be taken under that Act on the ground that the description so applied is a false description.
—
in certain cases.

Administrative Provisions, Sampling and Analysis. 5

Enforce-
ment of
Act by
councils of
counties
and county
boroughs.

11.—(1) It shall be the duty of the council of every county or county borough to enforce within their county or county borough the provisions of this Act, and for that purpose to appoint an official agricultural analyst (in this Act referred to as the agricultural analyst) and such inspectors and official samplers as may be necessary : 10

Provided that every such inspector shall be a whole-time officer of the council.

(2) Any such council may also appoint a deputy agricultural analyst, who shall in the case of the illness, incapacity, or absence of the agricultural analyst, or pending the appointment of the agricultural analyst, have all the powers and duties of the agricultural analyst ; and where the deputy acts, this Act shall apply as if he were the agricultural analyst. 15 20

(3) The appointment by a council of the agricultural analyst, or deputy agricultural analyst, inspectors, and official samplers, shall be subject to the approval of the Minister. 25

(4) A person while holding the office of official sampler shall not engage in farming or any business connected with the manufacture, sale, or importation of articles used as fertilisers of the soil or as food for cattle or poultry. 30

(5) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are required or authorised to make under this section and as to the apportionment amongst the several councils of the expenses of any such joint appointment, but this power shall be in addition to and not in derogation of the power conferred on councils by the Local Government Act, 1888, to appoint joint committees for the purposes of this Act. 35

12.—(1) An inspector appointed by a council under this Act may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any article included in the first column of the First Schedule to this Act which has been prepared for sale or consignment, or any article included in the first column of the First or Second Schedule to this Act which is stored for use and not for sale or manufacture, and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article as aforesaid :

A.D. 1926.
—
Powers of
entry and
sampling.

Provided that an inspector shall not exercise such power as aforesaid in respect of any premises situate outside the county or county borough for which he acts without the consent of the council of the county or county borough in which the said premises are situate or of some officer of that council to whom powers of giving such consent may have been delegated by that council.

(2) An inspector appointed by a council under this Act may for the purposes of the information of his council take a sample otherwise than in the prescribed manner of any article which has been sold for use as a fertiliser of the soil or as food for cattle or poultry, or which he has reasonable cause to believe to be intended for sale as such ; but the result of an analysis of a sample so taken shall not be communicated to any person other than the council.

(3) An inspector appointed by the Minister may, if specially authorised in that behalf, exercise in any county or county borough the powers conferred by this section on an inspector appointed by the council thereof.

If in the opinion of the Minister the council of a county or county borough have insufficiently exercised their powers under this Act, either generally or in any particular case, the inspector appointed by the Minister may submit to the agricultural analyst for the county or county borough the samples so taken by him within that county or county borough ; and the amount of any expenses certified by the Minister to have been incurred by an inspector appointed by him in the exercise of such powers as aforesaid shall, on demand, be repaid to the Minister by the council in default, and shall be recoverable from the council either as a debt due to the Crown or summarily as a civil debt.

A.D. 1926.
—
Provisions
as to
analysis of
samples.

13.—(1) Where a sample has been taken by an inspector or official sampler in the prescribed manner he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall send two of the parts to the agricultural analyst together with a signed statement that the sample was taken in the prescribed manner, and the third part he shall deliver or send to the owner or seller as may be prescribed. 5

(2) Where a sample submitted to the agricultural analyst has been so divided into parts, the agricultural analyst shall analyse one of the parts of the sample sent to him and shall retain the other for such period as may be prescribed. 10

(3) If the person by or on whose behalf the sample of an article is taken and analysed, or the owner or seller of the article, objects to the certificate of the agricultural analyst, the person objecting thereto shall, on payment of such fee as may be fixed by the Treasury be entitled to have submitted to the Government Chemist the part of the sample retained by the agricultural analyst and to have that part analysed by him and to receive from him a certificate of the result of his analysis. 15 20

(4) Where a sample or part of a sample is under this section sent for analysis to the agricultural analyst or the Government Chemist, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof, and a copy of the particulars marked on or indicated by a mark applied to the article. 25

(5) A certificate of analysis shall be signed by the agricultural analyst or the Government Chemist as the case may be; but the analysis may be made by any person acting under the direction of the agricultural analyst or the Government Chemist. 30

(6) Where a sample taken in the prescribed manner has been analysed by the agricultural analyst, he shall furnish to the person who submitted the sample for analysis and, where that person is not the purchaser, also to the purchaser and in every case to the owner or seller of the article his certificate of analysis : 35 40

Provided that if the agricultural analyst does not know the name and address of the owner or seller, he

shall send his certificate intended for the owner or seller to the person who submitted the sample, who shall forward it to the owner or seller. A.D. 1926. —

(7) Where the sample has not been taken in the prescribed manner, the agricultural analyst shall send the certificate to the person who submitted the sample to him.

14. If any person fraudulently—

Tampering
with
samples.

10 (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or

(b) tampers or interferes with any sample taken or submitted for analysis under this Act;

15 he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

15. If the owner or person entrusted for the time being with the charge and custody of any article refuses to allow an inspector to take a sample of the article on any premises on which he is authorised under this Act to take a sample, or if any person otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds : Obstruction
of inspec-
tors.

Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

16. If any inspector discloses, except for the purposes of proceedings for alleged offences, any information obtained by him in or in connection with the exercise of his powers under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds. Prohibition
against
disclosures.

17.—(1) The council of any county or county borough may contribute towards the expenses incurred by any agricultural body or association in causing samples to be taken by an official sampler in the prescribed manner for analysis by the agricultural analyst. Financial
provisions
relating to
the councils
of county
and county
boroughs.

(2) The council of any county or county borough may fix the fees to be payable in respect of the making of any analysis by the agricultural analyst and the taking

A.D. 1926. of samples at the request of purchasers, and the council may fix different fees for different articles and for different quantities of the same article or for different analyses of the same article.

(3) The expenses of a council incurred in the execution of this Act (including any expenditure on the purchase by the council of articles for the purpose of enforcing the provisions of this Act) shall be defrayed in the case of a county council as part of their expenses for general county purposes, and in the case of a county borough council, out of the borough fund or borough rate.

Returns of
results of
analysis.

18. The council of each county or county borough shall, as soon as practicable after the first day of January, the first day of April, the first day of July, and the first day of October in each year, make a return to the Minister of the results of the analysis of the samples submitted to the agricultural analyst for the county or the county borough during the preceding three months in such form as may be prescribed, and the agricultural analyst shall furnish to the council such information as may be necessary for the purpose.

Legal Proceedings.

Penalties
for offences.

19. Any person guilty of an offence against this Act for which no special penalty is provided by this Act shall on summary conviction be liable in the case of a first offence to a fine not exceeding twenty pounds and in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

Safeguards
to traders.

20.—(1) Proceedings for any offence against this Act to which the last foregoing section applies, other than an offence of failing to give a statutory statement prescribed by this Act, or to add to a statutory statement any mark required by this Act to be added thereto, shall not be commenced without the consent of the Minister; and where the proceedings are in respect of causing or permitting any name, mark or particulars to be false, or in respect of the presence in a feeding stuff of any ingredient included in the Third Schedule to this Act or of any deleterious ingredient, the consent of the Minister shall not be given until the part of the sample

retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist. A.D. 1926. —

(2) A person shall not be liable to conviction under this Act for applying a false mark to an article or making a false entry in his register or for failure to state the presence in a feeding stuff of an ingredient included in the Third Schedule to this Act if he proves—

(a) that having taken all reasonable precautions against committing an offence against this Act he had not at the time of committing the alleged offence reason to suspect the correctness of the mark or entry, or the presence of such ingredient as aforesaid, as the case may be; and

(b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect to the person from whom he obtained it and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it.

(3) A prosecution in respect of causing or permitting any name, mark or particulars to be false or in respect of the presence of any ingredient included in the Third Schedule to this Act or of any deleterious ingredient, shall not be instituted under this Act after the expiration of three months from the date on which a sample of the article was taken in the prescribed manner.

(4) In any such prosecution as aforesaid the summons shall state the particulars of the offence alleged and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the date on which it is served, and there shall also be served therewith a copy of any certificate of the agricultural analyst obtained on behalf of the prosecutor.

21.—(1) Proceedings for an offence under this Act may, if the prosecutor so desires, be taken in the place where the person charged resides or carries on business. General provisions as to legal proceedings.

(2) In any proceedings for an offence under this Act it shall be no defence to allege that a sample having been taken for analysis only there was no prejudice to the purchaser.

A.D. 1926.

(3) A prosecution for an offence under this Act may, subject to the provisions of this Act as to the consent of the Minister, be instituted by the person aggrieved or by the council of a county or county borough or with the consent of such council by an inspector appointed by such council, and in any case where a sample has been taken by an inspector appointed by the Minister, may be instituted by the Minister. 5

Evidence of
certificate of
analysis.

22.—(1) Where a sample which has been taken in the prescribed manner by an inspector or official sampler, and has been divided into parts and marked, sealed and fastened up as hereinbefore mentioned, has been analysed, the agricultural analyst's certificate shall at the hearing of any civil or criminal proceedings with respect to the article sampled be sufficient evidence of the facts therein stated, unless the defendant or person charged requires, either before or during the proceedings, that the person who made the analysis be called as a witness, or that the sample be further analysed by the Government Chemist. 10 15 20

(2) In any legal proceedings the production of a certificate by the Government Chemist shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that the person who made the analysis be called as a witness. 25

General.

Regulations.

23.—(1) The Minister and the Board of Agriculture for Scotland jointly may, after consultation with the advisory committee to be constituted under this section, make regulations for prescribing anything which under this Act is required or authorised to be prescribed, and generally for carrying this Act into operation; and in particular such regulations may provide— 30

- (a) for varying any of the schedules to this Act;
- (b) for prescribing the manner in which articles required to be marked under this Act are to be marked and the nature of such marks; 3
- (c) for prescribing the limits of variation for the purposes of this Act;
- (d) for prescribing the manner in which samples are to be taken and dealt with in cases where under this Act they are taken in the prescribed manner; 4

(e) as to the method in which analyses for determining the percentages of particular substances are to be made; A.D. 1926.
—

5 (f) as to the qualifications to be possessed by agricultural analysts and deputy agricultural analysts and as to the form of certificates of analysis given by them;

and where any schedule is varied by regulations so made, this Act shall have effect as if the schedule as
10 so varied were substituted for the schedule contained in this Act.

(2) For the purpose of assisting and advising them with respect to the making of regulations under this Act, the Minister and Board shall jointly appoint an
15 advisory committee consisting of representatives of manufacturers and importers of articles used as fertilisers of the soil or food for cattle and poultry, and of the agricultural industry, together with such other persons as the Minister and Board may think desirable.

20 (3) All regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat next after the regulations are laid
25 before them, presents an address to His Majesty praying that the regulations or any part of them may be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

30 **24.** Where for the purposes of this Act the expressions "percentage of soluble phosphates" and "percentage of insoluble phosphates," are used in statements of equivalents, they shall be taken to mean respectively
35 the percentage of tribasic phosphate of lime which has been and which has not been rendered soluble in water. **Meaning of certain expressions.**

25.—(1) In this Act, unless the context otherwise requires— **Interpretation.**

The expression "Minister" means the Minister of Agriculture and Fisheries :

40 The expression "purchaser" includes any person other than a carrying agent acting on behalf of a purchaser :

A.D. 1926.
—

The expression "inspector" includes an inspector appointed by the Minister or an inspector appointed by the council of a county or county borough :

The expression "Government Chemist" means the head of the department of the Government Chemist, and shall include any deputy government chemist appointed to act in the case of illness, incapacity, or absence of the Government Chemist, or pending the appointment of the Government Chemist, to act in his place :

The expression "cattle" means bulls, cows, oxen, heifers, calves, sheep, goats and swine.

(2) An article consigned to a purchaser shall not for the purposes of this Act be deemed to be delivered to him until it arrives at the place to which it is consigned whether the consignment is by direction of the seller or the purchaser.

(3) Where an article is delivered to a purchaser in two or more consignments, this Act shall apply to each consignment as though it were a separate article.

(4) Where the method of analysis for determining the amount of any substance contained in an article is prescribed under this Act, any statement in any statutory statement or document which by virtue of this Act takes effect as a warranty and any mark on an article or entry in a register under this Act stating or indicating the amount of such substance shall be taken to be a statement of the amount of the substance as determined by analysis in accordance with the method so prescribed.

(5) Particulars as to the nature, substance, or quality of an article marked or indicated by a mark or entered in a register shall not for the purposes of this Act be deemed to be false to the prejudice of the purchaser if the mis-statement as respects any ingredient does not exceed the limits of variation (if any) prescribed under this Act in relation thereto.

Application to Scotland. **26.**—(1) This Act shall apply to Scotland subject to the following modifications : 40

(a) References to the Minister shall, except in the provisions of this Act relating to joint action

by the Minister and the Board of Agriculture for Scotland, be construed as references to the Board of Agriculture for Scotland : A.D. 1926.

5 (b) The powers and duties of councils of counties and county boroughs under this Act shall be exercisable and performed by the local authorities under the Diseases of Animals Act, 1894, and the expenses incurred under this Act by such local authorities shall be defrayed out of a rate to be levied, ascertained, fixed, and paid in like manner as the local rate under that Act :

10 (c) Such local authorities as aforesaid shall have the like power to appoint a joint committee for any purpose of this Act as is conferred by section seventy-six of the Local Government (Scotland) Act, 1889, on county and town councils for any purpose of that Act, and the provisions of the said section shall apply accordingly, and a reference to the Local Government Act, 1888, shall be construed as a reference to the provisions of the said Act of 1889 as so applied :

15 (d) Subsections (1) and (4) of section twenty and subsection (3) of section twenty-one shall not apply.

20 **27.**—(1) This Act shall apply to Northern Ireland subject to the following modifications : Application to Northern Ireland.

25 (a) The regulations made by the Minister and the Board of Agriculture for Scotland shall apply to Great Britain only :

30 (b) References to the Minister, and to the Minister and the Board of Agriculture for Scotland acting jointly shall be construed as references to the Ministry of Agriculture for Northern Ireland : Provided that the Ministry of Agriculture for Northern Ireland in lieu of appointing a separate advisory committee may in making regulations to be laid before the Parliament of Northern Ireland, act on the advice of the advisory committee appointed for Great Britain :

35 (c) References to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

A.D. 1926.
—

(d) References to the Government Chemist shall be construed as references to the Chief Agricultural Analyst for Northern Ireland :

(e) The reference to the Local Government Act, 1888, shall be construed as a reference to article thirty-eight of the schedule to the Local Government (Application of Enactments) Order, 1898 :

(f) The expenses of a council incurred in the execution of this Act shall be defrayed, in the case of a county council, out of the county fund as a county at large charge, and, in the case of a county borough council, out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1918 :

(g) References to Parliament and to His Majesty shall be construed respectively as references to the Parliament and to the Governor of Northern Ireland, and the reference to twenty-one days, occurring in relation to regulations laid before Parliament, shall be construed as a reference to the period prescribed by subsection (1) of section 4 of the Rules Publication Act (Northern Ireland), 1925.

(2) For the purpose of section six of the Government of Ireland Act, 1920, this Act, in its application to Northern Ireland, shall be treated as if it had been an Act passed before the appointed day for the commencement of that section.

Short title,
commence-
ment,
repeal and
extent.

28.—(1) This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1926.

(2) This Act shall come into operation on such day not earlier than the first day of January nineteen hundred and twenty-seven as may be appointed for the purpose by the Minister and the Board of Agriculture for Scotland jointly.

(3) The Fertilisers and Feeding Stuffs Act, 1906, is hereby repealed :

Provided that nothing in this repeal shall affect any appointment made under that Act, but any such appointment shall have effect as if made under this Act.

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

ARTICLES TO WHICH ALL THE PROVISIONS OF THE ACT
ARE APPLICABLE.

5

PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
10 Basic slag - - - -	Amount of phosphoric acid. Amount of the article that will pass through a prescribed sieve.
15 Basic superphosphate - - Bone meal, or other product (excluding dissolved or vitriol- lised bone) obtained by grinding or otherwise treating bone, used for fertilising purposes.	Amount of phosphoric acid. Amounts of nitrogen and phos- phoric acid respectively.
20 Calcium cyanamide - - -	Amount of nitrogen. Amount of dicyandiamide if in excess of 2 per cent.
25 Compound fertilisers, that is to say, mixtures of any article or of two or more articles mentioned in this Part of this Schedule or in Part I. of the Second Schedule with any other such article or articles 30 or with any other substance.	Amounts of nitrogen, potash, soluble phosphoric acid and insoluble phosphoric acid respectively.
Dissolved or vitriolised bone -	Amounts of nitrogen, soluble phosphoric acid and insoluble phosphoric acid respectively.
35 Fish residues or other product obtained by drying and grinding or otherwise treating fish or fish waste, used for fertilising purposes.	Amounts of nitrogen and phos- phoric acid respectively.

A.D. 1926.	Article.	Particulars to be contained in Statutory Statement.	
— 1ST SCH. —cont.			
	Guano, including Peruvian and other raw guanos.	Amounts of nitrogen, phosphoric acid and potash respectively.	
	Hoofs - - - - -	Amount of nitrogen.	5
	Hoofs and horns - - - - -	Amount of nitrogen.	
	Horns - - - - -	Amount of nitrogen.	
	Meat and bone residues, or any product not specifically mentioned elsewhere in this Part of this Schedule obtained by drying and grinding or otherwise treating, bone, flesh, flesh fibre (including whale meat) and other slaughter-house residues, used for fertilising purposes.	Amounts of nitrogen and phosphoric acid respectively.	10
	Nitrate of lime - - - - -	Amount of nitrogen.	
	Nitrate of soda - - - - -	Amount of nitrogen.	
	Oil seed fertilisers, including castor meal, mowrah meal, rape meal, or any residue which is obtained by the removal of oil from seeds.	Amount of nitrogen.	20
	Potassium salts used as fertilisers, including kainit, extra kainit, sylvinit, potash manure salt, muriate of potash, sulphate of potash and sulphate of potash-magnesia.	Amount of potash.	20
	Raw phosphate or phosphate rock, ground or unground.	Amount of phosphoric acid. Amount that will pass through a prescribed sieve.	3
	Sulphate of ammonia - - - - -	Amount of nitrogen and amount of free acid.	3
	Sulphate of ammonia (neutral)	Amount of nitrogen.	
	Superphosphate - - - - -	Amount of soluble phosphoric acid.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid, soluble phosphoric acid and insoluble phosphoric acid are to be stated in terms of phosphoric anhydride (P_2O_5).

Potash is to be stated in terms of potassium oxide (K_2O).

Free acid is to be stated in terms of sulphuric acid (H_2SO_4).

A.D. 1926.

1ST SCH.

—cont.

PART II.
FEEDING STUFFS.

Article.	Particulars to be contained in Statutory Statement.
10 Barley meal - - - -	None.
Bean meal - - - -	None.
Cocoonut or copra cake or meal	Amounts of oil and albuminoids (protein) respectively.
Compound cakes or meals, that is to say, any cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in this Part of this schedule or in Part II. of the Second Schedule with any other such article or articles or with any other substance, or any cakes or meals produced by grinding, crushing, or otherwise treating together, or by mixing together after being separately crushed, ground or otherwise separately treated, any two or more raw materials out of which such articles are produced, or any one or more of such materials with any other substance or substances.	Amounts of oil, albuminoids (protein) and fibre respectively.
Cotton cakes or meals, not decorticated.	Amounts of oil and albuminoids (protein) respectively.
Cotton cakes or meals from decorticated or partly decorticated cotton seed.	Amounts of oil, albuminoids (protein) and fibre respectively.
Dari or durra meal - - -	None.
Dried sugar beet residue - -	Amounts of sugar and fibre respectively.
Feeding bone flour, or any other bone product for feeding purposes.	Amounts of phosphoric acid and albuminoids (protein) respectively.

A.D. 1926.

1ST SCH.
—cont.

Article.	Particulars to be contained in Statutory Statement.	
Feeding meat and bone meal, or any other product of meat (including whale meat) and bone for feeding purposes.	Amounts of oil albuminoids (protein) and phosphoric acid respectively.	5
Feeding meat meal, or any other product of meat (including whale meat) for feeding purposes.	Amounts of oil and albuminoids (protein) respectively.	10
Fish meal, or other product obtained by drying and grinding or otherwise treating fish or fish waste.	Amounts of albuminoids (protein), phosphoric acid, oil and salt respectively.	
Ground oats - - - -	None.	15
Linseed cakes and the meals of such cakes.	Amounts of oil and albuminoids (protein) respectively.	
Linseed meal - - - -	Amount of oil.	
Locust bean meal - - - -	None.	
Maize by-products not otherwise specifically mentioned in this schedule.	Amounts of oil, albuminoids (protein) and fibre respectively.	20
Maize germ cake or meal -	Amounts of oil and albuminoids (protein) respectively.	
Maize gluten feed - - - -	Amounts of oil and albuminoids (protein) respectively.	25
Maize meal; Indian meal -	None.	
Molasses feeds, including any feeding stuffs, composed of treacle or molasses with an absorbent, containing not less than 10 per cent. of sugar.	Amounts of sugar and fibre respectively.	30
Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one undecorticated substance or seed from which oil has been removed.	Amounts of oil and albuminoids (protein) respectively.	35
Oil cakes or meals not otherwise specifically mentioned in this schedule which are the product of any one decorticated or partly decorticated substance or seed from which oil has been removed.	Amounts of oil, albuminoids (protein) and fibre respectively.	40
Palm kernel cake or meal -	Amounts of oil and albuminoids (protein) respectively.	45
Pea meal - - - -	None.	

Article.	Particulars to be contained in Statutory Statement.	A.D. 1926. — 1st Sch. —cont.
Rape cake or meal -	- Amounts of oil and albuminoids (protein) respectively.	
5 Rice bran or rice meal, or the by-product produced in milling shelled rice.	Amounts of oil, albuminoids (protein) and fibre respectively.	
Soya cake or meal - - -	- Amounts of oil and albuminoids (protein) respectively.	
10 Treacle or molasses - - -	- Amount of sugar.	
Wheat meal - - - -	- None.	
Wheat offals, or millers' offals -	Amount of fibre.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

Amounts are to be stated as percentages of the weight of the article.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5).

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25.

Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

SECOND SCHEDULE.

ARTICLES TO WHICH SOME ONLY OF THE PROVISIONS OF THE ACT ARE APPLICABLE.

30

PART I.

FERTILISERS.

Article.	Particulars to be contained in Statutory Statement.
Calcium hydrate; slaked lime -	Amount of calcium hydrate and equivalent of calcium oxide.
35 Chalk, ground - - -	Amount of calcium carbonate and equivalent of calcium oxide.

A.D. 1926.

2ND SCH.
—cont

Article.	Particulars to be contained in Statutory Statement.	
Dried blood for fertilising purposes.	Amount of nitrogen.	
Limestone, ground - - -	Amount of calcium carbonate and equivalent of calcium oxide. Amount that will pass through a prescribed sieve.	5
Precipitated bone - - -	Amount of phosphoric acid.	
Quick lime, ground or otherwise.	Amount of calcium oxide.	10
Shoddy - - - - -	None.	

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale, and notwithstanding that it contains a substance not mentioned in this Part of this Schedule. 15

Amounts are to be stated as percentages of the weight of the article.

Nitrogen is to be stated in terms of nitrogen.

Phosphoric acid is to be stated in terms of phosphoric anhydride (P_2O_5). 20

Calcium carbonate is to be stated in terms of calcium carbonate ($CaCO_3$).

Calcium hydrate is to be stated in terms of calcium hydrate ($Ca(HO)_2$). 25

Calcium oxide is to be stated in terms of calcium oxide (CaO).

PART II.

FEEDING STUFFS.

Article.	Particulars to be contained in Statutory Statement.	
Clover meal - - - - -	Amount of fibre.	
Dried brewery and distillery grains.	Amounts of oil and albuminoids (protein) respectively.	
Dried yeast - - - - -	Amount of albuminoids (protein).	35
Feeding dried blood - - -	Amount of albuminoids (protein).	
Malt culms - - - - -	Amounts of albuminoids (protein) and fibre respectively.	40

The provisions of this Part of this Schedule shall apply to any article described therein under whatever name it may be sold or offered for sale and notwithstanding that it contains a substance not mentioned in this Part of this Schedule.

A.D. 1926.

—
2ND SCH.
—cont.

5 Amounts are to be stated as percentages of the weight of the article.

Amount of albuminoids (protein) means the amount of nitrogen, other than ammoniacal or nitric nitrogen, if present, multiplied by 6.25.

10 Wherever albuminoids are stated in accordance with the provisions of this Part of this Schedule the word "albuminoids" is to be followed by the expression "(protein)".

THIRD SCHEDULE.

INGREDIENTS IN FEEDING STUFFS THE PRESENCE OF WHICH MUST BE DECLARED.

15

(a) Husks, chaff, glumes, shudes, hulls, nutshells or skins of nuts, from any source, when used as separate ingredients or artificial mixtures in the manufacture of feeding stuffs.

20

Where the kernels naturally associated in seeds with one or other of the above materials are present in a feeding stuff along with the materials with which they are so associated, regard shall be had to the proportion of the above materials that might reasonably be expected to accompany such kernels when the seed from which they are derived is in its natural condition, provided that feeding in this condition is regarded as a common practice in the feeding of livestock.

25

(b) Wheat or rye straw, ground or otherwise.

(c) Peat or peat moss, treated or untreated.

30

(d) Sawdust or any other form of wood, treated or untreated.

A.D. 1926.

FOURTH SCHEDULE.

DEFINITIONS IMPLIED ON THE SALE OF ARTICLES UNDER
CERTAIN NAMES.

PART I.

FERTILISERS.

Name under which Article sold.	Implied Definition.	5
Basic slag - - -	A by-product, containing phosphorus, obtained in the manufacture of steel and to which no addition has been made at the time of leaving or after it has left the furnace.	10
Basic superphosphate -	A non-acid phosphate produced by mixing lime with superphosphate of lime and to which no other matter has been added.	15
Bone meal - - -	Commercially pure bone, raw or degreased, which has been ground or crushed.	
Calcium cyanamide -	Commercial calcium cyanamide.	20
Calcium hydrate; slaked lime.	Commercial hydrate of lime.	
Castor meal - - -	The residue which is obtained by the removal of oil from commercially pure castor seed.	25
Chalk, ground - - -	The product obtained by grinding cretaceous limestone, to which no other matter has been added.	
Compound fertilisers -	Mixtures of any article or of two or more articles mentioned in Part I. of the First Schedule or in Part I. of the Second Schedule with any other such article or articles or with any other substance.	30
Dissolved or vitriolised bone.	Commercially pure bone which has been treated with sulphuric acid.	35
Dried blood manure -	Blood which has been dried, to which no other matter has been added.	
Fish guano; fish manure	A product obtained by drying and grinding or otherwise treating fish or fish waste, to which no other matter has been added.	40

A.D. 1926.

4TH SCH.
—cont.

Name under which Article sold.	Implied Definition.
Hoofs - - -	The product obtained by crushing or grinding hoof, to which no other matter has been added.
5 Hoofs and horns - -	A mixture of hoof and horn, crushed or ground, to which no other matter has been added.
10 Horns - - -	The product obtained by crushing or grinding horn, to which no other matter has been added.
Limestone, ground	The product obtained by grinding sedimentary rock consisting largely of carbonate of lime, to which no other matter has been added.
15 Meat and bone manure; meat meal; carcase meal.	The product of drying and grinding or otherwise treating bone, flesh, flesh fibre (including whale meat) and other slaughter-house residues, to which no other matter has been added.
20 Mowrah meal - - -	The residue which is obtained by the removal of oil from commercially pure mowrah seed.
25 Muriate of potash -	Potassium chloride for fertilising purposes.
Nitrate of lime - -	Calcium nitrate for fertilising purposes.
Nitrate of soda - -	Sodium nitrate for fertilising purposes.
30 Precipitated bone - -	An insoluble calcium phosphate prepared by treating commercially pure bone with acid, and precipitation of phosphate from the solution.
Quicklime, ground or otherwise.	Commercial calcium oxide.
35 Rape meal - - -	The residue which is obtained by the removal of oil from commercially pure rape seed.
40 Raw guano - - -	The excrement and remains of birds, containing both nitrogen and phosphorus, prepared for use by screening where necessary, but to which no addition has been made.
45 Raw phosphate or phos- phate rock, ground or otherwise.	The substance obtained from mineral calcium phosphate deposits, to which no other matter has been added.

A.D. 1926.	Name under which. Article sold.	Implied Definition.	
— 4TH SCH. —cont.			
	Shoddy manure; wool waste; wool combings; wool manure; flock dust.	Waste of wool, or of wool mixed with fibrous materials such as are associated with wool in the textile industries, to which no other matter has been added.	5
	Steamed bone flour; steamed bone meal.	Commercially pure bone from which nitrogen has been removed by steam.	
	Sulphate of ammonia -	Ammonium sulphate for fertilising purposes.	10
	Sulphate of ammonia (neutral).	Ammonium sulphate for fertilising purposes, containing not more than 0·025 per cent. of free acid in terms of sulphuric acid.	15
	Sulphate of potash -	Potassium sulphate for fertilising purposes.	
	Superphosphate -	A mineral substance containing soluble phosphate of lime.	
		PART II.	20
		FEEDING STUFFS.	
	Barley meal - -	The meal obtained by grinding commercially pure barley, as grown.	
	Bean meal - -	The meal obtained by grinding commercially pure beans of the species <i>fabā vulgaris</i> or <i>phaseolus vulgaris</i> , as grown.	25
	Clover meal - -	Whole clover, as grown, dried and ground, to which no other matter has been added.	30
	Compound cakes or meals	Cakes or meals (other than molasses feeds) consisting of a mixture of any article or of two or more articles mentioned in Part II of the First Schedule or in Part II of the Second Schedule with any other such article or articles or with any other substance, or any cakes or meals produced by grinding, crushing or otherwise treating together, or by mixing together after being separately crushed, ground or otherwise separately treated, any two or more raw materials out of which such articles are produced or any one or more of such materials with any other substance or substances.	35 40 45

Name under which Article sold.	Implied Definition.	A.D. 1926.
		— 4TH SCH. —cont.
Cotton cakes or meals not decorticated.	The residue resulting from the removal of oil from commercially pure cotton seed, not decorticated.	
5 Cotton cakes or meals from decorticated or partly decorticated cotton seed.	The residue resulting from the removal of oil from commercially pure cotton seed from which the cortex, in whole or in part, has been removed.	
10 Dari meal; durra meal	The meal obtained by grinding com- mercially pure dari or durra seed.	
Dried brewery grains -	The article produced by drying the residue of malted and unmalted cereals used in brewing, to which no other matter has been added.	
15 Dried distillery grains -	The article produced by drying the residues from distillery mash-tuns, to which no other matter has been added.	
20 Dried sugar beet residue	The article produced by drying the sugar beet residue produced in the manufacture of sugar from sugar beet.	
25 Dried yeast - - -	An article produced by drying yeast or yeast residues, to which no other matter has been added.	
Feeding bone flour -	The product obtained by grinding commercially pure steamed bone.	
30 Feeding dried blood -	Blood which has been dried, to which no other matter has been added.	
Feeding meat and bone meal.	The product (containing not more than 4 per cent. of salt) of grinding bone, flesh and flesh fibre (including whale meat), to which no other matter has been added.	
35 Feeding meat meal -	The product (containing not more than 4 per cent. of salt) of drying and grinding flesh and flesh fibre (includ- ing whale meat), to which no other matter has been added.	
40 Fish meal; fish residue meal.	A product obtained by drying and grinding or otherwise treating waste of fish, to which no other matter has been added.	
45 Ground bone - - -	The meal obtained by grinding com- mercially pure bone.	

A.D. 1926.	Name under which Article sold.	Implied Definition.	
4TH SCH. —cont.	Ground oats - - -	The meal obtained by grinding commercially pure oats, as grown.	
	Linseed cakes or the meals of such cakes.	The residue resulting from the removal of oil from commercially pure linseed.	5
	Linseed meal - - -	The meal obtained by grinding or crushing commercially pure linseed.	
	Locust bean meal - - -	The meal obtained by grinding or crushing commercially pure locust beans.	10
	Maize germ cake or meal	The residue resulting from the removal of oil from maize germs, to which no other matter has been added.	
	Maize gluten feed - - -	A by-product resulting from the removal of starch and germ from maize, to which no other matter has been added.	15
	Maize meal; Indian meal	The meal obtained by grinding commercially pure maize or Indian corn, as grown.	20
	Malt culms - - -	The rootlets and shoots arising from the screening of malt, to which no other matter has been added.	
	Molasses feeds - - -	Any mixture, containing not less than 10 per cent. of sugar, of an absorbent material and treacle or molasses.	25
	Nut cakes or meals, including cocoanut, copra, palm kernel and ground nut cakes and meals.	The residue resulting from the removal of oil from commercially pure nut kernels.	30
	Pea meal - - -	The meal obtained by grinding commercially pure peas, as grown.	
	Rape cake or meal - - -	The residue resulting from the removal of oil from commercially pure rape seed.	35
	Rice bran; rice meal - - -	The by-product produced in milling shelled rice, to which no other matter has been added.	40
	Soya cake or meal - - -	The residue resulting from the removal of oil from commercially pure soya beans.	
	Sugar beet treacle; sugar beet molasses.	A concentrated syrup product obtained in the manufacture of sugar from sugar beet, to which no other matter has been added.	45

Name under which Article sold.	Implied Definition.	A.D. 1926. — 4TH SCH. —cont.
5 Sugar cane treacle ; sugar cane molasses.	A concentrated syrup product obtained in the manufacture of sugar from sugar cane, to which no other matter has been added.	
10 Wheat meal - - - Wheat offals; millers' offals.	The meal obtained by grinding com- mercially pure wheat, as grown. A product of wheat separated in the process of milling and containing not more than 4 per cent. of vegetable substances, other than wheat, ex- tracted from wheat in the process of cleaning by the maker of the offals in the production of flour.	
15 White fish meal - - - 20	A product (containing not more than 6 per cent. of oil and not more than 4 per cent. of salt) obtained by drying and grinding or otherwise treating waste of white fish, and to which no other matter has been added.	

In the case of every article mentioned in this Schedule the definition of which includes the expression "commercially pure" it is implied that no other matter may be added.

25

FIFTH SCHEDULE.

DELETERIOUS INGREDIENTS IN FEEDING STUFFS.

(a) Salts soluble in water, if present in a feeding stuff in proportion likely to be injurious to the health of animals.

30 (b) All poisonous substances except those naturally present in the material or materials from which the feeding stuff is derived.

35 (c) Sand, silicious matter or other insoluble mineral matter not naturally associated with ingredients of the feeding stuff which do not fall within the scope of this Schedule, or which, even if naturally so associated, are present in greater proportion than the maximum that may be expected to be due to such natural association.

40 For the purposes of this paragraph the term "insoluble" shall imply insolubility in hydrochloric acid, as determined by a prescribed method; the term "natural association" shall be construed as applying to average commercial samples of the feeding material with which it may be claimed that a particular mineral ingredient is associated.

Fertilisers and Feeding
Stuff. [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTRODUCED

An Act to amend the law with respect
to the sale of fertilisers and feeding
stuffs.

The Lord Bledisloe.

Ordered to be printed 8th July 1926.

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 29, Abingdon
Street, London, S.W. 1; York Street, Manchester;
1 St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any Bookseller.

Printed by Kyre and Spottawood, Ltd.,
East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 9d. Net.]

(127)

Fertilisers and Feeding Stuffs Bill. [H.L.]

COMMONS AMENDMENTS.

• [*The references are to Bill (No. 127).*]

Clause 1.

Page 2.

Line 10, leave out (“printed”) and insert
 (“marked”)

Clause 2.

Page 2.

Line 38, after (“ingredients”) insert (“or as to the
 “ fineness of grinding ”)

Clause 3.

Page 3.

Line 27, leave out (“a copy of ”)

Line 28, at end insert (“ , or a copy thereof ”)

Clause 4.

Page 3.

Line 41, leave out from (“being”) to (“marked ”)
 in page 4, line 2, and insert (“removed from the
 “ premises where it is so prepared, be ”)

Page 4.

Line 2, after (“marked”) insert (“in the prescribed
 “ manner ”)

Page 4.

Line 18, leave out (" article ") and insert (" parcel ")

Line 19, leave out (" article ") and insert (" parcel ")

Line 25, leave out (" article ") and insert (" parcel ")

Line 28, leave out (" article ") and insert (" parcel ")

Line 34, after the first (" or ") insert (" having in
" his possession or disposition for the purpose of
" sale or "), and leave out (" article ") and insert
(" parcel ")

Clause 7.

Page 6.

Line 15, after (" sampled ") insert (" by an
" inspector ")

Line 20, leave out subsection (2) and insert:—

(" (2) Any substance mentioned in the Fifth Schedule shall, if present in a feeding stuff or, where a maximum quantity with regard to the substance is indicated in the Fifth Schedule, if present in excess of that quantity, as the case may be, be deemed to be a deleterious ingredient unless the contrary is proved.")

Clause 8.

Page 6.

Line 34, leave out line 34 and insert (" on summary
" conviction be liable, in the case of a first offence,
" to a fine not exceeding five pounds and, in the
" case of a second or subsequent offence, to a
" fine not exceeding ten pounds.")

Page 7.

Line 15, leave out from (" shall ") to the end of the clause and insert (" on summary conviction be
" liable in the case of a first offence, to a fine not
" exceeding five pounds and, in the case of a
" second or subsequent offence, to a fine not
" exceeding ten pounds.")

Clause 9.

Page 7.

Line 22, after (“ period ”) insert (“ (not exceeding
“ four months) ”)

Clause 11.

Page 8.

Line 14, at end insert (“ or in the case of a joint
“ appointment of one or more of the councils
“ concurring in the appointment ”)

Clause 12.

Page 9.

Line 20, leave out from the first (“ of ”) to (“ take ”)
in line 21, and insert (“ this Act ”)

Line 25, leave out (“ result of an analysis of ”) and
insert (“ name of the seller or purchaser or owner
“ of the article of which ”), and after (“ sample ”)
insert (“ is ”)

Line 26, leave out from (“ person ”) to the end of
subsection (2).

Line 44, at end insert :—

(“ (4) Where a sample of a parcel packed ready for
retail sale which is of fourteen pounds weight or less
and is exposed for sale by retail is taken under this
section, the retailer may require the inspector to pur-
chase the parcel on behalf of the local authority or of
the Minister, as the case may be.

(5) In the exercise at any railway station or upon
any railway premises of the powers conferred upon him
by this Act an inspector shall conform to such reason-
able requirements of the railway company owning or
using such station or premises as are necessary to
prevent the working of the traffic thereat being
obstructed or interfered with.”)

Clause 13.

Page 10.

Line 27, leave out (“ and ”) and insert (“ or ”)

Clause 16.

Page 11.

Line 29, leave out from (“discloses”) to (“any”) in line 30.

Line 32, after (“Act”) insert (“except to persons
“acting in the execution of this Act and so far as
“such information may be necessary for the
“execution thereof”)

Clause 20.

Page 12.

Line 31, leave out from (“applies”) to (“shall”) in line 34.

Line 37, after (“particulars”) insert (“(except
“particulars which are not required to be con-
“tained in a statutory statement”)

Line 37, at end insert (“or in respect of failure to
“include in the particulars marked or indicated
“by a mark or entered in a register or written on
“a label, any particulars which are required by
“this Act to be contained in the statutory state-
“ment”)

Line 38, leave out from the second (“of”) to (“any”) in line 40.

Page 13.

Line 4, leave out from the beginning to (“making”) in line 5 and insert:—

(“ (2) Where proceedings under this Act are taken against a person in respect of causing or permitting any name, mark or particulars to be false, or for ”)

Line 8, after (“Act”) insert (“he shall not be liable
“to conviction”)

Clause 22.

Page 14.

Line 17, leave out (“either before or during the
“proceedings”)

Clause 23.

Page 15.

Line 14, after (" shall ") insert (" after consultation
" with such associations as appear to them to
" represent the interests concerned ")

Line 15, leave out from (" committee ") to the end
of subsection (2).

After Clause 23.

Page 15.

Line 29, at end insert as a new clause :

(" . This Act shall not apply to the sale of an article used as a fertiliser of the soil or as a food for cattle or poultry where the sale is in exercise of a statutory power to enforce a right or to satisfy a claim or lien, or where the sale is made by a sheriff, bailiff or other officer to satisfy a writ of execution, or warrant or decree of any court, or a distress for rent or warrant of distress.")

Exemption for sales under statutory authority and for sales by sheriffs and bailiffs.

Line 35, after (" and ") insert (" that ")

After Clause 25.

Page 16.

Line 38, at end insert as a new clause :

(" . This Act shall apply to the Port of London and the City of London subject to the following modifications :—

Application to City and Port of London.

(a) The sanitary authority of the Port of London as regards the district of that authority and the Common Council of the City of London as regards the City of London shall, to the exclusion of any other council, perform and exercise the duties and powers by this Act imposed and conferred on councils of counties and county boroughs :

(b) The expenses of the Port of London sanitary authority and the Common Council incurred in the execution of this Act (including any expenditure incurred in the purchase of articles for the purpose of enforcing the provisions of this Act) shall be defrayed out of the general rate of the City of London.")

Clause 26.

Page 17.

Line 24, at end insert :—

Provided that—

- (i) no proceedings shall be brought in respect of causing or permitting any name, mark or particulars (except particulars which are not required to be contained in a statutory statement) to be false or in respect of failure to include in the particulars marked or indicated by a mark or entered in a register or written on a label any particulars which are required by this Act to be contained in the statutory statement or in respect of the presence in a feeding stuff of any deleterious ingredient until the part of the sample retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist; and
- (ii) in any prosecution to which subsection (3) of section twenty of this Act applies there shall be served with the complaint a copy of any certificate of the agricultural analyst obtained on behalf of the prosecution.

Clause 28.

Page 18.

Line 33, leave out (“ January ”) and insert (“ July ”)



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Fertilisers and Feeding Stuffs Bill. [H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 8th December 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingsway, London, W.O.2;
120, George Street, Edinburgh; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; 15, Donegall Square West, Belfast;
or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
East Harding Street, E.C. 4
Printers to the King's most Excellent Majesty.
[Price 2d. Net.]

(201)

Finance Bill.

ARRANGEMENT OF CLAUSES.

PART I.

CUSTOMS AND EXCISE.

Clause.

1. Duty on tea.
2. Continuation of increased medicine duties.
3. Exemption of trade motor cars from customs duty to cease.
4. Repeal of excise duty on chicory.
5. Amendment as to certain silk duties and drawbacks.
6. Provisions for securing customs and excise duties imposed by Ways and Means resolutions not having statutory effect.
7. Stabilisation of rates of Imperial preference.
8. Remission of customs duties in case of antique articles.
9. Time for payment of beer duty.
10. Continuation and amendment of Part I. of Safeguarding of Industries Act, 1921.
11. Customs duty on wrapping paper.
12. Power to exempt articles of small value from certain customs duties.
13. Alteration of duties on licences for mechanically-propelled vehicles.
14. Provisions as to recovery of, and claims for repayments in connection with, duties on mechanically-propelled vehicles.

PART II.

BETTING DUTY.

15. Duties on betting and on certificates required in respect of bookmakers' business and premises.
16. Supplemental provisions as to betting duty.
17. Penalties, disqualification, &c.
18. Interpretation and extent of Part II.

PART III.

INCOME TAX.

Charge of Tax and Miscellaneous.

Clause.

19. Income tax and super-tax for 1926-27.
20. Provision as to making of claims, &c. under proviso to s. 24 (1) of Finance Act, 1920.
21. Provisions of s. 18 of Finance Act, 1925, to be permanent.
22. Income tax computed on profits of previous period to be charged though no profits in year of assessment.
23. Relief from double taxation in respect of British income tax and Irish Free State income tax.
24. Income tax on dividends payable out of public revenue of Northern Ireland.
25. Provisions in connection with appeals.
26. Amendment as to deduction of income tax from rent.
27. Amendment of s. 24 of Finance Act, 1923.

PART IV.

INCOME TAX.

Basis of Assessment.

28. Transfer of certain property from Schedule A to Schedule D.
29. Method of computing profits under Schedule D.
30. Provisions as to charge of tax under certain Cases of Schedule D.
31. Provisions as to discontinuance of trades, &c.
32. Amendment of Rule 11 of Rules applicable to Cases I and II of Schedule D.
33. Relief in respect of certain losses.
34. Period of computation of profits and gains.
35. Apportionment of profits.
36. Consequential and minor amendments.
37. Construction and commencement of Part IV and repeal.



PART V.

EXCESS PROFITS DUTY.

Clause.

38. Provisions for limiting further assessments or claims in respect of excess profits duty.
39. Provision as to deduction of income tax in computing capital for purposes of excess profits duty.
40. Interpretation of Part V.

PART VI.

GENERAL.

41. Amount of New Sinking Fund (1923) for 1926-27.
42. Amendment as to sum to be paid into Road Fund.
43. Transfer of sum from Road Fund to Exchequer.
44. Continuance during current financial year of s. 58 of 10 & 11 Geo. 5. c. 18.
45. Amendment as to counter-signing of warrants for Treasury bills and Exchequer bonds.
46. Power to extend currency of, and to issue securities in exchange for, savings certificates.
47. Construction, short title, application and repeal.

SCHEDULES.

A

B I L L

INTITULED

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. A.D. 1926.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

1. The duty of customs payable on tea until the first day of August, nineteen hundred and twenty-six, Duty on tea.

A.D. 1926. under section one of the Finance Act, 1925, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preference rates), continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-seven, that is to say—

15 & 16 Geo.
5. c. 36.
9 & 10 Geo.
5. c. 32.

Tea - - - the lb., fourpence.

2. The additional duties of excise imposed by section eleven of the Finance (No. 2) Act, 1915, upon medicines liable to duty shall continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-seven.

Continuation
of increased
medicine
duties.
5 & 6 Geo. 5.
c. 89.

3. The exemption from customs duty which is given by subsection (4) of section thirteen of the Finance (No. 2) Act, 1915, as applied by section three of the Finance Act, 1925, in respect of motor cars which are proved to the satisfaction of the Commissioners to be constructed and adapted for use and intended to be used solely for certain trade or other purposes, and chassis, component parts and accessories which are so proved to be intended to be used solely for any such motor cars, shall be deemed to have ceased as from the first day of May, nineteen hundred and twenty-six, except as respects any such cars, chassis, parts or accessories which are shown to the satisfaction of the Commissioners to have been imported and entered before the said first day of May :

Exemption
of trade
motor cars
from
customs
duty to
cease.
5 & 6 Geo. 5.
c. 89.
15 & 16
Geo. 5. c. 36.

Provided that, notwithstanding any repeal effected by this Act, the last paragraph of the said subsection (4) shall continue to have effect in relation to any motor car, chassis, component part or accessory which is shown to the satisfaction of the Commissioners to have been imported and entered before the said first day of May.

4. As from the commencement of this Act, no duty of excise shall be chargeable on chicory.

Repeal of
excise duty
on chicory.

5.—(1) In the case of silk tissue of which the warp or weft consists of yarn wholly or partly discharged and the weft or warp of undischarged yarn, the duty payable in respect of the tissue shall, instead of being charged at the rate of seven shillings and ninepence the pound as provided by Part I. of the Second Schedule to the Finance Act, 1925, be charged at the rate of five shillings and threepence the pound in respect of the undischarged

Amendment
as to
certain silk
duties and
drawbacks.

15 & 16 Geo.
5. c. 36.

yarn and at the rate of seven shillings and ninepence the pound in respect of the yarn wholly or partly discharged which is contained therein. A.D. 1926.

(2) Where, on or after the first day of August, 5 nineteen hundred and twenty-six, any article of apparel made wholly or partly of silk is imported by any person for his own use and not for sale, the article, instead of being charged with duty in accordance with the provisions of Part I. of the Second Schedule to the Finance 10 Act, 1925, may, at the option of the importer, be charged with a duty calculated on the whole weight of the article at a rate equal to twice the rate of the duty chargeable under the said Part I. in respect of the class of silk contained in the article.

15 For the purposes of this subsection—

- (i) The expression "silk" includes artificial silk;
- (ii) Where silk of several classes is contained in the article the article shall be chargeable with duty as if all the silk so contained were 20 silk of that one of those classes in respect of which the highest rate of duty is payable under the said Part I.;
- (iii) In determining the class to which any silk belongs regard shall be had to the stage of 25 manufacture in which the silk appears in the article.

(3) The drawback payable in respect of any silk or artificial silk yarn or tissue manufactured in Great 30 Britain or Northern Ireland, which consists of more than one kind of yarn or tissue, shall be calculated by reference to the weight of each kind of yarn or tissue in the article in respect of which the drawback is claimed at the rate appropriate to that kind of yarn or 35 tissue under the Finance Act, 1925.

(4) Paragraph 10 of Part III. of the said Second Schedule (which makes provision for an alternative scale of drawbacks in respect of artificial silk), shall be extended so as to apply to tissues of silk in respect of 40 which under Part II. of the said Second Schedule drawback is allowed at the rates of four shillings and threepence the pound and five shillings and sixpence the

A.D. 1926. — pound respectively, and Part IV. of the said Second Schedule shall be amended by the insertion after the words "Part IV." of the following—

" ALTERNATIVE SCALE OF DRAWBACKS IN RESPECT OF CERTAIN SILK TISSUES. 5		
	If made from imported yarn on which a duty of customs was paid.	If made from yarn produced in Great Britain or Northern Ireland from materials on which a duty of customs was paid. 10
	<u>s. d.</u>	<u>s. d.</u> 15
" Silk tissues in respect of which drawback under Part II. of this Schedule is allowed at the rate of 4s. 3d. the pound the lb.	5 3	4 0 20
" Silk tissues in respect of which drawback under Part II. of this Schedule is allowed at the rate of 5s. 6d. the pound the lb.	7 9	4 3," 25

and by the insertion at the end thereof of the following:—

" Made from imported doubled or twisted thread on which customs duty of 3s. a lb. has been paid - - the lb. 3 5."

(5) Where by virtue of the last preceding subsection drawback in respect of tissue (being tissue manufactured in Great Britain or Northern Ireland) which is loaded is payable under the alternative scale contained in Part IV. of the said Second Schedule, as amended by this Act, the amount of the drawback shall, notwithstanding anything in paragraph 1 of Part III. of the said Second Schedule, be reduced by thirty per cent., unless the Commissioners are satisfied that the tissue was manufactured from imported yarn which was loaded at the time of importation. 30
35
40

(6) Part II. of the Second Schedule to the Finance Act, 1925 (which relates to drawbacks on silk and artificial

silk), shall have effect as though after the words "In any other case . . . the lb., 5s. 6d." there were inserted the following:— A.D. 1926.

5 "Waste, dressed or otherwise prepared for spinning—
 Wholly discharged - the lb. . . . 3s.
 Not wholly discharged - the lb. . . . 1s.
 Noils - - - the lb. . . . 1s.",

and as though after the words "Artificial silk . . . the lb., 1s. 9d.," there were inserted the following:—

10 "Waste, prepared for spinning,
 including tops - - - the lb. . . . 6d."

6.—(1) Where a resolution providing for the imposition as from a specified date of a customs duty or an excise duty in respect of any goods (not being a resolution to which statutory effect can be given under section one of the Provisional Collection of Taxes Act, 1913), is passed by the Committee of Ways and Means of the House of Commons (being a Committee of the whole House) the following provisions shall have effect.

Provisions for securing customs and excise duties imposed by ways and means resolutions not having statutory effect.
 3 & 4 Geo. 5. c. 3.

20 (2) If the duty so imposed is a customs duty, the Commissioners may require any person who, on or after the specified date, imports any goods to which the resolution applies to give security that he will, if and when an Act giving effect to the resolution comes into operation, pay the duty chargeable in respect of the goods under that Act.

30 (3) If the duty is an excise duty, the Commissioners may make regulations for the purpose of securing the payment of such duty as may by law become chargeable in the event of an Act giving effect to the resolution coming into operation, and may by those regulations apply to the duty and to any trade or business in connection with which the duty may become chargeable and to any premises used for the purpose of that trade or business any enactments relating to excise.

If any person contravenes or fails to comply with any regulations so made, he shall be liable to an excise penalty of fifty pounds and the goods in respect of which the offence is committed shall be forfeited.

A.D. 1926.
—
Stabilisa-
tion of rates
of imperial
preference.
9 & 10 Geo.
5. c. 32.

7.—(1) Where immediately before the first day of July, nineteen hundred and twenty-six, the duty of customs chargeable in respect of any article was by virtue of section eight of the Finance Act, 1919, as amended by any other enactment, chargeable at a preferential rate in the case of any such article being an Empire product, that article shall, during a period of ten years beginning on the said day, be charged, if an Empire product, with a customs duty at a preferential rate representing the full rate of the customs duty for the time being in force reduced by an amount equal to the difference between the full rate of the duty in force on the said day and the preferential rate in force on the said day, or, where the customs duty is chargeable at a rate representing a proportion of the value of the article, reduced by an amount representing the proportion of the value of the article by which the amount of the preferential rate in force on the said day was less than the amount of the full rate in force on the said day:

Provided that if at any time during the period aforesaid the full rate of the customs duty chargeable in respect of any article is decreased so as to be equal to or less than the amount of the reduction to be allowed as aforesaid, that article, if an Empire product, shall be free of duty.

(2) If the duty of customs on molasses, coffee, chicory or tobacco being an Empire product is at any time by virtue of this section payable at a rate lower than the rate which would have been payable in respect of the article if this section had not passed, any drawback or allowance payable in respect thereof shall be reduced to an amount bearing to the full customs drawback or allowance the same proportion as the reduced rate of duty bears to the full customs rate of duty for the time being in force, except that mixtures of coffee and chicory shall for the purposes of this subsection be treated as if they consisted of chicory alone.

(3) In this section the expression " Empire product " means such an Empire product as is entitled to a preferential rate under section eight of the Finance Act, 1919.

8. As from the first day of May, nineteen hundred and twenty-six, customs duties shall not be charged in respect of any goods (other than spirits or wines) which are proved to the satisfaction of the Commissioners to have been manufactured or produced more than one hundred years before the date of importation.

A.D. 1926.

—
Remission of customs duties in case of antique articles.

9. The maximum period for which the Commissioners may, in pursuance of their powers under section sixteen of the Inland Revenue Act, 1880, defer the payment of beer duty shall be a period of one month, instead of a period of two months, from the fifteenth day of the month succeeding the month in which the duty was charged.

Time for payment of beer duty. 43 & 44 Vict. c. 20.

10.—(1) Part I. of the Safeguarding of Industries Act, 1921, which is limited to expire on the nineteenth day of August, nineteen hundred and twenty-six, shall, as amended by this section, continue in force for a further period of ten years from the said day.

Continuation and amendment of Part I. of Safeguarding of Industries Act, 1921. 11 & 12 Geo. 5. c. 47.

(2) As from the first day of May, nineteen hundred and twenty-six, the duties charged by the said Part I. on optical glass and the other goods specified in the first paragraph of the Schedule to the said Act shall be duties equal to one-half instead of duties equal to one-third of the value of the goods, and the duty thereby charged on arc-lamp carbons shall be a duty at the rate of one shilling per pound weight instead of a duty equal to one-third of the value of the goods.

(3) As from the first day of May, nineteen hundred and twenty-six, Part I. of the said Act shall have effect as though the following goods were included in the Schedule to the said Act, that is to say—

- (i) component parts of such optical instruments as are chargeable with duty under section one of the said Act;
- (ii) component parts of such scientific instruments as are chargeable with duty under section one of the said Act;
- (iii) amorphous carbon electrodes, but not including primary battery carbons or arc-lamp carbons;

A.D. 1926. — (iv) molybdenum, ferro-molybdenum and molybdenum compounds, and vanadium, ferro-vanadium and vanadium compounds (but not including ores or minerals of molybdenum or vanadium), 5

except that in the case of component parts of optical instruments the duty to be charged shall be a duty equal to one-half instead of one-third of the value of the goods.

(4) For the purpose of the decision of complaints under subsection (5) of section one of the said Act there shall be constituted a panel of persons of special scientific attainments to be appointed by the President of the Board of Trade, and a complaint under the said subsection, instead of being referred to the arbitration of the referee appointed under the said subsection, shall be referred to the arbitration of a tribunal consisting of the said referee and of two persons selected by the Lord Chancellor for the purpose of the hearing of that complaint from the panel to be constituted as aforesaid, and the decision of the said tribunal, or of the majority of the members thereof, shall have effect as if it were a decision of the referee under the said subsection. 10 15 20

(5) The Treasury may by order exempt from the duty imposed by section one of the Safeguarding of Industries Act, 1921, as amended by this Act, for such period as may be specified in the order, any article in respect of which the Board of Trade are satisfied on a representation made by a consumer of that article that the article is not made in any part of His Majesty's Dominions in quantities which are substantial having regard to the consumption of that article for the time being in the United Kingdom, and that there is no reasonable probability that the article will within a reasonable period be made in His Majesty's Dominions in such substantial quantities. 25 30 35

Customs
duty on
wrapping
paper.

11.—(1) During a period of five years beginning on the first day of May, nineteen hundred and twenty-six, a duty of customs equal to sixteen and two-thirds per cent. of the value of the goods shall be charged, levied

and paid on the importation into Great Britain or Northern Ireland of the following goods, that is to say— A.D. 1926.

5 Paper, whether in sheets or rolls or otherwise, of any description known as packing or wrapping paper, including tissue paper, of a weight when fully extended equivalent to more than ten pounds but not more than ninety pounds to the ream of 10 four hundred and eighty sheets of double crown measuring thirty inches by twenty inches, and articles made either entirely from such paper or from such paper with the addition only of some adhesive substance or other material the value of which does not exceed one-sixth of the total value of the whole article.

15 (2) For the purpose of this section packing or wrapping paper and tissue paper include any such paper which has been coated or otherwise treated in any manner, but this section shall not extend to vegetable parchment, glazed transparent paper, grease-proof 20 paper, paper which forms part of another article, or paper, or any article made of paper, which at the time of importation is in use as wrapping or packing or as a container of other goods.

(3) The provisions of the Safeguarding of Industries 15 & 16 (Customs Duties) Act, 1925, shall apply to the goods Geo. 5. c. 79. chargeable with duty under this section and to the duty imposed by this section as they apply to the articles chargeable with duty under that Act and the duties imposed by that Act.

30 **12.**—(1) Where it appears to the Treasury, after consultation with the Board of Trade, as respects— Power to exempt articles of small value from certain customs duties.
 (a) any articles liable to duty under the Safeguarding of Industries Act, 1921, as amended by this Act; or 11 & 12 Geo. 5. c. 47.
 35 (b) any articles, or articles of any class, liable to duty under section six of the Finance Act, 1925, as consisting of or containing lace or embroidery, 15 & 16 Geo. 5. c. 36.

to be inexpedient, having regard to the nature or small 40 value of the articles, or in the case of articles containing

A.D. 1926. lace or embroidery, having regard to the small value
— of that lace or embroidery, that duty should be charged
thereon, the Treasury may by order exempt those
articles or articles of that class, from duty under the
said enactments. 5

(2) Any order made by the Treasury after the
commencement of this Act under this section or under
any other enactment for exempting any articles from
duties of customs, may be varied or amended by
another order made under this section or under that 10
other enactment, as the case may be.

Alteration of duties on licences for mechanically-propelled vehicles. 10 & 11 Geo. 5. c. 18. 13. As from the first day of January, nineteen hundred and twenty-seven, section thirteen of the Finance Act, 1920, which imposes duties of excise on mechanically-propelled vehicles, shall, as amended by any subsequent enactment, have effect as if the rates of duties set out in the First Schedule to this Act were substituted for the rates set out in paragraphs 3, 4 and 5 of the Second Schedule to the said Act. 15

Provisions as to recovery of, and claims for repayments in connection with, duties on mechanically-propelled vehicles. 14.—(1) Where the amount of the excise duty which has been paid in respect of a mechanically-propelled vehicle is less than the amount payable on the licence appropriate to that vehicle, the amount of the deficiency shall be a debt due to the council of the county or county borough with which the vehicle is for the time being registered, and that council may take proceedings for the recovery of that amount at any time before the expiration of the year next following the year in respect of which, or of part of which, the licence was taken out. 20 25 30

(2) No proceedings shall be brought for enforcing any repayment of duty to which a person may be entitled under paragraph 6 of the Second Schedule to the Finance Act, 1920, or any other repayment to which a person may be entitled in respect of any over-payment of duty made on a licence taken out by him in respect of a mechanically-propelled vehicle, unless the proceedings are brought before the expiration of the year next following the year in respect of which, or of part of which, the licence was taken out. 35 40

PART II.

A.D. 1926.

BETTING DUTY.

15.—(1) There shall, on and after the first day of November, nineteen hundred and twenty-six, be charged, levied and paid the following duties of excise, that is to say :—

Duties on betting and on certificates required in respect of book-makers' business and premises.

10 (a) On every bet made with a bookmaker a duty (in this Part of this Act referred to as "betting duty") at a rate equal to three-and-a-half per centum of the amount paid or offered, or promised to be paid to, or to the order or for the use of, the bookmaker, or in the case of a bet in respect of a horse race made on any ground used for the purpose of a racecourse for racing with horses, or on any ground adjacent thereto, on a day on which horse racing takes place thereon, and made with a bookmaker attending at that ground by a person so attending, equal to two per centum of that amount :

15 (b) On a certificate (in this Part of this Act referred to as "a bookmaker's certificate") to be taken out annually by a person carrying on the business of a bookmaker, a duty of ten pounds :

20 (c) On a certificate (in this Part of this Act referred to as "an entry certificate") to be taken out annually by a bookmaker in respect of the entry for any betting premises kept or used by him, a duty of ten pounds.

25 (2) Nothing in this Part of this Act shall operate so as to render lawful any betting in any manner or place in which it is at the commencement of this Part of this Act unlawful, or so as to authorise the writing, printing, publication or sending of any notice, circular or advertisement which is at that time unlawful.

30 (3) Betting duty shall be payable by the bookmaker with whom the bet is made, and every bookmaker (other than a bookmaker who has made an arrangement approved by the Commissioners for furnishing returns of all bets made with him and has given security up to an amount and in a manner approved by the Commissioners for the payment of the betting duty thereon) with whom a bet is made shall immediately on the making of the bet issue to the person by whom the bet is made a ticket (not before used) in the prescribed

A.D. 1926. — form denoting that the proper betting duty has been paid (in this Part of this Act referred to as “a revenue ticket”).

(4) Any betting duty not paid by means of a revenue ticket shall be recoverable from the bookmaker with whom the bet was made as a debt due to the Crown, and, if the amount of the duty is less than fifty pounds, may, without prejudice to any other means of recovery, be recovered by the Commissioners summarily as a civil debt.

(5) Bookmakers' certificates and entry certificates—

(a) shall be in the prescribed form;

(b) shall be granted only on payment of the duty chargeable thereon;

(c) shall expire on the thirty-first day of October in every year.

(6) References in this Part of this Act to a “certificate” shall, unless the context otherwise requires, be construed as references to both a bookmaker's certificate and an entry certificate.

Supple-
mental pro-
visions as to
betting
duty.

16.—(1) The Commissioners may make regulations for securing the payment of betting duty and of the duties payable in respect of certificates and generally for carrying the provisions of this Part of this Act into effect, and in particular—

(a) for regulating the supply and use, and prescribing the form, of revenue tickets, and for securing the defacement of revenue tickets when used;

(b) for prescribing the form of certificates and the form in which entry is to be made of betting premises;

(c) for requiring the production by bookmakers of their certificates and of any books, accounts, vouchers, revenue tickets or other documents relating to the business carried on by them as such, and for authorising any officer to examine and take copies of or extracts from any such documents;

(d) for granting to a bookmaker a rebate of betting duty in cases where the whole or any part of the liability in respect of a bet accepted by him is shown to the satisfaction of the Commissioners to have been transferred by him to another bookmaker by means of a fresh bet made by him with that other bookmaker.

(2) Any officer authorised by the Commissioners for the purpose may enter any place where for the time being betting with bookmakers is being carried on, and also any betting premises, with a view to seeing whether the provisions of this Act and of any regulations made thereunder as to betting duty are being complied with. A.D. 1926.

If any person prevents or obstructs the entry of any officer so authorised, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) The provisions, including the penal provisions, of the Stamp Duties Management Act, 1891, as amended by any subsequent enactment, and section sixty-five of the Post Office Act, 1908, shall apply to revenue tickets as if those tickets were stamps and as if for references therein to the Commissioners of Inland Revenue there were substituted references to the Commissioners. 54 & 55 Vict.
c. 38.
8 Edw. 7.
c. 48.

(4) The Commissioners may, if they think fit, by agreement in writing with any police authority arrange for the exercise by that authority, either concurrently with the Commissioners or to the exclusion of the Commissioners, of any powers of the Commissioners in relation to the duties chargeable under this Part of this Act, and, so far as may be required for the purpose of giving effect to any such arrangement, the provisions of this Part of this Act and any regulations made thereunder shall have effect as if the police authority and any officer authorised by that authority were mentioned therein in addition to, or were substituted for, the Commissioners and an officer of customs and excise.

Any such arrangement with a police authority may provide for the payment out of moneys provided by Parliament of any expenses incurred by the authority in carrying out the arrangement.

17.—(1) If any person—

- (a) contravenes or fails to comply with any of the provisions of this Part of this Act or of any regulations made thereunder; or
- (b) carries on business as a bookmaker without having in force a proper certificate; or
- (c) keeps or uses any betting premises in respect of which there is not a proper entry certificate in force, or assists or is concerned in the management of any such premises;

Penalties,
disqualifica-
tion, &c.

A.D. 1926. — he shall (without prejudice to his liability to any other penalty or his liability to pay any sum in respect of duty under this Part of this Act) be liable, in respect of each offence, to an excise penalty of one hundred pounds.

(2) Any person—

(a) who is found committing the offence of accepting a bet without issuing a revenue ticket; or

(b) who, on being duly required in accordance with the provisions of any regulations made under this Part of this Act to produce a bookmaker's certificate, fails so to do;

may without any warrant be arrested by any officer.

(3) Any court before which a bookmaker is convicted of any offence under this Part of this Act or otherwise in connection with his business as a bookmaker, may order him to be disqualified for holding a bookmaker's certificate for such period as the court may think fit, and any such certificate held by him shall, so long as the disqualification continues, be of no effect, and if any person applies for or obtains such a certificate while he is so disqualified he shall be liable to an excise penalty of one hundred pounds, and any certificate so obtained shall be of no effect:

Provided that a person who by virtue of an order made under this section is disqualified for obtaining a bookmaker's certificate may, at any time after the expiration of three months from the date of the order, make from time to time an application to the court by which the order was made to remove the disqualification, and on any such application the court may by order, as it thinks proper having regard to the character of the person and to his conduct subsequent to conviction, the nature of the offence and the other circumstances of the case, either remove the disqualification as from such date as may be specified in the order, or refuse the application, and may in any event make such order as to costs as it thinks proper.

A court making any order under this subsection shall cause particulars of the order to be endorsed on any certificate affected by the order and shall send notice of the order to the Commissioners.

18.—(1) In this Part of this Act, unless the context otherwise requires—

A.D. 1926.

The expression “bet” means a bet on an event of any kind ;

Interpreta-
tion and
extent of
Part II.

5 The expression “bookmaker” means any person who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets, or who in any manner holds himself out or permits himself to be held out in any manner as a person who receives or negotiates bets ;

15 The expression “betting premises” means any premises which are kept or used for the purpose of making, receiving or negotiating in any manner whatsoever bets on credit, or which are in any manner held out as being kept or used for any such purpose ;

20 The expression “officer” means an officer of customs and excise, and includes any person expressly authorised by the Commissioners to perform the duties of an officer of customs and excise for the purposes of this Part of this Act ;

25 The expression “police authority” means a police authority within the meaning of the Police Pensions Act, 1921.

11 & 12
Geo. 5. c. 31.

PART III.

INCOME TAX.

30 *Charge of Tax and Miscellaneous.*

19.—(1) Income tax for the year 1926–27 shall be charged at the rate of four shillings, and the rates of super-tax for that year shall, for the purposes of section four of the Income Tax Act, 1918, as amended by the Finance Act, 1920, be the same as those for the year 1925–26.

Income tax
and super-
tax for
1926–27.

(2) All such enactments relating to income tax and super-tax respectively as were in force with respect to

A D. 1926. the duties of income tax and super-tax granted for the
 year 1925-26 shall, subject to the provisions of the Tithe
 15 & 16 Act, 1925, have full force and effect with respect to the
 Geo. 5. c. 87. duties of income tax and super-tax respectively granted
 by this Act. 5

(3) The annual value of any property which has
 been adopted for the purpose of income tax under
 Schedules A and B for the year 1925-26 shall be taken
 as the annual value of that property for the same
 purpose for the year 1926-27 : 10

32 & 33 Provided that this subsection shall not apply to
 Vict. c. 67. lands, tenements and hereditaments in the adminis-
 trative county of London with respect to which the
 valuation list under the Valuation (Metropolis) Act,
 1869, is by that Act made conclusive for the purposes 15
 of income tax.

Provision as 20. The provisions of section nineteen of the Finance
 to making of Act, 1925, prescribing the procedure with respect to the
 claims, &c., making of certain claims and with respect to applications 20
 under to have such claims determined by the Special Com-
 proviso to missioners, shall apply to claims which an individual is
 s. 24 (1) of entitled to make by virtue of the proviso to subsection (1)
 Finance Act, of section twenty-four of the Finance Act, 1920 (which
 1920. proviso exempts from the provisions of the said section
 15 & 16 Geo. twenty-four individuals who satisfy the Commissioners of 25
 5. c. 36. Inland Revenue with respect to certain matters), in the
 10 & 11 Geo. same manner as they apply to the claims mentioned in
 5. c. 18. the said section nineteen, but with the substitution in
 subsection (2) thereof of three months for twenty-one days.

Provisions 21 Section eighteen of the Finance Act, 1925 (which 30
 of s. 18 of provides for a half-yearly instead of a quarterly assess-
 Finance ment of weekly wage earners), shall have effect in relation
 Act, 1925, to the year 1926-27 and every subsequent year of assess-
 to be per- ment as it had effect in relation to the year 1925-26, and
 manent. the words "for the year 1925-26" in the said section are 35
 15 & 16 Geo. hereby repealed.
 5. c. 36.

Income tax 22.—(1) Where it is provided by the Income Tax
 computed Acts that income tax in respect of profits or gains or
 on profits of income from any source or in respect of the property in
 previous lands, tenements, hereditaments or heritages is to be com- 40
 period to be puted by reference to the amount of the profits or gains
 charged or income of some period preceding the year of assessment,
 though no then, notwithstanding that no profits or gains or income

arise from that source or that property for or within the year of assessment, income tax as so computed shall be charged for that year, and section one of the Income Tax Act, 1918, shall be construed and have effect accordingly, except that paragraph (1) of Rule 3 of the Miscellaneous Rules applicable to Schedule D shall not apply in any case where the person charged to tax has not within the year of assessment ceased to possess the source of the profits or gains or income or the property.

A.D. 1926.
—
profits in
year of
assessment.
8 & 9 Geo. 5
c 40.

(2) The foregoing provisions of this section shall be deemed always to have had effect in relation to income tax chargeable in respect of the annual value of lands, tenements, hereditaments or heritages falling within No. II or No. III of Schedule A, in relation to profits falling within Rule 8 of the Rules applicable to Schedule B and in relation to profits or gains falling within Cases I, II or VI of Schedule D.

23.—(1) The Agreement made the fourteenth day of April, nineteen hundred and twenty-six, between the British Government and the Government of the Irish Free State in respect of double income tax (which Agreement is set out in Part I. of the Second Schedule to this Act) is hereby confirmed, and shall have effect, with respect to exemption or relief to be granted from British income tax and super-tax, for the year 1926–27 and any subsequent year provided that, with respect to exemption or relief to be granted from Irish Free State income tax and super-tax, it has effect for that year by virtue of an Act of the Legislature of the Irish Free State.

Relief from
double
taxation in
respect of
British
income tax
and Irish
Free State
income tax.

(2) For the purpose of giving effect to the said agreement, the Income Tax Acts in relation to persons resident in Great Britain or Northern Ireland, whether or not also resident in the Irish Free State, and to persons intrusted with payment to persons so resident, and in relation to claims by persons resident in the Irish Free State, shall for any year for which the said agreement is in force have effect subject to the modifications set forth in Part II. of the said Second Schedule.

24.—(1) In Rule 1 of the Rules applicable to Schedule C which relate to interest, &c., with the payment of which persons other than the Bank of England, the Bank of Ireland and the National Debt Commissioners are intrusted, after the words “dividends

Income
tax on
dividends
payable
out of public
revenue of

- A.D. 1926, which are payable" there shall be inserted the words
 --- "out of the public revenue of Northern Ireland or
 Northern Ireland. which are payable," and after the words "other than
 that of the United Kingdom" there shall be inserted
 the words "or of Northern Ireland." 5
- (2) At the end of Rule 5 of the said Rules, the
 following proviso shall be inserted:
 "Provided that this Rule shall not apply to any
 person intrusted with the payment of dividends pay-
 able out of the public revenue of Northern Ireland." 10
- 25.**—(1) In the case of an appeal against an assess-
 ment made under Schedule D or according to the rules
 applicable to that Schedule, the appellant shall in the
 notice of appeal specify the grounds of the appeal:
 Provided that if on the hearing of the appeal the 15
 appellant desires to go into any ground of appeal which
 was not specified in the notice and the omission of that
 ground from the notice was, in the opinion of the Com-
 missioners hearing the appeal, not wilful or unreasonable,
 those Commissioners shall not, by reason of anything 20
 in this subsection, be precluded from allowing the
 appellant to go into that ground or taking it into their
 consideration.
- (2) Notwithstanding that the hearing of an appeal
 against any such assessment either— 25
- (a) has been postponed under subsection (3) of
 section one hundred and thirty-six of the
 Income Tax Act, 1918; or
- (b) has been adjourned,
 beyond the time limited for hearing appeals, the General 30
 Commissioners shall nevertheless proceed to allow and
 confirm the assessment as required by subsection (3) of
 section one hundred and twenty-two of the said Act:
 Provided that—
- (a) pending the determination of the appeal, the 35
 allowance and confirmation of the assessment
 shall be deemed to be in respect of such
 amount only of the tax thereby assessed
 as appears to the General Commissioners
 not to be in dispute, and tax shall be 40
 collected and paid in that amount in all
 respects as if it were tax charged by an
 assessment in respect of which no appeal
 was pending; and
- Provisions
 in connec-
 tion with
 appeals.

(b) on the determination of the appeal any balance of tax chargeable in accordance with the determination shall be payable or any tax overpaid shall be repaid, as the case may require. A.D. 1926. —

26. Rule 1 of No. VIII. of Schedule A shall have effect as though after the words "person receiving the rent shall" there were inserted the words "on production of the receipt for the payment of the tax," and Rule 2 thereof shall have effect as though for the words "who pays the tax" there were substituted the words "to whom a deduction is to be allowed under the preceding rule." Amendment as to deduction of income tax from rent.

27. In the case of an assessment to income tax made at any time after the fifth day of April, nineteen hundred and twenty-three, an application under section twenty-four of the Finance Act, 1923 (which relates to relief in respect of error or mistake), may be made at any time not later than six years after the end of the year of assessment within which the assessment was made. Amendment of s. 24 of Finance Act, 1923.

PART IV.

INCOME TAX.

Basis of Assessment.

28. Income tax in respect of the property in the lands, tenements, hereditaments or heritages mentioned in the first column of the Table contained in the Third Schedule to this Act shall cease to be chargeable under Schedule A, and shall become chargeable under the Case of Schedule D mentioned in the second column of the said Table, and the Rules applicable to each such Case, including the provisions of this Act amending those Rules, shall apply accordingly, but subject to the provisions contained in the third column of the said Table: Transfer of certain property from Sch. A to Sch. D.

Provided that sections thirty-seven, thirty-eight and thirty-nine of the Income Tax Act, 1918, and section thirty of the Finance Act, 1921 (which provide for giving relief from income tax to certain charities, friendly societies and other bodies) shall be construed as if any income tax chargeable by virtue of this section under Schedule D instead of under Schedule A had remained chargeable under Schedule A. 8 & 9 Geo. 5. c. 40. 11 & 12 Geo. 5. c. 32.

A.D. 1926.
—
Method of
computing
profits
under
Schedule D.

29.—(1) Such enactments in the Income Tax Acts as provide that income tax under Schedule D shall in certain cases be computed on the full amount of the balance of the profits or gains, or on the full amount of the income, upon an average of three years, and so much of Rules 1 and 2 of the Rules applicable to Case IV of Schedule D as provides that income tax under that Case shall be computed on the full amount of the income which arises, or which has been or will be received, in the year of assessment, shall cease to have effect, and any income tax in respect of profits or gains or income chargeable under Case I, Case II, Case IV, or Case V of Schedule D which would but for the foregoing provisions of this section have been computed as aforesaid shall be computed, subject to the provisions of this Part of this Act and subject as hereinafter provided, on the full amount of the profits or gains or income of the year preceding the year of assessment :

Provided that—

- (a) Any person charged with income tax in respect of the profits or gains of any trade, profession or vocation which has been set up or commenced within the year preceding the year of assessment shall be entitled, on giving notice in writing to the surveyor within twelve months after the end of the year of assessment, to be charged to income tax on the amount of the profits or gains of the year of assessment ; and
- (b) In the case of income tax chargeable under Case IV or Case V of Schedule D—
- (i) income tax shall be computed, as respects the year of assessment in which the income first arises, on the full amount of the income arising within that year :
 - (ii) where the income first arose on some day in the year preceding the year of assessment other than the sixth day of April, income tax shall be computed on the income of the year of assessment :
 - (iii) where the income first arose on the sixth day of April in the year preceding the year of assessment, or on some day in the year next before the year preceding the year of assessment other than the sixth

day of April, the person charged shall be entitled, on giving notice in writing to the surveyor within twelve months after the end of the year of assessment, to be charged on the amount of the income of that year, and if the tax charged has been paid, any tax overpaid shall be repaid:

A.D. 1926.

(iv) references in this proviso to income which arises or which arose shall, in cases where income tax is to be computed by reference to the amount of income received in Great Britain or Northern Ireland, be construed as references to income which is or was so received.

(2) The foregoing provisions of this section shall not apply for the purposes of the computation of profits or gains chargeable under Case VI of Schedule D or according to the Rules applicable to that Case, but Rule 2 of those Rules shall be amended so as to provide that the computation of profits or gains so chargeable shall in no case be made according to an average of a period greater than one year.

(3) If any person who for the year 1926-27 was assessed and charged under Schedule D or according to the rules applicable to that Schedule in respect of profits or gains or income arising from any source upon an average of a period of three years or more proves that the profits or gains or income of either of the first two of the three years upon the average of which he would, but for the provisions of this section, have been charged for the year 1927-28 were less than the profits or gains or income for one year upon an average of the six years preceding those three years, or, if he was not in possession of the source of the profits or gains or income during the six years aforesaid, upon an average of the less period preceding the said three years during which he was so in possession, he shall, on giving notice in writing to the surveyor not later than the fifth day of October, nineteen hundred and twenty-seven, that he desires so to be charged, be charged to tax for both the years 1927-28 and 1928-29 in respect of the profits or gains or income arising from that source on the amount on which he would have been charged if this section had not passed:

A.D. 1926.

Provided that for the purpose of the foregoing provision a person shall be treated as having been in possession of the source of any profits or gains or income during any year if during that year he was in possession of the source on his own account or the source was in the possession of a partnership of which he was a partner. 5

This subsection shall apply to persons in partnership as it applies to a person, and persons in partnership shall be deemed to have been in possession of the source of any profits or gains or income during any year if any of them was during that year in possession of the source on his own account or the source was in the possession of a partnership of which he was a partner. 10

Provisions
as to charge
of tax
under cer-
tain Cases of
Schedule D.

30. All profits or income in respect of which any person is chargeable either under Rule 1 of the Rules applicable to Case III of Schedule D, or under Case IV of Schedule D or under Case V of Schedule D may respectively be assessed and charged in one sum: 15

Provided that—

(i) If in any year of assessment any person charged or chargeable in respect of any such profits or income as aforesaid ceases to possess any particular source of any such profits or income or any part of any such source, income tax in respect of the profits or income from that source or that part shall be computed separately, and the provisions of the section in this Part of this Act which relates to the discontinuance of a trade, profession or vocation, shall, subject to the necessary modifications, apply in any such case as if the cesser of the possession of the source or part were the discontinuance of a trade: 20 25 30

(ii) If in any year of assessment any person acquires a new source of any such profits or income or an addition to any source of any such profits or income, income tax in respect of the profits or income from that source or from the addition to that source shall be computed separately, and in the case of profits or income chargeable under Rule 1 of the Rules applicable to Case III the provisions of paragraph (1) of Rule 2 of those Rules shall apply, and 35 40

in the case of profits or income chargeable under Case IV or Case V of Schedule D the provisions of proviso (b) to subsection (1) of the last preceding section of this Act shall apply :

A.D. 1926.

- (iii) Where any income in respect of which any person has previously been charged or chargeable under Case IV or Case V of Schedule D becomes at any time chargeable to tax by deduction under the provisions of Rule 7 of the Miscellaneous Rules applicable to Schedule D; the provisions of paragraph (i) of this proviso shall apply as if that person had at the time aforesaid ceased to possess the security or possession from which the income arises :
- (iv) Where income arising to any person from any security or possession in any place out of Great Britain and Northern Ireland ceases at any time to be chargeable to income tax by deduction under the provisions of Rule 7 of the Miscellaneous Rules applicable to Schedule D, the provisions of paragraph (ii) of this proviso shall apply as if that security or possession were a new source of income acquired by that person at that time.

31.—(1) Where in any year of assessment a trade, profession or vocation is permanently discontinued, then, notwithstanding anything in this Part of this Act—

Provisions
as to dis-
continuance
of trades,
&c.

- (a) the person charged or chargeable with tax in respect thereof shall be charged for that year on the amount of the profits or gains of the period beginning on the sixth day of April in that year and ending on the date of the discontinuance, subject to any deduction or set-off to which he may be entitled under the section of this Part of this Act which provides for relief in respect of certain losses or under Rule 13 of the Rules applicable to Cases I and II of Schedule D, and if he has been charged otherwise than in accordance with this provision any tax overpaid shall be repaid, or an additional assessment may be made upon him, as the case may require ;

A.D. 1926.

(b) if the profits or gains of the year ending on the fifth day of April in the year preceding the year of assessment in which the discontinuance occurs exceed the amount on which the person has been charged for that preceding year, or would have been charged if no such deduction or set-off as aforesaid had been allowed, an additional assessment may be made upon him, so that he shall be charged for that preceding year on the amount of the profits or gains of the said year ending on the fifth day of April, subject to any such deduction or set-off as aforesaid to which he may be entitled.

(2) In the case of the death of a person who, if he had not died, would, under the provisions of this section, have become chargeable to income tax for any year, the tax which would have been so chargeable shall be assessed and charged upon his executors or administrators, and shall be a debt due from and payable out of his estate.

Amendment
of Rule 11
of Rules
applicable
to Cases I
and II of
Schedule D.

32.—(1) For Rule 11 of the Rules applicable to Cases I and II of Schedule D there shall be substituted the following:—

“ 11—(1) If at any time after the fifth day of April, nineteen hundred and twenty-eight, a change occurs in a partnership of persons engaged in any trade, profession, or vocation, by reason of retirement or death, or the dissolution of the partnership as to one or more of the partners, or the admission of a new partner, in such circumstances that one or more of the persons who until that time were engaged in the trade, profession, or vocation continue to be engaged therein, or a person who until that time was engaged in any trade, profession, or vocation on his own account continues to be engaged in it, but as a partner in a partnership, the tax payable by the person or persons who carry on the trade, profession, or vocation after that time shall, notwithstanding the change, be computed according to the profits or gains of the trade, profession, or vocation during the period prescribed by the Income Tax Acts:

Provided that where all the persons who were engaged in the trade, profession or vocation both immediately before and immediately after the change require, by notice signed by all of them or, in the case of a deceased person, by his legal representatives, and sent to the surveyor within three months after the change took place, that the tax payable for all years of assessment shall be computed as if the trade, profession or vocation had been discontinued at the date of the change, and a new trade, profession or vocation had been then set up or commenced, and that the tax so computed for any year shall be charged on and paid by such of them as would have been charged if such discontinuance and setting up or commencement had actually taken place, the tax shall be computed, charged, collected and paid accordingly.

A.D. 1926.
—

(2) If at any time after the said fifth day of April any person succeeds to any trade, profession or vocation which until that time was carried on by another person and the case is not one to which paragraph (1) of this Rule applies, the tax payable for all years of assessment by the person succeeding as aforesaid shall be computed as if he had set up or commenced the trade, profession or vocation at that time, and the tax payable for all years of assessment by the person who until that time carried on the trade, profession or vocation shall be computed as if it had then been discontinued.

In this paragraph references to a person include references to a partnership.

(3) In the case of the death of a person who, if he had not died, would, under the provisions of this Rule, have become chargeable to income tax for any year, the tax which would have been so chargeable shall be assessed and charged upon his executors or administrators, and shall be a debt due from and payable out of his estate."

(2) Where relief has been given under the provisions of Rule 11 of the Rules applicable to Cases I and II of Schedule D in respect of a falling short of profits or gains from some specific cause since or by reason of a

A.D. 1926. — change in a partnership of persons engaged in any trade or profession, or a succession to a trade or profession, which change or succession took place within the year 1927-28, the person or persons who after the change or succession are chargeable with tax in respect of profits or gains of the trade or profession shall be entitled, on giving notice in writing to the surveyor not later than the fifth day of October, nineteen hundred and twenty-nine, to be charged to tax for the year 1928-29 as if the trade or profession had been set up or commenced on the date of the aforesaid change or succession, and if the tax charged has been paid any tax overpaid shall be repaid. 5 10

(3) This section shall come into operation on the sixth day of April, nineteen hundred and twenty-eight.

Relief in respect of certain losses.

33.—(1) Where a person has in any trade, profession or vocation carried on by him, either solely or in partnership, sustained a loss (to be computed in like manner as profits or gains under the Rules applicable to Cases I and II of Schedule D) in respect of which relief has not been wholly given under section thirty-four of the Income Tax Act, 1918 (which relates to relief in respect of certain losses), or under Rule 13 of the Rules applicable to Cases I and II of Schedule D (which provides for the setting-off of losses against profits or gains in a distinct trade), or under any other provision of the Income Tax Acts, he may claim that any portion of the loss for which relief has not been so given shall be carried forward and, as far as may be, deducted from or set-off against the amount of profits or gains on which he is assessed under Schedule D in respect of that trade, profession or vocation for the six following years of assessment : 15 20 25 30

Provided that in so far as relief in respect of any loss has been given to any person under this section that person shall not be entitled to claim relief in respect of that loss under any other provision of the Income Tax Acts. 35

(2) In the application of this section to a loss sustained by a partner in a partnership, the expression "the amount of profits or gains on which he is assessed" shall, in respect of any year, be taken to mean such portion of the amount on which the partnership is assessed under Schedule D in respect of the trade, 40

profession or vocation as he would be required under the Income Tax Acts to include in a return of his total income for that year. A.D. 1926.

(3) Any relief under this section shall be given as far as possible from the first subsequent assessment for any year within the said six following years, and so far as it cannot be so given then from the next such assessment and so on.

(4) Where a loss is sustained—

10 (a) by a person in the occupation of woodlands who, if he had made a profit, would, by reason of his election under Rule 7 of the Rules applicable to Schedule B, have been chargeable for the succeeding year to tax under Schedule D computed on the amount of that profit; or

15 (b) by a person in the occupation of lands who, if he had made a profit, would in consequence of his election under Rule 5 of the Rules applicable to Schedule B, have been chargeable for the succeeding year to tax under Schedule D computed on the amount of that profit;

20 this section shall apply so as to give relief in respect of that loss in the same manner and to the same extent as if it were a loss sustained in a trade :

25 Provided that if for any year after the year in which the loss is sustained the person who suffered the loss is assessed under Schedule B in respect of the occupation of the lands in question, no such deduction or set-off as aforesaid shall in respect of that loss be allowed for that or any succeeding year.

30 (5) The provisions of this section shall extend so as to apply to a loss sustained in the year ending on the fifth day of April, nineteen hundred and twenty-seven, or, where it has been customary to make up accounts of the trade, profession or vocation, in the year which under the provisions of the next following section of this Act would be taken to be the year preceding the year 35 1927-28.

34.—(1) Where in the case of any trade, profession or vocation, or of the occupation of any land occupied Period of computation of

A.D. 1926. — solely or mainly for the purposes of husbandry, or of the occupation of any woodlands, it has been customary to make up accounts,—
 profits and gains.

(a) if only one account was made up to a date within the year preceding the year of assessment, and that account was for a period of one year, the profits or gains of the year ending on that date shall be taken to be the profits or gains of the year preceding the year of assessment; 5 10

(b) if no account for a period of one year was made up to a date within the year preceding the year of assessment, or if more accounts than one were made up to dates within that year, the Commissioners of Inland Revenue shall decide what period of twelve months shall be deemed to be the year the profits or gains of which are to be taken to be the profits or gains of the year preceding the year of assessment. 15 20

(2) Where the Commissioners of Inland Revenue have given a decision under paragraph (b) of the preceding subsection and it appears to them that in consequence thereof the tax for the last preceding year of assessment (not being a year prior to the year 1927-28) in respect of the profits or gains from the same source should be computed on the profits or gains of a corresponding period, they may give directions to that effect and an assessment or additional assessment or repayment of tax shall be made accordingly. 25 30

(3) An appeal shall lie against any assessment or additional assessment or in respect of any repayment of tax under subsection (2) of this section, and any such appeal shall be made to the General or Special Commissioners who shall consider the circumstances and grant such relief, if any, as is just, and their determination shall be final and conclusive, subject to the provisions of the Income Tax Acts relating to the statement of a case for the opinion of the High Court. 35

(4) In the case of the death of a person who, if he had not died, would, under the provisions of this section, have become chargeable to income tax for any year, the tax which would have been so chargeable shall be 40

assessed and charged upon his executors or administrators and shall be a debt due from and payable out of his estate. A.D. 1926

35.—(1) Where in the case of any profits or gains chargeable under Case I, Case II, Rule 4 of Case III or Case VI of Schedule D it is necessary, in order to arrive at the profits or gains or losses of any year of assessment or other period, to divide and apportion to specific periods the profits or gains or losses for any period for which the accounts have been made up, or to aggregate any such profits or gains or losses or any apportioned parts thereof, it shall be lawful to make such a division and apportionment or aggregation :

Provided that nothing in this section shall be construed as limiting the power of the general commissioners with respect to the adjustment of an assessment under Rule 9 of the Rules applicable to Cases I and II of Schedule D.

(2) Any apportionment under this section shall be made in proportion to the number of months or fractions of months in the respective periods.

36.—(1) The amendments specified in the second column of the Fourth Schedule to this Act, which are consequential or relate to minor details, shall be made in the provisions of the Income Tax Act, 1918, specified in the first column of that Schedule.

(2) It shall be lawful for His Majesty in Council by Order to make such amendments of the forms of statements, lists and declarations contained in the Fifth Schedule to the Income Tax Act, 1918, as appear to His Majesty to be necessary to give effect to the provisions of this Part of this Act, and that Schedule shall have effect as amended by any Order so made.

37.—(1) The provisions of the Income Tax Acts shall, in relation to matters dealt with in this Part of this Act, have effect subject to the provisions of this Part of this Act, and shall, so far as inconsistent therewith, cease to have effect, and, subject as aforesaid, this Part of this Act shall be construed as one with the Income Tax Acts.

(2) The provisions of this Part of this Act shall, except as otherwise expressly provided, come into operation on the sixth day of April, nineteen hundred and

A.D. 1926. — twenty-seven, but shall not apply to any duties of income tax granted by Parliament before the commencement of this Part of this Act, or to any enactment or matter touching any such duties so granted, and all enactments relating to the basis of assessment which are in force immediately before the commencement of this Part of this Act shall continue to have effect in relation to any such duties so granted as if this Act had not passed, notwithstanding that those enactments are inconsistent with the provisions of, or are expressly repealed by, this Act.

(3) Subject to the provisions of this Act, the enactments set out in Part I of the Fifth Schedule to this Act shall be repealed to the extent mentioned in the third column of that Schedule as from the sixth day of April, nineteen hundred and twenty-seven.

PART V.

EXCESS PROFITS DUTY.

Provisions
for limiting
further
assessments
or claims
in respect
of excess
profits duty.
11 & 12 Geo.
5. c. 32.

38.—(1) After the thirtieth day of September, nineteen hundred and twenty-six, no assessment or additional assessment of duty shall be made, and no claim for relief from or for reduction or repayment of duty shall be entertained or allowed, except in a case which is an undetermined case within the meaning of this section, and section thirty-nine of the Finance Act, 1921, shall have effect accordingly.

(2) At any time not later than the said thirtieth day of September the Commissioners may in the case of any person who is or has been the owner of a trade or business give notice to him that they consider his liability to duty or his right in respect of relief from, or reduction or repayment of, duty as being undetermined, and any person who has been assessed to duty or is entitled to make a claim for relief from or for reduction or repayment of duty may give a like notice to the Commissioners, and where such a notice is given to or by any person his case shall be deemed to be an undetermined case for the purposes of this section.

(3) The Commissioners may at any time give notice to any person whose case is an undetermined case to the effect that all questions as to his liability in respect of duty and his right to any relief from or reduction or repayment of duty have, in the opinion of the Commissioners, been finally determined.

A.D. 1926.

Any person aggrieved by any such notice may, at any time within thirty days from the date on which the notice is served on him, appeal against it in accordance with the provisions of subsection (5) of section forty-five of the principal Act and the provisions (other than provisions prescribing the time within which notice of appeal may be given) of any regulations made under subsection (7) of that section; in the same manner as if he were a person dissatisfied with the amount of an assessment to duty.

If, where notice has been given to a person under this subsection, that person does not appeal against the notice or the appeal is not allowed, his case shall, as from the expiration of the time within which he was entitled to appeal or as from the date on which the appeal is finally determined, as the case may be, cease to be an undetermined case within the meaning of this section, and the provisions of subsection (1) of this section shall apply accordingly.

(4) Nothing in this section shall affect any powers vested in the Commissioners at the commencement of this Act for the recovery of duty or of any interest lawfully chargeable in respect of any duty.

(5) This section shall, subject to the necessary modifications, apply to munitions Exchequer payments as it applies to the duty.

(6) Notwithstanding anything in this section, the Commissioners may at any time make an assessment in respect of any excess profits duty which appears to them not to have been assessed by reason of any fraud or wilful default on the part of the person liable to be assessed and recover the duty chargeable on the assessment, and any person aggrieved by any such assessment shall have the same right of appealing against it as he would have had of appealing against any assessment to duty if this Act had not passed.

39.—(1) Notwithstanding that an appeal is pending against an assessment to income tax in respect of the profits of a trade or business, the tax chargeable in accordance with that assessment shall, so far as unpaid, be deemed to be a debt within the meaning of paragraph 2 of Part III. of the Fourth Schedule to the principal Act (which enacts that debts shall be deducted in computing

Provision as to deduction of income tax in computing capital for purposes of excess profits duty.

A.D. 1926. — the amount of capital for the purposes of Part III. of that Act), and the deduction in respect of any such income tax shall, subject as hereinafter provided, be made as on the date of the commencement of the first accounting period commencing after the date on which the certificate of assessment which includes the assessment in question was in fact signed by the General or Special Commissioners, as the case may be, or as on the date of the commencement of the first accounting period commencing after the thirty-first day of December in the year for which the income tax is assessed, whichever such date of commencement is the later :

Provided that where such an assessment is reduced on appeal, the amount to be deducted shall be treated as having been the amount of the income tax on the reduced assessment, and any necessary adjustments in respect of duty shall be made accordingly.

(2) The provisions of this section shall be deemed to have had effect as from the commencement of Part III. of the principal Act.

Interpreta-
tion of
Part V.

5 & 6 Geo. 5.
c. 89.

40. In this Part of this Act, unless the context otherwise requires—

The expression “the principal Act” means the Finance (No. 2) Act, 1915:

The expression “duty” means excess profits duty:

References to the principal Act or to any provisions of that Act shall be construed as references to that Act or to those provisions as amended and extended by any subsequent enactment, including this Part of this Act:

The expression “the Commissioners” means the Commissioners of Inland Revenue.

PART VI.

GENERAL.

Amount of
New Sinking
Fund (1923)
for 1926-27.
13 & 14
Geo. 5. c. 14.

41. The amount of the New Sinking Fund (1923) shall as respects the current financial year be increased by the sum of ten million pounds, and section thirty-two of the Finance Act, 1923, shall as respects that year have effect accordingly.

42. As from the first day of April, nineteen hundred and twenty-six, the sum which under subsection (1) of section two of the Roads Act, 1920, is to be issued out of the Consolidated Fund and the balance of which is under subsection (3) of that section to be paid into the Road Fund shall be reduced by an amount equal to one-third of the net proceeds of the excise duties on licences for mechanically-propelled vehicles chargeable under paragraphs 1 and 6 of the Second Schedule to the Finance Act, 1920, as amended by any subsequent enactment.

A.D. 1926.

—
Amendment
as to sum to
be paid into
Road Fund.
10 & 11
Geo. 5. c. 72.

14 & 15
Geo. 5. c. 21.

For the purposes of this section the expression "net proceeds of the excise duties" means the amount levied in respect of the duties under section one of the Roads Act, 1920, after deducting from that amount any amount repaid by county councils under section eighteen of the Finance Act, 1924, or under paragraph 6 of the Second Schedule to the Finance Act, 1920, or otherwise on account of any overpayment of duty.

43. There shall, in accordance with the directions of the Treasury, be transferred to the Exchequer from the Road Fund constituted under the Roads Act, 1920, the sum of seven million pounds.

Transfer of
sum from
Road Fund to
Exchequer.
10 & 11 Geo. 5.
c. 72.

44. Section fifty-eight of the Finance Act, 1920 (which provides that amounts applied out of revenue in paying off debt are to be deemed expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875), shall apply in relation to the current financial year as it applies in relation to the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one.

Continuance
during cur-
rent finan-
cial year of
s. 58 of
10 & 11
Geo. 5. c. 18.
38 & 39 Vict.
c. 45.

45. In the case of the illness or absence of the Comptroller and Auditor-General a warrant for the issue of Treasury bills or a warrant for the preparation or for the issue of Exchequer bonds, may, instead of being countersigned by the Comptroller and Auditor-General as required respectively by section eight of the Treasury Bills Act, 1877, and by sections three and six of the Exchequer Bills and Bonds Act, 1866, as applied by section twenty-six of that Act, be countersigned by a principal officer of his department authorised by him for that purpose.

Amendment
as to
counter-
signing of
warrants for
Treasury
bills and
Exchequer
bonds.
40 & 41 Vict.
c. 2.
29 & 30 Vict.
c. 25.

A.D. 1926.
 —
 Power to
 extend
 currency of,
 and to issue
 securities in
 exchange
 for, savings
 certificates.
 10 & 11
 Geo. 5. c. 18.

46.—(1) Notwithstanding anything in the War Loan Acts, 1914 to 1919, or section fifty-nine of the Finance Act, 1920, or any regulations made with respect to, or any conditions relating to the issue of, savings certificates, any such certificate issued under those enactments shall not, if the Treasury so direct and subject to such conditions with respect to interest and otherwise as they may impose, be required to be repaid or redeemed before the thirty-first day of March, nineteen hundred and thirty-two :

Provided that nothing in this section shall prejudice the right of any holder of any such certificate, if he so desires, to have the amount payable under the certificate paid to him on or before maturity.

(2) The Treasury may make arrangements for enabling the holders of any savings certificates to exchange them (whether on or before maturity) for other securities, and for the purposes of any such exchange may provide for the issue of such new securities as they think fit and for the cancellation of any savings certificates received in exchange.

(3) The principal and interest of any securities issued under this section and any expenses incurred in connection with the exchange of savings certificates and the issue of new securities under this section shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof, and, if the Treasury so direct, any securities issued under this section may, subject to the provisions of the War Loan (Supplemental Provisions) Acts, 1915 and 1918, be inscribed or registered in the Post Office Register.

(4) The definitions of "Government stock" in sub-section (2) of section five of the Savings Bank Act, 1893, and in section fifty-one of the Finance Act, 1921, shall be amended so as to include securities issued under this section.

(5) The Treasury may make rules for carrying into effect the provisions of this section as to the exchange of savings certificates, and may by those rules provide, with the necessary modifications, for the matters for which provision could be made under section twenty-nine of the National Debt (Conversion) Act, 1888, and may also by those rules apply, with such modifications as may be

56 & 57Vict.
 c. 69.
 11 & 12
 Geo. 5. c. 32.

51 & 52Vict.
 c. 2.

necessary, any of the provisions of Part IV. of that Act, whether repealed or not, which they think it expedient to apply. A.D. 1926.
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(6) There shall be paid to the Bank of England and the Bank of Ireland respectively out of the Consolidated Fund or the growing produce thereof for the management in any financial year of any securities issued under this section such sums as may be agreed upon between the Treasury and those banks respectively.

(7) In this section the expression "savings certificates" means war savings certificates or national savings certificates.

47.—(1) Part I. of this Act, so far as it relates to duties of customs, shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act, and the said Part I., so far as it relates to duties of excise, and Part II. of this Act shall be construed together with the Acts which relate to the duties of excise and the management of those duties, and the expression "the Commissioners" in the said Part I. or the said Part II. means the Commissioners of Customs and Excise. Construc-
tion, short
title, appli-
cation and
repeal.
39 & 40 Vict.
c. 36.

(2) Part III. of this Act shall be construed together with the Income Tax Acts.

(3) This Act may be cited as the Finance Act, 1926.

(4) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(5) The enactments set out in Part II. of the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

A.D. 1926.

SCHEDULES.FIRST SCHEDULE.AMENDED RATES OF DUTIES ON CERTAIN
MECHANICALLY-PROPELLED VEHICLES.

Description of Vehicle.	Rate of Duty.
3. Vehicles, being hackney carriages as defined in section four of the Customs and Inland Revenue Act, 1888 :—	
Tramcars - - - - -	15s.
Other vehicles—	
Having a seating capacity for—	
Not more than 8 persons - - - - -	15l.
More than 8, but not more than 14 persons -	30l.
More than 14, but not more than 20 persons -	45l.
More than 20, but not more than 26 persons -	60l.
More than 26, but not more than 32 persons -	72l.
More than 32, but not more than 40 persons -	84l.
More than 40, but not more than 48 persons -	96l.
More than 48, but not more than 56 persons -	108l.
More than 56, but not more than 64 persons -	120l.
More than 64 persons - - - - -	120l.
With an additional 1l. 10s. for each person in excess of 64 persons.	
For the purposes of this paragraph the number of persons mentioned does not include the driver of the vehicle and the seating capacity of a vehicle shall be determined in accordance with provisions to be made by regulations under section twelve of the Roads Act, 1920.	
4.—(1) Locomotive ploughing engines, tractors, agricultural tractors, and other agricultural engines, not being engines or tractors used for hauling on roads any objects except their own necessary gear, threshing appliances, farming implements, or supplies of fuel or water required for the purposes of the vehicle or for agricultural purposes - - -	5s.
(2) Tractors, agricultural tractors, and agricultural engines, other than such tractors or engines in respect of which a duty of 5s. is chargeable, used for haulage solely in connection with agriculture—	
Not exceeding 5 tons in weight unladen - - -	6l.
Exceeding 5 tons in weight unladen - - -	10l.

	Description of Vehicle.	Rate of Duty.	A.D. 1926. — 1st Sch. —cont.
	(3) Road locomotives used solely in agriculture and agricultural engines, other than such engines in respect of which duty is chargeable under paragraph (1) or paragraph (2) :—		
5	Not exceeding 8 tons in weight unladen - -	25 <i>l.</i>	
	Exceeding 8 tons but not exceeding 12 tons in weight unladen - - - - -	28 <i>l.</i>	
10	Exceeding 12 tons in weight unladen - -	30 <i>l.</i>	
	(4) Vehicles of the following descriptions, used at any time otherwise than in connection with agriculture, that is to say, vehicles which are constructed for haulage solely and not for the purpose of carrying or having super-imposed upon them any load except such as is necessary for their propulsion or equipment and which are not used for that purpose—		
15	Not exceeding 2 tons in weight unladen - -	21 <i>l.</i>	
	Exceeding 2 tons but not exceeding 4 tons in weight unladen - - - - -	25 <i>l.</i>	
20	Exceeding 4 tons but not exceeding 6 tons in weight unladen - - - - -	30 <i>l.</i>	
	Exceeding 6 tons but not exceeding 7½ tons in weight unladen - - - - -	35 <i>l.</i>	
25	Exceeding 7½ tons but not exceeding 8 tons in weight unladen - - - - -	40 <i>l.</i>	
	Exceeding 8 tons but not exceeding 10 tons in weight unladen - - - - -	50 <i>l.</i>	
	Exceeding 10 tons in weight unladen - - -	60 <i>l.</i>	
30	If any person proves to the satisfaction of the authority charged with levying the duty—		
	(a) that he has paid in respect of a licence for any vehicle the duty chargeable under this subparagraph; and		
35	(b) that the vehicle has during the currency of the licence been used by him solely for the purposes of his business as a travelling showman; and		
40	(c) that he has during the currency of the licence complied, in relation to the vehicle, with any regulations which may be made by the Minister of Transport for the safeguarding of roads from the damage which might otherwise arise from the use of such vehicles,		
45	he shall be entitled to repayment of an amount equal to the difference between the amount paid as duty		

A.D. 1926.

1st Sch.
—cont.

Description of Vehicle.	Rate of Duty.
under this sub-paragraph and the amount which would have been payable in respect of a licence for that vehicle if this Act had not passed, and the provisions of sub-section (2) of section fourteen of this Act shall apply as if he were entitled to a repayment in respect of an overpayment of duty.	5
5. Vehicles (including tricycles weighing more than 8 cwt. unladen) constructed or adapted for use and used for the conveyance of goods or burden of any description whether in the course of trade or otherwise :—	10
Being vehicles which are electrically-propelled and not exceeding 25 cwt. in weight unladen -	6 <i>l.</i> 15
Exceeding 25 cwt. but not exceeding 2 tons in weight unladen - - - - -	13 <i>l.</i>
Exceeding 2 tons but not exceeding 3 tons in weight unladen - - - - -	20 <i>l.</i>
Exceeding 3 tons but not exceeding 4 tons in weight unladen - - - - -	20 24 <i>l.</i>
Exceeding 4 tons but not exceeding 5 tons in weight unladen - - - - -	27 <i>l.</i>
Exceeding 5 tons in weight unladen - - -	30 <i>l.</i>
With an additional duty, in any case, if used for drawing a trailer, of - - - - -	25 6 <i>l.</i>
Being vehicles other than electrically-propelled vehicles—	
Not exceeding 12 cwt. in weight unladen -	10 <i>l.</i>
Exceeding 12 cwt. but not exceeding 1 ton in weight unladen - - - - -	30 16 <i>l.</i>
Exceeding 1 ton but not exceeding 2 tons in weight unladen - - - - -	26 <i>l.</i>
Exceeding 2 tons but not exceeding 3 tons in weight unladen - - - - -	35 40 <i>l.</i>
Exceeding 3 tons but not exceeding 4 tons in weight unladen - - - - -	48 <i>l.</i>
Exceeding 4 tons but not exceeding 5 tons in weight unladen - - - - -	54 <i>l.</i>
Exceeding 5 tons in weight unladen - - -	40 60 <i>l.</i>
With an additional duty, in any case if used for drawing a trailer, of - - - - -	6 <i>l.</i>

SECOND SCHEDULE.

A.D. 1926.

PART I.

AGREEMENT MADE THE 14TH APRIL, 1926, BETWEEN
THE BRITISH GOVERNMENT AND THE GOVERNMENT
5 OF THE IRISH FREE STATE IN RESPECT OF DOUBLE
INCOME TAX.

The British Government and the Government of the Irish
Free State, being desirous of concluding an Agreement for the
reciprocal exemption from income tax and super-tax of persons
10 who are resident in Great Britain (including Northern Ireland)
or in the Irish Free State but are not resident in both countries
and for the reciprocal granting of relief from double taxation in
respect of income tax (including super-tax) to persons who are
resident in both countries, and being desirous of making such
15 supplemental consequential and incidental provisions as appear
necessary or proper for the purposes of such Agreement, have
agreed as follows :—

1.—(a) Any person who proves to the satisfaction of the
Commissioners of Inland Revenue that for any year he is resident
20 in the Irish Free State and is not resident in Great Britain or
Northern Ireland shall be entitled to exemption from British
income tax for that year in respect of all property situate and
all profits or gains arising in Great Britain or Northern Ireland
and to exemption from British super-tax for that year.

25 (b) Any person who proves to the satisfaction of the Revenue
Commissioners that for any year he is resident in Great Britain
or Northern Ireland and is not resident in the Irish Free State
shall be entitled to exemption from Irish Free State income tax
for that year in respect of all property situate and all profits or
30 gains arising in the Irish Free State, and to exemption from Irish
Free State super-tax for that year.

(c) Exemption under this Article may be given either by
discharge or by repayment of tax, or otherwise, as the case may
require.

35 2. Relief from double taxation in respect of income tax
(including super-tax) in the case of any person who is resident
both in Great Britain or Northern Ireland and in the Irish Free
State shall be allowed from British income tax and Irish Free
State income tax respectively in accordance with and under the
40 provisions of Section 27 of the Finance Act, 1920, provided,
however, that—

(a) the rate of relief to be allowed from British income tax
shall be one-half of that person's appropriate rate of
British tax or one-half of his appropriate rate of Irish
45 Free State tax, whichever is the lower,

A.D. 1926.

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2ND SCH.
—cont.

- (b) the rate of relief to be allowed from Irish Free State income tax shall be one-half of that person's appropriate rate of British tax or one-half of his appropriate rate of Irish Free State tax, whichever is the lower,
- (c) for the purpose of determining that person's appropriate rate of British tax, the rate of British income tax shall be ascertained by dividing by the amount of his total income from all sources as estimated for income tax purposes the amount of tax payable by him on that income before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of the said Section 27 as amended by this Article, and the rate of British super-tax shall be ascertained by dividing the amount of the super-tax payable by that person by the amount of his total income from all sources as estimated for super-tax purposes,
- (d) for the purpose of determining that person's appropriate rate of Irish Free State tax, the rate of Irish Free State income tax shall be ascertained by dividing by the amount of his total income from all sources as estimated for income tax purposes the amount of tax payable by him on that income before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of the said Section 27 as amended by this Article, and the rate of Irish Free State super-tax shall be ascertained by dividing the amount of the super-tax payable by that person by the amount of his total income from all sources as estimated for super-tax purposes.
- 3.—(a) Any person who is entitled to exemption from British income tax by virtue of Article 1 (a) of this Agreement in respect of property situate and profits or gains arising in Great Britain or Northern Ireland shall, if and so far as the Oireachtas of the Irish Free State so provides, and subject to any exemption or relief to which he may be entitled under the laws in force in the Irish Free State, be chargeable to Irish Free State income tax in respect of such property profits or gains.
- (b) Any person who is entitled to exemption from Irish Free State income tax by virtue of Article 1 (b) of this Agreement in respect of property situate and profits or gains arising in the Irish Free State shall, if and so far as the British Parliament so provides, and subject to any exemption or relief to which he may be entitled under the laws in force in Great Britain and Northern Ireland, be chargeable to British income tax in respect of such property profits or gains.
- (c) Any person who is entitled to relief by virtue of Article 2 of this Agreement shall, subject to such relief, be chargeable, if and so far as the British Parliament so provides, to British

income tax in respect of property situate and profits or gains arising in the Irish Free State in like manner in all respects as if he were resident in Great Britain or Northern Ireland but not resident in the Irish Free State and shall, subject to such relief as aforesaid, be chargeable, if and so far as the Oireachtas of the Irish Free State so provides, to Irish Free State income tax in respect of property situate and profits or gains arising in Great Britain or Northern Ireland in like manner in all respects as if he were resident in the Irish Free State but not resident in Great Britain or Northern Ireland.

A.D. 1926.

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2ND SCH.
—cont.

4. For the purposes of this Agreement a company, whether incorporated by or under the laws of Great Britain or of Northern Ireland or of the Irish Free State or otherwise, shall be deemed to be resident in that country only in which its business is managed and controlled.

5. The Commissioners of Inland Revenue and the Revenue Commissioners may from time to time make arrangements generally for carrying out this Agreement and may in particular make such arrangements as may be practicable to avoid the collection of both British and Irish Free State income tax on the same income without allowance for any relief due under this Agreement, and the Commissioners of Inland Revenue and the Revenue Commissioners may make such regulations as they respectively think fit for carrying out such arrangements.

6. The obligation as to secrecy imposed by any enactment with regard to income tax shall not prevent the disclosure by any authorised officer of the British Government to any authorised officer of the Government of the Irish Free State or by any authorised officer of the Government of the Irish Free State to any authorised officer of the British Government of such facts as may be necessary to enable full effect to be given to this Agreement.

7. Any question that may arise between the parties to this Agreement as to the interpretation of this Agreement or as to any matter arising out of or incidental to the Agreement shall be determined by such tribunal as may be agreed between them, and the determination of such tribunal shall, as between them, be final.

8. This Agreement shall be subject to confirmation by the British Parliament and by the Oireachtas of the Irish Free State and shall have effect only if and so long as legislation confirming the Agreement is in force both in Great Britain and Northern Ireland and in the Irish Free State.

Dated this fourteenth day of April, nineteen hundred and twenty-six.

(Signed)

WINSTON S. CHURCHILL,
Chancellor of the Exchequer.

EARNÁN DE BLAGHD,
Minister for Finance,
Saorstát Éireann.

A.D. 1926.

PART II.

2ND SCH.
—cont.MODIFICATIONS OF INCOME TAX ACTS FOR THE PURPOSE
OF GIVING EFFECT TO THE AGREEMENT SET OUT
IN PART I. OF THIS SCHEDULE.

1. In respect of property situate and profits or gains arising 5
in the Irish Free State—

- (1) The Rules applicable to Case IV of Schedule D shall 10
have effect as if Rule 2 thereof had been omitted, and
the Rules applicable to Case V of Schedule D shall
have effect as if Rule 3 thereof had been omitted :
- (2) In Rule 1 of the Rules applicable to Case V of Schedule D
for the words “on an average of the three preceding
years, as directed in Case I,” there shall be substituted
the words “arising in the year of assessment” :
- (3) The following Rule shall be substituted for Rule 2 of 15
the Rules applicable to Case V of Schedule D :—

The tax in respect of income arising from possessions
other than stocks, shares, or rents, shall be computed
either on the full amount thereof arising in the year of
assessment or on the full amount thereof on an average 20
of such period as the case may require and as may be
directed by the Commissioners, so that according to
the nature of the income the tax may be computed on
the same basis as that on which it would have been
computed if the income had arisen in Great Britain 25
or Northern Ireland, and subject in either case to a
deduction on account of any annual interest or any
annuity or other annual payment payable out of the
income to a person not resident in Great Britain or
Northern Ireland, and the provisions of the Income 30
Tax Acts (including those relating to the delivery
of statements) shall apply accordingly; and the person
chargeable and assessable shall be entitled to the same
allowances, deductions, and reliefs as if the income had
arisen in Great Britain or Northern Ireland : 35

Provided that in the case of lands, tenements or
hereditaments in the Irish Free State in the occupation
of a person resident in Great Britain or Northern
Ireland which, had they been situate in Great
Britain or Northern Ireland, would have been charge- 40
able to tax according to the general rule of No. 1 of
Schedule A in respect of the property therein or under
Schedule B (other than under Rule 8 of Schedule B)
in respect of the occupation thereof, tax shall be charged 45
under this Rule and the income arising therefrom
shall be taken to be an amount (subject to deduction
as aforesaid) determined as follows, that is to say :—

(a) where the tax would in the circumstances
aforesaid have been chargeable according to the

5 General Rule of No. 1 of Schedule A, the amount shall be taken to be the annual value, as reduced for the purposes of collection, of the lands, tenements or hereditaments as ascertained for the year of assessment for the purposes of the charge to income tax under Schedule A in the Irish Free State;

A.D. 1926.

—
2ND SCH.

—cont.

10 (b) where the tax in the circumstances aforesaid would have been chargeable under Schedule B, the amount shall be taken to be the assessable value of the lands, tenements or hereditaments as ascertained for such year as aforesaid for the purposes of the charge to income tax under Schedule B in the Irish Free State.

15 (4) Notwithstanding anything contained in Rule 5 (1) of the Rules applicable to Cases I and II of Schedule D, in estimating the amount of annual profits or gains arising or accruing from any trade, profession or vocation a deduction shall be allowed on account of lands, tenements, hereditaments or other premises situate in the Irish Free State and used in whole or in part for the purpose of that trade, profession or vocation of an amount equal to the amount charged to tax under Case V of Schedule D by virtue of the preceding subparagraph in respect of the income arising from such lands, tenements, hereditaments or other premises or the part so used.

20
25 (5) So much of Part IV. of this Act as provides for computing profits and gains under Case IV of Schedule D by reference to the year preceding the year of assessment in lieu of by reference to the year of assessment shall not apply.

30
35 2. In the definition of "foreign life assurance fund" in section two hundred and thirty-seven of the Income Tax Act, 1918, the expression "United Kingdom" shall mean Great Britain and Ireland.

3. Section twenty-one of the Finance Act, 1925, which grants an exemption for charities in the Irish Free State, shall cease to have effect.

40 4.—(1) Any claim for exemption from income tax or super-tax on the ground that the claimant is resident in the Irish Free State and is not resident in Great Britain or Northern Ireland shall be made to the Commissioners of Inland Revenue in such form as they may prescribe, and the said Commissioners shall on proof of the facts to their satisfaction allow the claim
45 accordingly:

Provided that section seventeen of the Income Tax Act, 1918, shall apply to the claimant for such exemption in like manner as it applies to a claimant for relief.

A.D. 1926.

—
2ND SCH.
—cont.

(2) Any person who is aggrieved by the decision of the said Commissioners on a claim made by him as aforesaid may, by notice in writing to that effect given to the said Commissioners within twenty-one days from the date on which notice of the decision is given to him, make an application to have his claim heard and determined by the Special Commissioners. 5

(3) Where any such application as aforesaid is made, the Special Commissioners shall hear and determine the claim in like manner as an appeal made to them against an assessment under Schedule D, and all the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications. 10

5.—(1) Any person who is intrusted with the payment of any interest, dividends or other annual payments which are payable to any persons in Great Britain or Northern Ireland out of the public revenue of the Irish Free State or out of or in respect of the stocks, funds, shares or securities of any Irish Free State company, society, adventure or concern shall be relieved from the obligation imposed on him by General Rule 1 of Schedule C and Miscellaneous Rule 7 of Schedule D to pay tax thereon on behalf of the persons entitled thereto as regards any such interest dividends or other annual payments in respect of which he furnishes to the Commissioners of Inland Revenue in such form and subject to such conditions as they may prescribe a list containing 15 20 25

(a) a full description of the interest dividends or other annual payments ;

(b) the name and address of each person who is entitled thereto ; and 30

(c) the amount thereof to which each such person is entitled.

(2) Any person intrusted with payment who by virtue of subparagraph (1) of this paragraph is relieved from the obligation to pay tax on interest dividends or other annual payments shall be entitled to the like remuneration to which, if he had paid tax thereon, he would have been entitled under Rule 5 of the Rules applicable to Schedule C as to interest etc. with the payment of which persons other than the Bank of England, the Bank of Ireland and the National Debt Commissioners are intrusted. 35

(3) Any interest, dividends or other annual payments in respect of which the person intrusted with payment is by virtue of subparagraph (1) of this paragraph relieved from the obligation to pay tax shall be assessable and chargeable under Case IV or Case V of Schedule D as the case may be. 40

(4) The Commissioners of Inland Revenue may make such regulations as may be necessary for the purposes of this paragraph. 45

THIRD SCHEDULE.

A.D. 1926.

Section 26.

TABLE OF TRANSFERS OF VARIOUS PROPERTIES
FROM SCHEDULE A TO SCHEDULE D.

Property in respect of which Tax chargeable.	Case of Schedule D under which to be charged.	Provisions with respect to new method of charging.
Certain lands, tenements, hereditaments or heritages to which the rules of No. II. of Schedule A apply.	Case III.	<p>In computing the amount of an assessment under Schedule D the like deductions and allowances shall be made as would have been made if the assessment had been made under Schedule A, No. II.</p> <p>The proviso to Rule 6 of Schedule A, No. II, shall be deemed to be a rule of Schedule D, Case III, with respect to the fines to which the said Rule 6 applies.</p>
Certain lands, tenements, hereditaments or heritages to which the rules of No. III. of Schedule A apply.	Case I.	<p>Rules 4, 5 and 7 of Schedule A, No. III, shall apply and shall be deemed to be rules of Schedule D, Case I, so far as regards those lands, tenements, hereditaments or heritages.</p> <p>No deduction or set-off (other than the deduction granted by subsection (2) of section eighteen of the Finance Act, 1919) shall be allowed in estimating the profits on account of, or by reference to, the annual value of any lands, tenements, hereditaments or heritages occupied and used in connection with the concern and not separately assessed and charged under Schedule A.</p>

A.D. 1926.

FOURTH SCHEDULE.

Section 34.

CONSEQUENTIAL AND MINOR AMENDMENTS OF THE
INCOME TAX ACT, 1918.

Enactments to be amended.	Nature of Amendment.
Section 19 -	- The words " assessable under Schedule A " shall be inserted after the word " heritages " where that word first occurs; the words " assessable under Schedule B " shall be inserted after the word " heritages " where it secondly occurs; and the words " of the last-mentioned lands, tenements, hereditaments and heritages " shall be inserted after the word " occupier."
First Schedule -	<p>In paragraph (2) of Rule 1 of the Rules applicable to Cases I and II of Schedule D the words " year preceding the year of assessment " shall be substituted for " said period of three years," and the words " the average of " shall be omitted.</p> <p>In paragraph (d) of Rule 3 of the Rules applicable to Cases I and II of Schedule D the word " actually " shall be substituted for the word " usually " and the words " according to an average of three years preceding the year of assessment " shall be omitted.</p> <p>In paragraph (1) of Rule 5 of the Rules applicable to Cases I and II of Schedule D the words " annual value of " shall be substituted for the words " profits or gains arising from," and the words " and separately " assessed and charged under Schedule A " shall be inserted after the word " profession " where it first occurs, and the words " provided that " shall be omitted.</p> <p>In paragraph (2) of the said Rule 5 the words " lands, tenements, hereditaments and heritages " shall be substituted for the word " premises " where it firstly and secondly occurs.</p>

FIFTH SCHEDULE.

A.D. 1926.

ENACTMENTS REPEALED.

PART I.

5	Session and Chapter.	Short Title.	Extent of Repeal.
10	8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	In the First Schedule— In the Rule applicable to Case I. of Schedule D the words “other than a trade relating to lands, tenements, hereditaments or heritages directed to be charged under Schedule A.” Rule 8 of the Rules applicable to Cases I. and II. of Schedule D. Rule 3 of the Miscellaneous Rules applicable to Schedule D.
15	11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	Section twenty-six.
20	14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	Section twenty-six.

PART II.

25	Session and Chapter.	Short Title.	Extent of Repeal.
30	23 & 24 Vict. c. 113.	The Excise Act, 1860	Sections eight to twenty.
35	8 & 9 Geo. 5. c. 15.	The Finance Act, 1918.	Section twelve.
40	14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	Subsection (2) of section three.
40	15 & 16 Geo. 5. c. 36.	The Finance Act, 1925.	In subsection (2) of section three the reference to the provisions of subsection (4) of section thirteen of the Finance (No. 2) Act, 1915, and in section eighteen the words “for the year 1925–26.”

Finance.

A

B I L L

INTITULED

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance.

(Brought from the Commons 22nd July 1926.)

Ordered to be printed 22nd July 1926.

L O N D O N :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 28, Abingdon
Street, London, S.W. 1; York Street, Manchester;
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Printed by Eyre and Spottiswoode, Ltd.,
East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 1s. Net.]

(137)

A

B I L L

INTITULED

An Act to authorise an increase of the number of Forestry Commissioners, to empower the Commissioners to make byelaws with respect to land vested in them or under their management or control, and for purposes consequential upon the matters aforesaid.

A.D. 1926.
—

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

1.—(1) The number of Forestry Commissioners (hereinafter referred to as the Commissioners) that may be appointed by His Majesty under subsection (1) of section one of the Forestry Act, 1919 (hereinafter referred to as the principal Act), shall be increased from eight to ten.

Increase of number of Forestry Commissioners.
9 & 10 Geo. 5. c. 58.

(2) Each of the persons first appointed to be ninth and tenth Commissioner respectively shall vacate office upon the expiration of the term of office of the other Commissioners in office at the date of his appointment, but shall be eligible for re-appointment in like manner as they are.

2.—(1) Subject to the provisions of this section the Commissioners may make such byelaws with respect to any land, being land vested in them or under their

Power to make and enforce byelaws

A.D. 1926. — management or control to which the public have or may be permitted to have access, as appear to them to be necessary for the preservation of any trees or timber on the land or of any property of the Commissioners, and for prohibiting or regulating any act or thing tending to injury or disfigurement of the land or the amenities thereof, and, without prejudice to the generality of the foregoing provisions, for regulating the reasonable use of the land by the public for the purposes of exercise and recreation :

Provided that—

- (a) no byelaws made under this section shall take away or injuriously affect any estate, interest, right of common, or other right of a profitable or beneficial nature in, over, or affecting any land, except with the consent of the person entitled thereto; and
- (b) no byelaws made under this section shall apply to any common which is subject to a scheme or regulation made in pursuance of the Metropolitan Commons Acts, 1866 to 1898, or the Inclosure Acts, 1845 to 1882, or the Commons Act, 1899; and
- (c) no byelaws shall be made under this section with respect to the New Forest or the Forest of Dean except after consultation with the verderers of those forests respectively.

(2) Before any byelaw made under this Act comes into operation a draft thereof shall be laid before each House of Parliament for a period of not less than twenty-one days on which that House has sat, and if either House before the expiration of that period presents an Address to His Majesty praying that it shall be annulled no further proceedings shall be taken thereon, but without prejudice to the making of any new draft byelaw.

(3) The power and duty of making byelaws under this section and of enforcing any such byelaws shall be deemed to be included among the powers and duties of the Commissioners under the principal Act, and the Commissioners may authorise any officer or servant appointed or employed by them to exercise and perform on their behalf such powers and duties as they may

consider necessary for the enforcement of such byelaws, and in particular, to remove or exclude, after due warning, from any land to which the byelaws relate any person who commits, or whom he reasonably suspects
5 of committing, an offence against this Act or against the Vagrancy Act, 1824. A.D. 1926.

(4) Any person who fails to comply with or acts in contravention of any byelaw made under this section, or obstructs any officer or servant appointed or employed
10 by the Commissioners in the due exercise or performance of his powers or duties under this section, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine not exceeding five pounds, and in the case of a continuing offence, to a further fine
15 not exceeding ten shillings for each day upon which the offence continues.

(5) Without prejudice to the power of any court of summary jurisdiction in relation to any offence against this Act, the verderers of the New Forest and of the Forest
20 of Dean may, in their courts, inquire into offences against this Act alleged to have been committed within those forests respectively, and may punish such offences so committed, and any fine imposed by the verderers may be recovered in like manner as a fine imposed by a court
25 of summary jurisdiction, so, however, that no penalty in excess of the fines which may be imposed under this Act shall be imposed in respect of any such offence, and any person aggrieved by a conviction of any court of verderers in respect of an offence against this Act may
30 appeal from the conviction in like manner as if it had been a conviction of a court of summary jurisdiction.

(6) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, but notwithstanding anything in any other Act, any fine recovered
35 under this section in any proceedings in England shall (unless the court for some special reason otherwise orders) be paid to the Commissioners.



3.—(1) This Act may be cited as the Forestry Act, 1926, and shall be construed as one with the Forestry
40 Acts, 1919 and 1923, and this Act and those Acts may be cited together as the Forestry Acts, 1919 to 1926. Short title, construction, citation, extent, and saving.

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

A.D. 1926. (3) Any byelaws made by the Commissioners under this Act shall be without prejudice to any byelaws made under any other Act by the verderers of the New Forest or Forest of Dean as respects those forests respectively, and the powers conferred by this Act upon the said 5 verderers shall be in addition to and not in derogation of any other powers exercisable by them at the commencement of this Act.

Forestry. [H.L.]

A

B I L L

INTITULIED

An Act to authorise an increase of the number of Forestry Commissioners, to empower the Commissioners to make byelaws with respect to land vested in them or under their management or control, and for purposes consequential upon the matters aforesaid.

The Lord Lovell.

Ordered to be printed 9th June 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
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(95)

Forestry Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL DE LA WARR.

Page 1, line 5, at end insert the following new clause :

(" 1. Expenditure by the Forestry Commissioners shall be included in the accounts of the Ministry of Agriculture as submitted to Parliament") Account of expenditure.

(95 a)



Forestry Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL DE LA WARR.

28th June 1926.

LONDON:
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(95 a)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under A.D. 1926.
the Private Legislation Procedure (Scotland) —
Act 1899 relating to Forth and Clyde Navigation
(Castle Cary and Kirkintilloch Road Bridges).

WHEREAS the Provisional Order set forth in the
schedule hereunto annexed has after inquiry held
before Commissioners been made by one of His Majesty's
Principal Secretaries of State under the provisions of
5 the Private Legislation Procedure (Scotland) Act 1899 62 & 63 Vict.
as read with the Secretaries of State Act 1926 and it is c. 47.
requisite that the said Order should be confirmed by
Parliament :

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

1. The Provisional Order contained in the schedule
15 hereunto annexed shall be and the same is hereby Confirma-
confirmed. tion of Order
in schedule.

2. This Act may be cited as the Forth and Clyde Short title.
Navigation (Castle Cary and Kirkintilloch Road Bridges)
Order Confirmation Act 1926.

2 *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926.

SCHEDULE.

FORTH AND CLYDE NAVIGATION
(CASTLECARY AND KIRKINTILLOCH ROAD
BRIDGES).

Provisional Order to authorise the County Council of the 5
county of Stirling and the County Council of the
county of Lanark to construct and maintain bridges
over the Forth and Clyde Navigation at Castlecary
and at Easter Cawder near Kirkintilloch respectively
and for other purposes. 10

WHEREAS by an Act passed in the eighth year of
King George III the Company of Proprietors of the
Forth and Clyde Navigation was incorporated for the
purposes *inter alia* of making and maintaining a canal 15
between the Firths of Forth and Clyde now known as
the Forth and Clyde Navigation and hereinafter referred
to as "the canal" :

And whereas by section 62 of the said Act it was
amongst other things provided that the said Company
of Proprietors should not make the canal in or across 20
any common highway public bridleway or footpath
until such time as they should at their own proper
charges have made passable and convenient such bridge
or bridges over the said place where the canal should 25
be intended to be made through such roadway or path
and of such dimensions and in such manner as certain
commissioners appointed by the said Act should adjudge
proper and also that all such bridges should from time
to time be supported maintained and kept in sufficient
repair by the said Company of Proprietors their successors 30
and assigns :

And whereas the canal was duly constructed and
various wooden bridges of the bascule type were pro-
vided to carry highways over the canal including a
bridge (hereinafter referred to as "Castlecary Bridge") 35
at Castlecary in the parish of Falkirk and county of



Stirling and a bridge (hereinafter referred to as "Kirkintilloch Road Bridge") at Easter Cawder near Kirkintilloch in the parish of Cadder in the county of Lanark : A.D. 1926.

5 And whereas by the Act 4 and 5 Victoria cap. LV. the said Company of Proprietors was dissolved and reincorporated and the Acts relating to the canal were consolidated and the canal undertaking including the bridges and other works thereof was vested in the
10 company incorporated by that Act :

And whereas by the Caledonian Railway and Forth and Clyde Navigation Companies Act 1867 the canal and the bridges and other works thereof were transferred to the Caledonian Railway Company and the same are
15 now vested in the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") by virtue of the North Western Midland and West Scottish Group Amalgamation Scheme 1923 :

20 And whereas Castlecary Bridge is situate on the main road from the south and west to the north of Scotland known as Castlecary Mill Road and Kirkintilloch Road Bridge is situate on the main road from Glasgow to Kirkintilloch known as Kirkintilloch Road :

25 And whereas the said bridges are narrow and are wholly unsuited for the class of motor traffic which uses the roads in which the said bridges are situate :

And whereas the obligation of the railway company to maintain the said bridges is limited to the maintenance thereof as originally constructed :

30 And whereas the County Council of the county of Stirling and the district committee of the eastern district of that county are the local and road authorities for the district of the said county of Stirling in which Castlecary Bridge is situate :

35 And whereas the County Council of the county of Lanark and the district committee of the district of the Lower Ward of that county are the local and road authorities for the district of the said county of Lanark in which Kirkintilloch Road Bridge is situate :

40 And whereas it is expedient that the property in and control of Castlecary Bridge should be vested in the

4 *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926. — County Council of the county of Stirling and that they should be authorised to construct a new bridge in lieu thereof of the nature and in manner provided by this Order and that similar provision should be made for vesting the property in and control of Kirkintilloch 5 Road Bridge in the County Council of the county of Lanark and that similar powers should be conferred on that council for the construction of a new bridge in lieu thereof :

And whereas an estimate has been prepared of the 10 cost of the acquisition of land and servitudes for and the construction of the works authorised by this Order and such estimate amounts in the case of the new Castlecary Bridge to the sum of eight thousand two hundred and seventy pounds and in the case of the new 15 Kirkintilloch Road Bridge to the sum of six thousand eight hundred and sixty pounds :

And whereas the works included in the said estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years : 20

And whereas plans and sections showing the lines and levels of the works authorised by this Order and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property 25 required or which may be taken for the purposes of or under the powers of this Order have been deposited in the offices at Stirling and Falkirk of the sheriff clerk of the county of Stirling and in the office at Glasgow of the sheriff clerk of the county of Lanark and the same 30 are in this Order referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) 35 Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :— 40

Short title. 1. This Order may be cited for all purposes as the Forth and Clyde Navigation (Castlecary and Kirkintilloch Road Bridges) Order 1926.

[16 & 17 GEO. 5.] *Forth and Clyde* 5
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

2. This Order shall except where otherwise expressly provided commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

A.D. 1926.

—
Commence-
ment of
Order.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order are incorporated with and form part of this Order (that is to say):—

Incorpora-
tion of Acts.

The Lands Clauses Acts except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of land near the railway during the construction thereof.

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the County Council and shall be sufficient without the securities mentioned in the said section.

This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated herewith.

4. In this Order the words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires:—

Interpreta-
tion.

The expression "the Stirling County Council" means the County Council of the county of Stirling;

The expression "the Lanark County Council" means the County Council of the county of Lanark;

The expression "the existing bridge" for the purposes of and in relation to the powers conferred on the Stirling County Council by this Order means the bridge carrying the road from the south and west to the north of Scotland known as Castlecary Mill Road over the canal in the

6 *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926.
—

parish of Falkirk in the county of Stirling and for the purposes of and in relation to the powers conferred on the Lanark County Council means the bridge carrying the road from Glasgow to Kirkintilloch known as Kirkintilloch Road over the canal at Easter Cawder near Kirkintilloch in the parish of Cadder in the county of Lanark; 5

The expression "the new bridge" for the purposes of and in relation to the powers conferred on the Stirling County Council by this Order means the Bridge (No. 1) by this Order authorised and for the purposes of and in relation to the powers conferred on the Lanark County Council means the Bridge (No. 2) by this Order authorised; 10

The expression "the County Council" means the Stirling County Council in relation to the existing bridge and to Bridge (No. 1) by this Order authorised and the Lanark County Council in relation to the existing bridge and to Bridge (No. 2) by this Order authorised; 15 20

The expression "the district committee" means in relation to Bridge (No. 1) by this Order authorised the eastern district committee of the county of Stirling and in relation to Bridge (No. 2) by this Order authorised the district committee of the district of the Lower Ward of the county of Lanark; 25

The expression "the canal" means the canal from the Firth of Forth to the Firth of Clyde forming part of the Forth and Clyde Navigation; 30

The expression "the Canal Acts" means the Acts relating to the canal referred to in the preamble to this Order;

The expression "the railway company" means the London Midland and Scottish Railway Company. 35

In the Acts wholly or partially incorporated with this Order :—

The expressions "the company" "the Undertakers" and "the promoters of the undertaking" and other like expressions mean for the purposes of this Order the County Council; 40

[16 & 17 GEO. 5.] *Forth and Clyde* 7
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

The expressions "railway" "work" and "the undertaking" or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Order mean for the purposes of this Order the new bridge and the expression "centre of the railway" in the last-mentioned provisions means for the purposes of this Order any part of the new bridge.

A.D. 1926.
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5. Subject to the provisions of this Order the Stirling County Council may make and the district committee may maintain in the lines and according to the levels shown on the deposited plans and sections the bridge hereinafter mentioned together with all such carriageways footways approaches abutments piers embankments culverts sewers drains bridge-keeper's house and other buildings piles fenders booms dolphins buoys beacons engines and other plant works and conveniences as it may be necessary or convenient to construct and maintain in connection with the said bridge and the Stirling County Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

Power to construct new Castlecary Bridge.

25 The bridge hereinbefore in this section referred to is :—

An opening bridge (No. 1) over the canal and approaches thereto at Castlecary in the parish of Falkirk in the county of Stirling commencing at a point twenty-four feet or thereabouts measured in a south-easterly direction from the south-east corner of the existing bridge and terminating at a point thirty-four feet or thereabouts measured in a north-easterly direction from the north-east corner of the existing bridge.

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6. Subject to the provisions of this Order the Lanark County Council may make and the district committee may maintain in the lines and according to the levels shown on the deposited plans and sections the bridge hereinafter mentioned together with all such carriageways footways approaches abutments piers embankments culverts sewers drains bridge-keeper's house and

Power to construct new Kirkintilloch Road Bridge.

S *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926. other buildings piles fenders booms dolphins buoys
— beacons engines and other plant works and conveniences
as it may be necessary or convenient to construct and
maintain in connection with the said bridge and the
Lanark County Council may enter upon take and use such 5
of the lands delineated on the deposited plans and
described in the deposited book of reference as may be
required for those purposes.

The bridge hereinbefore in this section referred to
is :— 10

An opening bridge (No. 2) over the canal and
approaches thereto at Easter Cawder near Kirkin-
tilloch in the parish of Cadder in the county of
Lanark commencing at a point in the centre of the
Kirkintilloch Road twenty-nine feet or there- 15
abouts measured in a southerly direction from the
centre of the southern end of the existing bridge
and terminating at a point one foot or thereabouts
south of the centre of the northern end of the
existing bridge. 20

Power to
alter roads
temporarily. 7. Without prejudice to any other statutory powers
vested in the County Council and the district committee
or either of them the County Council and the district
committee may according to their respective powers for 25
the purposes and during the execution of the works by
this Order authorised and in maintaining the same and
subject to the provisions of this Order and within the
limits of deviation shown on the deposited plans tem-
porarily break up or cross over alter or stop up remove or
otherwise interfere with any roads footpaths bridges 30
culverts drains sewers gas and water mains and pipes
telegraphic telephonic electric and other wires pipes
posts and apparatus and other works which they may
find it expedient so to cross break up alter stop up or
otherwise intertere with the County Council or the 35
district committee as the case may be providing a proper
temporary substitute before interfering with the traffic
on any such road footpath or bridge or interrupting
the flow of gas water sewage or electricity Provided
that nothing in this section shall extend to authorise 40
any interference with any telegraphic line (as defined in
the Telegraph Act 1878) or other property of His Majesty's

[16 & 17 GEO. 5.] *Forth and Clyde* 9
Navigation (Castle Cary and Kirkintilloch Road Bridges)
Order Confirmation.

Postmaster-General Provided further that nothing in A.D. 1926.
this section shall extend to or authorise any interference
with any works of any Undertakers within the meaning
of the Electricity (Supply) Acts 1882 to 1922 otherwise
5 than in accordance with the provisions of section 15 of
the Electric Lighting Act 1882.

8. During and in connection with the construction of Temporary
the new bridge the County Council may erect and main- bridge.
tain a temporary bridge over the canal.

10 9. Subject to the provisions of this Order the County Power to
Council may in the construction of the new bridge deviate deviate.
laterally from the lines or situation of the new bridge to
any extent within the limits of deviation shown on the
deposited plans and vertically upwards from the levels
15 defined on the deposited sections to any extent not
exceeding three feet.

10. Without prejudice to any other statutory powers Power to
vested in them the County Council may subject to the stop up
provisions of this Order and within the limits of deviation roads.
20 defined upon the deposited plans for the purposes of and
in connection with the new bridge stop up any road
shown upon the said plans making compensation to any
person who suffers damage by any such stopping up as
aforesaid such compensation in case of difference to be
25 settled in manner provided by the Acquisition of Land
(Assessment of Compensation) Act 1919 with referencē
to the acquisition of land compulsorily.

11. The provisions of sections 187 to 193 both Incorporation
inclusive (which relate to mines under land purchased of
30 and set out for the Forth and Clyde Navigation) of the provisions
of 4 and 5 Victoria chapter LV. shall apply to the new of 4 and 5
bridge in like manner as those sections apply to the Victoria
existing bridge and in the application of those sections cap. LV.
to the new bridge the expression "the County Council" relating to
35 shall be substituted for the expression "the company" mines.
occurring therein.

12.—(1) If during and for the purposes of the Lowering of
construction of the new bridge it shall in the opinion of water level
the County Council be necessary or expedient to draw of canal
40 down the level of the water in the canal at the point of during construction.
crossing the County Council may give to the railway

10 *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926. — company not less than fourteen days' notice in writing requiring the railway company to draw down and to keep drawn down the water in the canal at the point aforesaid to such a level on such a date and for such period as may be specified in such notice and the railway 5 company shall draw down and keep drawn down the water in the canal in accordance with the requirements contained in such notice. Provided that this power shall not be exercised except with the consent of the railway 10 company which consent shall not be unreasonably withheld and in the event of any dispute or difference arising as to the exercise of this power or as to the withholding of consent by the railway company such dispute or difference shall be referred to a single arbiter to be appointed failing agreement in the manner provided by 15 the Arbitration (Scotland) Act 1894.

(2) The County Council shall pay to the railway company the expenses reasonably incurred by the railway company in pursuance of this section and compensation 20 for any damage or loss which the railway company may incur by reason or in consequence of compliance with the provisions of this section the amount of such expenses or compensation to be determined in case of difference by arbitration in manner provided by subsection (1) of this section. 25

Construc-
tion main-
tenance and
working of
new bridge.

13.—(1) The new bridge shall be constructed as an opening bridge with a single span over the canal and shall be so constructed that the headway above the weir level of the canal shall not be less than the headway 30 shown on the deposited sections.

(2) The new bridge shall form part of the public highways under the jurisdiction of the County Council and the district committee and shall be subject to the statutory provisions relating to such highways.

(3) The new bridge shall be maintained opened and 35 worked by the district committee and shall at all times be so maintained opened and worked as not to cause any avoidable interruption or interference with the traffic on the canal and so as to give and secure precedence and priority to vessels and boats requiring to pass 40 through the new bridge over the road traffic requiring to use the bridge.

14. As from the commencement of this Order :— A.D. 1926.

5 (A) The piers and abutments of the existing
bridge shall by virtue of this Order and
without payment of any consideration therefor
vest in the County Council and the County
Council shall remove the materials of the
existing bridge and the works connected
therewith or such part or parts thereof as
10 may not be required for the purposes of the
construction of the new bridge and shall
hand over such materials to the railway
company without any payment therefor Pro-
vided that there shall be as little delay as is
15 reasonably practicable between the removal
of the existing bridge and the opening for
traffic of the new bridge;

Vesting of
existing
bridge in
County
Council &c.

20 (B) The obligation of the railway company under
the Canal Acts or otherwise to support
maintain and keep the existing bridge or any
other bridge in lieu thereof shall cease and
determine.

15.—(1) Subject to the provisions of this Order the
County Council may from time to time make byelaws
for regulating the use of the new bridge and for
25 prohibiting the use thereof in certain cases and by
certain engines carriages or vehicles or other classes
of traffic and for providing that the new bridge may be
temporarily closed to road traffic for repairs or in other
emergencies.

Byelaws for
bridge.

30 (2) No such byelaws shall come into operation until
the same shall have been approved by the Minister of
Transport.

35 (3) Not less than one month before submitting
to the Minister of Transport any byelaw made under
the provisions of this section the County Council shall
advertise in some newspaper circulating in the county
of Stirling or the county of Lanark as the case may be
the intention of the County Council to make such byelaws
and shall deliver a copy thereof to any person making
40 application for a copy on payment of a sum not exceeding
one shilling per copy and before approving any such
byelaws the said Minister shall consider any representation

A.D. 1926. with reference thereto which may be made to him by
 — any person appearing to the said Minister to be affected
 by such byelaws within six weeks from the date of the
 publication of such advertisement.

(4) Any person offending against any byelaw made 5
 and approved under the provisions of this section shall
 be liable on summary conviction to a penalty not ex-
 ceeding five pounds for a first offence and ten pounds
 for a second or any subsequent offence.

(5) An offence against any of the said byelaws 10
 may be prosecuted and any fine or penalty together
 with the expenses of process may be recovered at the
 instance of the Procurator Fiscal of the county of Stirling
 or the county of Lanark as the case may be under the
 provisions of the Summary Jurisdiction (Scotland) Act 15
 1908 and Acts amending the same Every fine or
 penalty shall be paid to the County Council and be applied
 by them towards the upkeep of the bridge.

Power to
 acquire
 servitudes
 or ease-
 ments.

16. Notwithstanding anything contained in this
 Order or shown on the deposited plans the County Council 20
 shall not be required to purchase or acquire any part
 of the bed or banks of the canal or to acquire any greater
 right or interest therein than the servitude or right of
 constructing and maintaining the new bridge on and
 over the same but the County Council may purchase 25
 and acquire and the owners of and other persons interested
 in the said bed and banks shall sell to the County
 Council if required such servitude or right as aforesaid
 and the provisions of the Lands Clauses Acts and the
 Acquisition of Land (Assessment of Compensation) Act 30
 1919 shall apply to and in respect of the acquisition of
 any such servitude or right as fully as if the same were
 land within the meaning of this Order.

As to
 private
 rights of
 way over
 lands taken
 compul-
 sorily.

17. All private rights of way over any lands which
 shall under the powers of this Order be acquired com- 35
 pulsorily shall as from the date of such acquisition be
 extinguished Provided that the County Council shall
 make full compensation to all parties interested in
 respect of any such rights and such compensation shall
 be settled in manner provided by the Acquisition of 40
 Land (Assessment of Compensation) Act 1919 with
 reference to the acquisition of land compulsorily.

18. Persons empowered by the Lands Clauses Acts A.D. 1926.
to convey or discharge lands may if they think fit subject —
to the provisions of those Acts and of this Order grant Persons
to the County Council any servitude right or privilege under dis-
5 (not being a servitude right or privilege of water in ability
which persons other than the grantors have an interest) may grant
required for the purposes of this Order in over or affecting servitudes.
any such lands and the provisions of the said Acts
with respect to lands and feu duties or ground annuals
10 so far as the same are applicable in this behalf shall
extend and apply to such grants and to such servitudes
rights and privileges as aforesaid respectively.

19. If there be any omission misstatement or Correction
wrong description of any lands or of the owners lessees of errors in
15 or occupiers of any lands shown on the deposited plans deposited
or specified in the deposited book of reference the County plans and
Council after giving ten days' notice to the owners book of
lessees and occupiers of the land in question may apply reference.
to the sheriff of the county in which such lands are
20 situate for the correction thereof and if it appears to the
sheriff that the omission misstatement or wrong description
arose from mistake he shall certify the same accordingly
and he shall in such certificate state the particulars
of such omission and in what respect any such matter
25 is misstated or wrongly described and such certificate
shall be deposited in the office of the sheriff clerk of the
said county and a duplicate thereof shall also be
deposited with the clerk of the parish council of the
parish in which the lands to which such certificate
30 relates are situate and such certificate and duplicate
shall be kept by such sheriff clerk and clerk of the parish
council respectively with the other documents to which the
same relate and thereupon the deposited plans and book of
reference shall be deemed to be corrected according to
35 such certificate and it shall be lawful for the County
Council to exercise the powers of this Order in accordance
therewith.

20. The powers of the County Council for the Period for
compulsory purchase of lands for the purposes of this compulsory
40 Order shall cease on the thirty-first day of December purchase of
one thousand nine hundred and twenty-nine. lands.

21. If the new bridge is not completed within Period for
five years from the commencement of this Order then completion
of works.

14 *Forth and Clyde* [16 & 17 GEO. 5.]
Navigation (Castlecary and Kirkintilloch Road Bridges)
Order Confirmation.

A.D. 1926. — on the expiration of that period the powers by this Order granted to the County Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For protection of London Midland and Scottish Railway Company and the Admiralty.

22. Notwithstanding anything contained in this Order or shown upon the deposited plans and sections the following provisions for the protection of the railway company and the Admiralty shall unless otherwise agreed in writing between the railway company and the County Council or between the Admiralty and the County Council (as the case may be) apply and have effect (that is to say):—

- (1) The County Council shall not under the powers of this Order take or acquire by compulsion any lands or property of the railway company or of the Admiralty but the railway company shall grant to the County Council without any payment therefor such right or servitude in under over or upon the lands property and works of the railway company as may be required for making and maintaining in accordance with the provisions of this Order the works by this Order authorised: 15
- (2) The new bridge and any temporary bridge erected under this Order shall be a swing bridge or a bridge of an otherwise opening character equipped with any signals and signalling apparatus gates and fences or other means of protection which may be required by the Minister of Transport for due protection of the traffic using the bridge: 25 30
- (3) The County Council shall before they commence the construction of any temporary or permanent work or the provision of any temporary or permanent equipment (in pursuance of this Order) deposit with the engineer of the railway company (in this section referred to as "the engineer") for his approval proper and sufficient plans sections detailed drawings and specifications of such work and equipment Provided that if the engineer for the space of one month 35 40

after such deposit does not signify his disapproval of the said plans sections drawings and specifications he shall be deemed to have approved thereof and if he shall disapprove the same then such plans sections drawings and specifications shall be submitted to an arbiter to be appointed as in this section provided for his approval All such works and equipment shall be constructed or provided at the costs charges and expenses of the County Council and only according to such plans sections drawings and specifications as shall be approved by the engineer or by the arbiter and under the superintendence and to the reasonable satisfaction of the engineer :

A.D. 1926.

- (4) All works in connection with the new bridge or any temporary bridge shall when commenced be proceeded with and completed as soon as reasonably practicable and the County Council shall upon the completion of the work remove any temporary works and materials for temporary works which may have been erected or placed in the canal or on over or under the bed shores or banks thereof in connection therewith and if and whenever the County Council fail so to do after receipt of notice from the railway company the railway company may remove the same and the sum which shall have been reasonably expended in so doing shall be repaid to the railway company by the County Council :
- (5) The demolition of the existing bridge shall when commenced be proceeded with and carried out with all reasonable expedition and in such manner as the railway company reasonably approve and the County Council shall remove entirely from the canal and from the bed shores and banks thereof all temporary works erected or placed in the canal or on over or under the bed shores or banks thereof in connection with such demolition and all materials resulting from such demolition excepting such as the railway company shall give notice in

A.D. 1926.
 —

pursuance of this Order of their desire to retain :

- (6) In the construction maintenance and repair of the new bridge and of any temporary bridge and any works in the canal or on over or under the bed shores or banks thereof and in the demolition of the existing bridge or any temporary bridge the County Council or the District Committee (as the case may be) shall not break up or cross over alter or stop up remove or otherwise interfere with any culverts drains sewers gas and water mains and pipes telegraphic telephonic electric or other wires pipes posts and apparatus or other works of the railway company or with the oil pipeline of the Admiralty laid in the towing path of the canal without the consent in writing of the railway company or of the Admiralty (as the case may be) which consent shall not be unreasonably withheld :
- (7) Except in so far as necessary for the construction maintenance and repair of the new bridge and any temporary bridge and any works in the canal or on over or under the bed shores or banks thereof and for the demolition of the existing bridge or any temporary bridge no alteration shall be made in the line or level of the canal or of the towing path thereof or in the level of the water in the canal and so far as practicable no interference shall be caused to the navigation of the canal or to the passage of traffic along the towing path thereof :
- (8) The County Council shall during the progress of any works (whether temporary or permanent) in pursuance of this Order in the canal or on over or under the bed shores or banks thereof and during the subsequent repair of any such works and during the demolition of the existing bridge or any temporary bridge hang out and exhibit on or near to the works during every night from sunset to sunrise such lights (to be kept burning by and at the expense of the County Council) and during every day from sunrise to sunset such marks as shall be proper

and sufficient for the navigation and safe guidance of vessels The said lights and marks shall from time to time be altered by the County Council in such manner and be of such kind and number and be so placed and used as the railway company shall approve: A.D. 1926.

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10
15
(9) The County Council shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the execution and repair of any work in pursuance of this Order of such inspectors and watchmen to be appointed by the railway company as may be reasonably necessary for supervising the works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations or from the acts or defaults of the County Council or their contractors or any person in the employment of the County Council or of their contractors:

20
25
30
35
40
(10) If during the construction and repair of the works by this Order authorised there should be any injury to or interference with the canal or relative works or the towing path of the canal or any other works or property of the railway company or the oil pipeline of the Admiralty laid in the said towing path or if there should be any obstruction to the navigation of the canal or to the passage of traffic along the said towing-path or if there should be any loss of water from the canal or any other detriment resulting from the operations or from the acts or defaults of the County Council or their contractors or any person in the employment of the County Council or of their contractors the County Council shall as soon as reasonably practicable carry out at their own cost and to the satisfaction of the railway company or of the Admiralty (as the case may be) such remedial works and operations as may be necessary and in the case of default by the County Council in so doing the railway company or the Admiralty (as the case may be) may carry out such works

A.D. 1926.

and operations and the sum which shall have been reasonably expended in so doing shall be repaid to the railway company or the Admiralty (as the case may be) by the County Council :

(11) The County Council shall during the construction and repair of the works by this Order authorised be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company in consequence of the works by this Order authorised and shall also be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company in consequence of the failure from any cause of any works constructed in pursuance of this Order or of any default of the County Council or their contractors or any person in the employment of the County Council or of their contractors and the County Council shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction repair or failure or of any such default :

(12) If any question or difference shall arise under this section between the County Council and the railway company or their respective engineers or between the County Council and the Admiralty or their respective engineers such question or difference shall be determined by a single arbiter to be appointed in the manner provided by the Arbitration (Scotland) Act 1894 on the application of the County Council or of the railway company or the Admiralty (as the case may be).

Borrowing
by County
Councils.

23. The purposes of this Order shall be deemed to be purposes for which the County Council are authorised to borrow money by section 58 of the Roads and Bridges (Scotland) Act 1878 and the provisions of that Act as read with the Local Government (Scotland) Act 1889 and the Roads and Bridges (Scotland) Amendment Act 1892 relating to assessment and borrowing shall with the necessary variations apply to the

A.D. 1926.

purposes of this Order Provided that the total amount
borrowed under and for the purposes of this Order
including payment of the costs charges and expenses
of and incident to the preparing for obtaining and
5 confirming this Order shall not without the consent
of a Secretary of State exceed (a) in the case of
the Stirling County Council the sum of sixteen
thousand pounds and (b) in the case of the Lanark
County Council the sum of fourteen thousand pounds
10 Provided further that any money borrowed for the
purpose of paying the costs charges and expenses of
and incident to the preparing for obtaining and con-
firming this Order shall be repaid within five years
from the commencement of this Order out of such rate
15 as the County Council may determine.

24. The costs charges and expenses of and incident
to the preparing for obtaining and confirming this
Order or otherwise in relation thereto shall be paid
by the Stirling County Council and the Lanark County
20 Council in equal shares.

Costs of
Order.

Navigation (Castlecary
and Kirkintilloch Road
Bridges) Order
Confirmation. [H.L.]



A
B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Forth and Clyde Navigation (Castlecary and Kirkintilloch Road Bridges).

The Duke of Sutherland.

Ordered to be printed 23rd November 1926.

L O N D O N :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses :
Adestral House, Kingsway, London, W.C.2 ;
120, George Street, Edinburgh ; York Street, Manchester ;
1, St. Andrew's Crescent, Cardiff ; 14, Donegall Square West, Belfast ;
or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.
[Price 4d. Net.]

(175)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under A.D. 1926.
the Private Legislation Procedure (Scotland) —
Act 1899 relating to Glasgow Education
Authority (Juvenile Delinquency).

WHEREAS His Majesty's Secretary for Scotland
has made the Provisional Order set forth in the
schedule hereunto annexed under the provisions of the
Private Legislation Procedure (Scotland) Act 1899 and 62 & 63 Vict.
5 it is requisite that the said Order should be confirmed by c. 47.
Parliament :

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

1. The Provisional Order contained in the schedule
hereunto annexed shall be and the same is hereby
confirmed. Confirmation of Order in schedule.

5 2. This Act may be cited as the Glasgow Education Short title.
Authority (Juvenile Delinquency) Order Confirmation
Act 1926.

A.D. 1926.

SCHEDULE.

GLASGOW EDUCATION AUTHORITY (JUVENILE
DELINQUENCY).

*Provisional Order for the transfer to the Education Authority
of the Burgh of Glasgow of the powers and duties and 5
whole assets and liabilities of the Commissioners for
the Prevention and Repression of Juvenile Delinquency
in the city of Glasgow and of the Directors of Houses
of Refuge and Reformatory and Industrial Schools in 10
the city of Glasgow to dissolve such Commissioners
and Directors to repeal the Glasgow Juvenile Delin-
quency Prevention and Repression Acts 1878 and 1896
to repeal certain Orders pronounced by the Secretary
for Scotland in pursuance of section 132 of the Children
Act 1908 and for other purposes. 15*

WHEREAS by the Glasgow Juvenile Delinquency Pre-
vention and Repression Act 1878 (hereinafter referred
to as the "Act of 1878") there was established in the
city of Glasgow (hereinafter referred to as "the city")
a body corporate called the Commissioners for the 20
Prevention and Repression of Juvenile Delinquency in
the city of Glasgow (hereinafter referred to as "the
Commissioners") for the purpose of maintaining or
assisting in the maintenance of certain Protestant and 25
Roman Catholic houses of refuge and reformatory and
industrial schools in the city and with power to levy
and collect a special rate as also another body corporate
called the Directors of Houses of Refuge and Reformatory
and Industrial Schools in the city of Glasgow (herein-
after referred to as "the Directors") for the purpose 30
of maintaining and managing certain Protestant houses
of refuge and reformatory and industrial schools in the
city :

And whereas by the Glasgow Juvenile Delinquency
Prevention and Repression Amendment Act 1896 (herein- 35
after referred to as "the Act of 1896") amendments
were made upon the Act of 1878 :

A.D. 1926.

And whereas by virtue of the powers conferred upon the Secretary for Scotland by section 132 of the Children Act 1908 the Secretary for Scotland did on the eighteenth day of October one thousand nine hundred and nine and again on the eighteenth day of June one thousand nine hundred and eighteen pronounce Orders (hereinafter referred to as "the Orders of 1909 and 1918") for the amendment of the Act of 1878 and the Act of 1896 :

10 And whereas by the Education (Scotland) Act 1918 a local authority for the purpose of education was as a body corporate constituted in and for the city (otherwise the burgh of Glasgow) such body (hereinafter referred to as "the education authority") being known as the
15 Education Authority of the Burgh of Glasgow :

And whereas provision was made by section 19 of the Education (Scotland) Act 1918 for the transfer to the Scottish Education Department (hereinafter referred to as "the Department") of any powers relating to
20 reformatory and industrial schools in Scotland for the time being possessed by the Secretary for Scotland under the Children Act 1908 or any local Act :

And whereas the transfer last mentioned has been made :

25 And whereas the houses of refuge mentioned in section 27 (Directors to carry on houses of refuge and schools transferred to or afterwards established by them) of the Act of 1878 are no longer the subject of grants from the Commissioners :

30 And whereas there are under the management of the Education Authority (who are not restricted in their powers to making provision for Protestant children only) certain day industrial schools not confined to the reception therein of Protestant children and under the
35 management of the Directors certain other day industrial schools as also certain residential industrial schools and a reformatory school the same being confined to the reception therein of Protestant children the supervision inspection and other cognizance of and the making of
40 grants towards the maintenance of all of the said schools being within the powers of the Department :

And whereas the Education Authority have statutory power to make contributions towards the maintenance

4 *Glasgow Education* [16 & 17 GEO. 5.]
Authority (Juvenile Delinquency) Order Confirmation.

A.D. 1926. of schools not under the management of the Education
— Authority but operative in and for the benefit of the
area of the Education Authority :

And whereas the Directors have with the approval
of the Department requested the Education Authority 5
to take over the management of the reformatory school
and of the residential and day industrial schools under
the management of the Directors with which request
the Education Authority have agreed to comply :

And whereas it is expedient that the property of 1
the Commissioners and Directors be transferred to and
vested in the Education Authority that the Commis-
sioners and Directors be dissolved and that the Act of
1878 and the Act of 1896 and the Orders of 1909 and
1918 be repealed : 1

And whereas the purposes aforesaid cannot be
effected without an Order of the Secretary for Scotland
confirmed by Parliament under the provisions of the
Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained 2
in the last mentioned Act the Secretary for Scotland
orders as follows :—

Short title. 1. This Order may be cited as the Glasgow Education
Authority (Juvenile Delinquency) Order 1926.

Commence- 2. This Order except where otherwise expressly 2
ment of provided shall commence and have effect on and from
Order. the first day of April one thousand nine hundred and
twenty-six and that date is hereinafter referred to in
this Order as “ the commencement of this Order.”

Interpre- 3. In this Order unless there be something in the 3
tation. subject or context repugnant to such construction :—

(i) The expression “ the Act of 1878 ” means the
Glasgow Juvenile Delinquency Prevention and
Repression Act 1878 ;

(ii) The expression “ the Act of 1896 ” means the 3
Glasgow Juvenile Delinquency Prevention and
Repression Amendment Act 1896 ;

(iii) The expression “ the Orders of 1909 and
1918 ” means the Orders pronounced by the
Secretary for Scotland dated respectively the 4

eighteenth day of October one thousand nine hundred and nine and the eighteenth day of June one thousand nine hundred and eighteen amending the Act of 1878 and the Act of 1896; A.D. 1926.
—

- (iv) The expression "the Commissioners" means the Commissioners for the prevention and repression of juvenile delinquency in the city incorporated by and acting under the Act of 1878 and the Act of 1896 and the Orders of 1909 and 1918;
- (v) The expressions "the corporation" and "the city" respectively mean "the corporation of the city of Glasgow" and "the city and royal burgh of Glasgow";
- (vi) The expression "the Directors" means the Directors of houses of refuge and reformatory and industrial schools in the city incorporated by and acting under the Act of 1878 and the Act of 1896 and the Orders of 1909 and 1918;
- (vii) The expression "the Department" means the Scottish Education Department;
- (viii) The expression "the Education Authority" means the Education Authority of the burgh of Glasgow;
- (ix) The expression "Protestant reformatory schools" means and comprehends the existing school belonging or reputed to belong to the Directors which has been duly certified as a reformatory school under the provisions of the Reformatory Schools Act 1866 and is known as the Chapelton Training School for Girls East Chapelton Bearsden near the city and any other schools with the grounds attached thereto within the city or outwith the same which shall hereafter be established by or placed under the management of the Education Authority for the better training of youthful offenders who are of the Protestant faith (including if so established any school where special provision is or shall be made for the training of youthful offenders suffering from

A.D. 1926.

mental or physical defect) and which may be duly certified by the Department under the provisions of the Children Acts 1908 to 1921 or of any other Act in force for the time being relating to reformatory schools; 5

- (x) The expression "Protestant industrial schools" means and comprehends (a) the existing residential schools belonging or reputed to belong to the Directors which have been duly certified as industrial schools under the provisions of the Industrial Schools Act 1866 and are known respectively as (1) the Boys' Industrial School Mossbank Hogganfield near the city and the Boys' Home in Whitevale Street in the city in connection therewith and (2) the Girls' Industrial School Maryhill in the city and the Girls' Home in Rottenrow in the city in connection therewith and (b) the existing day schools belonging or reputed to belong to the Directors which have been duly certified as day industrial schools under the provisions of the Act of 1878 or of the Day Industrial Schools (Scotland) Act 1893 or of the Children Acts 1908 to 1921 and are known respectively as (3) Rottenrow Day Industrial School in the city (4) Green Street Day Industrial School in the city (5) Rose Street Day Industrial School in the city (6) William Street Day Industrial School in the city and (7) Hopehill Road Day Industrial School in the city and shall also mean and comprehend any other residential or day school with the grounds attached thereto within the city or outwith the same which has been or may hereafter be established by or placed under the management of the Education Authority for the industrial training of children who are of the Protestant faith (including if so established any school where special provision is or shall be made for the training of children suffering from mental or physical defect) and which may be duly certified under the provisions of the Education (Scotland) Acts 1872 to 1925 of the Children Acts 1908 to 1921 or of any other Act in force 40

for the time being relating to residential or day industrial schools; A.D. 1926.

5 (xi) The expression "Roman Catholic reformatory schools" means and comprehends the existing school belonging or reputed to belong to managers other than the Commissioners the Directors or the Education Authority which has been duly certified as a reformatory school under the provisions of the Reformatory Schools Act 1866 and is known as Parkhead Reformatory for Roman Catholic Boys in the city and shall also mean and comprehend any other school with the grounds attached thereto within the city or within an area around the same of 10 fifteen miles radius measured from the Cross of the city which shall hereafter be established by or under the Education Authority or by or under other managers for the better training of youthful offenders who are of the Roman Catholic faith (including if so established any school where special provision is or shall be made for the training of youthful offenders suffering from mental or physical defect) and which may be duly certified as reformatory 15 schools under the provisions of the Children Acts 1908 to 1921 or of any other Act in force for the time being relating to reformatory schools;

20 (xii) The expression "Roman Catholic industrial schools" means and comprehends the existing schools belonging or reputed to belong to managers other than the Commissioners the Directors or the Education Authority which have been duly certified as industrial schools under the provisions of the Industrial Schools Act 1866 and are known respectively as 25 (1) Slatefield Industrial School for Roman Catholic Boys Slatefield Street in the city (2) Glasgow Orphanage and Industrial School for Roman Catholic Boys Kenmure Bishop- 30 briggs near the city (3) Glasgow Orphanage and Industrial School for Roman Catholic Girls 570 Gallowgate in the city and (4) Dalbeth

A.D. 1926.

Industrial School for Roman Catholic Girls in the city and shall also mean and comprehend any other school with the grounds attached thereto within the city or within an area around the same of fifteen miles radius measured from the Cross of the city which shall hereafter be established by or under the Education Authority or by or under other managers for the industrial training of children who are of the Roman Catholic faith (including if so established any school where special provision is or shall be made for the training of children suffering from mental or physical defect) and which may be duly certified under the provisions of the Education (Scotland) Acts 1872 to 1925 of the Children Acts 1908 to 1921 or of any other Act in force for the time being relating to residential or day industrial schools ;

(xiii) The expression "existing" means existing immediately prior to the commencement of this Order.

Transfer of existing Protestant schools to Education Authority.

4. As from the commencement of this Order the existing Protestant reformatory school and the existing Protestant industrial schools shall be transferred to the Education Authority together with the whole areas of ground upon and the buildings in which the said several schools are carried on and without prejudice to this generality the areas of ground (or in the case of leasehold subjects the tenancy rights of the areas of ground) specified in the First Schedule to this Order forming the sites and pertinents of the several school buildings occupied by these several existing schools together with the said school buildings themselves and the whole other buildings and erections on the said areas of ground together also with the whole furniture and plenishing fittings and fixtures plant implements utensils and stocks and materials of every description in or about the said buildings and erections as also any other heritable property owned or possessed by or vested in the Directors otherwise than in or about one or other of the aforesaid existing schools as at the commencement of this Order shall be and the same are by virtue of this Order transferred to and vested in the Education

Authority without the necessity of any conveyance instrument or notice of title or any feudal infeftment or further process of law or any assignation or other writ and shall be accepted by the Education Authority
5 subject in the case of heritable property to the whole feu duties real liens and other burdens provisions conditions reservations declarations and obligations so far as still subsisting and applicable and either now or hereafter payable or prestable in terms of the title
10 deeds and also to all servitudes restrictions and agreements (if any) now affecting or which may hereafter affect the same and the said areas of ground school buildings and others shall subject to the provisions of this Order be held used and administered by the Educa-
15 tion Authority for the purposes of the Education (Scotland) Acts 1872 to 1925 and of the Children Acts 1908 to 1921.

5. Minute books account books records or other documents and all furniture fittings or other moveable
20 property and all funds assets rates grants and debts orders decrees warrants diligences and things in action owned or possessed by or vested in the Directors situated otherwise than in or about one or other of the existing
25 Protestant reformatory school and the existing Protestant industrial schools shall as from the commencement of this Order and subject to the provisions of this Order be and the same are by virtue of this Order transferred to and vested in and shall become the
30 property of the Education Authority for the purposes of this Order of the Education (Scotland) Acts 1872 to 1925 and of the Children Acts 1908 to 1921.

A.D. 1926.
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Transfer of records &c. of Directors to Education Authority.

6. As from the commencement of this Order all property heritable or moveable and all funds assets rates and debts and things in action owned or possessed
35 by or vested in or due to the Commissioners (including assessments collected or to be collected by the Corporation in pursuance of section 10 of the Order of 1909) and also all minute books account books records and other documents of an administrative nature belonging to the
40 Commissioners shall be and the same are by virtue of this Order transferred to and vested in the Education Authority without the necessity of any conveyance instrument or notice of title or any feudal infeftment

Transfer of property of Commissioners to Education Authority.

A.D. 1926, — or further process of law or any assignation or other writ and shall be accepted by the Education Authority subject in the case of moveable property to the claims for which the Commissioners at their meeting on the thirty-first July one thousand nine hundred and twenty- 5
five made provision in fixing the assessment for the year to the thirty-first August one thousand nine hundred and twenty-six and in the case of heritable property to the whole feu duties real liens and other burdens provisions conditions reservations declarations and obligations 10
so far as still subsisting and applicable and either now or hereafter payable or prestable in terms of the title deeds and also to all servitudes restrictions and agreements (if any) now affecting or which may hereafter affect the same and the said whole property and others 15
shall subject to the provisions of this Order be held used and administered by the Education Authority for the purposes of this Order of the Education (Scotland) Acts 1872 to 1925 and of the Children Acts 1908 to 1921.

Records of Commissioners to be accessible. 7. The minute books account books records and 20
other documents of the Commissioners transferred to the Education Authority by virtue of this Order shall be made accessible by the Education Authority at reasonable times and under reasonable conditions for inspection by all persons having an interest therein. 25

Transfer of shares stocks &c. 8. Notwithstanding anything in this Order contained the provisions of the sections of this Order of which the marginal notes are "Transfer of existing Protestant schools to Education Authority" "Transfer of records et cetera of Directors to Education Authority" 30
and "Transfer of property of Commissioners to Education Authority" shall not apply to the transfer of shares stocks annuities or property of the Directors or Commissioners (if any) which are only transferable by recording the transfer in books kept by a company or 35
other body or in manner prescribed by or under any Act of Parliament relating to such Company or other body and such shares stocks annuities or property (if any) shall forthwith be transferred to and be vested in the Education Authority by the appropriate means 40
and shall be held used and administered by the Education Authority for the purposes of this Order of the Education

(Scotland) Acts 1872 to 1925 and of the Children Acts 1908 to 1921. A.D. 1926.

9. For the purpose of enabling the Education Authority to complete a title if thought fit to any part of the lands buildings and other heritable property transferred to and vested in them by virtue of this Order by expediting a notarial instrument notice of title or otherwise the Act confirming this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other property in favour of the Education Authority.

Order to be deemed a general disposition.

10. In lieu of the stamp duties which would have been payable upon the deeds or instruments which would otherwise have been required to pass the property interests and rights debts obligations and things in action in this Order referred to and to vest the same in the Education Authority or which otherwise might be payable in respect of the vesting of such property interests rights debts obligations and things in action by virtue of this Order there shall be paid a stamp duty of five pounds which duty shall be impressed upon a King's Printer's copy of the Act confirming this Order the Education Authority being bound to produce such stamped copy to the Commissioners of Inland Revenue within three months after the date of the passing of the Act confirming this Order.

Compounded stamp duty.

11. As from the commencement of this Order all debts liabilities and obligations due by or prestable against and all bonds guarantees undertakings contracts leases agreements and proceedings made or entered into by the Commissioners or by the Directors (including without prejudice to the foregoing generality all arrangements made by the Commissioners or by the Directors with retired teachers officers or employees for payment of pensions wages or honoraria) are by this Order declared to be debts liabilities obligations bonds guarantees undertakings contracts leases agreements and proceedings of the Education Authority and shall without any further proceedings or intimation be good valid and effectual and may be enforced against and shall be paid or implemented or carried out by the Education Authority as if the same had been expressly incurred or made or

Transfer of obligations of Commissioners and Directors.

12 *Glasgow Education* [16 & 17 GEO. 5.]
Authority (Juvenile Delinquency) Order Confirmation.

A.D. 1926. entered into by or with the Education Authority and
— the individual members of the Commissioners and of the
Directors shall be indemnified by the Education Authority
from all such debts liabilities obligations bonds guarantees
undertakings contracts leases agreements proceedings 5
and arrangements.

Transfer of 12. As from the commencement of this Order the
officers. existing officers and employees whole or part-time of the
Commissioners and of the Directors respectively (not
being teachers or other officers or employees employed in 10
the existing Protestant reformatory school or in the
existing Protestant industrial schools) shall become
officers and employees of the Education Authority and
shall hold their offices by the existing tenure and upon 15
the existing terms and conditions and while performing
the same duties shall receive not less salaries or remunera-
tion and shall be entitled to not less pensions or retiring
allowances than they would have received or been
entitled to if the Act confirming this Order had not been 20
passed provided that the Education Authority may
distribute the business to be performed by these officers
and employees in such manner as the Education Authority
may think fit and every such officer and employee shall
perform such duties in relation to that business as may 25
be directed by the Education Authority.

Transfer of 13. As from the commencement of this Order the
teachers &c. existing staff of teachers or other officers or employees
wholly or part-time employed in the existing Protestant
reformatory school and in the existing Protestant in- 30
dustrial schools shall become teachers officers and
employees of the Education Authority and shall be
placed upon their existing scale of salaries and shall
remain subject to their existing tenure terms and
conditions (including right to pension and retiring 35
allowances and also in the case of the existing superin-
tendents or governors of the existing Protestant reforma-
tory school and the existing residential industrial schools
freedom from liability to be transferred from these
schools respectively to any other school) or they shall be 40
placed upon the same scale of salaries and become subject
to the same tenure terms and conditions as teachers and
other officers or employees of corresponding qualifications
in corresponding positions in other schools under the

management of the Education Authority whichever shall be the more favourable to the transferred teachers officers or employees. A.D. 1926.

14. The Education Authority may abolish the office of any existing whole or part-time teacher officer or employee of the Commissioners or Directors as the case may be whose office they may deem unnecessary but such teacher officer or employee shall be entitled to compensation by virtue of this Order. Compensation on abolition of office.

15. Section 120 of the Local Government (Scotland) Act 1889 (which relates to compensation to existing officers) shall with the necessary modifications apply to teachers officers and employees transferred or declared entitled to compensation under this Order who by virtue of this Order or anything done in pursuance or in consequence thereof suffer direct pecuniary loss by abolition of office or by diminution or loss of salary or remuneration subject as follows :— Ascertainment of compensation.

(a) References to the Local Government (Scotland) Act 1889 to the county council and to the convener or vice-convener shall be construed as references to the Act confirming this Order to the Education Authority and to the chairman thereof respectively :

(b) References to the Acts and rules relating to His Majesty's Civil Service shall be construed as references to the Acts and rules which were in operation at the date of the passing of the Local Government (Scotland) Act 1889 :

(c) In the proviso to subsection (2) of the said section 120 "the passing of this Act" shall except in the case of abolition of office mean the date when the loss arose and in the case of abolition of office the date of such abolition :

(d) Any expenses shall be paid out of the education fund of the Education Authority :

(e) Subsections (8) and (9) of the said section 120 shall not apply.

16. Sections 47 52 and 53 of the Local Government (Scotland) Act 1894 shall with the necessary modifications Application of statutory

14 *Glasgow Education* [16 & 17 GEO. 5.]
Authority (Juvenile Delinquency) Order Confirmation.

A.D. 1926. apply to any transfer effected by this Order subject as
— follows :—
provisions
as to trans-
fers.

(a) References to the fifteenth day of May one thousand eight hundred and ninety-five shall be construed as references to the commencement 5
of this Order :

(b) References to “any authority” shall be construed as references to the Commissioners or the Directors as the case may be :

(c) References to the parish council shall be construed as references to the Education Authority : 10

(d) References to “this Act” shall be construed as references to this Order.

Provision as
to Protes-
tant and
Roman
Catholic in-
mates in
same school.

17. It shall be competent to the Education Authority notwithstanding anything to the contrary contained in 15
or any limitation in the provisions of the Education (Scotland) Acts 1872 to 1925 to conduct and manage Protestant reformatory schools and Roman Catholic reformatory schools and reformatory schools not restricted 20
to the reception therein of inmates of a particular religious faith and without prejudice to this generality it shall be competent to the Education Authority to conduct and manage as heretofore the existing Protestant reformatory school and the existing Protestant industrial schools or 25
to admit into any Protestant reformatory school or into any Protestant industrial school inmates who are not of the Protestant faith and it shall also be competent to the Education Authority with the consent and approval of the Department to renounce the certificate of any 30
Protestant reformatory school or any Protestant industrial school or any school not restricted as aforesaid and to close any such school and either abandon the activities carried on therein (appropriate arrangements as to the inmates being duly and competently made) or to transfer 35
the activities carried on therein and the inmates thereof to any other reformatory or industrial school already being managed and conducted or that thereafter may be opened managed and conducted by the Education Authority and they may do so notwithstanding that some 40
or all of the inmates of the other schools already being managed and conducted or thereafter to be opened

managed and conducted by them are not of the Protestant faith but any change in the composition of any reformatory or industrial school to be made by virtue of this Order shall be subject always to the condition that
5 definite and regular religious instruction of the inmates of such schools shall be given in the case of inmates of the Protestant faith by teachers in the service of the Education Authority who are of the Protestant faith and in the case of inmates of the Roman Catholic faith by
10 teachers in the service of the Education Authority who are of the Roman Catholic faith.

A.D. 1926.

18. Notwithstanding that one of the existing Roman Catholic reformatory and industrial schools is situated outwith the area of the Education Authority all of such
15 reformatory and industrial schools shall for the purposes of section 6 (1) (a) and section 9 (1) of the Education (Scotland) Act 1918 be deemed to be schools which though not under the management of the Education Authority are operative within and included in the
20 scheme for the provision of education within the area of the Education Authority approved by the Department as at the commencement of this Order and shall continue so to be included until otherwise determined by the Department but so that no such reformatory or industrial
25 school shall be deemed to be a day school within the meaning of section 34 of the Education (Scotland) Act 1908.

Roman Catholic reformatory and industrial schools to be deemed within Education Scheme.

19. As from the commencement of this Order the several Acts and Orders specified in the Second Schedule
30 to this Order shall be and are hereby repealed and the Commissioners and the Directors are hereby dissolved.

Repeal of Acts and Orders and dissolution of Commissioners and Directors.

20. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order and otherwise in relation thereto (including those
35 incurred and to be incurred by the Commissioners and by the Directors) shall be borne and paid by the Education Authority out of the education fund of the Education Authority.

Costs of Order.

A.D. 1926. The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

(HERITABLE PROPERTIES).

(Referred to in the section of this Order of which the marginal note is "Transfer of existing Protestant 5 schools to Education Authority.")

Heritable properties transferred from the Directors to and vested in the Education Authority.

I. EXISTING PROTESTANT REFORMATORY SCHOOL.

Chapelton Training School for Girls East Chapelton Bearsden 10
near the City.

All and whole that steading of ground part of the lands of East Chapelton lying on the east side of the turnpike road from Canniesburn Tollbar to Milngavie within the barony of Mugdock late regality of Montrose and county of Stirling now 15
comprehended in the parish of New Kilpatrick and county of Dumbarton and containing 9 acres 2 roods 10 poles or thereby as particularly described in and disposed by disposition by John Meiklem farmer at Mosslands Renfrewshire and others in favour of the Directors dated 9th and recorded in the Division 20
of the General Register of Sasines applicable to the county of Stirling 10th July 1880 together with the teinds and whole parts privileges and pertinents thereof and with the benefit of a road mentioned in the said disposition which steading of ground and buildings thereon alike as to the dominium directum and 25
the dominium utile are heritably vest in the Directors by virtue of the foresaid disposition in their favour dated and recorded as aforesaid (the property of the said steading of ground having been duly consolidated with the immediate superiority thereof) but subject to the terms of a minute of agreement between the 30
Corporation and the Directors dated 22nd June and 4th July 1923.

II. THE EXISTING PROTESTANT INDUSTRIAL
SCHOOLS.

A.D. 1926.

(A) RESIDENTIAL SCHOOLS.

(1) (a) *The Boys' Industrial School Mossbank Hogganfield*
near the City.

5 All and whole that piece of ground containing 13 acres
part of the farm and lands of Coshnock within the parish
(formerly barony parish) of Glasgow and shire of Lanark as
particularly described in and disposed by a disposition by Janet
0 Wilson or Alexander residing at Mossbank Hogganfield in favour
of the Right Honourable Charles Stuart Lord Blantyre and
others as trustees for behoof of the Glasgow Industrial School
Society dated 6th and recorded in the particular register of
sasines for Renfrewshire and regality of Glasgow &c. 14th
5 December 1867 with and under the reservations provisions
declarations and others specified in an instrument of sasine
in favour of William Adams recorded in the said particular
register of sasines 20th June 1825 Item a footpath running
in a direct line from the Tollhouse formerly situated upon
1 Cumbernauld Road to the southern boundary of said piece of
ground which footpath is more particularly referred to in said
instrument of sasine in favour of William Adams recorded as
aforesaid which piece of ground and others with the buildings
erected on the said piece of ground though last vest in trustees
5 for the said society are possessed by the Directors subject to
the terms of a deed of servitude (of wayleave for sewer to
Robroyston Hospital) granted by the Directors in favour of
the Corporation dated 3rd July 1916.

Item the rights of tenancy under three leases of ground
; adjoining the school the first lease between the Corporation
and the Directors dated 27th October &c. 1905 the second
between Mrs. Caroline Francis Miller-Stirling of Craigharnet
and Millerston and the Directors dated 26th January &c. 1906
and the third between the Corporation and the Directors dated
; 25th September &c. 1914.

(b) *The Boys' Home in Whitevale Street in the City in*
connection with the Boys' Industrial School.

All and whole those premises situated at and forming
number thirteen Whitevale Street in the city as particularly
; described in a disposition by Archibald Cameron Corbett M.P.
and others as trustees therein mentioned in favour of the
Directors dated 12th &c. and recorded in the register of sasines
kept for the "burgh of Glasgow" 17th May 1909 always with

A.D. 1926. and under so far as still subsisting and applicable thereto the
— real burdens restrictions provisions declarations and others
specified in (first) instrument of sasine in favour of John
Thomson recorded in the said "burgh register of sasines"
8th May 1843 and (second) contract of ground annual between 5
the Royal Incorporation of Hutchesons' Hospital in the city
and the President and Directors of the Glasgow House of
Shelter for Females and Prison Gate Mission dated 5th March
&c. and recorded in the said "burgh register of sasines" 9th
June and also as in the books of council and session 3rd 10
September 1884 which premises are heritably vest in the
Directors by virtue of the said last mentioned disposition dated
and recorded as aforesaid.

(2) (a) *Girls' Industrial School Maryhill in the City.*

(i) All and whole that plot of ground containing 5 acres 15
1·6 poles part of the lands of Lochburn in that part of the parish
(formerly the barony parish) of Glasgow disjoined therefrom and
erected into the parish of Maryhill in the county of Lanark as
particularly described in and disposed by a feu contract between
Sir George Campbell of Succoth Bart. and the then "Com- 20
missioners for repressing Juvenile Delinquency" in the city dated
19th January &c. and recorded in the foresaid particular register
of sasines 4th March and also as in the books of council and
session 3rd June 1869 but under the reservations real liens burdens
conditions and others specified and contained in the said feu 25
contract dated and recorded as aforesaid which plot of ground
with buildings thereon though last heritably vest in the "Com-
missioners" last above mentioned is now possessed by the
Directors.

(ii) Item All and whole that plot of ground containing 30
2·534 acres part of the lands of Gilshochhill and Lochburn in the
parish of Maryhill and county of Lanark as particularly described
in and disposed by feu charter by the Trustees of the late Sir
George Campbell of Succoth in favour of the Directors dated
17th September &c. and recorded in the division of the general 35
register of sasines applicable to the county of the barony and
regality of Glasgow and also as in the books of council and session
7th November 1879 but with and under the reservations real
liens burdens conditions and others specified and contained in
the said feu charter dated and recorded as aforesaid as modified 40
so far as regards the construction and use of a road by minute of
agreement between the said trustees of the late Sir George
Campbell Bart. and the Directors dated 25th February &c. and
registered in the books of council and session 18th March 1881
which plot of ground with the buildings thereon is heritably vest 45

in the Directors by virtue of the said feu charter dated and recorded as aforesaid. A.D. 1926.

(iii) Item All and whole that plot of ground containing 3.352 acres part of the lands of Gilshochhill in the parish of Maryhill and county of Lanark as particularly described in a disposition by James Anderson tea merchant Glasgow in favour of the Directors dated 1st and recorded in the last mentioned division of the general register of sasines 9th November 1887 always with and under in so far as still subsisting and applicable the reservations real burdens conditions and others specified and contained in (first) a disposition by the trustees of the late Sir George Campbell of Succoth Bart. in favour of John Ewing Walker of Dalling Mhor Dunoon dated 3rd June &c. and recorded in the last mentioned division of the general register of sasines 15th June 1875 and (second) the foresaid disposition by James Anderson in favour of the Directors dated and recorded as aforesaid which plot of ground with the buildings thereon is heritably vest in the Directors by virtue of the said last mentioned disposition dated and recorded as aforesaid.

20 (b) *Girls' Home in Rottenrow in connection with the Girls' Industrial School Maryhill.*

All and whole that new middlemost foretenement of land high and laigh and others lying contiguous within the city on the south side of that street called Rottenrow as particularly described in and disposed by a disposition by the Glasgow City Educational Endowments Board in favour of the Directors dated 11th and recorded in the foresaid "burgh register of sasines" 12th November 1897 which tenement and others are heritably vest in the Directors by virtue of the said last mentioned disposition dated and recorded as aforesaid.

(B) DAY INDUSTRIAL SCHOOLS.

(3) *Rottenrow Day Industrial School in the City.*

(i) All and whole that area of ground containing 131½ square yards near to the south side of the said Rottenrow Street in the city as particularly described in and disposed by a disposition by Donald Cuthbertson and others testamentary trustees of William Bogle in favour of Henry Glassford Bell and others as trustees for the Glasgow Industrial School Society dated 25th January 1855 and subsequent dates and instrument of sasine thereon in favour of trustees of the said society recorded in the said "burgh register of sasines" 3rd February 1860 with and under the real liens burdens and others specified and contained in the said last mentioned disposition dated as aforesaid and instrument of sasine recorded as aforesaid.

A.D. 1926.

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(ii) Item All and hail that eastmost foretenement of land high and laigh and others within the burgh of Glasgow on the south side of Rottenrow Street as particularly described in and disposed by disposition by Donald Cuthbertson and others testamentary trustees foresaid in favour of the Honourable Charles Stuart Lord Blantyre and others trustees for the Glasgow Industrial School Society dated 16th October 1856 and instrument of sasine thereon in favour of trustees of the said society recorded in the said "burgh register of sasines" 3rd February 1860 but under the exception of the area of ground and others last before mentioned the real liens and burdens affecting which area of ground being by said last mentioned disposition abandoned and discharged. 5 10

(iii) Item All and whole that portion of ground with the tenements of land built thereon situated on the south side of Rottenrow Street in the city containing 326 square yards as particularly described in and disposed by disposition by William Alexander residing in Strathaven in favour of the Right Honourable Charles Stuart Lord Blantyre and others trustees for the said Glasgow Industrial School Society dated 3rd and instrument of sasine thereon in favour of said trustees of the said society recorded in the said "burgh register of sasines" 12th November 1859 which properties (i ii and iii) although heritably vest in trustees for the Glasgow Industrial School Society by virtue of the three last mentioned instruments of sasine respectively recorded as aforesaid are now possessed by the Directors. 15 20 25

(4) *Green Street Day Industrial School in the City.*

(i) All and whole that plot of ground within the Calton Parish of Glasgow and sheriffdom of Lanark lying to the east of Green Street Calton in the city containing 1905 square yards as particularly described in and disposed by a disposition by the Rev. George Davidson and others trustees therein mentioned in favour of the Directors dated 15th May &c. and recorded in the last mentioned division of the general register of sasines and also as in the books of council and session 20th May 1882 but always with and under in so far as still subsisting and applicable the exceptions servitudes burdens conditions and others specified in (1) Instrument of sasine in favour of the Rev. Valentine Ward and others as trustees dated 25th November 1829 and recorded in the foresaid particular register of sasines 14th January 1830 and (2) Instrument of sasine in favour of Hunter Finlay and others as trustees recorded in the foresaid particular register of sasines 21st July 1852 which plot of ground with buildings thereon is heritably vest in the Directors by virtue of the said last mentioned disposition in their favour dated and recorded as aforesaid. 30 35 40 45

A.D. 1926.

(ii) Item All and whole that plot of ground lying at the north end of Craignestock Street in the city containing 142 square yards as particularly described in and disposed by a disposition by James Fletcher residing in Glasgow and others in favour of the Directors dated 18th &c. and recorded in the foresaid "burgh register of sasines" 25th May 1891 always with and under so far as still subsisting and applicable the burdens conditions provisions and others specified in (1) An instrument of sasine in favour of John Christie recorded in the said "burgh register of sasines" 20th May 1808 and (2) the said last mentioned disposition dated and recorded as aforesaid which plot of ground with buildings thereon is heritably vest in the Directors by virtue of the said last mentioned disposition dated and recorded as aforesaid.

(iii) Item in the first place all and whole that piece of ground in Blackfauld or Calton lying within the parish (formerly barony parish) of Glasgow and shire of Lanark consisting of 2,562 $\frac{3}{4}$ square yards as particularly in the first place described in and disposed by disposition by Mrs. Mary M'Lean Kennedy or Lyle Trustee of William Kennedy in favour of the Directors dated 21st February &c. and recorded in the last mentioned division of the general register of sasines 19th March 1914.

In the second place All and whole that piece of ground lying in Blackfauld or Calton within the parish (formerly barony parish) of Glasgow and shire of Lanark consisting of 40 $\frac{3}{4}$ square yards as particularly in the second place described in and disposed by the said last mentioned disposition.

In the third place All and whole that piece of ground consisting of 168 $\frac{3}{4}$ square yards lying within the parish (formerly barony parish) of Glasgow and shire of Lanark as in the third place particularly described in and disposed by the said last mentioned disposition but always with and under (said three pieces of ground) in so far as applicable respectively and still subsisting the whole burdens conditions provisions declarations and others specified in (1) An instrument of sasine in favour of William Smith recorded in the foresaid particular register of sasines 11th November 1774 (2) Instrument of sasine in favour of Mrs. Eliza Grindley or Mitchell recorded in the general register of sasines 10th July 1849 (3) Disposition granted by William Macdonald in favour of William Smith dated 21st March 1835 and recorded in the foresaid particular register of sasines 25th November 1861 (4) Disposition granted by said William Smith in favour of Charles Grindley dated and recorded in the foresaid particular register of sasines 25th November 1861 which three pieces of ground with the buildings thereon are except as after-mentioned now vest in the said Directors by virtue of said disposition by Mrs. Lyle in their favour dated and recorded as aforesaid that is to say under exception of the following parts

A.D. 1926. — thereof sold and disposed by the Directors viz. *primo* all and whole that steading of ground situated in Stevenson Street Calton in the city containing 677 $\frac{3}{4}$ square yards as particularly described in and disposed by a disposition by the Directors in favour of Andrew Cochrane Limited Stevenson Street Calton in the city 5 dated 28th August and recorded in the last mentioned division of the general register of sasines 3rd September 1914 *secundo* all and whole that lot of ground in the parish of Glasgow and county of Lanark consisting of 1,351 square yards as particularly described in and disposed by a disposition by the Directors in favour of 10 George Graham and Alexander Graham both potato merchants in the city dated 14th and recorded in the said last mentioned division of the general register of sasines 19th May 1917.

(5) *Rose Street Day Industrial School in the City.*

All and whole that plot of ground on the south east side of 15 Rose Street within the parish of Govan and sheriffdom of Lanark containing 1,800 square yards as particularly described in and disposed by a disposition by John Pollok of Faside in the parish of Mearns Renfrewshire in favour of the Directors dated 16th &c. and recorded in the said last mentioned division of the general 20 register of sasines 23rd May 1888 but with and under so far as applicable and still subsisting the whole reservations burdens conditions and others specified and contained in (1) Feu contract between the Incorporation of Hutchesons' Hospital and Robert Thomson Junior dated 16th &c. February 1803 (2) Instrument 25 of sasine in favour of John Pollok dated 21st January and recorded in the foresaid particular register of sasines 5th February 1840 (3) Instrument of sasine in favour of Claud Girdwood John Berry and William Robertson dated 21st July and recorded in the foresaid particular register of sasines 23rd August 1807 and 30 (4) the said disposition by John Pollok first mentioned in favour of the Directors dated and recorded as aforesaid which plot of ground is heritably vest in the Directors by virtue of the said last mentioned disposition dated and recorded as aforesaid but subject to the terms of a disposition of 601 $\frac{1}{2}$ square yards part of 35 said plot of ground granted by the Directors in favour of the testamentary trustees of Nathaniel Stevenson in security and for ensuring due payment of the feu duty exigible in respect of the remaining part of said plot of ground dated said disposition in security 29th March and recorded in the said last mentioned 40 division of the general register of sasines 23rd May 1889.

(6) *William Street Day Industrial School in the City.*

(i) The right of tenancy under a lease between the School Board of Glasgow and the Directors dated 13th and 27th March 1902 (which lease has expired and is now effective by tacit 45

relocation only for the year Whitsunday 1925 to Whitsunday 1926) of school building formerly known as St. Matthew's Parish School now as William Street Day Industrial School situated on north side of William Street Anderston in the city. A.D. 1926.
—

5 (ii) Item all and whole that plot of ground containing 840 square yards on the north side of William Street Anderston in the city in the parish of Glasgow and the county of Lanark as particularly described in and disposed by a disposition by Charles Alexander Walker and others trustees of Berkeley Street
10 United Free Church Congregation in the city in favour of the Directors dated 14th &c. and recorded in the last mentioned division of the general register of sasines 17th January 1920 but always with and under in so far as applicable thereto the burdens conditions provisions restrictions and others specified
15 in an instrument of sasine in favour of Robert Knox recorded in the foresaid particular register of sasines 29th May 1846 which plot of ground with buildings thereon forming an addition to the school last mentioned is heritably vest in the Directors by virtue of the last mentioned disposition dated and recorded as
20 aforesaid.

(7) *Hopehill Road Day Industrial School in the City.*

All and whole that plot of ground containing 3,656½ square yards on the south east side of Hopehill Road in the city within the parish of Glasgow and county of Lanark as particularly
25 described in and disposed by a disposition by M'Dowall Steven and Company Limited in favour of the Directors dated 31st December 1907 and recorded in the last mentioned division of the general register of sasines 2nd January 1908 always with and under the real liens burdens reservations and others specified
30 and contained in (1) an instrument of sasine in favour of Kenneth Mathieson dated 17th and recorded in the foresaid particular register of sasines 18th December 1806 (2) Disposition by John Anderson Mathieson in favour of Thomas Steven and others as trustees dated and recorded in the said particular register of
35 sasines 16th May 1865 and (3) The said disposition by the said M'Dowall Steven and Company in favour of the Directors dated and recorded as aforesaid which plot of ground with the buildings thereon is heritably vest in the Directors by virtue of the last mentioned disposition dated and recorded as aforesaid.

24 *Glasgow Education* [16 & 17 GEO. 5.]
Authority (Juvenile Delinquency) Order Confirmation.

A.D. 1926.

SECOND SCHEDULE.

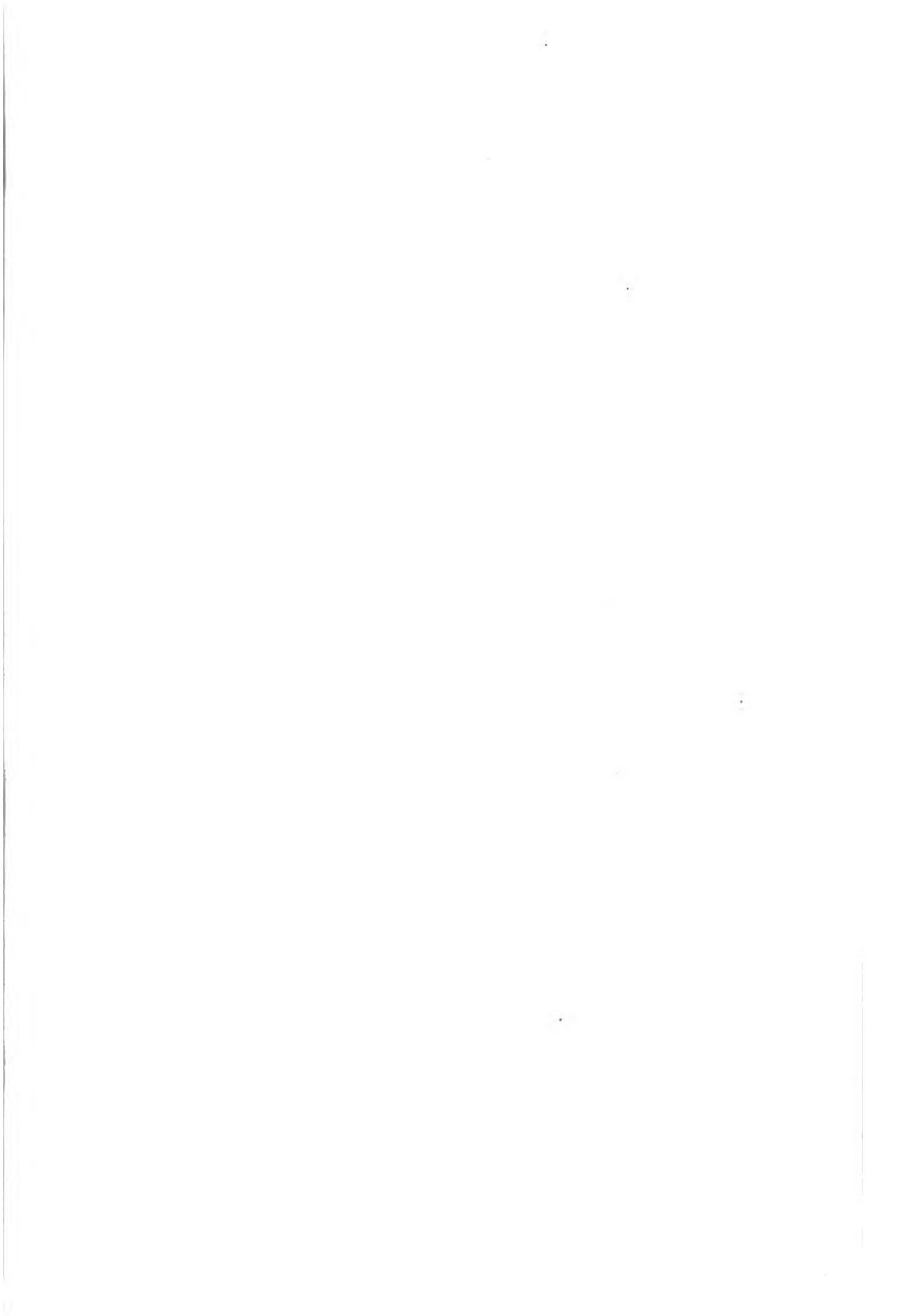
(REPEALS.)

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts and Orders and dissolution of Commissioners and Directors.")

5

ACTS AND ORDERS REPEALED.

Session and Chapter of Act or Date of Order.	Short Title.	Extent of Repeal.	
1. 41 & 42 Vict. c. cxxi.	The Glasgow Juvenile Delinquency Prevention and Repression Act 1878.	The whole Act so far as not already repealed.	10
2. 59 & 60 Vict. c. xxxv.	The Glasgow Juvenile Delinquency Prevention and Repression Amendment Act 1896.	The whole Act so far as not already repealed.	15
3. 18th October 1909.	Order of the Secretary for Scotland under section 132 of the Children Act 1908 providing for alteration amendment and adaptation of the Glasgow Juvenile Delinquency Prevention and Repression Acts 1878 and 1896.	The whole Order.	20
4. 18th June 1918.	Order of the Secretary for Scotland under section 132 of the Children Act 1908 amending Order of October 18th 1909 providing for alteration amendment and adaptation of the Glasgow Juvenile Delinquency Prevention and Repression Acts 1878 and 1896.	The whole Order.	25
			30



**Glasgow Education
Authority (Juvenile
Delinquency)
Order Confirmation.**

A

B I L L

INTITLED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Education Authority (Juvenile Delinquency).

(Brought from the Commons 30th June 1926.)

Ordered to be printed 30th June 1926.

L O N D O N :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE;

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C. 2; 28, Abingdon
Street, London, S.W. 1; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 6d. Net.]

(117)

A
B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Glasgow Goldsmiths Company. A.D. 1926.

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.
c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Glasgow Goldsmiths Company Order Confirmation Act 1926. Short title.



A.D. 1926.

SCHEDULE.

THE GLASGOW GOLDSMITHS COMPANY.

Provisional Order to confer further powers on the Glasgow Goldsmiths Company in relation to the application of their funds and otherwise.

5

WHEREAS by the Act 59 George III. Cap. XXVIII. entitled " An Act for establishing an Assay Office in the City of Glasgow " (hereinafter referred to as " the Act of 1819 ") Robert Gray and other persons gold and silversmiths and plate workers in and about Glasgow were incorporated a company known by the name of The Glasgow Goldsmiths Company (hereinafter referred to as " the Company ") and it was declared that they and such additional members of the Company as should be elected at the annual meetings of the Company should be members of the Company so long as they resided in the city of Glasgow or within forty miles to the west and south thereof the affairs of the Company to be in the hands of four Wardens elected annually :

10

15

And whereas the Company were invested with powers for assaying and marking gold and silver plate made in Glasgow or within forty miles thereof at an assay office to be provided by them and subject to and in accordance with the provisions of the Act of 1819 and were authorised by section 16 of that Act to demand and receive for assaying trying and marking gold and silver plate at their assay office the several prices sums of money or rewards therein specified :

20

25

And whereas by section 23 of the Act of 1819 it was enacted that in case the said prices sums of money or rewards should raise more money than should be sufficient to defray the expenses of the assay office then the overplus money (if any) should be applied by the Company from time to time in prosecuting offenders against the said Act and if such prosecutions should not require the whole of such overplus then the said prices

30

35

A.D. 1926.

sums of money or rewards should afterwards be lessened in proportion by the Company who were required to take so much less for the assaying trying and marking wrought plate for the future as would reduce the sum to be
5 taken to such a sum as would answer the aforesaid purposes only without bringing any profit to the Company :

And whereas by the Plate (Scotland) Act 1836 (hereinafter referred to as "the Act of 1836") the
10 Company were invested with further powers for assaying and marking gold and silver plate made in Scotland and were authorised by section 4 of the Act of 1836 to demand levy and receive for such assaying and marking such sums as should be found necessary but not exceeding
15 one shilling for every ounce of gold and one penny for every ounce of silver where levied by weight and not exceeding one shilling for each piece of gold plate and threepence for each piece of silver plate where levied by the piece :

20 And whereas by section 15 of the Act of 1836 it was enacted that in case the said sums allowed for assaying and marking plate should in the whole be more than sufficient to defray the expenses of the assay office the overplus should be expended in the prosecution of suspected
25 offenders against the Act and if such overplus should be more than should be required for that purpose the Company should reduce their rates or sums authorised to be levied or such of them as they in their discretion should think proper to be reduced to such rates or sums
30 as should answer the purposes before mentioned without bringing any profit to the Company Provided always that if such reduced rates should prove insufficient at any time for the purposes before mentioned they should be raised again as much as should be necessary but
35 never to exceed the rates authorised to be levied by the said Act of 1836 :

And whereas by section 2 of the Gold and Silver Wares Act 1854 workers or dealers in gold and silver were empowered to have the wares manufactured by
40 them assayed and marked at any assay office or offices in Great Britain :

And whereas the said assay offices do now in consultation with one another from time to time decide

A.D. 1926. what sum should be charged by all the offices for assaying and marking gold and silver wares :

And whereas although the said rates have now been reduced to such a point that they cannot be further reduced and it is therefore not now practicable to make alterations each year on the sums to be charged nevertheless there is in many years an overplus in consequence of the volume of work coming to the assay office :

And whereas the business of the Company has during recent years largely increased and the Company has now accumulated a considerable surplus from the sums levied by them and it is expedient to make new provisions and grant power to the Company to accumulate a surplus and to provide also for the application of such surplus and that the further provisions in this Order contained should be given effect to :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title. 1. This Order may be cited as the Glasgow Goldsmiths Company Order 1926.

Repeal. 2. The provisions of section 23 of the Act of 1819 and section 15 of the Act of 1836 in so far as the same are inconsistent with the provisions of this Order are hereby repealed.

Application of income of Company. 3. It shall be lawful for the Wardens of the Company after payment or providing for payment each year of the ordinary expenses of the assay office (which shall include maintenance improvement and extension of any buildings which the Company may acquire) and of the execution of their powers and duties under the Act of 1819 and the Act of 1836 or otherwise to make grants out of the income of the Company (from whatever source derived) and to such extent as the Wardens think fit to or for all or any of the following purposes namely :—

(a) To aged or invalid members servants or workpeople who are or have been in the employment of the Company ;

(b) For the purchase of books and objects of art relating to the gold and silver plate trade or jewellery trade; A.D. 1926.
—

5 (c) For donations or subscriptions to such philanthropic educational or other institutions in or near Glasgow as may be beneficial to the Company or its members or servants.

10 4.—(1) After meeting or providing for all expenditure in any year authorised by the Act of 1819 and the Act of 1836 or as before provided in this Order the remaining surplus income (if any) shall be applied as follows :— Provision as to surplus income.

15 (a) The whole of such surplus income shall be carried to and invested as a reserve fund until such fund is represented by investments to the value of ten thousand pounds and also (so often as such fund by reason of withdrawals as after provided or otherwise is reduced below the value aforesaid) until it has again been raised to the value of ten thousand pounds; 20

25 (b) After the said reserve fund has been raised to the value of ten thousand pounds one-half of such surplus income shall be carried to the said reserve fund until such fund is represented by investments to the value of twenty thousand pounds and also (so often as such fund by reason of withdrawals as after provided or otherwise is reduced below the said value of twenty thousand pounds but remains in excess of ten thousand pounds) until it has again been raised to the value of twenty thousand pounds and the remaining one-half shall be expended each year in grants to workers in the gold and silver plate trade for the purpose of furthering their education and developing their skill in their trade such workers to be recommended by members and approved by the Company at the annual meeting in each year Provided that the amount of such grants and the manner in which they shall be expended by such workers shall be determined by the Company and any balance of the said remaining one-half after such grants shall have been made 30 35 40

A.D. 1926.

shall be divided among such educational institutions as may be advantageous to the said trade as the Company may determine;

(c) After the reserve fund has been raised to the value of twenty thousand pounds and while it remains at that value the whole of the surplus income of each year shall be applicable in manner hereinbefore provided with respect to grants to workers;

(2) In the event of there being a deficit in any year on the ordinary working of the Company such deficit shall be made up by withdrawal from the reserve fund and if by reason of such withdrawals from time to time the reserve fund be reduced below the said value of twenty thousand pounds one-half of the surplus in the succeeding year or years shall once more be carried to the reserve fund until it has again been raised to the value of twenty thousand pounds and if by reason of such withdrawals from time to time the reserve fund be reduced below the said value of ten thousand pounds the whole of the surplus in the succeeding year or years shall once more be carried to the reserve fund until it has again been raised to the value of ten thousand pounds.

(3) All investments forming part of or belonging to the funds held by the Company at the date of this Order as set forth in the Schedule to this Order shall be carried to and form part of the reserve fund.

(4) Interest on the investments of the reserve fund shall be applicable as part of the ordinary income of the Company.

Investment
of sums
carried to
reserve
fund.

5. All sums carried to the reserve fund may be invested by the Company in heritable property or in any funds or securities in which trustees are for the time being authorised by the law of Scotland to invest trust moneys.

Application
of reserve.

6. The Company may from time to time realise any of the investments forming part of the reserve fund and apply the proceeds in or towards the acquisition of land and buildings the erection alteration or improvement of buildings the provision of new plant and any other purpose to which capital is properly applicable and the Company shall have power to borrow money on

the security of any of the said investments lands or buildings. A.D. 1926.

7. After the date of the passing of the Act confirming this Order the respective amounts of the prices sums of money rewards or rates authorised to be levied by the Company under the Act of 1819 and the Act of 1836 shall not exceed the respective amounts which immediately before the date of the passing of the Act confirming this Order were in fact taken and received by the Company unless and until the reserve fund after having been raised to the value of ten thousand pounds shall have been reduced for a period of not less than six months below the value of ten thousand pounds and in that case such increased prices sums of money rewards or rates may be taken as the Company shall see fit until the reserve fund is restored to the value of ten thousand pounds so however that the amounts of the prices sums of money rewards or rates so taken shall never exceed the maximum amounts authorised by the said Acts.

Restriction
on increase
of fees.

8. The costs charges and expenses of and incident to the preparing for obtaining and confirmation of this Order or otherwise in relation thereto shall be paid by the Company out of the funds held by them at the date of this Order.

Costs of
obtaining
this Order.

SCHEDULE referred to in the foregoing Order.

1. Heritable bond for £350 over subjects in Haugh Street Grahamstown Falkirk.

Invest-
ments.

2. £300 4 per cent. guaranteed stock of the London Midland and Scottish Railway Company.

3. £7,300 5 per cent. War Stock 1929/47.

**Glasgow Goldsmiths
Company Order
Confirmation.**

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Glasgow Goldsmiths Company.

(Brought from the Commons 13th December 1926.)

Ordered to be printed 13th December 1926.

L O N D O N :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W.C.2;
120, George Street, Edinburgh; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; 15, Donegall Square West, Belfast;
or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
East, Harding Street, E.C.4,
Printers to the King's most Excellent Majesty.

[*Price 2d. Net.*]]

(208)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Greenock Corporation. A.D. 1926.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and 62 & 63 Vict.
c. 47.
5 it is requisite that the said Order should be confirmed by Parliament :

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirma-
tion of
Order in
schedule.

15 2. This Act may be cited as the Greenock Corporation Order Confirmation Act 1926. Short title.

A.D. 1926.

SCHEDULE.

GREENOCK CORPORATION.

Provisional Order to extend the time for the compulsory purchase of lands for the purposes of the Greenock Corporation Order 1923 to confer further financial powers upon the Corporation of Greenock and for other purposes. 5

WHEREAS the burgh of Greenock (in this Order called "the burgh") in the county of Renfrew is under the government for municipal purposes of the Corporation of Greenock (in this Order called "the Corporation") and the control and management of the streets and roads within the burgh are vested in and exercised by the Corporation : 10

And whereas by the Greenock Corporation Act 1909 the local Acts and Orders relating to the improvement and local government of the burgh were consolidated and by the Greenock Corporation Acts 1909 to 1923 and the Greenock Improvement (Extension of Time) Order 1924 further powers were conferred upon the Corporation : 15 20

And whereas the period limited by the Greenock Corporation Order 1923 for the compulsory purchase of lands for the purposes of the street works authorised by that Order will expire on the eighteenth day of July one thousand nine hundred and twenty-six and it is expedient that the said period should be extended as by this Order provided : 25

And whereas it is expedient that the Corporation should be empowered to stop up a portion of Boundary Street situate within the burgh : 30

And whereas the Corporation are empowered to levy rates and assessments and have under the powers conferred by the said Acts of 1909 to 1923 and other Acts and Orders borrowed moneys for the purposes thereof : 35

And whereas it is expedient for providing better facilities in the management of the funds of the Corporation on loans account and the simplification of the accounts of the Corporation relating to borrowed money and the redemption thereof that the powers contained in this Order in relation to the borrowing of money and the establishment of a loans fund should be conferred upon the Corporation :

A.D. 1926.
—

And whereas it is expedient that such further provisions should be enacted as are in this Order contained :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary for Scotland orders as follows :—

PART I.

20

PRELIMINARY.

1. This Order may be cited as the Greenock Corporation Order 1926. Short title.

2. The Greenock Corporation Acts 1909 to 1923 the Greenock Improvement (Extension of Time) Order 1924 the Greenock Electricity (Extension) Special Order 1925 and this Order may be cited together as the Greenock Corporation Acts 1909 to 1926. Citation of Acts.

3. This Order shall (except where otherwise provided in this Order) commence and have effect on the date of the passing of the Act confirming this Order which date is hereinafter referred to as “the commencement of this Order.” Commencement of Order.

4. This Order is divided into Parts as follows :— Division of Order into Parts.

Part I.—Preliminary.

35 Part II.—Streets.

Part III.—Finance.

5. In this Order the several words and expressions to which meanings are assigned by the Act of 1909 shall Interpretation.

A.D. 1926. have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires the following expressions shall have the respective meanings in this section applied to them (that is to say) :— 5

“ The burgh ” means the burgh of Greenock ;

“ The Corporation ” means the Corporation of Greenock ;

“ The Act of 1909 ” means the Greenock Corporation Act 1909 ; 10

“ The Order of 1923 ” means the Greenock Corporation Order 1923 ;

“ The Acts of 1909 to 1923 ” means the Greenock Corporation Acts 1909 to 1923.

PART II. 15

STREETS.

Extension of time for purchase of lands for purposes of Order of 1923. 6. The period limited by section 10 (Period for compulsory purchase of lands) of the Order of 1923 for the compulsory purchase of lands for the purposes of the street works authorised by that Order is hereby 20 extended for the period of three years from the eighteenth day of July one thousand nine hundred and twenty-six.

Power to stop up portion of street. 7. The Corporation may stop up and discontinue the user by the public of so much of Boundary Street situate within the burgh as lies to the north of Port Glasgow 25 Road or any part thereof.

PART III.

FINANCE.

Power to use one form of bond for all purposes. 8.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the 30 purpose of exercising such power grant mortgage bonds in pursuance of the provisions of this section.

(2) All mortgage bonds to be granted by the Corporation after the commencement of this Order for moneys borrowed in the exercise of any statutory borrowing 35 power may be in or near to the form contained in the schedule to this Order and such bonds may be renewed transferred and discharged by minutes of renewal transfer

or discharge in or near to the forms in the said schedule A.D. 1926.
contained.

(3) All mortgage bonds granted under this section and any interest thereon shall rank equally without any
5 priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the bonds or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation and any interest thereon
10 at any time after the date of the first grant of a bond under this section.

(4) The repayment of all moneys borrowed and the payment of interest thereon secured by mortgage bonds granted under this section shall be and the same are
15 by virtue of this Order charged indifferently upon all the funds rates assessments and revenues of the Corporation.

9. All moneys owing or to be owing or borrowed or to be borrowed and all stock to be issued by the Corporation together with the interest dividends annuities
20 and all other annual sums for the time being payable thereon shall be and the same are hereby by virtue of this Order charged indifferently upon all the funds rates assessments and revenues of the Corporation and
25 shall rank equally one with the other without any priority whatsoever.

Charge of moneys borrowed.

10. Notwithstanding anything in this Order contained section 7 (Application of money received by local authority as undertakers) of the schedule to the Electric
30 Lighting (Clauses) Act 1899 shall in its application to the electricity undertaking of the Corporation be read and construed as if the burgh general assessment had been referred to instead of the local rate therein mentioned.

Receipts from electricity undertaking.

11.—(1) Notwithstanding anything contained in any
35 Act or Order as from the fifteenth day of May one thousand nine hundred and twenty-seven or as from any succeeding fifteenth day of May the Corporation may if they think fit establish a fund to be called the “ Greenock Corporation Loans Fund ” (in this Order referred to as “ the loans
40 fund ”) to which shall be paid as and when they are received—

Establishment of loans fund.

(a) all moneys borrowed by the Corporation whether by the issue of stock or other security in

A.D. 1926.
—

- connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied 5 by the Corporation with due authority to another capital purpose;
- (c) The appropriate sums provided in each year out of other funds or accounts of the Corporation to comply with the terms and conditions as to 10 repayment attaching to their several borrowing powers;
- (d) A sum or sums equal to the nett aggregate amount of all dividends or interest payable in each year on the stock bonds or other securities issued in 15 exercise of the statutory borrowing powers of the Corporation and remaining outstanding; and
- (e) such other sum or sums as may be consistent with or essential to the operation of the loans 20 fund;

and there shall also be carried to the credit of the loans fund the unapplied balances of all moneys borrowed or received on capital account or the interest and dividends thereon or for the redemption thereof except of such moneys as have been borrowed from the Public Works 25 Loan Commissioners and of all sums provided by the Corporation as aforesaid before the fifteenth day of May as from which the loans fund shall be established.

(2) The Corporation may also if they think fit carry to the credit of the loans fund all moneys from time 30 to time standing in any reserve depreciation superannuation or other funds of the Corporation for use in accordance with the provisions of subsection (3) of this section.

(3) The moneys of the loans fund shall be used or applied by the Corporation— 35

- (a) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund or account of the Corporation;
- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock 40 for extinction or the repayment of any moneys borrowed by the Corporation;

(c) In the payment of dividends and interest on the stock bonds or other securities issued in the exercise of the statutory borrowing powers of the Corporation and remaining outstanding; or

A.D. 1926.

5 (d) in the payment of the expenses of managing the loans fund and other expenses incidental thereto; and any moneys of the loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities or the
10 repayment of such investments shall be repaid on receipt to the loans fund and the moneys of the loans fund shall not be used or applied otherwise than as provided in this subsection or in the section of this Order of which the marginal note is "Raising of contributions to loans fund."

15 (4) All moneys borrowed or received and used or applied in the exercise of any statutory borrowing power or otherwise as provided by subsection (3) of this section prior to the establishment of the loans fund shall to the extent of the amount outstanding be deemed to have
20 been so used or applied from the loans fund.

(5) Save as in this Order expressly provided all the obligations of the Corporation to the holders of annuities or other securities of the Corporation shall continue in force.

25 (6) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Secretary for Scotland and such scheme may make provision for any matters incidental to the establishment
30 and administration of the loans fund.

(7) The accounts of the Corporation for or relating to the loans fund shall be subject to the same audit and certification as all other accounts of the Corporation under the provisions of the Town Councils (Scotland)
35 Acts 1900 to 1923 and any Acts amending or extending the same.

12.—(1) The Corporation shall from time to time in order to raise the amounts of the several contributions out of the several revenues of the Corporation for
40 payment into the loans fund do all such acts exercise all such powers collect all such money and impose assess and levy all such rates and assessments as they lawfully can or ought to do exercise collect impose assess

Raising of contributions to loans fund.

A.D. 1926. and levy for the purposes of or in relation to their
— respective statutory borrowing powers.

(2) If there is a deficiency on the revenue of the Corporation in respect of any required contribution the Corporation shall advance the amount of the deficiency 5 out of the loans fund.

(3) The amount so advanced shall be a debt due from the revenue of the Corporation on which the deficiency existed to the loans fund and interest shall be payable thereon at a rate to be determined upon by 10 the Corporation until repayment and the same debt and interest thereon shall as soon as in the judgment of the Corporation may be raised and paid out of the revenue of the Corporation on which the deficiency existed.

Loans fund
guarantee
rate.

13.—(1) If at any time it shall appear to the Cor- 15
poration that the amount of any deficiency in respect of any contribution from any of the revenues of the Corporation to the loans fund as hereinbefore provided should be paid into the loans fund out of moneys to be raised by means of the guarantee rate hereinafter 20 mentioned and the Corporation at a meeting specially called with notice of the object resolve so to pay the amount of any such deficiency the Corporation may and they are hereby empowered to impose assess and levy upon and from all lands and heritages situated 25 within the burgh such rate as they may consider necessary for the purpose of paying the amount of any such deficiency which rate shall be called the "loans fund guarantee rate" and the sums so imposed assessed and levied shall be carried to and form part of the loans fund 30 and be applied as herein provided with respect to contributions to the said fund.

(2) The loans fund guarantee rate shall be imposed and assessed one-half on the owners and one-half on the occupiers of all lands and heritages within the burgh 35 and shall be levied recovered and collected in the same manner and along with and subject to the same provisions and exemptions as are provided with respect to the assessments leviable under the Acts of 1909 to 40 1923.

Saving for
existing
rating limits
and exemp-
tions.

14.—(1) Notwithstanding anything contained in this Order the accounts of the Corporation shall be so kept as to show under a separate heading or division in relation to the respective funds assessments and accounts

A.D. 1926.

—

of the Corporation the amounts of all revenues and expenditure (including moneys paid into or out of the loans fund) and the Corporation shall not impose assess or levy any rate for the purpose of any fund assessment or account which taking one year with another shall be in excess of any limit which may now be prescribed as the maximum amount of the rate for such fund assessment or account.

(2) Nothing in this Order shall limit prejudice or affect any exemption to which any company body or person is now entitled from or in respect of any rate imposed assessed or levied by the Corporation for any purpose.

15. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate confirmation letters of administration or other document evidencing a transmission of any authorised security except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

16. If any money is payable to a bondholder mortgagee or stockholder being a pupil minor idiot or lunatic the receipt of the guardian or trustee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

17. Where more persons than one are registered as joint holders of any bond or mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the town clerk by any other of them.

Interest on securities held jointly.

18. Notwithstanding anything contained in this Order the Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Form of accounts.

A.D. 1926. —
Apportion-
ment of
items. 19. In all cases in which the Corporation keep
separate accounts for separate purposes they shall so
far as reasonably practicable apportion between those
accounts or carry to either or any of them any receipts
credits payments and liabilities which from time to time 5
it appears to them ought to be so apportioned or carried.

Rate of
accumula-
tion of
annual
payments to
sinking fund
for repay-
ment of
loans. 20. Notwithstanding anything contained in any
Acts or Orders or regulations governing the same the
rate of accumulation of the annual payments to every 10
accumulating sinking fund formed by the Corporation
for any purpose shall in respect of any moneys to be
borrowed by the Corporation after the commencement
of this Order be three pounds ten shillings per centum
per annum or such other rate as the Secretary for
Scotland may from time to time approve. 15

Return to
Secretary
for Scot-
land with
respect to
repayment
of debt. 21.—(1) The chamberlain shall if and when he is
requested by the Secretary for Scotland so to do transmit
to the Secretary for Scotland a return showing the
provision made for the repayment of any loans raised
by the Corporation under the authority of the Acts of 20
1909 to 1923 and this Order.

(2) The return shall show such particulars and
shall be made up to such date and in such form as the
Secretary for Scotland may require and shall if so
required by him be verified by statutory declaration of 25
the chamberlain and be transmitted within one month
after the making of the request and in the event of his
failing to make such return the chamberlain shall for
each offence be liable to a penalty not exceeding twenty
pounds to be recovered by the Secretary for Scotland 30
as a debt to the Crown is recoverable and notwith-
standing the recovery of such penalty the making of the
return shall be enforceable by decree of either division
of the Inner House of the Court of Session pronounced
in a summary application presented for that purpose. 35

(3) If it appears to the Secretary for Scotland by such
a return as aforesaid or otherwise that the Corporation
have failed to pay any instalment or annual payment
required to be paid or to appropriate any sum required
to be appropriated or to set apart any sum required to 40
be set apart for any sinking fund (whether such instal-
ment or annual payment or sum is required by any
Act or Order or by the Secretary for Scotland in virtue

thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Secretary for Scotland may by order direct that the sum in such order mentioned
5 not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Secretary for Scotland as soon as the order is complied with and any such order shall be
10 enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

A.D. 1926.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the
15 Secretary for Scotland with regard to the repayment of debt by any provisions of the Acts of 1909 to 1923 notwithstanding anything contrary to or inconsistent therewith in any such Act.

22. The provisions of the following sections of the
20 Act of 1909 and the Order of 1923 so far as not varied by or inconsistent with the provisions of this Order shall with any necessary modifications extend and apply to the exercise of the powers of this Part of this Order as if the same were re-enacted in this Order (that is to
25 say) :—

Application
of provi-
sions of Act
of 1909 and
Order of
1923.

The Act of 1909 :—

- Section 125 (Definition of certain terms);
- Section 131 (Mode of raising money);
- 30 Section 132 (Adoption of Burgh Police (Scotland) Act 1903—Power to borrow temporarily);
- Section 134 (Registration of bonds and assignments);
- 35 Section 135 (Mode of repayment of money borrowed);
- Section 137 (Protection of lender from inquiry);
- Section 138 (Corporation not to regard trusts);
- Section 139 (Arrears may be enforced by appointment of judicial factor);
- 40 Section 140 (Powers and duties of judicial factor);
- Section 142 (Application of money borrowed);

A.D. 1926.

Section 144 (Scheme for fixing equated periods);
Section 145 (Saving for existing mortgages of Corporation) except the proviso to that section.

The Order of 1923:—

5

Section 47 (Power to re-borrow);

Section 49 (Use of moneys forming part of sinking and other funds).

Repeal of certain provisions of Act of 1909.

23. The following sections of the Act of 1909 are hereby repealed (that is to say)—

10

Section 133 (Form of bonds) and the Tenth Schedule;

Section 143 (Annual return to Secretary for Scotland with respect to sinking fund).

Costs of Order.

24. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed for that purpose which moneys the Corporation are hereby authorised to borrow in manner provided by and subject to the provisions of this Order Provided that any moneys borrowed by the Corporation for the purposes of this section shall be repaid within five years from the commencement of this Order.

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The SCHEDULE referred to in the foregoing Order.

FORM OF MORTGAGE BOND.

CORPORATION OF GREENOCK.

Number (*here state the number*).

30

By virtue of the Greenock Corporation Acts 1909 to 1926 and of other powers in that behalf—

We the Corporation of Greenock in consideration of the sum of (*insert the sum in words*) advanced and paid to us on the day of nineteen

35

hundred and _____ for the purposes of the said Acts by C.D. of E. do hereby bind and oblige the said Corporation out of the first and readiest of the moneys to be raised under the annual rates and assessments by the said Acts authorised to be imposed and levied to pay at the term of (*insert term of payment*) to the said C.D. his executors or assignees the said sum of (*state the sum*) and also the interest thereof at the rate of (*insert the rate of interest*) per centum per annum from the date hereof at the terms of Whitsunday and Martinmas in each year till the said sum is paid and for the further security of the said C.D. we do hereby assign to him his executors or assignees such proportion of the said moneys to be raised under the said annual rates and assessments and of the revenues of the Corporation from time to time arising from any undertakings land or other property for the time being of the Corporation as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid from the date hereof to the term of payment and for and in respect of the said interest we the said Corporation shall pay the several sums contained in the _____ interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants Declaring that the said C.D. and his foresaids shall not be entitled to make and that we shall not be bound to register any partial assignation of these presents or of the sums of money principal or interest herein contained And we consent to the registration hereof for preservation and execution In Witness whereof these presents are subscribed and sealed at a meeting of the Corporation held at Greenock upon the _____ day of _____ nineteen hundred and _____ years before these witnesses.

(Witness) _____ Provost or Chairman.

(Witness) _____ Town Clerk.

MINUTE OF RENEWAL—No. _____

19 .—It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within bond shall be postponed and the same shall not be due and exigible until the _____ day of _____ nineteen

A.D. 1926, hundred and _____ and that interest shall become due on the
 — said principal sum to the date last mentioned at the rate of _____
 per centum per annum and shall be paid half-yearly on
 presentation of the interest warrants _____ in
 number issued herewith. 5

Signature of bondholder.

Provost or Chairman.

Town Clerk.

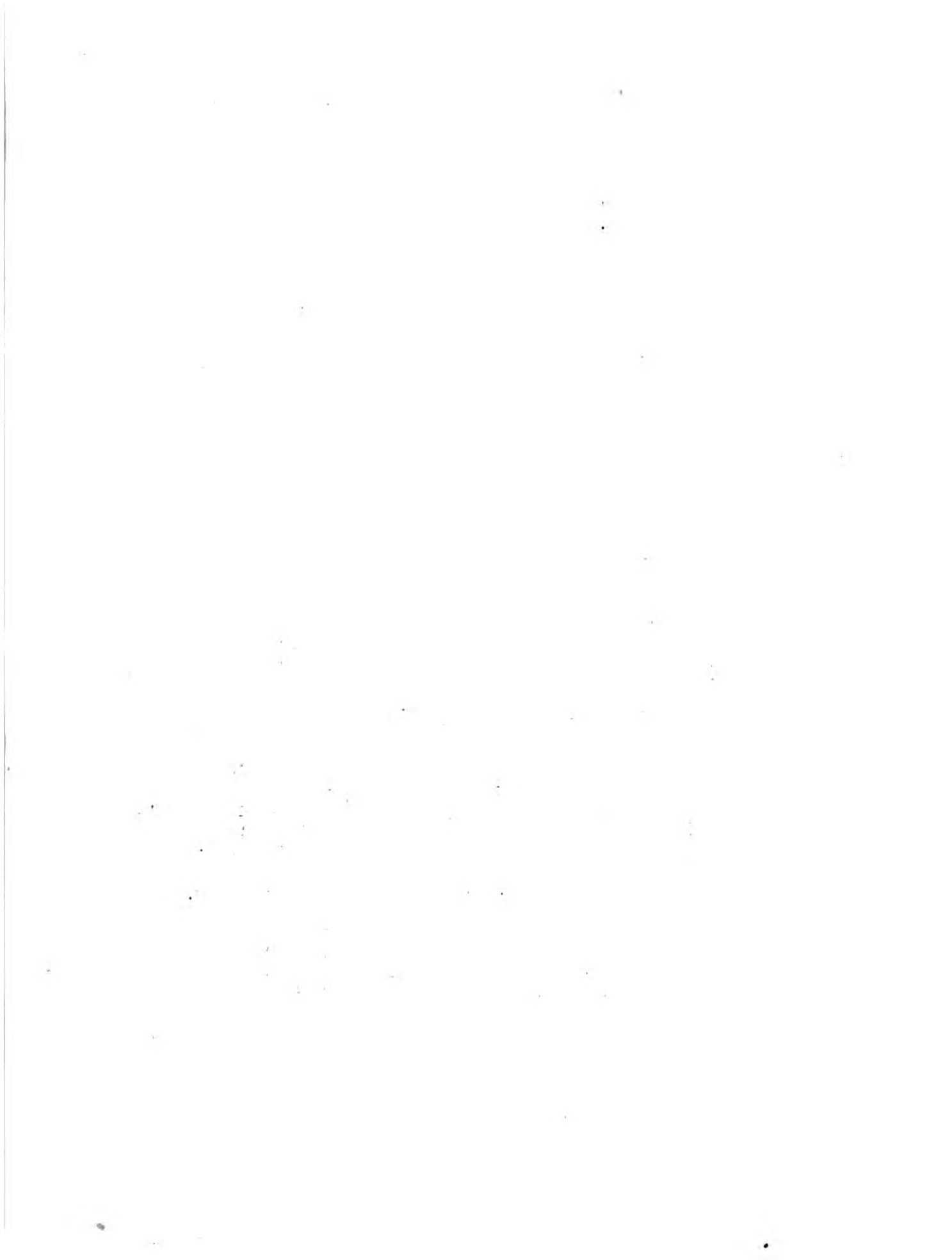
FORM OF TRANSFER.

I (C.D.) within designed [or I (C.D.) executor dative or
otherwise as the case may be of (E.F.) within designed] do transfer 10
 this bond with all right title or interest which I have under the
 same to (G.H.) his [or her or their] (*as the case may be*) executors
 or assignees In witness whereof (*insert testing clause*).

DISCHARGE.

Received from the Corporation of Greenock the within sum 15
 of _____ sterling which sum with all interest due
 thereon is hereby discharged.

Dated at _____ the _____ day of
 nineteen hundred and _____



**Greenock Corporation
Order Confirmation.**

A

B I L L
INTTULED

An Act to confirm a Provisional Order
under the Private Legislation Proce-
dure (Scotland) Act 1899 relating to
Greenock Corporation.

(Brought from the Commons 29th July 1926.)

Ordered to be printed 29th July 1926.

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To be purchased directly from
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East Harling Street, E.C. 4,
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[*Price 3d. Net.*]

(152)

A

B I L L

INTITULED

An Act to facilitate the burning of heather in Scotland and to extend the period in which this can be done. A.D. 1926.

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

1. It shall not be lawful to make muirburn or set fire to any heath or muir except before the sixteenth day of April or after the thirtieth day of September in any year: Provided that it shall be lawful for the proprietor of any lands, and for the tenant with the written authority of the proprietor or of his factor or commissioner to make muirburn or burn the heath thereon at any time during the period from the sixteenth day to the thirtieth day of April or, in the case of land in deer forests more than fifteen hundred feet above sea level, to the fifteenth day of May in any year; and provided further that, where the proprietor of any such lands or his factor or commissioner has refused or has failed within seven days after written application has been made to him by the tenant of any such lands to give such written authority, the Board of Agriculture for Scotland (hereinafter in this Act referred to as the Board) may, on the application of such tenant, if they are satisfied that owing to the situation or altitude of

Prohibition
of muirburn
at certain
times.

A.D. 1926. — such lands or for any other reason which they may consider sufficient it is expedient to do so by order authorise the tenant to make muirburn or burn the heath on such lands or any portion of them during the whole or part of the period last mentioned in the year to which the order relates. 5

Regulation
of muirburn
by Board of
Agriculture
for Scot-
land.

2.—(1) Where the tenant of any lands is precluded by the terms of his lease or otherwise from making muirburn or burning the heath thereon in such manner or to such extent as to him seems necessary or expedient, he may, after giving to the proprietor or his factor or commissioner two weeks notice of his intention to do so, make application to the Board for an order regulating muirburn on such lands. 10

(2) On any application under the foregoing subsection if the Board, after such inquiry as they think fit and after considering any representations by the parties interested which may be lodged with the Board within a period fixed by them (including any representations as to the manner in which and the extent to which muirburn or the burning of the heath has been or is being carried out by the proprietor) are satisfied that it is expedient to do so, the Board may make an order regulating muirburn or the burning of the heath on such lands. Any such order may specify the lands on which, and shall prescribe the conditions subject to which, muirburn may be made or the heath may be burnt in any year during the currency of the lease: Provided always that such order shall not authorise any muirburn or burning of the heath at any time when such burning by the tenant would be in contravention of section one of this Act. In making any such order the Board shall have regard to the interests of the proprietor, of the tenant, and of any other person whom they may deem to have an interest. When any such order shall have been made the tenant shall be entitled to make muirburn or burn the heath in accordance therewith, notwithstanding anything to the contrary in the terms of the lease or tenancy. 15
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Offences.

3. Any person who makes muirburn or sets fire to or burns the heath or causes or procures the making of muirburn, or the setting fire to or burning of the heath on any lands in contravention of section one of 40

25
17

this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for any period not exceeding thirty days, and in the case of a second or subsequent offence to a fine not exceeding twenty pounds or to imprisonment for any period not exceeding three months.

A.D. 1926.

--

4. Sections four, five, six and seven of the Game (Scotland) Act, 1772, are hereby repealed.

Repeal.
13 Geo. 3.
c. 54.

5.--(1) In this Act the expression "tenant" means a tenant for agricultural or pastoral purposes.

Construc-
tion, short
title and
extent.

(2) This Act may be cited as the Heather Burning (Scotland) Act, 1926, and shall extend to Scotland only.

Heather Burning
(Scotland).

A

B I L L

INTITLED

An Act to facilitate the burning of
heather in Scotland and to extend
the period in which this can be
done.

(Brought from the Commons 22nd June 1926.)

Ordered to be printed 22nd June 1926.

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(105)

Heather Burning (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE DUKE OF SUTHERLAND.

Clause 1, page 1, line 9, leave out from ("that") to end of clause and insert—

("(a) It shall be lawful for the proprietor of any lands, or for the tenant with the written authority of the proprietor or of his factor or commissioner, to make muirburn or burn the heath thereon at any time during the period from the sixteenth day to the thirtieth day of April, both days inclusive; and

(b) Where the proprietor of any lands or his factor or commissioner has refused or has failed within seven days after written application for such authority has been made to him by the tenant of such lands, being a tenant who is entitled under the provisions of his lease or by virtue of an order made in pursuance of the immediately succeeding section of this Act to make muirburn or burn the heath on such lands, the tenant may, after giving to the proprietor or his factor or commissioner written notice of his intention to do so, make application to the Board of Agriculture for Scotland (hereinafter in this Act referred to as the Board) and the Board may on such application, if they are satisfied that it is expedient to do so, by order authorise the tenant to make muirburn or burn the heath on such lands during the whole or part of the period last mentioned in the year to which the order relates, in accordance with the conditions contained in the lease or in the order under the immediately succeeding section as the case may be.

(105 a)

Clause 1—continued.

on such application, if they are satisfied that it is expedient to do so, by order authorise the tenant to make muirburn or burn the heath on such lands during the whole or part of the period last mentioned in the year to which the order relates, in accordance with the conditions contained in the lease or in the order under the immediately succeeding section as the case may be.

(2) In the case of a deer forest more than fifteen hundred feet above sea level, the foregoing subsection shall have effect as if the fifteenth day of May were substituted for the thirtieth day of April.”)

**BY THE LORD KINTORE (*E. Kintore*) AND
THE LORD OXENFOORD (*E. Stair*).**

Page 1, line 14, leave out (“ thirtieth ”) and insert (“ twenty-fifth ”)

**BY THE EARL OF ANCASTER AND
THE VISCOUNT NOVAR.**

Page 1, line 19, leave out (“ seven ”) and insert (“ fourteen ”)

**BY THE EARL OF MORTON AND
THE LORD LAMINGTON.**

Page 1, line 24, after (“ satisfied ”) insert (“ after considering any representations made by the proprietor ”)

**BY THE LORD KINTORE (*E. Kintore*) AND
THE LORD OXENFOORD (*E. Stair*).**

Page 2, line 6, at end insert (“ Any such order may specify the lands on which and shall prescribe the conditions subject to which muirburn may be made or the heath may be burnt and a copy of the order shall be sent to the proprietor or his factor or agent.”)

Clause 2.

BY THE LORD LAMINGTON.

Page 2, line 7, after (“lands”) insert (“who has been in occupation thereof not less than the preceding four years”)

BY THE VISCOUNT NOVAR AND THE LORD SALTOUN.

Page 2, line 12, after (“notice”) insert (“in writing”)

BY THE LORD ELGIN (*E. Elgin and Kincardine*) AND THE EARL OF LEVEN AND MELVILLE.

Page 2, line 32, after (“Act”) insert (“A copy of the order shall be sent to the proprietor or his factor or agent”)

BY THE DUKE OF SUTHERLAND.

* Page 2, line 35, after (“interest”) insert (“and (b) the protection of woodlands and plantations”)

BY THE LORD KINTORE (*E. Kintore*) AND THE LORD OXENFOORD (*E. Stair*).

Page 2, line 39, after (“tenancy”) insert (“but it shall be in the power of the Board on representations being made to them to withdraw such order in the event of the tenant contravening the order or disregarding any of the conditions thereof”)

BY THE VISCOUNT YOUNGER OF LECKIE.

Page 2, line 39, after (“tenancy”) insert (“and such order shall be deemed to be part of the terms of the lease or tenancy”)

Clause 2—continued.

BY THE EARL OF ANCASTER.

Page 2, leave out clause 2.

After Clause 2.

BY THE EARL STRANGE (*D. of Atholl*).

Page 2, line 39, at end insert the following new clause :

**Regulation
of muir-
burn on
common
grazings.**

(“ . The making of muirburn or the setting fire to any heath or muir on any grazings held in common under the Landholders Acts shall continue to be regulated by the Land Court and the provisions of sections one and two of this Act in so far as they relate to applications to the Board of Agriculture shall not apply.”)

Clause 5.

BY THE DUKE OF SUTHERLAND.

* Page 3, line 10, at end insert (“ and in the case of
“ a common grazing includes the committee appointed
“ under the Small Landholders (Scotland) Acts, 1886 to
“ 1919, and the expression ‘lease’ in relation to such
“ common grazing includes regulations made or approved
“ by the Land Court under the said Acts.”)

Heather Burning (Scotland) Bill.

MARSHALLED LIST OF AMENDMENTS TO

BE MOVED IN COMMITTEE.

*[The Amendments marked * have not
been previously circulated.]*

26th July 1926.

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[Price 2d. Net.]

(105**)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to facilitate the burning of heather in Scotland and to extend the period in which this can be done. A.D. 1926.

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

1.—(1) It shall not be lawful to make muirburn or set fire to any heath or muir except before the sixteenth day of April or after the thirtieth day of September in any year: Provided that—

Prohibition
of muirburn
at certain
times.

10 (a) It shall be lawful for the proprietor of any lands, or for the tenant with the written authority of the proprietor or of his factor or commissioner, to make muirburn or burn the heath thereon at any time during the period
15 from the sixteenth day to the thirtieth day of April, both days inclusive; and

(b) Where the proprietor of any lands or his factor or commissioner has refused or has failed within seven days after written application for such authority has been made to him by the tenant
20 of such lands, being a tenant who is entitled under the provisions of his lease or by virtue of an order made in pursuance of the immediately

A.D. 1926.
—

succeeding section of this Act to make muirburn or burn the heath on such lands, the tenant may, after giving to the proprietor or his factor or commissioner written notice of his intention to do so, make application to the Board of Agriculture for Scotland (hereinafter in this Act referred to as the Board) and the Board may on such application, if they are satisfied that it is expedient to do so, by order authorise the tenant to make muirburn or burn the heath on such lands during the whole or part of the period last mentioned in the year to which the order relates, in accordance with the conditions contained in the lease or in the order under the immediately succeeding section as the case may be. A copy of any such order shall be sent by the Board to the proprietor or his factor or commissioner.

(2) In the case of a deer forest more than fifteen hundred feet above sea level, the foregoing subsection shall have effect as if the fifteenth day of May were substituted for the thirtieth day of April.

Regulation
of muirburn
by Board of
Agriculture
for Scot-
land.

2.—(1) Where the tenant of any lands is precluded by the terms of his lease or otherwise from making muirburn or burning the heath thereon in such manner or to such extent as to him seems necessary or expedient, he may, after giving to the proprietor or his factor or commissioner two weeks notice in writing of his intention to do so, make application to the Board for an order regulating muirburn on such lands.

(2) On any application under the foregoing subsection if the Board, after such inquiry as they think fit and after considering any representations by the parties interested which may be lodged with the Board within a period fixed by them (including any representations as to the manner in which and the extent to which muirburn or the burning of the heath has been or is being carried out by the proprietor) are satisfied that it is expedient to do so, the Board may make an order regulating muirburn or the burning of the heath on such lands. Any such order may specify the lands on which, and shall prescribe the conditions subject to which, muirburn may be made or the heath may be burnt in any year during the currency of the lease: Provided

always that such order shall not authorise any muirburn or burning of the heath at any time when such burning by the tenant would be in contravention of section one of this Act. A copy of any such order shall be sent by the Board to the proprietor or his factor or commissioner. In making any such order the Board shall have regard to—

A.D. 1926.

--

(a) the interests of the proprietor, of the tenant, and of any other person whom they may deem to have an interest; and

10

(b) the protection of woodlands and plantations.

When any such order shall have been made the tenant shall be entitled to make muirburn or burn the heath in accordance therewith, notwithstanding anything to the contrary in the terms of the lease or tenancy. In the event of the tenant contravening the order or failing to comply with any of the conditions thereof the Board shall have power to rescind the order.

15

3. Any person who makes muirburn or sets fire to or burns the heath or causes or procures the making of muirburn, or the setting fire to or burning of the heath on any lands in contravention of section one of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for any period not exceeding thirty days, and in the case of a second or subsequent offence to a fine not exceeding twenty pounds or to imprisonment for any period not exceeding three months.

20

25

4. Sections four, five, six and seven of the Game (Scotland) Act, 1772, are hereby repealed.

30

Repeal.
13 Geo. 3.
c. 54.

5.—(1) In this Act the expression “tenant” means a tenant for agricultural or pastoral purposes and in the case of a common grazing includes the committee appointed under the Small Landholders (Scotland) Acts, 1886 to 1919, and the expression “lease” in relation to such common grazing includes regulations made or approved by the Land Court under the said Acts.

35

Construc-
tion, short
title and
extent.

(2) This Act may be cited as the Heather Burning (Scotland) Act, 1926, and shall extend to Scotland only.

Heather Burning
(Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to facilitate the burning of
heather in Scotland and to extend
the period in which this can be
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(Brought from the Commons 22nd June 1926.)

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East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 1d. Net.]

(144)

Home Counties (Music and Dancing) Licensing Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- 1. Short title and limits of application.**
- 2. Definition.**
- 3. Music and dancing licences.**
- 4. Power to delegate.**
- 5. Saving as to other licences.**
- 6. Repeal and saving.**

SCHEDULES.



A

B I L L

INTITULED

An Act to amend the law as regards music and dancing licences in parts of certain Home Counties and in certain county boroughs adjacent thereto. A.D. 1926.

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

1. This Act may be cited as the Home Counties (Music and Dancing) Licensing Act, 1926, and shall apply within the areas set out in the First Schedule to this Act (in this Act referred to as the "scheduled areas"), and shall come into operation on the first day of January, one thousand nine hundred and twenty-eight.

Short title and limits of application.

2. For the purposes of this Act the expressions "county" and "county borough" mean respectively the administrative county or county borough in which the premises requiring a licence are situate, and the expression "council" means the council of such county or county borough, and the expression "licence" means a licence granted under this Act, and the expression "licensed" shall be construed accordingly.

Definition.

3.—(1) After the commencement of this Act a place within the scheduled areas shall not be kept for the purposes of public dancing, singing, music, or any other public entertainment of the like kind (in this Act referred to as "entertainment purposes") without a licence.

Music and dancing licences.

A.D. 1926.

(2) The council may grant licences for any period, not exceeding thirteen months, to such persons as they think fit to keep or use places for entertainment purposes on such terms and conditions and subject to such restrictions as they think fit. 5

(3) The council may if they think fit make regulations prescribing generally the terms, conditions, and restrictions on and subject to which licences are to be granted, and where any such regulations are in force, every licence shall (without prejudice to the power of the council to grant a licence on and subject to any special terms, conditions or restrictions) be deemed to be granted subject to the regulations. 10

Primâ facie evidence of any regulations so made may be given in any legal proceedings by the production of a copy purporting to be certified to be a true copy by the clerk or some other officer of the council authorised to give a certificate for the purposes of this provision, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate. 15 20

(4) The council may transfer any licence to any person whom they think fit.

(5) There shall on the grant of a licence be paid by the person applying therefor such fee, not exceeding twenty shillings, or in the case of a licence granted for the sole purpose of a charitable entertainment not exceeding five shillings, as the council may determine, and on the transfer of a licence such fee, not exceeding five shillings, as the council may determine. 25 30

(6) Save as hereinafter provided, no licence or transfer shall be granted unless the applicant has given twenty-one days' notice to the clerk of the council and to the superintendent of police, or to the chief constable of the borough, as the case may be, in which the place is situated of his intention to apply for the licence or transfer, and has for twenty-one days kept a copy of the notice posted in a conspicuous position on the exterior of the place to which the application relates, and on the consideration of the application by the council the police and any person living in the neighbourhood of the place whom the council deem to be concerned shall be entitled to be heard : 35 40

Provided that—

A.D. 1926.

5 (a) the provisions of this subsection as to notice shall not apply in the case of an application by any person for the grant of a licence in respect of any place by way of renewal, on the same terms and conditions, of a licence held at the date of the application by that person in respect of that place; and

10 (b) a licence for a period not exceeding fourteen days may be granted notwithstanding that the provisions of this subsection as to notice to the clerk of the council have not been complied with, and in the case of an application for such a licence the notice required to be given to the superintendent of police or the chief constable, as the case may be, shall be
15 seven instead of twenty-one days.

(7) If any place is kept for entertainment purposes without a licence, the person so keeping the place and,
20 unless he proves to the satisfaction of the court that the place is so kept without his consent or connivance, any person occupying or rated as occupier of the place shall be liable on summary conviction to a penalty not exceeding five pounds for every day on which the place
25 is so kept.

(8) Except where the period for which the licence is in force does not exceed fourteen days, there shall be affixed and kept affixed in some conspicuous place, and so as to be easily legible, on or immediately over and on
30 the outer side of the main entrance of every licensed place the words "Licensed in pursuance of Act of Parliament for . . .," with the addition of words showing the purpose for which the place is licensed.

(9) A place notwithstanding that it is licensed shall
35 not, except with the written permission of the council, be used for entertainment purposes at any time during the period beginning at midnight and ending at midday :

Provided that if on any special occasion a special order of exemption has been granted under section fifty-
40 seven of the Licensing (Consolidation) Act, 1910, in respect of any licensed place, no penalty shall be incurred on account of that place being used for any of the purposes aforesaid on that occasion from midnight until the hour

A.D. 1926. specified in the special order of exemption as the hour for closing.

(10) The affixing and keeping affixed of such an inscription as aforesaid, and the observance of the days and hours of opening and closing, shall be made a condition of every licence. 5

(11) If the holder of a licence acts in contravention of or fails to comply with any term, condition, or restriction on or subject to which the licence was granted, he shall be liable on summary conviction to a penalty not exceeding twenty pounds, and in the case of a continuing offence to a daily penalty not exceeding five pounds for each day on which the contravention continues after conviction therefor, and the licence of any person so convicted may be revoked by the council. 10 15

(12) Any constable authorised in that behalf by a warrant granted by a justice of the peace may enter any place in respect of which he has reason to suspect that an offence under this Act is being committed.

(13) Section eight of the Disorderly Houses Act, 1751 (which provides that any persons appearing as masters of, or having the care of, certain places are to be deemed to be the keepers thereof), shall apply, for the purposes of proceedings under this Act, as it applies for the purposes of proceedings under that Act. 20 25

(14) Any sums received on account of fees under this section shall be carried to the credit of the county fund or borough fund, as the case may be.

Power to delegate.

4.—(1) A council may delegate all or any of its powers under this Act to a committee consisting wholly or partly of members of the council. 30

(2) A council being the council of a county may also delegate all or any of its powers under this Act, other than the power to make regulations, to the council of an urban district having a population, according to the last census, for the time being of not less than twenty thousand, so far as relates to places within that district. 35

Saving as to other licences.

5. Nothing in this Act shall exempt any person or place from the provisions of any other enactment requiring the licensing for any purposes of that person or place or shall apply to any entertainment provided by 40

5 **5.** Nothing in this Act shall exempt any person or place from the provisions of any other enactment requiring the licensing for any purposes of that person or place or shall apply to any entertainment provided by a local authority in a park, garden or other place in the control of the local authority, or in any building thereon.

A.D. 1926.

—
Saving as
to other
licences.

10 **6.**—(1) The enactments mentioned in the Second Schedule to this Act, so far as they apply to the scheduled areas, are hereby repealed to the extent mentioned in the third column of that Schedule.

Repeal and
saving.

15 (2) Nothing in this section shall affect the validity of any licence granted in respect of any place within the scheduled areas under any enactment repealed by this Act, and any such licence shall have effect as if it had been duly granted under this Act, and shall, subject to the provisions of this Act, continue in force until the expiration of the period for which it was granted.

A.D. 1926.

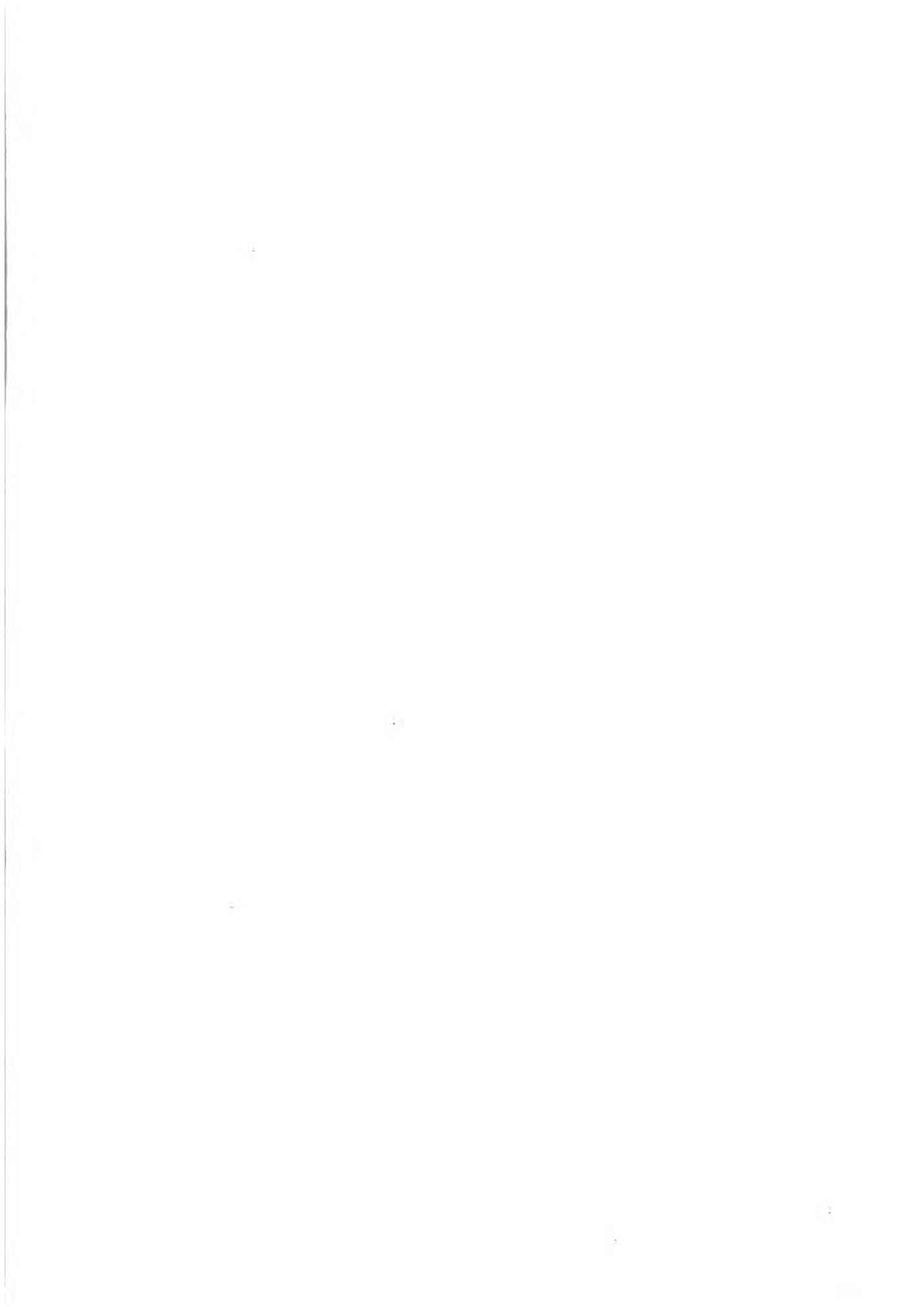
S C H E D U L E S.

FIRST SCHEDULE.

So much of the administrative counties of—	Buckinghamshire, Essex, Hertfordshire, Kent,	5
as lies within 20 miles of the City of London or the City of Westminster whichever may be the nearer to them.		
The county boroughs of—	Croydon, East Ham, West Ham.	10

SECOND SCHEDULE.

Session and Chapter.	Enactment repealed.	Extent of repeal.	15
25 Geo. II., c. 36.	The Disorderly Houses Act, 1751.	Sections two and three.	
39 Vict., c. 21	The Public Entertainments Act, 1875.	The whole Act.	20



Home Counties (Music and Dancing) Licensing.

A

B I L L

[AN AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law as regards music and dancing licences in parts of certain Home Counties and in certain county boroughs adjacent thereto.

(Brought from the Commons 6th July 1926.)

Ordered to be printed 26th July 1926.

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses :
Adastral House, Kingsway, London, W. C. 2; 28, Abingdon
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East Harding Street, E. C. 4,
Printers to the King's most Excellent Majesty.

[Price 3d. Net.]

(140)

A

B I L L

INTITULED

An Act to regulate the sale on commission of horticultural produce. A.D. 1926.

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

1.—(1) Where in the case of any horticultural produce consigned for sale on commission the salesman makes a charge by way of commission or otherwise, he shall enter in a book kept by him for the purpose the names of the owner or consignor of the produce and of every purchaser, and the price paid or agreed to be paid by each purchaser, and shall as soon as practicable after the sale send by post or deliver to the owner or consignor an account containing the following particulars:—

Duty of salesman to record and deliver particulars of sales.

- 15
20
25
- (a) the actual price paid or agreed to be paid for the produce, and where there is any variation in price, the number, weight or quantity sold, or agreed to be sold, at each price; and
 - (b) the commission or other charge made by the salesman for selling the produce, together with details of any charges made for services in connection with the sale; and
 - (c) the amounts, if any, paid by the salesman on behalf of the owner or consignor in connection with the sale, with details thereof.

A.D. 1926.

—

(2) If on any such sale as aforesaid any produce is bought by the salesman or by any person on his behalf, the fact shall be stated in the account; but nothing in this provision shall be construed as rendering any such transaction, if otherwise illegal, legal. 5

(3) If any person fails to make any entry, or send or deliver any account, or sends an account not containing the particulars required by this section, or makes an entry or sends or delivers an account which is false in any material particular, he shall be liable on summary conviction in the case of a first offence to a fine not exceeding twenty pounds, and in the case of a subsequent offence to a fine not exceeding one hundred pounds. 10

(4) The provisions of this Act shall not apply to the sale of horticultural produce unless the owner or consignor sends to the salesman an advice note specifying the nature and description of the packages consigned and the contents thereof. 15

Inspection
of books, &c.

2. The owner or consignor of any such produce may within ten days of the delivery to him of an account in pursuance of this Act, by notice in writing, require the salesman to produce any records, books, or documents in his possession, so far as they relate to the sale of such produce, for inspection by an accountant nominated by the owner or consignor, being an accountant possessing such qualifications as may be prescribed by the Minister of Agriculture and Fisheries, or in Scotland by the Board of Agriculture for Scotland, and if the salesman refuses or fails to produce for inspection, or destroys or obliterates any such records, books or documents, or obstructs the accountant in any such inspection, he shall be liable on summary conviction to a fine not exceeding twenty pounds. 20 25 30

Interpreta-
tion.

3.—(1) In this Act the expression “horticultural produce” means vegetables, fruit, flowers and plants. 35

(2) For the purposes of this Act, produce consigned for sale shall be deemed to have been consigned for sale on commission unless at the time of consignment the consignor signs and sends to the salesman a direction to the contrary. 40



(3) Where the owner or consignor of any horticultural produce has appointed a person to act as his agent for the purposes of this Act, anything by this Act authorised or required to be done to or by the owner or consignor may be done to or by such agent. A.D. 1926.
—

4.—(1) This Act may be cited as the Horticultural Produce (Sales on Commission) Act, 1926. Short title and extent.

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

**Horticultural Produce
(Sales on Commission).
[H.L.]**

**A
B I L L**

INTITULED

An Act to regulate the sale on commission of horticultural produce.

The Lord Bledisloe.

Ordered to be printed 13th July 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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East Harding Street, E.C.4,
Printers to the King's most Excellent Majesty.

[*Price 1d. Net.*]

(129)

Horticultural Produce (Sales on Commission) Bill. [H.L.]

COMMONS AMENDMENTS.

Clause 1.

Page 1.

Line 24, after (" paid ") insert (" or payable ")

Page 2.

Line 14, at end insert :

(" Provided that in any proceedings under this section if the defendant proves to the satisfaction of the court that the offence was due to a bonâ fide mistake or accident, in spite of all reasonable precautions being taken and all due diligence exercised by the defendant to prevent the occurrence of such offence, or the offence was due to the action of some person over whom the defendant had no control, the defendant shall be discharged from the prosecution.")

Line 17, after (" salesman ") insert (" before the sale ")

Clause 3.

Page 2.

Line 39, leave out from (" at ") to end of subsection and insert (" or before the sale of the produce—

(a) the salesman has received from the owner or consignor a direction in writing to the contrary ;
or

(b) the owner or consignor and the salesman have entered into an agreement in writing to the contrary ;

and any such agreement may apply either to a particular consignment or generally to all such consignments as may be specified in the agreement.")

**Horticultural Produce
(Sales on Commission)
Bill. [H.L.]**

COMMONS AMENDMENTS.

Ordered to be printed 1st December 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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Printed by Eyre and Spottiswoode, Ltd.,
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(191)

Housing (Rural Workers) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Schemes by local authorities.
2. Power of local authorities to make grants or loans.
3. Conditions attaching to dwellings in respect of which assistance has been given by way of grant.
4. Government contributions to expenses of local authorities under Act.
5. Local authorities for purposes of Act, borrowing, &c.
6. Acceptance of assistance not to disqualify for membership of local authority.
7. Prohibition on persons interested voting as members of local authorities.
8. Application to Scotland.
9. Short title, extent and interpretation.

SCHEDULE.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to promote the provision of housing accommodation for agricultural workers and for persons whose economic condition is substantially the same as that of such workers and the improvement of such accommodation, by authorising the giving of financial assistance towards the reconstruction and improvement of houses and other buildings. A.D. 1926.

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

1.—(1) With a view to promoting the provision of housing accommodation for agricultural workers and for persons whose economic condition is substantially the same as that of such workers or the improvement of such accommodation, local authorities within the meaning of this Act may and shall if so required by the Minister of Health (in this Act referred to as "the Minister") submit to him schemes with respect to the reconstruction and improvement of houses or buildings within their areas and may, in accordance with such schemes when approved by the Minister, give assistance in manner provided in this Act in respect of any such works of reconstruction or improvement. Schemes by local authorities.

A.D. 1926. (2) Provision shall be made by every such scheme
— as aforesaid for—

- (a) specifying, by reference to the value, after the completion of the proposed works, of the dwellings in respect of which assistance under this Act is to be given, the cases in which such assistance may be given :
- (b) specifying the nature of the works, [which may consist of structural alteration, repair, addition, provision of water supply, drainage or sanitary conveniences, or other like works, but shall not in any case include works of ordinary repair or upkeep, except in so far as they are incidental to or connected with any such works as aforesaid,] in respect of which such assistance may be given :
- (c) specifying the period within which any such works must be completed.

Power of local authorities to make grants or loans.

2.—(1) Assistance under this Act may be given either by way of grant or by way of loan, or partly by way of grant and partly by way of loan.

(2) No assistance under this Act shall be given—

- (a) where the value of the dwelling after the completion of the proposed works, as estimated by the local authority, exceeds four hundred pounds: Provided that in arriving at the value of any dwelling any carving or panelling shall not be taken into account ; or
- (b) where the estimated cost of the works to be executed in respect of the dwelling is less than fifty pounds :

Provided that where the proposed works will constitute an improvement to two or more dwellings by way of the provision of water supply, drainage, or other works for the joint benefit of the dwellings, assistance may be given if the estimated total cost of the works (including the cost of any works to be executed in connection with the joint works but separately in respect of the several

dwelling or any of them) is not less than one hundred pounds ; or A.D. 1926.

- 5 (c) unless the application for assistance is received by the local authority before the first day of October, nineteen hundred and thirty-one ; or
- 10 (d) where the interest of the applicant in the house or building in respect of which the works are to be executed is a leasehold interest only, unless that interest is for a term of years absolute of which a period of not less than thirty years remains unexpired at the date of the application ; or
- 15 (e) unless the local authority are satisfied that the dwelling will after the completion of the works be in all respects fit for habitation as a dwelling by persons of the working classes.

(3) The local authority may in any case refuse to give assistance under this Act on any grounds which seem to them sufficient and (without prejudice to the generality of the foregoing provision) shall refuse to give such assistance if it appears to them that the house or building in respect of which the works are to be executed cannot, by reason of the narrowness, closeness or bad arrangement or condition of the streets or buildings in the immediate neighbourhood thereof, be converted into a dwelling or dwellings which is or are in all respects satisfactory or, in the case of a house or building to which any historic, architectural, or artistic interest attaches, that the proposed works would destroy or seriously diminish that interest.

(4) The following provisions shall have effect with respect to grants under this section :—

35 (a) the grant may be made in either of the following ways—

(i) by way of a lump sum payment to be made after the completion of the works ; or

40 (ii) by the provision, during a period not exceeding twenty years, of any part of any periodical sums which may be payable to any

A.D. 1926.

persons by way of interest on or repayment of advances made by those persons for the purpose of the works ;

(b) the amount of the grant shall not exceed either—

(i) two-thirds of the estimated cost of the works in respect of which the grant is to be made; or

(ii) the sum of one hundred pounds in respect of each dwelling :

Provided that where the grant is to be made by the provision of periodical sums, the amount of the grant shall be taken to be an amount equal to the capital value of the sums to be so provided, calculated as on the date of the completion of the works ;

(c) in the event of a breach of any of the conditions applicable by virtue of this Act in relation to the dwelling in respect of which the grant was made, any sums already paid on account of the grant, together with compound interest on those sums as from the respective dates on which the payments were made, calculated at the prescribed rate and with yearly rests, shall, on being demanded by the local authority, forthwith become repayable by the owner for the time being of the dwelling, and any sum which but for the failure would have become payable by the local authority shall not be paid :

Provided that if the local authority in any such case are satisfied that the breach was not due to the act, default, or connivance of the owner the authority may, with the consent of the Minister and subject to such conditions, if any, as he may approve, waive the liability of the owner to make repayment under the foregoing provision, and in the case of a continuing breach may, with the like consent and subject to such conditions as aforesaid, suspend the enforcement of that liability for such period as appears to them to be necessary for enabling the owner to remedy the breach.

(5) The following provisions shall have effect with respect to loans under this section— A.D. 1926.

- 5 (a) the loan, together with interest thereon at the prescribed rate, shall be secured by a mortgage of the dwelling;
- 0 (b) the amount of the principal of the loan shall not exceed ninety per cent. of the value which it is estimated the mortgaged security will bear after the completion of the works;
- 5 (c) the mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that in the event of any of the conditions subject to which the advance was made not being complied with in relation to the dwelling, the balance for the time being unpaid shall become repayable on demand by the local authority;
- 0 (d) the loan may be made by instalments from time to time as the works progress, so, however, that the total of the loan does not at any time before the completion of the works exceed fifty per cent. of the value for the time being of the mortgaged security;
- 5 (e) the loan shall not be made except after a valuation duly made on behalf of the local authority.

(6) The rules contained in the Schedule to this Act shall apply with respect to applications for and the giving of assistance under this Act.

3.—(1) In the case of a dwelling in respect of which assistance has been given under this Act by way of grant the following conditions shall, subject as hereinafter provided, apply in relation to the dwelling for a period of twenty years from the date on which it first becomes fit for occupation after the completion of the works and shall so long as they continue to have effect be deemed to be part of the terms of any lease, agreement for a lease, or tenancy of the dwelling, and shall be enforceable accordingly:—

Conditions attaching to dwellings in respect of which assistance has been given by way of grant.

- (a) The dwelling shall not be occupied except by a person, whether as owner or tenant, whose income is, in the opinion of the local authority,

A.D. 1923.

such that he would not ordinarily pay a rent in excess of that paid by agricultural workers in the district, or by an agricultural worker or employee of substantially the same economic condition employed by the person who is rated in respect of the dwelling ;

- (b) The rent payable by the occupier in respect of the dwelling shall not exceed the amount of the normal agricultural rent, increased by a sum equal to three per cent. of the amount by which the estimated cost of the works in respect of which assistance has been given exceeds the amount of the assistance given by way of grant, and no fine, premium or other like sum shall be taken in addition to the rent ;

For the purposes of this provision the expression "normal agricultural rent" means—

(i) in the case of a dwelling which had not previously to the execution of the works been, or which was not within the period of five years immediately preceding the execution of the works separately let as such, the rent which the local authority determine to be the average rent for the time being paid by agricultural workers in the district; and

(ii) in the case of a dwelling which was separately let as such at any time within the said period of five years, the average amount determined by the local authority to have been payable by way of rent per week during the period of the letting :

Provided that, if in the case of a dwelling to which paragraph (ii) applies the amount of the normal agricultural rent payable in respect thereof is by reason of a general increase of rents in the district less than the rent normally paid by agricultural workers in the district, the rent so normally paid shall be taken to be the normal agricultural rent ;

- (c) The owner of the dwelling shall from time to time, on being so required by the local authority, give to the authority a certificate to the effect that the foregoing conditions (a) and (b)

A.D. 1926.

are being complied with in respect of the dwelling, and any tenant of the dwelling shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition ;

5

(d) In the event of the tenant assigning, or otherwise parting with the possession of, the dwelling, it shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment :

10

Provided that—

(i) where a dwelling is in the occupation of a person by whom, having regard to the terms of paragraph (a) of this subsection, it may properly be occupied and that person subsequently ceases to be such a person the continued occupation of the dwelling by that person shall not, if the local authority have assented thereto and so long as that assent has not been withdrawn, be taken to be in contravention of the said paragraph ; and

15

20

(ii) if the Minister after consultation with the local authority so approves, the owner of the dwelling may at any time within the said period of twenty years pay to the local authority the amount of the grant, or of such instalments thereof as have been paid, together with compound interest thereon as from the respective dates on which payments on account of the grant were made calculated at the prescribed rate and with yearly rests, and thereupon the conditions contained in this section shall cease to have effect in relation to that dwelling.

25

30

35

(2) The reference in the proviso to subsection (1) of this section to the owner of the dwelling shall be construed as including a reference to a mortgagee of the dwelling who is entitled to exercise his power of sale as such mortgagee, and any sum paid by a mortgagee in pursuance of the said proviso shall be treated as being part of the sum secured by the mortgage and may be discharged accordingly.

40

A.D. 1926. — seventy-three of that Act, be applied in payment of any sum payable to the local authority under the said proviso.

15 & 16 (4) Section fifteen of the Land Charges Act, 1925,
Geo. 5. c. 22. as amended by the Law of Property (Amendment) Act, 5
16 & 17 1926, shall apply to conditions applying by virtue of
Geo. 5. c. 11. this section in relation to any dwelling as if they were
a local land charge, and any such conditions shall be
registered accordingly by the proper officer as a local
land charge. 10

(5) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, the county court of the district in which a dwelling is situate may, on the application of the local authority— 15

(a) whether or not any other relief is claimed, grant an injunction restraining the breach, or apprehended breach, of any condition applying to the dwelling by virtue of this section other than the condition imposed by paragraph (c) 20 of subsection (1) of this section; or

(b) make an order directing payment to the authority of any sum which has become payable to it by reason of the breach of any condition applying to the dwelling by virtue of this section. 25

Government
contribu-
tions to
expenses of
local autho-
rities under
Act.

4.—(1) The Minister shall, subject to such conditions as to records, certificates, audit or otherwise as he may with the approval of the Treasury determine and subject to the provisions of this section, make or undertake to make contributions towards any expenses incurred by a 30 local authority in making grants under this Act.

(2) Any such contributions shall be made by way of annual payments for a period of twenty years from the completion of the works in respect of which the grant is made and shall be an amount equal to one-half of the 35 estimated average annual payments falling to be made by the local authority in respect of the charges on account of loans raised by the authority for the purposes of grants made under this Act, or which would have fallen to be so made if the sums expended by the local 40 authority on account of the grant had been raised by means of loans.

A.D. 1926.

(3) Where any condition applicable in relation to a dwelling is not complied with, the local authority shall be liable to repay to the Minister a sum equal to the amount of the contributions already made by him in respect of the dwelling, together with compound interest thereon as from the respective dates on which the contributions were made, calculated at the prescribed rate and with yearly rests, and any sum so repayable shall be recoverable as a debt due to the Crown :

10 Provided that the provisions of this subsection shall not apply if the liability of the owner to make repayment in respect of the breach of the condition has been duly waived in accordance with the foregoing provisions of this Act, or if and so long as the enforcement of that
15 liability is duly suspended in accordance with those provisions, and if the local authority shows to the satisfaction of the Minister that, notwithstanding that they have taken all practicable steps for the purpose, they have been unable to recover the whole or some part
20 of the sum which became repayable to them by reason of the breach of the condition, the Minister may remit the repayment of the sum repayable to him under this subsection up to an amount not exceeding one half of the amount not recovered by the local authority.

25 (4) Where in pursuance of this Act the Minister approves of the repayment of a grant made by the local authority under this Act in respect of any dwelling, the Minister shall not be liable to make any further contribution in respect of that dwelling, and the local authority
30 shall be liable to repay to the Minister a sum equal to the amount of the contributions already made by him, together with interest as aforesaid, and any sum so repayable shall be recoverable as a debt due to the Crown.

35 (5) Any expenses incurred by the Minister under this Act shall be defrayed out of the moneys provided by Parliament.

5.—(1) The local authority for the purposes of this Act shall be the council of the county or the council of
40 the county borough :

Local authorities for purposes of Act, borrowing, &c.

Provided that, if the Minister either owing to special circumstances, or on application by the council of

A.D. 1926. — any county district made to him before the thirty-first day of March, nineteen hundred and twenty-seven, thinks fit so to do, he may after consultation with the county council declare that the council of any county district within the county shall be the local authority for the purposes of this Act to the exclusion of the council of the county, and any declaration made under the foregoing provision may at any time be revoked by the Minister after a like consultation. 5

(2) The council of a county and the council of any county district within the county may, if it appears to the council of the county that the administration of their scheme under this Act will be thereby facilitated, enter into arrangements under which the council of the county district may undertake on behalf of the council of the county any duties connected with the administration of the scheme other than the approval or disapproval of applications for assistance, the payment of any grant or loan or instalment of a loan, or the institution of legal proceedings in the event of a breach of any of the conditions subject to which a grant or loan is made. 10 15 20

(3) Any expenses incurred by the local authority in the execution of this Act shall be defrayed, in the case of the council of a county, as expenses for general county purposes, and in the case of any other council as part of the expenses of that council in the execution of the Public Health Acts: 25

Provided that in any case where the council of a county district are the local authority under this Act, the expenses of the council of the county under this Act shall be treated as special county purposes restricted to so much of the administrative county as is not comprised in the county district, and no sum shall be raised in that district for the purposes of this Act on account of the expenses of the council of the county under this Act. 30 35

(4) Subject to the approval of the Minister, a local authority may borrow any sums required for the purpose of making grants or loans under this Act, in the case of the council of a county, under section sixty-nine of the Local Government Act, 1888, and in the case of any other local authority, under Part IV. of the Housing Act, 1925, and the raising of 40

money by a local authority for the purpose aforesaid shall be a purpose for which the Public Works Loan Commissioners may lend to the local authority.

A.D. 1926.

—

5 (5) Money borrowed by a local authority under this Act shall not be reckoned as part of the total debt of that authority for the purposes of any limitation on borrowing imposed by any Act.

10 6. It is hereby declared that a person to whom assistance is given by any local authority under this Act, whether by way of grant or by way of loan, is not thereby disqualified for being elected or being a member of the authority or of any committee thereof.

Acceptance of assistance not to disqualify for membership of local authority.

15 7.—(1) A person shall not vote as a member of a local authority or any committee thereof on any resolution or question which is proposed or arises under this Act if it relates to any house or building in which he is beneficially interested.

Prohibition on persons interested voting as members of local authorities.

20 (2) If any person votes in contravention of this section he shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds, but the fact of a person having so voted shall not invalidate any resolution or proceeding of the local authority.

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

Application to Scotland.

- 30 (a) References to the Minister of Health shall be construed as references to the Scottish Board of Health, "county court" means "sheriff" and "injunction" means "interdict":
- 35 (b) "Mortgage" or "mortgage deed" means bond and disposition in security or deed of security in such other form as the persons concerned may agree and "mortgagor" and "mortgagee" shall be construed accordingly, and any loan may, if so agreed, be secured upon lands of which the dwelling in respect of which the loan is being made forms a part, but nothing herein contained shall authorise a local authority to lend more than the sum which they would have been authorised to lend had the loan been
- 40 secured only upon the dwelling:

A.D. 1926.

—

60 & 61 Vict.
c. 38.

- (c) It is hereby declared that the paragraph of subsection (2) of section two which precludes assistance being given to persons having a limited leasehold interest is not applicable in the case of a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1911 (in this section referred to as a "landholder"):
- (d) In sections two and three "owner" has the same meaning as in the Public Health (Scotland) Act, 1897:
- (e) For the purpose of assistance by way of grant in relation to a dwelling occupied by a landholder the following provisions shall have effect:—
- (i) The landholder or his statutory successor, so long as in occupation of the holding, shall be deemed to be the owner of the dwelling;
- (ii) If, at any time within the period during which conditions apply by virtue of this Act in relation to the dwelling, compensation becomes payable by the landlord to the landholder under the said Small Landholders Acts in respect of permanent improvements, including the dwelling, the local authority may require that such compensation shall be assessed by the Land Court;
- (iii) In assessing such compensation, the Land Court shall fix the proportion, if any, thereof as is, in their opinion, attributable to the grant, and the proportion so fixed shall not be payable to the landholder but shall be recoverable by the local authority from the landlord;
- (iv) Upon payment of such amount the conditions which apply in relation to the dwelling shall cease to have effect, and the local authority shall be liable to repay to the Scottish Board of Health a sum bearing the same proportion to the amount of the contributions made by the Board in respect of the dwelling as the amount recoverable by the local authority from the landlord bears to the amount of the grant:

(f) Paragraph (a) of subsection (1) of section three shall have effect as if the words "who pays occupier's rates" were substituted for "who is rated":

A.D. 1926.

—

5 (g) The following section shall be substituted for section five:—

10 "5.—(1) The local authority for the purposes of this Act shall be the local authority for the purposes of the Housing (Scotland) Act, 1925, and any expenses incurred by a local authority in the execution of this Act shall be defrayed in like manner as expenses incurred in the execution of that Act.

15 & 16
Geo. 5. c. 15.

15 (2) The local authority shall have power to borrow any sums required for the purposes of making grants or loans under this Act in like manner as they may borrow for the purposes of the Housing (Scotland) Act, 1925, and the raising of money by a local authority for the purposes aforesaid shall be a purpose for which the Public Works Loan Commissioners may lend to the local authority."

20 (h) A reference to the Housing Act, 1925, shall be construed as a reference to the Housing (Scotland) Act, 1925.

25 9.—(1) This Act may be cited as the Housing (Rural Workers) Act, 1926.

Short title,
extent
and inter-
pretation.

(2) This Act shall not apply to Northern Ireland or the administrative county of London.

30 (3) In this Act unless the context otherwise requires:—

The expression "street" has the same meaning as in the Housing Act, 1925.

35 The expression "owner" means the person who is for the time being receiving, or who if the dwelling were let at a rack-rent would receive, the rack-rent of dwelling:

40 Provided that if in any case the person who by virtue of the foregoing definition would be the owner of a dwelling is a person himself liable to pay a rack-rent in respect of the dwelling or of any property comprising the dwelling to a

A.D. 1926.

—

superior landlord, that superior landlord and not the person aforesaid shall be deemed to be the owner of the dwelling for the purposes of this Act:

The expression "prescribed" means prescribed by 5
the Minister with the approval of the Treasury.

The expression "rack rent" has the same meaning as in the Public Health Act, 1875.

SCHEDULE.

A.D. 1926.

**RULES AS TO APPLICATIONS FOR AND GIVING
OF ASSISTANCE.**

- 5 1. The applicant for assistance shall furnish to the local authority full particulars of the houses and buildings concerned and of the works proposed to be executed, and a statement (approved by an officer of the local authority authorised in that behalf) of the estimated cost of the works, and, if so required by the local authority, plans and specifications thereof.
- 10 2. If the local authority approve the application they shall issue to the applicant a certificate of their approval which shall set out the terms and conditions upon which the assistance will be given.
- 15 3. On the completion of the works or in a case where assistance is to be given by way of loan, of such part of the works as the applicant considers will entitle him to payment of an instalment by the local authority, the applicant shall produce the certificate to the local authority and shall satisfy them that the works or part thereof have been executed in
20 accordance with the terms and conditions of the certificate, and the local authority shall not be liable to make any loan or grant or any instalment until they are so satisfied.

Housing (Rural Workers).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to promote the provision of housing accommodation for agricultural workers and for persons whose economic condition is substantially the same as that of such workers and the improvement of such accommodation, by authorising the giving of financial assistance towards the reconstruction and improvement of houses and other buildings.

(Brought from the Commons 7 December 1926.)

Ordered to be printed 13th December 1926.

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[*Price 4d. Net.*]

(210)

Housing (Rural Workers) Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD GAGE (*V. Gage*).

Clause 2, page 5, line 27, at end insert:—

(“ Provided that—

(i) where loans are to be made to the same person in respect of two or more dwellings, those loans may, if it is so agreed between that person and the local authority, be secured by a single mortgage charged on all the dwellings jointly, and where two or more loans are so secured this subsection shall have effect as if the several loans constituted a single loan and as if the expression ‘the dwelling’ included a reference to the several dwellings in respect of which the loans are made; and

(ii) if so agreed as aforesaid, a loan may be secured on lands of which the site of the dwelling in respect of which the loan is being made forms part, but nothing in this provision shall authorise the local authority to lend more than the sum which they would have been authorised to lend had the loan been secured only on the dwelling.”)

Clause 8, page 11, line 34, leave out from (“ accord-
“ ingly ”) to the end of the paragraph.

†(210 a)

**Housing (Rural
Workers) Bill.**

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD GAGE (V. Gage).

13th December 1926.

L O N D O N :
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(210a)



A

B I L L

INTITULED

An Act to provide for the incorporation of the Trustees of the Imperial War Graves Endowment Fund and for other matters connected with the said Fund. A.D. 1926.

WHEREAS by Royal Charter dated the twenty-first day of May, nineteen hundred and seventeen, a body was incorporated by the name of the Imperial War Graves Commission for the purpose of caring for the graves of officers and men of the military and naval forces of His Majesty who fell in the late war and for other purposes mentioned in the Charter :

And whereas under Part VI. of the said Charter the Commission were empowered to establish an Endowment Fund (in this Act referred to as "the Endowment Fund") and to apply the income produced by the Endowment Fund in carrying into effect the purposes of the Charter :

And whereas it was further provided by the Charter that the Endowment Fund should be vested in three Trustees to be appointed in manner therein mentioned, and that the Trustees might invest any moneys for the time being constituting the capital of the Endowment Fund in such manner and in such securities of such a description as the Trustees should think expedient :

And whereas the Governments of the United Kingdom, British India, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland and

A.D. 1926, the Governments of certain British Colonies and Pro-
— tectorates have agreed or may agree to contribute to
the Endowment Fund :

And whereas it is expedient to make provision for
incorporating the Trustees of the Endowment Fund and 5
for other matters in connection with the Fund :

And whereas for the purpose of better securing the
objects of the Charter it is expedient that provision
should be made to enable the Trustees to accumulate
contributions to the Endowment Fund and the income 10
thereof, and such purpose cannot be effected without the
authority of Parliament :

Be it therefore enacted by the King's most Excellent
Majesty, by and with the advice and consent of the Lords,
Spiritual and Temporal, and Commons, in this present 15
Parliament assembled, and by the authority of the same,
as follows :—

Incorpora-
tion of
Trustees of
Endowment
Fund.

1. The Trustees of the Endowment Fund shall be
a body corporate by the name of the Imperial War
Graves Endowment Fund Trustees with perpetual suc- 20
cession and a common seal.

Accumula-
tion and
investment
and audit
of accounts
of Endow-
ment Fund.

2. Notwithstanding anything in the said Charter
or in any Act, the Trustees of the Endowment Fund shall
have power to accumulate in augmentation of the Fund 25
any of the income produced by the Fund until the total
amount of the Fund reaches the sum of five million
pounds.

Short title.

3. This Act may be cited as the Imperial War
Graves Endowment Fund Act, 1926.





Imperial War Graves Endowment Fund.

A

B I L L

INTITULIED

An Act to provide for the incorporation of the Trustees of the Imperial War Graves Endowment Fund and for other matters connected with the said Fund.

(Brought from the Commons 21st April 1926.)

Ordered to be printed 21st April 1926.

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(46)

A
B I L L

INTITULED

An Act to confer on Courts in India and other parts of His Majesty's Dominions jurisdiction in certain cases with respect to the dissolution of marriages, the parties whereto are domiciled in England or Scotland, and to validate certain decrees granted for the dissolution of the marriage of persons so domiciled. A.D. 1926.

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

1.—(1) Subject to the provisions of this Act, a High Court in India to which Part IX. of the Government of India Act applies shall have jurisdiction to make a decree for the dissolution of a marriage, and as incidental thereto to make an order as to damages, alimony or maintenance, custody of children, and costs, where the parties to the marriage are domiciled in England or in Scotland, in any case where a court in India would have such jurisdiction if the parties to the marriage were domiciled in India :

Divorce jurisdiction of High Courts in India where parties are domiciled in England or Scotland.
5 & 6 Geo. 5. c. 61.

Provided that—

- (a) the grounds on which a decree for the dissolution of such a marriage may be granted by any such court shall be those on which

A.D. 1926;
—

such a decree might be granted by the High Court in England according to the law for the time being in force in England; and

- (b) any such court in exercising such jurisdiction shall act and give relief on principles and 5 rules as nearly as may be conformable to those on which the High Court in England for the time being acts and gives relief; and
- (c) no such court shall grant any relief under this Act except in cases where the petitioner 10 resides in India at the time of presenting the petition and the place when the parties to the marriage last resided together was in India, or make any decree of dissolution of marriage except where either the marriage was 15 solemnized in India or the adultery or crime complained of was committed in India; and
- (d) any such court may refuse to entertain a petition in such a case if the petitioner is 20 unable to show that by reason of official duty, poverty or any other sufficient cause, he or she is prevented from taking proceedings in the court of the country in which he or she is domiciled, or if the court is not satisfied 25 that in the interests of justice it is desirable that the suit should be determined in India.

(2) Any such order for alimony or maintenance or for custody of children shall have effect in India on the making thereof, but save as aforesaid no such decree or order shall have any force or effect either in India or 30 elsewhere unless and until registered in manner hereinafter provided.

(3) On production of a certificate purporting to be signed by the proper officer of the High Court in India by which the decree or order is made, the decree or order 35 shall—

- (a) if the parties to the marriage are domiciled in England, be registered in the High Court in England;
- (b) if the parties to the marriage are domiciled in 40 Scotland, be registered in the books of council and session;

A.D. 1926.

and upon such registration shall, as from the date of registration, have the same force and effect, and proceedings may be taken thereunder as if it had been a decree or order made on the date on which it was made
5 by the High Court in India, by the High Court in England or the Court of Session in Scotland, as the case may be, and in the case of an order proceedings may be taken for the modification or discharge thereof as if it had been such an order as aforesaid :

10 Provided that—

(i) the High Court in England or the Court of Session in Scotland shall not, unless the Court for special reasons sees fit so to do, entertain any application for the modification or discharge of any such order if and so long as the
15 person on whose petition the decree for the dissolution of the marriage was pronounced is resident in India ; and

(ii) where an order for the payment of alimony has been so registered in the books of council and session the Court of Session shall in addition to any other power have power in the event of any material change of circumstances to discharge or modify such order.

(4) Proceedings before a High Court in India in exercise of the jurisdiction conferred by this Act shall be conducted in accordance with rules made by the Secretary of State in Council of India with the concurrence of the Lord Chancellor, and those rules shall
25 provide—

(a) for petitions being heard before a judge or one of two or more judges of the court nominated for the purpose by the chief justice of the court with the approval of the Lord Chancellor ;

35 (b) for the decree or order made by such a judge being subject to appeal to two judges of the court similarly nominated without prejudice however to any right of ultimate appeal to His Majesty in Council ;

40 (c) for prohibiting or restricting the exercise of the jurisdiction where proceedings for the dissolution of the marriage have also been instituted in England or Scotland ;

A.D. 1926.
—

- (d) for preventing, in the case of a decree dissolving a marriage between parties domiciled in Scotland, the making of an order for the securing of a gross or annual sum of money;
- (e) for limiting cases in which applications for the modification or discharge of an order may be entertained by the court to cases where at the time the application is made the person on whose petition the decree for the dissolution of the marriage was pronounced is resident in India;
- (f) for prescribing the officer of the Court empowered to give certificates under this Act, and the form of any such certificate;
- (g) for conferring on such official as may be appointed for the purpose within the jurisdiction of each High Court the like right of showing cause why a decree should not be made absolute as is exercisable in England by the King's Proctor.

(5) The decision of a High Court in India, or on an appeal therefrom, as to the domicile of the parties to a marriage shall for the purposes of this Act be binding on all courts in England, Scotland and India.

Power to extend Act to other British possessions.

2.—(1) His Majesty may, by Order in Council, provide for applying the foregoing provisions of this Act, subject to the necessary modifications, to any part of His Majesty's Dominions other than a self-governing dominion, in like manner as they apply to India, and, in particular, any such Order in Council may determine the court by which the jurisdiction conferred by those provisions is to be exercised.

(2) For the purposes of this section "self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, the Irish Free State, Newfoundland, and the Colony of Southern Rhodesia.

Validity of certain decrees.

3. Any decree granted under the Act of the Indian Legislature known as the Indian Divorce Act, 1869, and confirmed or made absolute under the provisions of that Act, for the dissolution of a marriage the parties to

which were at the time of the commencement of the proceedings domiciled in England or in Scotland, and any order made by the court in relation to any such decree shall, if the proceedings were commenced before
5 the passing of this Act, be as valid and be deemed always to have been as valid in all respects as though the parties to the marriage had been domiciled in India. A.D. 1926.

4. This Act may be cited as the Indian and Colonial Short title,
Divorce Jurisdiction Act, 1926.

**Indian and Colonial
Divorce Jurisdiction.**

[H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to confer on Courts in India and other parts of His Majesty's Dominions jurisdiction in certain cases with respect to the dissolution of marriages, the parties where to are domiciled in England or Scotland, and to validate certain decrees granted for the dissolution of the marriage of persons so domiciled.

The Earl of Birkenhead.

Ordered to be printed 17th June 1926.

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(102)

A

B I L L

INTITULED

An Act to amend section eleven of the Industrial Assurance Act, 1923, with respect to the exemption from that Act of juvenile societies. A.D. 1926.

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

1. For section eleven of the Industrial Assurance Act, 1923, the following section shall be substituted:

Exemption
of certain
juvenile
societies.

“(1) This Act shall not apply to a juvenile society within the meaning of this section notwithstanding that premiums of the juvenile members of the society are received by means of collectors, if and so long as no premiums of any members of the society who are not juvenile members are so received.

“(2) For the purposes of this section the expression ‘juvenile society’ means a registered friendly society or branch which consists wholly or in part of juvenile members, and which is a branch of, or is shown to the satisfaction of the Commissioner to be connected with, a friendly society registered before the seventh day of June, nineteen hundred and twenty three, and the expression ‘juvenile member’ means a member under the age of eighteen years.”

A.D. 1926. 2. This Act may be cited as the Industrial Assurance (Juvenile Societies) Act, 1926, and shall be construed as one with the Industrial Assurance Act, 1923, and that Act and this Act may be cited together as the Industrial Assurance Acts, 1923 and 1926.

Short title and construction.

5

**Industrial Assurance
(Juvenile Societies).**

[H.L.]

A

B I L L

INTRODUCED

An Act to amend section eleven of the Industrial Assurance Act, 1923, with respect to the exemption from that Act of juvenile societies.

The Earl of Clarendon.

Ordered to be printed 22nd April 1926.

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(49)

Isle of Man (Customs) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Duties on tobacco.
2. Duties on ale or beer.
3. Duties on spirits.
4. Duties on cocoa.
5. Duties on hops.
6. Duties on motor cars, &c.
7. Duties on musical instruments, clocks, films, &c.
8. Duties on silk.
9. Duties on wines.
10. Duties on lace.
11. Remission of Customs duties in case of antique articles.
12. Duties on matches.
13. Duties for safeguarding key industries.
14. Duties on cutlery, gloves, and mantles for incandescent lighting.
15. Duties on playing cards.
16. Short title.

SCHEDULES.



A
B I L L

INTITULED

An Act to amend the law with respect to Customs A.D. 1926.
in the Isle of Man. —

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

1.—(1) The additional duties of Customs on tobacco removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1918, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven. Duties on tobacco.
8 & 9 Geo. 5.
c. 41.

(2) In the case of the duties of Customs on tobacco removed or imported into the Isle of Man, the preferential rate under section five of the Isle of Man (Customs) Act, 1919 (which relates to Imperial preference) shall be three-fourths of the full rate. 9 & 10
Geo. 5. c. 74.

2. The duties of Customs on ale or beer removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven. Duties on ale or beer.
15 & 16 Geo.
5. c. 56.

3. Save as hereinafter provided, the additional duties of Customs on spirits removed or imported into Duties on spirits.

A.D. 1926. the Isle of Man imposed by the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven :

11 & 12
Geo. 5. c. 40.

Provided that, in the case of the spirits set out in the First Schedule to this Act, there shall, as from the twenty-second day of June, nineteen hundred and twenty-six, be charged, levied and paid such additional duties of Customs as shall be sufficient to make, when added to the existing duties, duties at the rates set out in that Schedule.

Duties on
cocoa.
14 & 15
Geo. 5. c. 24.

4. The duties of Customs on cocoa removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1924, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

Duties on
hops.

5. The duties of Customs on hops, and on extracts, essences and other similar preparations made from hops, removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

Duties on
motor cars,
&c.

6.—(1) The duties of Customs on motor cars, including motor bicycles and motor tricycles, and their accessories and component parts, removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

(2) The exemption from Customs duty which is given by subsection (3) of section six of the said Act in respect of motor cars which are proved to the satisfaction of the Commissioners of Customs and Excise to be constructed and adapted for use and intended to be used solely for certain trade and other purposes, and chassis, component parts and accessories which are so proved to be intended to be used solely for any such motor cars, shall be deemed to have ceased as from the twenty-second day of June, nineteen hundred and twenty-six,

except as respects any such cars, chassis, parts or accessories which are shown to the satisfaction of the Commissioners to have been removed or imported into the Isle of Man before the said twenty-second day of June : A.D. 1926.

Provided that, notwithstanding any repeal effected by this section, the last paragraph of the said subsection (3) shall continue to have effect in relation to any motor car, chassis, component part or accessory which is shown to the satisfaction of the Commissioners to have been removed or imported into the Isle of Man before the said twenty-second day of June.

7. The duties of Customs on—

- (a) musical instruments, including gramophones, pianolas and other similar instruments;
- (b) accessories and component parts of musical instruments, and records and other means of reproducing music;
- (c) clocks, watches and component parts of clocks and watches; and
- (d) cinematograph films,

Duties on musical instruments, clocks, films, &c.

removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

8.—(1) Save as hereinafter provided, the duties of Customs on silk or artificial silk removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven :

Duties on silk.

Provided that, in the case of silk tissues of which the warp or weft consists of yarn wholly or partly discharged and the weft or warp of undischarged yarn, the duty payable in respect of the tissue shall, instead of being charged at the rate of seven shillings and ninepence the pound, as provided by Part I. of the Schedule to that Act, be charged at the rate of five shillings and threepence the pound in respect of the undischarged yarn, and at the rate of seven shillings and ninepence the pound in respect of the yarn wholly or partly discharged which is contained therein.

A.D. 1926:

—

(2) Where, on or after the first day of August, nineteen hundred and twenty-six, any article of apparel made wholly or partly of silk is removed or imported into the Isle of Man by any person for his own use and not for sale, the article, instead of being charged with duty in accordance with the provisions of Part I. of the Schedule to the Isle of Man (Customs) Act, 1925, may, at the option of the importer, be charged with a duty calculated on the whole weight of the article at a rate equal to twice the rate of the duty chargeable under the said Part I. in respect of the class of silk contained in the article.

For the purposes of this subsection—

- (i) the expression “silk” includes artificial silk;
- (ii) where silk of several classes is contained in the article, the article shall be chargeable with duty as if all the silk so contained were silk of that one of those classes in respect of which the highest rate of duty is payable under the said Part I.;
- (iii) in determining the class to which any silk belongs, regard shall be had to the stage of manufacture in which the silk appears in the article.

Duties on
wines.

9. The duties of Customs on wines removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

Duties on
lace.

10.—(1) The duty of Customs on lace removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1925, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven.

(2) Where it appears to the Lieutenant-Governor of the Isle of Man as respects any articles, or articles of any class, liable to duty under this section as consisting of or containing lace or embroidery, to be inexpedient having regard to the small value of that lace or

embroidery that duty should be charged thereon, the Lieutenant-Governor may by order exempt those articles, or articles of that class, from duty under this section. A.D. 1926.

11. On and from the twenty-second day of June, 1919, Customs duties shall not be charged in respect of any goods (other than wines or spirits) removed or imported into the Isle of Man which are proved to the satisfaction of the Commissioners of Customs and Excise to have been manufactured or produced more than one hundred years before the date of removal or importation. **Remission of Customs duties in case of antique articles.**

12.—(1) On and from the twenty-second day of June, 1919, there shall be charged, levied and paid on matches removed or imported into the Isle of Man a duty of Customs at the rate of five shillings and twopence for every ten thousand matches so removed or imported: **Duties on matches.**

Provided that, where the Commissioners of Customs and Excise are satisfied that a box of matches so removed or imported contains more than eighty matches, the duty of Customs to be charged on any matches so contained exceeding eighty shall be at the rate of three shillings and fivepence instead of at the rate of five shillings and twopence for every ten thousand matches.

(2) For the purposes of the duties under this section a match which has more than one point of ignition shall be reckoned as so many matches as there are points of ignition.

(3) The Commissioners of Customs and Excise may make regulations with respect to the collection of the duties under this section, and may for that purpose apply, with the necessary modifications, to matches removed or imported into the Isle of Man any enactments applicable to duties on matches imported into Great Britain or Northern Ireland.

13.—(1) Subject as hereinafter provided, on and from the twenty-second day of June, 1919, there shall be charged, levied and paid on the removal or importation into the Isle of Man of the goods specified in the first column of the Second Schedule to this Act respectively the duties of Customs specified in the second column of that Schedule. **Duties for safeguarding key industries.**

A.D. 1926.

—

(2) Where any other duties of Customs are chargeable in respect of any goods chargeable with duty under this section, duty under this section shall not be charged except in so far as the amount thereof exceeds the amount of those other duties. 5

9 & 10
Geo. 5. c. 32.

(3) No duty shall be charged under this section on goods which are shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced or manufactured in the British Empire, and for the purposes of this subsection goods shall be deemed to have been manufactured in the British Empire which would be treated as having been so manufactured for the purposes of section eight of the Finance Act, 1919 (which relates to Imperial preference) if the Isle of Man were substituted in that section for Great Britain and Northern Ireland, and that section as so modified shall apply accordingly, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade. 10 15

(4) Where an imported article is a compound article of which an article liable to duty under this section is an ingredient or forms part, no duty shall be charged under this section in respect of the compound article if the compound is of such a nature that the article liable to duty has lost its identity, and any dispute as to whether an article has lost its identity shall be determined in the same manner as disputes arising as to the proper rate of duty payable under this section. 20 25

(5) The provisions of section ten of the Isle of Man (Customs) Act, 1925 (which relates to the definition of value for the purposes of ad valorem duties), shall apply for the purposes of the assessment and collection of duties under this section as they apply for the purposes of the assessment and collection of duties under that Act. 30 35

(6) The Lieutenant-Governor of the Isle of Man may by order exempt any articles mentioned in the order which are liable to duty under this section from that duty if he is satisfied that, having regard to the nature or small value of the article, it is inexpedient that the duty should be charged. 40

(7) The Commissioners of Customs and Excise may make regulations with respect to the collection of the

A.D. 1926.

—

duties under this section, and may for that purpose apply, with the necessary modifications, to the goods chargeable with duty under this section on removal or importation into the Isle of Man any enactments applicable to duties chargeable on such goods on importation into Great Britain or Northern Ireland.

14.—(1) On and from the ninth day of March, nineteen hundred and twenty-six, until the first day of August, nineteen hundred and twenty-seven, there shall be charged, levied and paid on the removal or importation into the Isle of Man of the goods (not being goods manufactured in Great Britain or Northern Ireland) specified in the first column of the Third Schedule to this Act respectively the duties of Customs specified in the second column of that Schedule.

Duties on cutlery, gloves, and mantles for incandescent lighting.

(2) In the case of any article to which this section applies shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and produced or manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section, and as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade.

9 & 10
Geo. 5. c. 32.

(3) Where any article chargeable with duty under this section is also chargeable with any other duties of Customs, the highest duty only shall be charged.

(4) The provisions of section ten of the Isle of Man (Customs) Act, 1925 (which relates to the definition of value for the purposes of ad valorem duties), shall apply for the purposes of the assessment and collection of duties under this section as they apply for the purposes of the assessment and collection of duties under that Act.

(5) The Lieutenant-Governor of the Isle of Man may by order exempt any articles mentioned in the order which are liable to duty under this section from that duty if he is satisfied that, having regard to the

A.D. 1926. — small value of the article, it is inexpedient that the duty should be charged.

Duties on playing cards.

15.—(1) On and from the twenty-second day of June, nineteen hundred and twenty-six, there shall be charged, levied and paid on playing cards removed or imported into the Isle of Man a duty of Customs at the rate of three shillings and ninepence for every dozen packs :

Provided that where the Commissioners of Customs and Excise are satisfied that any pack so removed or imported has been manufactured in Great Britain or Northern Ireland, the duty of Customs to be charged on any such pack shall be at the rate of threepence per pack.

(2) The Commissioners of Customs and Excise may make regulations with respect to the collection of the duties under this section, and may for that purpose apply, with the necessary modifications, to playing cards removed or imported into the Isle of Man any enactments applicable to duties on playing cards imported into Great Britain or Northern Ireland.

Short title.

16. This Act may be cited as the Isle of Man (Customs) Act, 1926.

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

Section 3.

DUTIES ON SPIRITS.

5	Nature of Spirits.	Rate of Duty.	
		Consigned from and grown, produced or manufactured in the British Empire.	Consigned from, grown, produced or manufactured elsewhere.
10	Liqueurs, cordials and mixed or sweetened spirits, entered by the person importing them in bottle in such manner as to	£ s. d.	£ s. d.
15	indicate that the strength is not to be tested, a duty at the rate of - - - - the gallon	4 14 1	4 17 5
	Perfumed spirits - the gallon	5 11 0	5 15 0

SECOND SCHEDULE.

20 **GOODS CHARGED WITH DUTY UNDER SECTION THIRTEEN.**

	Article.	Duty.
25	Optical glass and optical elements, whether finished or not, microscopes, field and opera glasses, theodolites, sextants, spectrosopes and other optical instruments, and component parts of any such optical instruments.	A duty at the rate of one-half of the value of the article.
30	Beakers, flasks, burettes, measuring cylinders, thermometers, tubing, and other scientific glassware and lampblown ware, evaporating dishes, crucibles, combustion boats, and other laboratory porcelain.	A duty at the rate of one-third of the value of the article.

A.D. 1926.	Article.	Duty.
2ND SCH. —cont.	Galvanometers, pyrometers, electroscopes, barometers, analytical and other precision balances, and other scientific instruments, gauges and measuring instruments of precision of the types used in engineering machine shops and viewing rooms, whether for use in such shops or rooms or not, and component parts of any such scientific instruments.	A duty at the rate of one-third of the value of the article.
	Wireless valves and similar rectifiers, and vacuum tubes.	Ditto.
	Ignition magnetos and permanent magnets.	Ditto.
	Hosiery latch needles - - - -	Ditto.
	Metallic tungsten, ferro-tungsten, and manufactured products of metallic tungsten and compounds (not including ores or minerals) of thorium, cerium and other rare earth metals.	Ditto.
	All synthetic organic chemicals (other than synthetic organic dyestuffs, colours, and colouring matters imported for use as such, and organic intermediate products imported for their manufacture), analytical reagents, all other fine chemicals (except sulphate of quinine of vegetable origin) and chemicals manufactured by fermentation processes.	Ditto.
	Amorphous carbon electrodes (but not including primary battery carbons or arc-lamp carbons).	Ditto.
	Molybdenum, ferro-molybdenum, and molybdenum compounds, and vanadium, ferro-vanadium, and vanadium compounds (but not including ores and minerals of molybdenum or vanadium).	Ditto.
	Arc-lamp carbons - - - -	A duty at the rate of one shilling per 40 pound weight.

THIRD SCHEDULE.

A.D. 1926.

**GOODS CHARGED WITH DUTY UNDER SECTION
FOURTEEN.**

Article.	Rate of Duty.
5	
CUTLERY.	
Knives with one or more blades made wholly or partly of steel or iron, other than surgical knives or knives for use in machines.	A duty at the rate of one-third of the value of the article.
10 Scissors, including tailors' shears and secateurs, made wholly or partly of steel or iron.	Ditto.
Safety razors and component parts thereof.	Ditto.
15 Razors, other than safety razors - -	Ditto.
Carving forks - - - - -	Ditto.
Knife sharpeners wholly or partly of steel.	Ditto.
20 Handles, blades or blanks for any of the above-mentioned articles.	Ditto.
GLOVES.	
25 Gloves made in whole or in part of leather or of fur, and leather or fur cut out ready for sewing into gloves, but not including gloves known as astrakhan gloves or gloves in which leather is used only as trimming or binding.	Ditto.
30 Gloves cut out of woven or knitted material consisting in whole or in part of cotton and sewn up and known as fabric gloves, and material for such gloves cut out ready for sewing.	Ditto.

A.D. 1926.	Article.	Rate of Duty.
3RD SCH. —cont.	MANTLES FOR INCANDESCENT LIGHTING.	
	Mantles for incandescent lighting, whether collodionised or not.	A duty at the rate of six shillings the gross. 5
	Impregnated hose or stockings for use in the manufacture of such mantles.	A duty at the rate of four shillings and sixpence per pound weight. 10



Judicial Committee Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD CHANCELLOR.

14th June 1926.



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(87 a)

A

B I L L

INTITULED

An Act to amend the law with respect to the constitution of the Judicial Committee of the Privy Council. A.D. 1926. —

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

1.—(1) His Majesty may by Letters Patent appoint two persons qualified as provided in this section to be members of the Judicial Committee of the Privy Council, and may from time to time fill any vacancies caused by
10 death or otherwise in the offices of the persons so appointed.

Power to
appoint
Indian
judges, &c.,
as addi-
tional mem-
bers of the
Judicial
Committee.

(2) A person shall be qualified for appointment under this section if he is a Privy Counsellor and is or has been a Judge of a court which is a High Court within the
15 meaning of clause (24) of section three of an Act of the Indian Legislature known as the General Clauses Act, 1897, or is a barrister or advocate of not less than fourteen years standing who practises or has practised in British India.

(3) There shall be paid to each person appointed a member of the Judicial Committee under this section a yearly salary of two thousand pounds, and the said salary shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce
20 thereof:

A.D. 1926. — Provided that the salary of any such person may be increased by such sum not exceeding two thousand pounds as may be provided out of the revenues of India.

(4) A person appointed a member of the Judicial Committee under this section shall hold his office during good behaviour, but shall on attaining the age of seventy-two retire therefrom, and shall at any time before attaining that age be removable by His Majesty on an address from both Houses of Parliament.

(5) Section thirty of the Judicial Committee Act, 1833, as amended by section four of the Appellate Jurisdiction Act, 1887, shall be repealed; but nothing in this repeal shall affect the rights of any persons who at the passing of this Act are entitled under that section to attend the sittings of the Judicial Committee or the payment to them of the allowances payable under that section as so amended.

Short title. **2.** This Act may be cited as the Judicial Committee Act, 1926.

[H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the law with respect to the constitution of the Judicial Committee of the Privy Council.

The Lord Chancellor.

Ordered to be printed 15th June 1926.

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(100)



A

B I L L

INTITULED

An Act to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals. A.D. 1926.

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

1.—(1) It shall not be lawful to print or publish, or cause or procure to be printed or published—

Restriction on publication of reports of judicial proceedings.

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals ;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say:—

(i) the names, addresses and occupations of the parties and witnesses ;

(ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given ;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon ;

Judicial Proceedings [16 & 17 GEO. 5.]
(*Regulation of Reports*).

A.D. 1926.
—

(iv) the summing-up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment:

Provided that nothing in this part of this subsection shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of this subsection. 5

(2) If any person acts in contravention of the provisions of this Act he shall in respect of each offence be liable, on summary conviction, to imprisonment for a term not exceeding four months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine: 10

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this Act. 15

(3) No prosecution for an offence under this Act shall be commenced in England and Wales by any person without the sanction of the Attorney-General. 20

(4) Nothing in this section shall apply to the publishing of any notice or report in pursuance of the directions of the court; or to the publishing of any matter in any separate volume or part of any bonâ fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character bonâ fide intended for circulation among members of the legal or medical professions. 25

(5) In the application of this section to Scotland for any reference to judicial proceedings for restitution of conjugal rights there shall be substituted a reference to an action of adherence or of adherence and aliment. 30

Short title
and extent.

2.—(1) This Act may be cited as the *Judicial Proceedings (Regulation of Reports) Act, 1926.* 35

(2) This Act does not extend to Northern Ireland.



**Judicial Proceedings
(Regulation of Reports).**

A

B I L L

INTITLED

An Act to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals.

(Brought from the Commons 13th December 1926.)

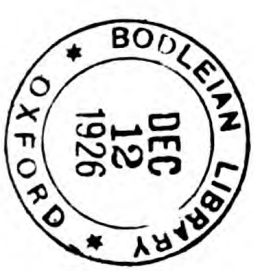
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(207)



Judicial Proceedings (Regulation of Reports) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD DARLING.

Clause 1, page 2, line 21, at end insert (“ printing or
“ distribution or use of any pleading notes of evidence
“ or other like documents for the purpose of, or in the
“ course of the conduct of the proceedings, or to the
“ printing or ”)

line 23, after the second (“ the ”)
insert (“ printing or ”)

(207 a)

Judicial Proceedings (Regulation of Reports) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD DARLING.

13th December 1926.

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(207 a)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to **Kilmarnock Corporation.** A.D. 1926.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Kilmarnock Corporation Order Confirmation Act 1926. Short title.

A.D. 1926.

SCHEDULE.

KILMARNOCK CORPORATION.

*Provisional Order to provide for the Abandonment of the
Tramways within the burgh of Kilmarnock and for
other purposes.* 5

WHEREAS by the Kilmarnock Corporation Order 1904 (in this Order called "the Order of 1904") the provost magistrates and councillors of the burgh of Kilmarnock (in this Order called "the Corporation" and "the burgh" respectively) were authorised to 10
construct and work tramways in and adjacent to the burgh :

And whereas the Corporation have constructed the tramways authorised by the Order of 1904 and with the exception of Tramway No. 2 hereinafter mentioned are 15
working the same :

And whereas by the Kilmarnock Corporation Order 1924 the Corporation were authorised to provide and work omnibuses within the burgh and along certain specified routes outwith the burgh and under the autho- 20
rity of that Order the Corporation have abandoned and discontinued the working of Tramway No. 2 authorised by the Order of 1904 :

And whereas the traffic on the tramways of the Corporation within the burgh has for some time been 25
and is insufficient in view of the increased cost of plant materials and labour to allow the tramways to be worked remuneratively and the public needs are being or can be supplied by other means :

And whereas the continuance of the tramways 30
would necessitate the renewal of the track throughout the whole length of the tramways and the cost thereof and of the maintenance of the portion of the roadways on which the tramways are laid would by reason of the insufficiency of revenue from the traffic on the tramways 35

require to be provided out of the police rate of the burgh : A.D. 1926,

And whereas it is expedient that the Corporation should be authorised to abandon and discontinue the working of the tramways :

And whereas it is expedient that the other provisions in this Order contained should be enacted :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Kilmarnock Corporation Order 1926 and shall come into operation at the date of the passing of the Act confirming the same. Short title.

2. In this Order the several words and expressions to which meanings are assigned by the Order of 1904 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires the following expressions shall have the respective meanings in this section applied to them (that is to say) :— Interpretation.

“ The Order of 1904 ” means the Kilmarnock Corporation Order 1904 ;

“ The tramway undertaking ” means the tramway undertaking authorised by the Order of 1904 ;

“ The tramways ” means the tramways within the burgh authorised by the Order of 1904 ;

“ The sinking fund ” means the sinking fund formed under the Order of 1904 ;

“ The Order of 1924 ” means the Kilmarnock Corporation Order 1924 ;

“ The omnibus undertaking ” means the omnibus undertaking of the Corporation authorised by the Order of 1924.

3. The Corporation shall abandon and discontinue the working of the tramways and thereupon shall take up remove appropriate use sell or otherwise dispose of the pavement rails standards poles wires materials Power to abandon tramways.

.A.D. 1926. — plant and apparatus in connection therewith and after the removal of the tramways the powers duties and obligations of the Corporation in connection therewith shall cease and determine.

Restoration of roadways.

4.—(1) The Corporation shall with all convenient speed after the taking up and removal of the tramways fill in the ground and make good the surface of the portion of the roadways on which the tramways are laid.

(2) The cost of the reinstatement of the portion of the roadways on which the tramways are laid shall be paid by the Corporation out of the reserve fund formed under the provisions of the Order of 1904 for the purposes of the tramway undertaking and the balance (if any) of that fund shall be transferred to the sinking fund.

Sale and disposal of lands &c.

5. After the abandonment of the tramways the Corporation may appropriate for the purposes of the omnibus undertaking or sell lease or otherwise dispose of the lands acquired by them for and the buildings and depots belonging to the Corporation and used in connection with the tramways.

Application of proceeds of sale of lands &c.

6. All moneys realised by the sale or disposal of lands buildings depots materials plant and apparatus in connection with the tramways or the tramway undertaking shall be paid into the sinking fund and if any such lands buildings depots materials plant and apparatus are appropriated for the purposes of the omnibus undertaking the value of the same as appearing in the books of the Corporation shall be credited to the sinking fund.

Security for moneys borrowed for tramway purposes.

7. After the abandonment of the tramways—

(1) The security for all moneys borrowed by the Corporation under the Order of 1904 for tramway purposes and then outstanding shall be the police rate and such moneys shall be repaid within the period prescribed by section 67 (Sinking fund) of that Order :

(2) The Corporation shall from and out of the police rate set apart annually the requisite sums to be provided for the sinking fund until the completion of the repayment of

the moneys borrowed by them under the Order of 1904 for tramway purposes. A.D. 1926.

8. After the abandonment of the tramways—

Omnibus undertaking to cease to form part of tramway undertaking.

(1) The omnibus undertaking shall cease to form part of the tramway undertaking :

(2) Section 28 (Power to borrow) of the Order of 1924 shall be read and have effect as if the revenue of the omnibus undertaking and the police rate were therein referred to instead of the revenue of the tramway undertaking of the Corporation and the police rate as the security for moneys borrowed under that section and as if the omnibus undertaking had been referred to therein instead of the tramway and omnibus undertakings :

(3) The sections of the Order of 1904 specified in section 32 (Application of provisions of the Order of 1904) of the Order of 1924 and the Second and Third Schedules to the Order of 1904 shall have effect as if for the word "tramway" wherever occurring therein there were substituted the word "omnibus" and the said Schedules shall have effect as if for the word "tramways" wherever occurring therein there were substituted the words "omnibus undertaking."

9.—(1) The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport the annual accounts of the omnibus undertaking.

Accounts to be furnished to Minister of Transport.

(2) Section 25 (Annual accounts to be furnished to Minister of Transport) of the Order of 1924 is hereby repealed.

10. After the abandonment of the tramways—

Provision for surplus of and deficiency in revenue of omnibus undertaking.

(1) The Corporation may after providing for the payments first secondly thirdly and fourthly mentioned in subsection (1) of section 29 (Application of revenue of omnibus undertaking) of the Order of 1924 carry forward to the credit of the revenue of the omnibus

A.D. 1926.
—

undertaking so much of any balance remaining in any year of the income of the omnibus undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the omnibus undertaking and paying the current expenses connected therewith respectively. Provided that the amount of such balance so carried forward in any year shall not exceed one thousand pounds and the surplus income (if any) shall be carried to the credit of the police rate :

- (2) Any deficiency in the revenue of the omnibus undertaking shall be made good out of the police rate :
- (3) So much of subsection (1) of section 29 of the Order of 1924 as relates to the application of the balance of the income of the omnibus undertaking and subsection (2) of that section shall be and the same are hereby repealed.

Costs of
Order.

11. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the revenue of the common good fund of the burgh or out of any moneys borrowed for that purpose (which moneys the Corporation are hereby authorised to borrow upon the security of the police rate) and if paid out of borrowed moneys the same shall be repaid out of the said rate within five years from the passing of the Act confirming this Order.

100

**Kilmarnock
Corporation Order
Confirmation. [H.L.]**

A

B I L L

INTITULLED

An Act to confirm a Provisional Order
under the Private Legislation Proce-
dure (Scotland) Act 1899 relating to
Kilmarnock Corporation.

The Duke of Sutherland.

Ordered to be printed 26th July 1926.

L O N D O N :
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(141)

A

B I L L

INTITULED

An Act to amend the law with respect to the drainage of agricultural land.

A.D. 1926.

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

1.—(1) The powers of the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") under Part II. of the Land Drainage Act, 1918, shall be transferred to the councils of counties and county boroughs, and accordingly that Part of that Act in its application to any county or county borough shall have effect as if for references to the Board of Agriculture and Fisheries there were substituted references to the council of the county or county borough.

Transfer of drainage powers to councils of counties and county boroughs.

(2) Section seventeen of the said Act is hereby repealed.

2.—(1) Where the council of a county or county borough are of opinion that from any cause other than the subsidence of the surface of the ground due to mining operations any drain within the meaning of this Act is in such a condition that the proper flow of water is impeded, or land is injured by water or is in danger

Maintenance of drains, &c.

(3)

A

A.D. 1926. of being so injured by reason of the condition of any such drain, the council may serve—

(a) upon any person by whose act or default such flow is impeded or any such land is so injured or in danger of being injured; or 5

(b) if such person is not known to the council and cannot be ascertained by them after reasonable enquiry, upon the owner or occupier of the land on which the drain or any part thereof is situated, or upon both such persons; 10

notice in writing requiring the person on whom the notice is served to put the drain or any part thereof in proper order :

Provided that a notice shall not be served upon a person, other than a person by whose act or default land is injured or in danger of being injured, in any case where the works required can conveniently be dealt with by a scheme under section sixteen of the Land Drainage Act, 1918, as amended by this Act. 15

(2) Subject to the right of appeal hereinafter contained, it shall be the duty of every person upon whom any such notice has been served within one month of the date of the service of the notice to comply with the requirements of the notice. 20

(3) Any person upon whom any such notice has been served may within twenty-one days from the date of the service of the notice either— 25

(a) appeal to a court of summary jurisdiction on any of the grounds hereinafter mentioned; or

(b) by notice in writing addressed to the clerk of the council require that any question, being a matter on which he might appeal to a court of summary jurisdiction, shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Surveyors' Institution. 30 35

(4) The grounds upon which any such person may so appeal to a court of summary jurisdiction are all or any of the following :—

(a) that the service on him of the notice is not authorised by this section; 40

(b) that the condition of the drain is due to the act or default of some other specified person ;



(c) that the condition of the drain is attributable to the subsidence of surface due to mining operations; or A.D. 1926.

5 (d) if not the person to whose act or default the condition of the drain is due, that the works required can be conveniently dealt with by a scheme under section sixteen of the Land Drainage Act, 1918, as amended by this Act;

10 (e) that the notice cannot reasonably be enforced against him having regard to the land owned or occupied by him and abutting on the drain or the part thereof to which the notice relates, or his estate or interest therein, or the expenses involved in compliance with the notice.

15 (5) The court of summary jurisdiction or arbitrator may either confirm or annul the notice to which the appeal or reference relates, or vary any requirement thereof.

20 (6) If within one month after the service of a notice under this section, or in the case of an appeal or reference to arbitration under this section, within one month after the confirmation or variation of the notice, the requirements contained in the notice or in the notice as varied, as the case may be, are not complied with, the council
25 may, if they think fit, execute the necessary works and recover the expenses thereof from the person in default summarily as a civil debt.

30 Where several persons are in default, the council may apportion amongst them the expenses incurred by the council in such manner as they think just, but the court before which proceedings for the recovery of any apportioned part of the expenses are instituted may, if they think fit, vary the apportionment.

5 (7) Nothing in this section shall affect the right of an owner or occupier to recover from the other under the terms of any lease or other contract for the time being in force the amount of any expenses incurred by him under the foregoing provisions of this section or recovered from him by the council.

40 (8) Where a local authority have powers vested in them for securing the proper flow of water in any drain under their jurisdiction, the county council, except by

A.D. 1926. — agreement with the local authority, shall not exercise their powers under this section in relation to the drain unless after reasonable notice from the council the local authority have made default in the proper exercise of such powers as aforesaid. 5

(9) For the purposes of this section, the expression "drain" means any river, stream, ditch, drain, cut, culvert, dyke, or sluice.

(10) This section shall have effect as if it formed part of Part II. of the Land Drainage Act, 1918. 10

Provisions
as to
councils.

3.—(1) The expenses of a council under this Act, so far as they are not defrayed out of moneys recovered by the council in accordance with this Act, shall be defrayed—

(a) in the case of the council of a county, out of the county fund as expenses for general county purposes, or if and so far as the council think fit, as expenses for special county purposes, charged on such parts of the county as the council think fit; and 15 20

(b) in the case of the council of a county borough out of the borough fund or borough rate.

(2) The council of a county or county borough may borrow for the purposes of this Act—

(a) in the case of a county, in accordance with the Local Government Act, 1888; 25

(b) in the case of a county borough, in accordance with the Public Health Acts, 1875 to 1925.

(3) The council of a county or county borough may delegate, with or without restrictions, to any committee of the council any of their powers and duties under this Act. 30

(4) The councils of two or more counties or county boroughs may combine for the purposes of the joint exercise of any powers conferred on them by or under this Act, and may for that purpose appoint a joint committee, and may agree as to the proportions in which the several councils represented on the joint committee are to contribute towards the expenses thereof. 35

4. Any person authorised in that behalf by the council of a county or county borough for the purpose of carrying their powers under this Act into effect may, on production, if so required of his authority, enter on and inspect any land.

A.D. 1926.
—
Powers of entry on land.

If any person prevents or obstructs the entry for the purpose aforesaid upon any land of any person authorised under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

5. Notices required or authorised to be served under this Act by the council of a county or county borough may be served by post or by delivering the same to or at the residence of the person to whom they are addressed, or, where addressed to the owner or occupier of premises, by delivering the same or a copy thereof to some person on the premises, or if there is no person on the premises who can be served, by fixing the same on some conspicuous part of the premises.

Service of notices.

6.—(1) The council of a county or county borough acting under this Act shall be deemed to be a drainage authority for the purposes of section five of the Land Drainage Act, 1918, which enables local authorities to contribute to the expenses of the execution or maintenance of drainage works by a drainage authority.

Amendment of 8 & 9 Geo. 5, c. 17, s. 5.

(2) The making of contributions under that section as so amended shall be a purpose for which a local authority may borrow under the Public Health Acts, 1875 to 1925.

7. The powers conferred on councils of counties and county boroughs by or in pursuance of this Act shall be in addition to and not in derogation of any other powers possessed by any such councils independently of this Act.

Saving of existing powers.

8.—(1) This Act may be cited as the Land Drainage Act, 1926, and shall be construed as one with the Land Drainage Act, 1918, and that Act and this Act may be cited together as the Land Drainage Acts, 1918 and 1926.

Short title and commencement.

(2) This Act shall come into operation on the

Land Drainage.

[H.L.]

A

B I L L

INTITLED

An Act to amend the law with respect
to the drainage of agricultural land.

The Lord Bledisloe.

Ordered to be printed 10th February 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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(3)

Land Drainage Bill. [H.L.]

A M E N D M E N T

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

BY

T H E L O R D B A N B U R Y O F S O U T H A M .

Clause 2, page 4, line 8, at end insert (“ but shall
“ not include any river, stream, canal or inland navigation
“ under control of a conservancy or drainage authority ”)

(3 a)

Land Drainage Bill.
[H.L.]

AMENDMENT
TO BE MOVED IN COMMITTEE

BY
THE LORD BANBURY OF SOUTHAM.

3rd March 1926.

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(3a)



Land Drainage Bill. [H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL BEAUCHAMP.

Clause 2, page 3, line 18, at end insert (“ If either
“ party in any proceedings is aggrieved by the decision
“ of a court of summary jurisdiction under this Act
“ such may appeal to the next practicable court of
“ quarter sessions holden in or for the county or county
“ borough in which such court of summary jurisdiction
“ is situated.”)

(3*b*)

Land Drainage Bill.
[H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL BEAUCHAMP.

9th March 1926.



L O N D O N :
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(3b)

Land Drainage Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD STRACHIE.

Clause 2, page 2, line 10, after (“ situated ”) insert
 (“ or abuts ”)

lines 27 and 28, leave out (“ either
 “ (a) ”)

line 29, leave out line 29 and
insert (“ both or either of the following grounds—

“ (a) that the service on him of the notice is not
authorised by this section ;

(b) that the condition of the drain is due to the
act or default of some other specified person.”)

lines 30 to 36, leave out para-
graph (b) and insert the following new subsection :

(“ (4) Any person upon whom any such notice has
been served and who alleges that the condition of the
drain is attributable to the subsidence of surface due to
mining operations may, within twenty-one days from the
date of the service of the notice, by notice in writing
addressed to the clerk of the council require such
allegation to be referred to the arbitration of a single
arbitrator to be appointed in default of agreement by the
President of the Surveyors’ Institution.”)

line 37 to page 3, line 14, leave out
subsection (4).

page 3, line 18, at end insert (“ and may,
“ unless the notice is annulled, order all or any part of
“ the costs incurred by the council in connection with
“ the appeal or arbitration to be paid by the person
“ upon whom the notice was served.”)

line 25, after (“ fit ”) insert
 (“ either (a) ”)

(3c)

Clause 2, page 3, line 27, at end insert (“ or

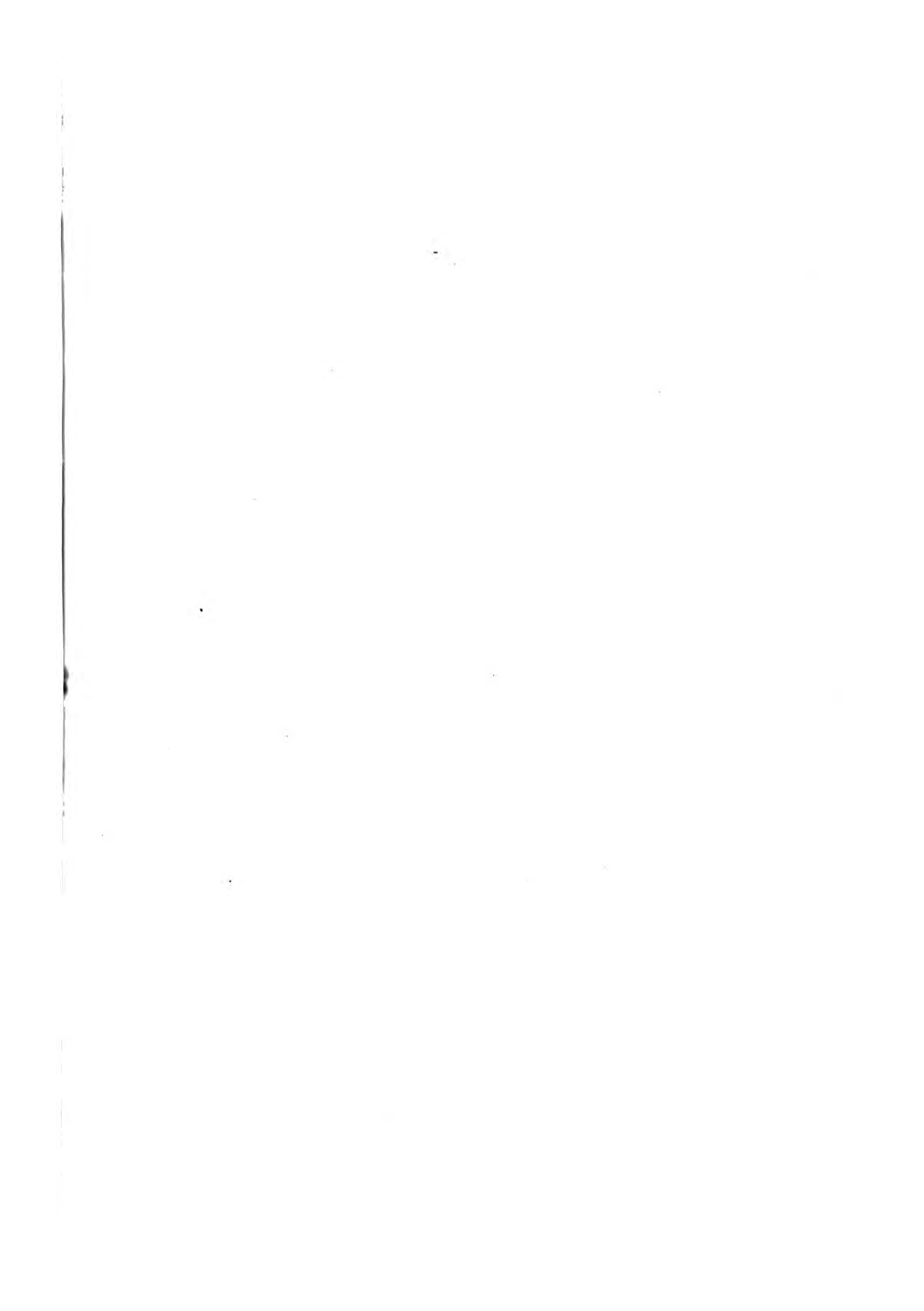
“(b) apply to a court of summary jurisdiction for an order, which the court is hereby empowered to make, imposing upon the person or each of the persons in default a daily penalty not exceeding two pounds for every day subsequent to the expiration of the period of one month hereinbefore mentioned on which the default continues :

“ Provided that, in the event of the court refusing to make an order, the council by whom the application for the order was made shall thereupon be entitled, if they think fit, to adopt the alternative remedy prescribed by this subsection.”)

page 4, line 8, at end insert (“ and the
“ banks thereof whether such banks be natural or
“ artificial ”)

BY THE LORD PARMOOR.

Clause 2, page 1, line 20, after (“ any ”) insert
 (“ land ”)



Land Drainage Bill.
[H.L.]

A M E N D M E N T S
TO BE MOVED IN COMMITTEE

BY

THE LORD STRACHIE

AND

THE LORD PARMOOR.

10th March 1926.

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(3c)



Land Drainage Bill. [H.L.]

A M E N D M E N T

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

B Y

T H E L O R D P A R M O O R .

Clause 2, page 4, leave out lines 7 and 8, and insert
(" 'land drain' means any ditch, drain, culvert, dyke or
" sluice together with the banks and artificial embank-
" ments thereof ")

(3 d)

Land Drainage Bill.
[H.L.]

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD PARMOOR.

11th March 1926.

LONDON:
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(3d)



Land Drainage Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD DYNEVOR.

Clause 2, page 1, line 22, after (“water”) insert (“in so far as the injury is not caused by works carried out for the purpose of constructing lakes, ponds and reservoirs”) and leave out (“or is in danger of being so injured”)

page 2, line 22, after (“within”) insert (“a reasonable time not being less than”)

page 3, line 4, leave out (“if not the person to whose act or default the condition of the drain is due”)

line 19, after (“within”) insert (“a reasonable time not being less than”)

page 4, line 7, leave out (“river, stream,”)

Clause 3, page 4, line 22, at end insert (“Provided always that the expenses referred to in this section and incurred in connection with this Act shall not exceed in amount the sum which would be produced by a rate of one penny in the pound levied by the council of a county or county borough”).

Clause 5, page 5, line 13, after (“by”) insert (“registered”)

BY THE LORD MERRIVALE.

Clause 2, page 1, line 21, after (“is”) insert (“by reason of the act or default of any person”)

page 2, line 5, leave out from (“injured”) to the end of line 10.

line 14, leave out lines 14 to 19.

Clause 2, page 2, line 42, after (“ is ”) insert (“ not ”) and leave out (“ the ”) and insert (“ any ”)
line 43, leave out (“ of some other specified person ”) and insert (“ on his part ”)
page 3, line 3, leave out from (“ operations ”) to the end of line 14.
page 4, line 7, leave out (“ means ”) and insert (“ includes ”)
line 8, leave out (“ or ”) and after (“ sluice ”) insert (“ or other work ”)

Land Drainage Bill.

[H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD DYNEVOR.

AND

THE LORD MERRIVALE.

12th March 1926.

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(3e)

Land Drainage Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD BANBURY OF SOUTHAM.

Clause 1, page 1, line 14, at end insert the following new subsection :

(“ (2) Where the council of a county or a county borough propose to exercise any of the powers conferred upon the Minister by Part II. of the said Act and objection is made, and not withdrawn, by the owner or occupier of any land affected or by any navigation authority or other body or person appearing to the Minister to be affected, such appeal as may be prescribed under the said Act shall lie to the Minister.”)

Clause 2, page 1, line 22, leave out the first (“ or ”) and insert (“ and that ”), and after (“ land ”) insert (“ belonging to or in the occupation of some person other than the owner or occupier of the land on which the drain is situated ”), and leave out from (“ water ”) to (“ by ”) in line 1, page 2.

page 2, line 4, leave out (“ or ”) and insert (“ and ”)

line 5, leave out (“ or in danger of “ being injured ”)

line 16, leave out (“ or in danger “ of being injured ”)

•

BY THE EARL OF MIDLETON.

Clause 2, page 1, line 22, after the first (“ or ”) insert (“ agricultural ”)

(3f)

Clause 4, page 5, lines 1 to 10, leave out clause 4 and insert the following new clause:

(“ .—(1) Any person authorised in that behalf by the Minister, or by the council of a county or county borough, as the case may require, for the purpose of carrying the Land Drainage Act, 1918, or this Act into effect, may at all reasonable times and after due notice, and on production, if so required, of his authority, enter on and inspect any land.

“ If any person wilfully prevents or obstructs the entry for the purpose aforesaid upon any land of any person authorised under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

“(2) Section twenty of the Land Drainage Act, 1918, is hereby repealed.”)

BY THE LORD HUNSDON.

Clause 2, page 2, line 5, leave out from (“ injured ”) to the end of line 10.

line 14, leave out lines 14 to 19.

page 3, line 4, leave out from the beginning of line 4, to (“ that ”) in line 5.

Land Drainage Bill.

[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD CLINTON,

THE LORD TREVOWEN,

THE LORD BLEDISLOE,

AND

THE EARL BEAUCHAMP.

16th March 1926.

LONDON:
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(3g)



Land Drainage Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD CLINTON AND THE
LORD TREOWEN.

Clause 1, page 1, line 14, at end insert—

“ Provided—

- “(a) That in the case of the powers conferred by subsection (2) of section fifteen of the Land Drainage Act, 1918, and transferred to the council of a county or a county borough by this section the council shall, except in case of emergency, before exercising any such powers, give to the drainage authority in whose default they propose to exercise such powers not less than thirty days notice in writing of their intention so to do, and that if before the expiration of the period of notice the drainage authority intimate in writing to the council their objection to the exercise of the proposed powers the council shall not exercise the same except with the consent of the Minister who may, if he thinks fit, cause a public local inquiry to be held with respect to the objection ;
- “(b) That in the case of the powers conferred by section sixteen of the Land Drainage Act, 1918, and transferred to the council of a county or county borough by this section any draft scheme made by the council of a county or county borough in pursuance thereof shall (in any case in which the proprietors of one-third of the area to which the draft scheme relates have presented objections thereto and shall not have withdrawn the same) be settled by the Minister and not by the council, and for that purpose the draft scheme and any objections,

Clause 1—continued.

“(b) That in the case of the powers conferred by section sixteen of the Land Drainage Act, 1918, and transferred to the council of a county or county borough by this section any draft scheme made by the council of a county or county borough in pursuance thereof shall (in any case in which the proprietors of one-third of the area to which the draft scheme relates have presented objections thereto and shall not have withdrawn the same) be settled by the Minister and not by the council, and for that purpose the draft scheme and any objections thereto which may have been duly presented in accordance with subsection (2) of the said section shall be referred to the Minister who before settling the scheme shall consider any such objections, and may if he thinks fit cause a public local inquiry to be held with reference to the scheme.”) 6

The LORD BLEDISLOE proposes to amend the above amendment as follows, in line 6 of paragraph (b) leave out from (“shall”) to the end of the amendment and insert:—

(“Where the owners of one-half or more of the land comprised within the area to which the draft scheme relates have duly presented objections thereto and have not withdrawn the same, before settling the scheme cause a public local enquiry to be held with reference to the scheme.”)

Clause 2.

BY THE LORD BLEDISLOE.

Page 2, line 5, at end insert (“Provided that no such notice shall be given in any case where the works required can conveniently be dealt with by a scheme under section sixteen of the Land Drainage Act, 1918, as amended by this Act.”)

Clause 2—continued.

BY THE LORD STRACHIE.

Page 2, line 15, leave out from (“ mentioned ”) to the end of line 22.

Page 4, line 9, after (“ sluice ”) insert (“ and the “ banks thereof ”)

Clause 3.

BY THE LORD BLEDISLOE.

Page 4, line 33, leave out (“ by the Council of a ”) and insert (“ over the ”)

Clause 4.

BY THE LORD BLEDISLOE.

Page 5, line 16, after (“ may ”) insert (“ after notice “ in writing to the occupier and ”)

BY THE EARL OF MIDLETON.

Page 5, line 14, leave out clause 4, and insert the following new clause :

(“ .—(1) Any person authorised in that behalf by the Minister, or by the council of a county or county borough, as the case may require, for the purpose of carrying the Land Drainage Act, 1918, or this Act into effect, may at all reasonable times and after notice, and on production, if so required, of his authority, enter on and inspect any land.

If any person prevents or obstructs the entry for the purpose aforesaid upon any land of any person

Clause 4—continued.

authorised under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

(2) Section twenty of the Land Drainage Act, 1918, is hereby repealed.”)

Clause 7.

BY THE LORD BLEDISLOE.

Page 6, line 5, after (“ powers ”) insert (“ are ”)

Land Drainage Bill.

[H.L.]

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED ON REPORT.

24th March 1926.

LONDON: J
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(30**)



A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the law with respect to the
drainage of agricultural land.

A.D. 1926.

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

1.—(1) The powers of the Minister of Agriculture
and Fisheries (hereinafter referred to as "the Minister")
under Part II. of the Land Drainage Act, 1918, shall be
transferred to the councils of counties and county
10 boroughs, and accordingly that Part of that Act in its
application to any county or county borough shall have
effect as if for references to the Board of Agriculture and
Fisheries there were substituted references to the council
of the county or county borough : Provided that—

Transfer of
drainage
powers to
councils of
counties
and county
boroughs.

15 (a) in the case of the powers conferred by sub-
section (2) of section fifteen of the Land
Drainage Act, 1918, and transferred to the
council of a county or a county borough by
this section the council shall, except in case of
20 emergency, before exercising any such powers,
give to the drainage authority in whose default
they propose to exercise such powers not less
than thirty days notice in writing of their
intention so to do, and that if before the
5 expiration of the period of notice the drainage

A.D. 1926.
—

authority intimate in writing to the council their objection to the exercise of the proposed powers the council shall not exercise the same except with the consent of the Minister who may, if he thinks fit, cause a public local inquiry 5 to be held with respect to the objection;

(b) in the case of the powers conferred by section sixteen of the Land Drainage Act, 1918, and transferred to the council of a county or county borough by this section any draft 10 scheme made by the council of a county or county borough in pursuance thereof the council shall, where the owners of one-half or more of the land comprised within the area to which the draft scheme relates have duly 15 presented objections thereto and have not withdrawn the same, before settling the scheme cause a public local enquiry to be held with reference to the scheme.

(2) Section seventeen of the said Act is hereby 20 repealed.

Mainten-
ance of
drains, &c.

2.—(1) Where the council of a county or county borough are of opinion that by reason of the act or default of any person any drain within the meaning of this Act is in such a condition that the proper flow of 25 water is impeded and that by reason of the condition of the drain agricultural land within the county or county borough belonging to or in the occupation of some other person is injured by water or is in danger of being so 30 injured, the council may serve upon the person by whose act or default such flow is impeded notice requiring him to put the drain or any part thereof in proper order: Provided that no such notice shall be given in any case where the works required can conveniently be dealt with 35 by a scheme under section sixteen of the Land Drainage Act, 1918, as amended by this Act.

(2) Subject to the right of appeal hereinafter contained, it shall be the duty of every person upon whom any such notice has been served within two months of the date of the service of the notice to comply with 40 the requirements of the notice.



(3) Any person upon whom any such notice has been served may within twenty-one days from the date of the service of the notice either— A.D. 1926.

- 5 (a) complain to a court of summary jurisdiction on any of the grounds hereinafter mentioned; or
- 10 (b) by notice in writing addressed to the clerk of the council require that any question, being a matter on which he might complain to a court of summary jurisdiction, shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Surveyors' Institution.

(4) The grounds upon which any such person may so complain to a court of summary jurisdiction are all or any of the following:—

- 15 (a) that the service on him of the notice is not authorised by this section;
- (b) that the condition of the drain is not due to any act or default on his part;
- 20 (c) that the notice cannot reasonably be enforced against him having regard to any or all of the following considerations, namely—
- 25 (i) the nature and extent of the land in respect of which his liability arises, and the extent to which such land abuts on the drain or the part thereof to which the notice relates;
- (ii) the extent and nature of his estate or interest in any such land;
- 30 (iii) the expenses which would be involved in complying with the notice.

(5) Any person upon whom any such notice has been served and who alleges that the condition of the drain is attributable to the subsidence of surface due to mining operations may, within twenty-one days from the date of the service of the notice, by notice in writing addressed to the clerk of the council require such allegation to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

A.D. 1926.

(6) The court of summary jurisdiction or arbitrator may either confirm or annul the notice to which the complaint or reference relates, or vary any requirement thereof.

(7) If either party is aggrieved by the decision of a court of summary jurisdiction on a complaint under this section he may appeal to a court of quarter sessions, and on any such appeal the court of quarter sessions shall have power to make any order which the court of summary jurisdiction might have made.

(8) If within two months after the service of a notice under this section, or in the case of a complaint or appeal or a reference to arbitration under this section, within two months after the confirmation or variation of the notice, the requirements contained in the notice or in the notice as varied, as the case may be, are not complied with, the council may, if they think fit, execute the necessary works and recover the expenses thereof from the person in default summarily as a civil debt.

Where several persons are in default, the council may apportion amongst them the expenses incurred by the council in such manner as they think just, but the court before which proceedings for the recovery of any apportioned part of the expenses are instituted may, if they think fit, vary the apportionment.

(9) Nothing in this section shall affect the right of an owner or occupier to recover from the other under the terms of any lease or other contract for the time being in force the amount of any expenses incurred by him under the foregoing provisions of this section or recovered from him by the council.

(10) Where a local authority have powers vested in them for securing the proper flow of water in any drain under their jurisdiction, the county council, except by agreement with the local authority, shall not exercise their powers under this section in relation to the drain unless after reasonable notice from the council the local authority have made default in the proper exercise of such powers as aforesaid.

(11) For the purposes of this section, the expression "drain" includes any stream, ditch, drain, cut, culvert, dyke, or sluice: Provided that where any drain as so defined is under the jurisdiction of a drainage authority,

a board of conservators, or an inland navigation authority, which is exercising its powers, this section shall not apply to the drain except with the consent of the authority or board. A.D. 1926. —

5 (12) This section shall have effect as if it formed part of Part II. of the Land Drainage Act, 1918.

10 3.—(1) The expenses of a council under this Act, so far as they are not defrayed out of moneys recovered by the council in accordance with this Act, shall be defrayed— Provisions as to councils.

15 (a) in the case of the council of a county, out of the county fund as expenses for general county purposes, or if and so far as the council think fit, as expenses for special county purposes, charged on such parts of the county as the council think fit; and

(b) in the case of the council of a county borough out of the borough fund or borough rate :

20 Provided always that the expenses referred to in this section and incurred in connection with this Act shall not exceed in amount the sum which would be produced by a rate of one penny in the pound levied over the county or county borough.

25 (2) The council of a county or county borough may borrow for the purposes of this Act—

(a) in the case of a county, in accordance with the Local Government Act, 1888 ;

(b) in the case of a county borough, in accordance with the Public Health Acts, 1875 to 1925.

30 (3) The council of a county or county borough may delegate, with or without restrictions, to the agricultural committee of the council any of their powers and duties under this Act.

35 (4) The councils of two or more counties or county boroughs may combine for the purposes of the joint exercise of any powers conferred on them by or under this Act, and may for that purpose appoint a joint committee, consisting of members of the agricultural committees of such respective councils, and may agree as 40 to the proportions in which the several councils represented on the joint committee are to contribute towards the expenses thereof.

¶A.D. 1926.
Powers of
entry on
land.

4. Any person authorised in that behalf by the council of a county or county borough for the purpose of carrying their powers under this Act into effect may, after notice in writing to the occupier and on production, if so required of his authority, enter on and inspect any 5 land.

If any person prevents or obstructs the entry for the purpose aforesaid upon any land of any person authorised under this section, he shall be liable on summary conviction to a fine not exceeding twenty 10 pounds.

Service of
notices.

5. Notices required or authorised to be served under this Act by the council of a county or county borough may be served by registered post or by delivering the same to or at the residence of the person to whom they 15 are addressed, or, where addressed to the owner or occupier of premises, by delivering the same or a copy thereof to some person on the premises, or if there is no person on the premises who can be served, by fixing the same on some conspicuous part of the premises. 20

Amendment
of 8 & 9
Geo. 5, c. 17.
s. 5.

6.—(1) The council of a county or county borough acting under this Act shall be deemed to be a drainage authority for the purposes of section five of the Land Drainage Act, 1918, which enables local authorities to contribute to the expenses of the execution or main- 25 tenance of drainage works by a drainage authority.

(2) The making of contributions under that section as so amended shall be a purpose for which a local authority may borrow under the Public Health Acts, 1875 to 1925. 30

Saving of
existing
powers.

7. The powers conferred on councils of counties and county boroughs by or in pursuance of this Act shall be in addition to and not in derogation of any other powers possessed by any such councils independently of this Act. Provided that where by any local Act powers are 35 conferred on the council of any county or county borough similar to the powers conferred by this Act and such local Act contains provisions for the protection of any authorities, companies or persons, those provisions shall apply in relation to the exercise by the council of 40 the powers under this Act in like manner as they apply in relation to the exercise of the powers under the local Act.

8.--(1) This Act may be cited as the Land Drainage Act, 1926, and shall be construed as one with the Land Drainage Act, 1918, and that Act and this Act may be cited together as the Land Drainage Acts, 1918 and 1926.

A.D. 1926.

—
Short title
and com-
mencement.]

(2) This Act shall come into operation on the first day of October, nineteen hundred and twenty-six.

Land Drainage. [H.L.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to amend the law with respect
to the drainage of agricultural land.

The Lord Bledisloe.

Ordered to be printed 29th March 1926.

L O N D O N :
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[Price 2d. Net.]

(41)

Land Drainage Bill. [H.L.]

COMMONS AMENDMENTS.

[The references are to Bill (No. 41).]

Clause 2.

Page 2.

Line 22, at the beginning, insert as a new subsection :

(“ .—(1) Where any drain within the meaning of this section is in such a condition that the proper flow of water is impeded, then unless the condition of the drain is attributable to the subsidence of surface due to mining operations, it shall be the duty of the person having control of the drain, or of the part thereof where the impediment occurs, to put the drain or such part thereof in proper order if by reason of such impediment agricultural land belonging to or in the occupation of some other person is injured by water, or in danger of being so injured.”)

Line 24, leave out from (“ any ”) to (“ is ”) in line 25 and insert (“ such drain within the county or “ county borough ”)

Lines 27 and 28, leave out (“ within the county or “ county borough ”)

Clause 3.

Page 5.

Line 33, after (“ Act ”) insert (“ and the agricultural “ committee may delegate with or without re- “ strictions to a sub-committee of the said “ agricultural committee any of their powers and “ duties under this Act.”)

Land Drainage Bill.
[H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 15th July 1926.

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(132)



A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Land Drainage Acts 1861 and 1918 amending the Land Drainage (Ouse) Provisional Order Confirmation Act 1925. A.D. 1926.

WHEREAS the Minister of Agriculture and Fisheries made the Provisional Order set forth in the schedule hereto under the provisions of the Land Drainage Acts 1861 and 1918: 8 & 9 Geo. 5. c. 17.

5 And whereas the Minister has determined to submit the said Order to Parliament for confirmation and accordingly it is requisite that the said Order should be confirmed by Parliament:

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

15 1. The Order as set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Land Drainage Provisional Order (No. 2) Confirmation Act 1926. Short title.



A.D. 1926.

SCHEDULE.

OUSE DRAINAGE DISTRICT.

WHEREAS the Ouse Drainage District was constituted by a Provisional Order made by the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") in pursuance of the Land Drainage Act 1918 and confirmed by the Land Drainage (Ouse) Provisional Order Confirmation Act 1920 which said Order and Act are hereinafter referred to as "the principal Order" and "the principal Act":

And whereas by a further Provisional Order made by the Minister and confirmed by the Land Drainage (Ouse) Provisional Order Confirmation Act 1925 (hereinafter called "the Act of 1925") provision was made for the partial temporary suspension of rating in certain areas of the Ouse Drainage District and for the partial temporary suspension of works in the said areas of the said District:

And whereas a Petition has been presented by the Ouse Drainage Board to the Minister in accordance with the provisions of the Land Drainage Act 1918 praying that the provisions of the Act of 1925 be altered and amended in such manner as hereinafter appears:

Now therefore the Minister in pursuance of the powers vested in him by the Land Drainage Acts 1861 and 1918 and of every other power enabling him in that behalf and for the purpose of carrying the said petition into effect hereby orders that as from the date of the confirmation of this Order—

The Act of 1925 shall be amended and for this purpose the words "twenty-seven" appearing in Article 1 of the Schedule thereto shall be omitted and the words "twenty-eight" shall be substituted therefor.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this eleventh day of May one thousand nine hundred and twenty-six.

(L.S.)

A. T. A. DOBSON
Assistant Secretary.

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**Law of Property
(Amendment) Bill.**

[H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD STRACHIE

23rd March 1926.

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(32 a)



Law of Property (Amendment). [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Conveyances of legal estates subject to certain interests.
2. Amendment of 15 Geo. 5. c. 20. s. 140. in its application to agricultural holdings.
3. Meaning of "trust corporation."
4. Date of effective registration and priority notices.
5. Priority of charges for securing further advances.
6. Minor amendments.
7. Short title, construction and commencement.

SCHEDULE.



A

B I L L

INTITULED

An Act to amend certain enactments relating to the Law of Property and Trustees. A.D. 1926.

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

I.—(1) Nothing in the Settled Land Act, 1925, shall prevent a person in whom a legal estate in land is vested in possession either absolutely and beneficially, or upon trust for sale, subject to any prior interest, from
10 conveying or creating a legal estate subject to such prior interest as if the land had not been settled land.

Conveyances of legal estates subject to certain interests.

(2) In any of the following cases, namely—

15 (a) where a legal estate has been conveyed or created under subsection one of this section, or under section sixteen of the Settled Land Act, 1925, subject to any prior interest, or

20 (b) where before the first day of January, nineteen hundred and twenty-six, land has been conveyed to a purchaser for money or money's worth subject to any prior interest whether or not on the purchase the land was expressed to be exonerated from, or the granter agreed to indemnify the purchaser against, such prior interest,

25 the estate owner for the time being of the land subject to such prior interest may, notwithstanding any provision contained in the Settled Land Act, 1925, but

A.D. 1926. — without prejudice to any power whereby such prior interest is capable of being overreached, convey or create a legal estate subject to such prior interest as if the instrument creating the prior interest was not an instrument or one of the instruments constituting a settlement of the land. 5

(3) In this section "interest" means an estate, interest, charge or power of charging subsisting, or capable of arising or of being exercised, under a settlement, and, where a prior interest arises under the exercise of a power, "instrument" includes both the instrument conferring the power and the instrument exercising it. 10

Amendment of 15 Geo. 5. c. 20. s. 140. in its application to agricultural holdings.

2. Section one hundred and forty of the Law of Property Act, 1925 (which relates to the apportionment of conditions on severance), shall have effect as if at the end of subsection (2) thereof the following proviso were inserted:— 15

" Provided that where the land demised is an agricultural holding within the meaning of the Agricultural Holdings Act, 1923, the tenant on whom notice to quit is served by the person entitled to a severed part of the reversion may, if he is a tenant from year to year, at any time within twenty-eight days of the service of such notice to quit, serve on the persons severally entitled to the severed parts of the reversion a notice in writing to the effect that he accepts the notice to quit as a notice to quit the entire holding to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly." 20 25 30

Meaning of "trust corporation."

3.—(1) For the purposes of the Law of Property Act, 1925, the Settled Land Act, 1925, the Trustee Act, 1925, the Administration of Estates Act, 1925, and the Supreme Court of Judicature (Consolidation) Act, 1925, the expression "Trust Corporation" includes the Treasury Solicitor, the Official Solicitor and any person holding any other official position prescribed by the Lord Chancellor, and in relation to charitable ecclesiastical and public trusts, also includes any local or public authority so prescribed, and any other corporation constituted under the laws of the United Kingdom or any part 35 40

thereof which satisfies the Lord Chancellor that it undertakes the administration of any such trusts without remuneration, or that by its constitution it is required to apply the whole of its income for charitable ecclesiastical or public purposes, and is prohibited from distributing, directly or indirectly, any part thereof by way of profits amongst any of its members, and is authorised by him to act in relation to such trusts as a trust corporation.

A.D. 1926.

(2) For the purposes of this provision the expression "Treasury Solicitor" means the solicitor for the affairs of His Majesty's Treasury, and includes the solicitor for the affairs of the Duchy of Lancaster.

4.—(1) Any person intending to make an application for the registration of any contemplated charge, instrument, or other matter in pursuance of the Land Charges Act, 1925, or any rule made thereunder, may give a priority notice in the prescribed form at least two days before the registration is to take effect, and where such a notice is given—

Date of effective registration and priority notices.

(a) the notice shall be entered in the register to which the intended application when made will relate;

(b) if the application is presented within fourteen days thereafter and refers in the prescribed manner to the notice, the registration shall take effect as from the date on which the charge, instrument or matter was created, entered into, made or arose, and a purchaser shall be affected thereby as if the registration had been effected on that date.

(2) Unless a priority notice is given as aforesaid, registration in any register kept under the said Act, or any rule made thereunder shall not take effect until after the expiration of two days after the application has been accepted.

(3) In reckoning the number of days under this section, Sundays and other days when the registry is not open to the public shall be excluded.

(4) Rules may be made under the said Act—

(a) for determining the date on which applications and notices shall be treated for the purposes of the section as having been made or given;

A.D. 1926.

—

(b) for determining the priority of applications when notices to make such applications were given on the same day ;

(c) for varying the number of days fixed by this section ;

(d) for adapting the provisions of this section to local land charges.

(5) Where rules are made varying the number of days fixed by this section, this section shall have effect as if the number so varied were substituted for the number specified in this section.

Priority of charges for securing further advances.

5. The following subsection shall be inserted at the end of section thirty of the Land Registration Act, 1925, namely :—

“(3) Where the proprietor of a charge is under an obligation, noted on the register, to make a further advance, a subsequent registered charge shall take effect subject to any further advance made pursuant to the obligation.”

Minor amendments.

6. The amendments specified in the second column of the Schedule to this Act, being amendments of a minor nature, shall be made in the enactments mentioned in the first column of that Schedule.

Short title, construction and commencement.

7.—(1) This Act may be cited as the Law of Property (Amendment) Act, 1926, and so far as it amends any Act shall be construed as one with that Act.

(2) The provisions of this Act except sections four and five shall be deemed to have come into operation on the first day of January, nineteen hundred and twenty-six.

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SCHEDULE.

A.D. 1926.

MINOR AMENDMENTS.

Enactments to be amended.	Amendments.
5 Settled Land Act, 1925.	
S. 13 - -	For the words "without notice of any settlement" there shall be substituted the words "without notice of such tenant for life or statutory owner having become so entitled as aforesaid."
10	
S. 31 - -	At the end of subsection (1) there shall be inserted the following paragraph:— "Where there are trustees for the purposes of this Act of the instrument under which there is a tenant for life or statutory owner but there are no trustees for those purposes of a prior instrument, being one of the instruments by which a compound settlement is constituted, those trustees shall, unless and until trustees are appointed of the prior instrument or of the compound settlement, be the trustees for the purposes of this Act of the compound settlement."
15	
S. 39 - -	In paragraph (i) of subsection (4), for the words "a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days," there shall be substituted the words "the statutory powers and remedies for the recovery of the rent shall apply."
20	
S. 105 - -	The words "if and when such remainderman or reversioner would, if the tenant for life were dead, be or have the powers of a tenant for life under this Act" shall be omitted.
25	
Schedule II.	At the end of paragraph 1 (6), there shall be inserted the words "This subparagraph shall not apply to any legal estate or interest vested in a mortgagee or other purchaser for money or money's worth."
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A.D. 1926.	Enactments to be amended.	Amendments.
	Law of Property Act, 1925.	
	S. 26	<p>For subsection (3) the following sub- 5 section shall be substituted :— “(3) Trustees for sale shall so far as practicable consult the persons of full age for the time being beneficially interested in possession in the rents and 10 profits of the land until sale, and shall, so far as consistent with the general interest of the trust, give effect to the wishes of such persons, or, in the case of dispute, of the majority 15 (according to the value of their com- bined interests) of such persons, but a purchaser shall not be concerned to see that the provisions of this subsection 20 have been complied with.”</p>
	S. 27	<p>For subsection (2) the following sub- section shall be substituted :— (2) Notwithstanding anything to the contrary in the instrument (if any) creating a trust for sale of land or in 25 the settlement of the net proceeds, the proceeds of sale or other capital money shall not be paid to or applied by the direction of fewer than two persons as trustees for sale, except where the 30 trustee is a trust corporation, but this subsection does not affect the right of a sole person representative as such to give valid receipts for, or direct the application of, proceeds of sale or other 35 capital money, nor, except where capital money arises on the transaction, render it necessary to have more than one trustee.”</p>
	S. 89	<p>At the end of subsection (6), there shall be 40 inserted the words “ In this subsection “ references to an apportionment “ include an equitable apportionment “ made without the consent of the “ lessor.” 45</p>

Enactments to be amended.	Amendments.	A.D. 1926.
<p>5 <u>Law of Property Act, 1925.</u> S. 89</p>	<p>- At the end of subsection (6), there shall be inserted the words "In this subsection " references to an apportionment " include an equitable apportionment " made without the consent of the " lessor."</p>	
<p>10</p>		
<p>Schedule I., Part II.</p>	<p>In paragraph 3 after the words " hereinafter provided " the following proviso shall be inserted :—</p> <p style="padding-left: 2em;">" The divesting of a legal estate by virtue of this paragraph shall not where the person from whom the estate is so divested was a trustee operate to prevent the legal estate being conveyed, or a legal estate being created, by him in favour of a purchaser for money or money's worth, if the purchaser has no notice of the trust and if the documents of title relating to the estate divested are produced by the trustee or by persons deriving title under him."</p> <p>For paragraph 7 (a) there shall be substituted the following :</p> <p style="padding-left: 2em;">" (a) to vest in a mortgagee of a term of years absolute, or any person deriving title under him, any nominal leasehold reversion which is held in trust for him subject or not to redemption."</p>	
<p>15</p>		
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<p>30</p>		
<p>Schedule I., Part IV.</p>	<p>At the end of paragraph 1 (10) there shall be inserted the words " within eighteen " months from the commencement of " this Act."</p> <p>In paragraph 1 (11), for the words " more " than one half " there shall be substituted the words " one half or upwards."</p>	
<p>35</p>		
<p>40</p>		
<p><u>Trustee Act, 1925.</u> S. 14</p>	<p>- In paragraph (a) of subsection (2), the words " disposition on " shall be omitted.</p>	

A.D. 1926.	Enactments to be amended.	Amendments.
	Trustee Act, 1925.	
	S. 25 -	In subsection (4), after the words "execution thereof," there shall be inserted the words "or where not executed within the United Kingdom within ten days after its receipt in the United Kingdom." 5
	S. 26 -	In subsection (1) for the words "which may have accrued or been claimed" there shall be substituted the words "which may have accrued and been claimed." 10
	Universities and College Estates Act, 1925.	15
	S. 3 -	In paragraph (i) of subsection (4), for the words "a condition of re-entry on the rent not being paid within a time therein specified, not exceeding thirty days," there shall be substituted the words "the statutory powers and remedies for the recovery of the rent shall apply." 20
		25

**Law of Property (Amendment)
Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF BRISTOL.

In the Schedule, page 5, line 12, at ~~end~~ insert the following new paragraph:—

(“ At the end of subsection (1) there shall be inserted the following paragraph:—

“ Where there are trustees for the purposes of this Act of the instrument under which there is a tenant for life or statutory owner but there are no trustees for those purposes of a prior instrument, being one of the instruments by which a compound settlement is constituted, those trustees shall, unless and until trustees are appointed of a prior instrument or of the compound settlement, be the trustees for the purposes of this Act of the compound settlement.”)

Settled
Land Act,
1925.
s. 31.

(23 a)



**Law of Property
(Amendment). [H.L.]**

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to amend certain enactments
relating to the Law of Property and
Trustees.

The Lord Chancellor.

Ordered to be printed 25. h March 1926.

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(39)

Law of Property (Amendment) Bill. [H.L.]

COMMONS AMENDMENTS.

[The references are to Bill No. (39).]

Clause 1.

Page 1.

Line 7, leave out from (“ prison ”) to (“ prior ”) in line 10 and insert (“ on whom the powers of a “ tenant for life are conferred by paragraph (ix) of “ subsection (1) of section twenty of that Act “ from conveying or creating a legal estate “ subject to a ”)

Clause 2.

Page 2.

Line 24, leave out (“ if he is a tenant from year to “ year ”)

Line 29, at end insert (“ given by the persons so “ severally entitled ”)

Lines 30 and 31, leave out (“ expiration of the then “ current year of tenancy ”) and insert (“ same “ time as the original notice ”)

Line 31, leave out from (“ and ”) to the end of line 34 and insert (“ such acceptance shall have “ effect as if it were the acceptance of a notice to “ quit to which paragraph (d) of subsection (7) of “ section twelve of the said Act applies ”)

Line 42, after (“ Chancellor ”) insert (“ and in “ relation to the property of a bankrupt and “ property subject to a deed of arrangement, “ includes the trustee in bankruptcy and the “ trustee under the deed respectively ”)

Clause 3.

Page 3.

Line 5, after (" its ") insert (" net ")

Line 5, after (" income ") insert (" after payment
" of outgoings ")

Clause 4.

Page 3.

Line 27, leave out from (" as ") to the end of subsection (1), and insert (" if the registration had
" been made at the time when the charge, instrument, or matter was created, entered into,
" made or arose, and the date at which the
" registration so takes effect shall be deemed to
" be the date of registration; and where any
" two charges, instruments, or matters are contemporaneous, and one (whether or not protected by a priority notice) is subject to or
" dependent on the other which is protected by
" a priority notice, the subsequent or dependent
" charge, instrument or matter shall be deemed
" to have been created, entered into or made,
" or to have arisen after the registration of the
" other.")

Line 32, leave out subsection (2), and insert :

(" (2) Where a purchaser has obtained an official certificate of the result of search, any entry which is made in the register after the date of the certificate and before the completion of the purchase, and is not made pursuant to a priority notice entered on the register before the certificate is issued, shall not, if the purchase is completed before the expiration of the second day after the date of the certificate, affect the purchaser.")

Page 4.

Line 1, leave out from (" the ") to the end of paragraph (b) and insert (" times and order at and in
" which applications and priority notices are to be
" registered ")

Clause 5.

Page 4.

Line 19, at end insert the following new clause :

(“ . Section thirteen of the Settled Land Act, 1925 Amendment
(which relates to dispositions not taking effect until a of 15 Geo. 5.
vesting instrument is made) shall have effect as if at c. 18. s. 13.
the end thereof the following proviso were inserted:—

Nothing in this section affects the creation or
transfer of a legal estate by virtue of an order of
the court or the Minister or other competent
authority.”)

Clause 6.

Page 4.

Line 23, at end insert (“ and shall have effect without
“ prejudice to any title acquired by a purchaser
“ or any registration effected before the passing of
“ this Act ”)

Schedule.

Page 5.

Line 4, at the beginning insert —

(“ Law of Property
Act, 1922.

S. 43 - - In subsection (8), for the words “ shall be
“ treated as purchase money ” there
shall be substituted the words “ shall
“ be treated as interest upon purchase
“ money.” ”)

Line 4, after the last amendment insert—

(“ Schedule XIII., At the end of paragraph 13 the follow-
Part II. ing words shall be inserted—

For the purposes of this paragraph
the right of a tenant to demise or
otherwise deal with land without
the licence of the lord shall not be
deemed to be restricted by reason
only that by custom or otherwise
the transaction has to be effected by
surrender and admittance, or by
customary assurance or in any other

Schedule.

Page 5.

particular manner, and customary payments have to be made in respect of the transaction.”)

Line 6, at the beginning insert—

(“ S. 1 - - At the end, there shall be inserted the following subsection :—

“ (7) This section does not apply to land held upon trust for sale.”

S. 3 - - In this section after the word “ Land,” where it first occurs, there shall be inserted the words “ not held upon “ trust for sale.” ”)

Line 34, at end insert—

(“ S. 78 - - At the end of subsection (1) there shall be inserted the words “ This subsection “ operates without prejudice to the “ rights of any person claiming under “ a disposition for valuable consideration “ of any such money securities or “ proceeds, made before the commence- “ ment of this Act.” ”)

Page 6.

Line 4, at end insert—

(“ S. 2 - - For subsection (2) from the beginning to “ the words “ are either,” there shall be “ substituted the words “ Where the “ legal estate affected is subject to a “ trust for sale, then if at the date of “ a conveyance made after the com- “ mencement of this Act under the “ trust for sale or the powers conferred “ on the trustees for sale, the trustees “ (whether original or substituted) are “ either ”

In that subsection for the words “ such “ equitable interest or power ” there shall be substituted the words “ any “ equitable interest or power having “ priority to the trust for sale.” ”)

Schedule.

Page 6.

Line 26, at end insert—

“ “ In the case of a trust for sale, not being a trust for sale created by or in pursuance of the powers conferred by this or any other Act, this subsection shall not apply unless the contrary intention appears in the disposition creating the trust.” ”)

Line 45, at end insert :—

(“ S. 28 - - In subsection (1), after the word “ minority ” there shall be inserted the words
“ and where by statute settled land is
“ or becomes vested in the trustees of
“ the settlement upon the statutory
“ trusts, such trustees and their suc-
“ cessors in office shall also have all the
“ additional or larger powers (if any)
“ conferred by the settlement on the
“ tenant for life, statutory owner or
“ trustees of the settlement.” ”)

S. 35 - - At the end the following paragraph shall be inserted :

“ Where—

- (a) an undivided share was subject to a settlement, and
- (b) the settlement remains subsisting in respect of other property, and
- (c) the trustees thereof are not the same persons as the trustees for sale,

then the statutory trusts include a trust for the trustees for sale to pay the proper proportion of the net proceeds of sale or other capital money attributable to the share to the trustees of the settlement to be held by them as capital money arising under the Settled Land Act, 1925.”

S. 36 - - At the end of subsection (2) the following words shall be inserted :—

“ Nothing in this Act affects the right of a survivor of joint tenants, who is solely and beneficially interested, to deal with his legal estate as if it were not held on trust for sale.” ”)

Schedule.

Page 7.

Line 10, at end insert :—

- (“ S. 94 - - In subsection (2) for the words “ date of
“ the original advance ” there shall be
substituted the words “ time when the
“ original mortgage was created.”
- S. 96 - - At the end of subsection (2) the following
proviso shall be inserted :—“ In this
“ subsection notice does not include
“ notice implied by reason of registra-
“ tion under the Land Charges Act,
“ 1925, or in a local deeds register.”
- S. 125 - - In subsection (2) for the words “ an office
“ copy ” there shall be substituted the
words “ a copy.” ”)

Line 26, leave out from the beginning to the end of
line 33 and insert :—

(“ At the end of paragraph 7 there shall be
inserted the following paragraph :—

“ (m) To vest in any person any legal
estate affected by any rent covenants or
conditions if, before any proceedings are
commenced in respect of the rent
covenants or conditions, and before any
conveyance of the legal estate or dealing
therewith inter vivos is effected, he or
his personal representatives disclaim it
in writing signed by him or them.” ”)

Line 34, at the beginning insert :—

(“ In paragraph 1 (3), for the words “ term
“ of years absolute,” there shall be
substituted the words “ mortgage, and
“ free from any interests, powers and
“ charges subsisting under the settle-
“ ment, which have priority to the
“ interests of the persons entitled to
“ the undivided shares.”

In paragraph 1 (4) (iii) for the words “ vest
“ the land ” there shall be substituted
the words “ thereupon the land shall
“ by virtue of this Act vest.” ”)

Schedule.

Page 7.

Line 40, at end insert :—

(“ In paragraph 1 (12) after the word
“ include ” there shall be inserted the
words “ a legal rentcharge affecting the
“ entirety.”

At the end of paragraph 3 the following
new paragraph shall be inserted :—

“ 4. Where, immediately before the
commencement of this Act, there are
two or more tenants for life of full age
entitled under the same settlement in
undivided shares, and, after the cesser
of all their interests in the income of
the settled land, the entirety of the land
is limited so as to devolve together (not
in undivided shares), their interests
shall, but without prejudice to any
beneficial interest, be converted into a
joint tenancy, and the joint tenants and
the survivor of them shall until the said
cesser occurs, constitute the tenant for
life for the purposes of the Settled Land
Act, 1925, and this Act.” ”)

Page 8.

Line 14, at end insert :

(“ S. 27 - - In subsection (1) for the words “ in a
“ daily London newspaper and also, if
“ the property includes land not situ-
“ ated in London, in a daily or weekly
“ newspaper circulating in the district
“ in which the land is situated ” there
shall be substituted the words “ in a
“ newspaper circulating in the district
“ in which the land is situated.” ”)

Line 14, after the last amendment insert :—

(“ Land Charges
Act, 1925.

S. 10 - - In Class C (iii) at the end, the following
proviso shall be inserted :—

“ Provided that a charge given by
way of indemnity against rents equi-
tably apportioned or charged exclusively

Schedule.

Page 8.

on land in exoneration of other land and against the breach or non-observance of covenants or conditions, shall not be deemed to be a general equitable charge and shall not be registrable as a land charge under this Act."

For subsection (6) the following subsection shall be substituted :—

"In the case of a general equitable charge, restrictive covenant, equitable, easement or estate contract affecting land within any of the three ridings and in the case of any other land charge (not being a local land charge) created by a document which shows on the face of it that the charge affects land within any of those ridings, registration shall be effected in the prescribed manner in the appropriate local deeds registry in place of the registry."

S. 15 - - At the end of subsection (1) the following paragraph shall be inserted :—

"For the purposes of this section any sum which is recoverable by a local authority under any of the Acts aforesaid from successive owners or occupiers of the property in respect of which the sum is recoverable shall, whether such sum is expressed to be a charge on the property or not, be deemed to be a charge."

At the end of paragraph (a) of subsection (6) there shall be inserted the words "whether by reference to the estate owner or to the land affected or otherwise" and paragraph (b) of the same subsection shall be omitted.

For subsection (7) the following subsection shall be substituted :—

"The foregoing provisions of this section shall apply to—

(a) any town planning scheme made by or any authority or resolution to prepare or adopt a town planning scheme, given to or passed by,

Schedule.

Page 8.

a local authority, whether made, given or passed before or after the commencement of this Act ; and

(b) any prohibition of or restriction on the user or mode of user of land or buildings imposed by a local authority after the commencement of this Act by order, instrument or resolution, or enforceable by a local authority under any covenant or agreement made with them after the commencement of this Act, or by virtue of any conditions attached to a consent, approval or licence granted by a local authority after that date, being a prohibition or restriction binding on successive owners of the land or buildings, and not being—

(i) a prohibition or restriction operating over the whole of the district of the authority or over the whole of any contributory place thereof ; or

(ii) a prohibition or restriction which is, or which may become, enforceable by virtue of a town planning scheme ; or

(iii) a prohibition or restriction imposed by a covenant or agreement made between a lessor and lessee ; as if the scheme, resolution, authority, prohibition or restriction were a local land charge, and the same shall be registered by the proper officer as a local land charge accordingly.” ”)

**Law of Property
(Amendment) Bill.**
[H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 7th June 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingway, London, W.C. 2; 28, Abingdon
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(90)



A

B I L L

INTITULED

An Act to make better provision for the protection A.D 1926.
against lead poisoning of persons employed in
painting buildings. —

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

1.—(1) The Secretary of State may make regula- Regulations
as to use of
lead paint.
tions for preventing danger from lead paint to persons
employed in or in connection with the painting of
buildings, and in particular—

- 10 (a) for prohibiting the use of any lead compound
except in the form of paste or of paint ready for
use;
- 15 (b) for the prevention of danger arising from the
application of lead paint in the form of
spray;
- (c) for prohibiting dry rubbing down and scraping;
- 20 (d) for providing for the periodical medical examina-
tion of persons employed in or in connection
with painting with lead paint, and for the
suspension from such employment of persons
whose health is or appears likely to be in-
jurious affected thereby;
- 25 (e) for securing that facilities for washing during,
and on cessation of, work are afforded to persons
employed in or in connection with painting;

*Lead Paint (Protection [16 & 17 GEO. 5.]
against Poisoning).*

A.D. 1926.
—

- (f) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint; and
(g) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken. 5

(2) The provisions of sections eighty, eighty-one and eighty-four of the Factory and Workshop Act, 1901 (which relate to procedure in connection with the making of regulations), shall apply as respects regulations made under this section. 10

Prohibition of employment of women and young persons in painting buildings with lead paint.

2. On and after the nineteenth day of November, nineteen hundred and twenty-seven, it shall not be lawful to employ any woman or young person in painting any part of a building with lead paint: 15

Provided that this section shall not apply to the employment of

- (a) persons employed as apprentices in the painting trade under arrangements approved by an order of the Secretary of State made after consultation with the organisations, if any, representative of the employers and workers in the trade; or 20
(b) women or young persons in such special decorative or other work (not being work of an industrial character) as may be excluded from the provisions of this section by an order of the Secretary of State. 25

Application of certain provisions of the Factory and Workshop Act, 1901.

3. The provisions of section seventy-three (which relates to notification of diseases in factories) so far as they relate to cases of lead poisoning, sections eighty-five and eighty-six (which relate respectively to breaches and publication of regulations), sections one hundred and nineteen to one hundred and twenty-one (which relate to powers and duties of inspectors), and Part IX. (which relates to legal proceedings) of the Factory and Workshop Act, 1901, shall apply in any case where persons are employed in painting buildings as if the places where they are employed were factories, and as if the persons by whom they are employed were the occupiers of the factories, and with such further or other modifications as may be made by order of the 30 35 40

as if the persons by whom they are employed were the occupiers of the factories, and with such further or other modifications as may be made by order of the Secretary of State for the purpose of making those provisions applicable to the painting of buildings.

A.D. 1926.

4.—(1) Every person who employs persons in painting buildings shall send to the Inspector of Factories for the district in which his office is situated a notice in writing stating his name and the address of his office, and shall keep at his office a register which shall be available for inspection by an inspector of factories at all reasonable times, containing such particulars as to the persons so employed by him, and as to the work on which they are employed as may be prescribed, and shall make such returns to the Inspector of Factories for the district as may be prescribed :

Registers,
returns, &c.

Provided that this section does not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.

(2) Any person failing to comply with the requirements of this section shall be liable on summary conviction to a fine not exceeding three pounds.

5.—(1) Where an inspector under the Factory and Workshop Act, 1901, suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance.

Power to
take sam-
ples.

(2) If any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable on summary conviction to a fine not exceeding three pounds :

Provided that any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

(3) A certificate purporting to be a certificate by the Government Chemist at the Government Laboratory as to the result of an analysis of a sample under this section shall, in any proceedings under this Act, be evidence of

A.D. 1926.

—

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for a contravention of this Act, to publish or disclose to any person the results of an analysis made under this section.

5

If any person acts in contravention of the provisions of this subsection, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Application
to employ-
ment under
the Crown.

6. This Act shall apply where persons are employed in painting buildings by or under the Crown in like manner as if the employers were private persons.

10

Definitions.

7. In this Act the expression "lead paint" means any paint, paste, spray, stopping, filling, or other material used in painting which, when treated in a manner prescribed by rules made by the Secretary of State yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis; and the expression "building" includes fixtures.

15
20

Short title,
construc-
tion, com-
mencement
and extent.

8.—(1) This Act may be cited as the Lead Paint (Protection against Poisoning) Act, 1926, and shall be construed as one with the Factory and Workshop Acts, 1901 to 1920.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven.

25

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



**Lead Paint (Protection
against Poisoning).**

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to make better provision for the protection against lead poisoning of persons employed in painting buildings.

(Brought from the Commons 4th August 1926.)

Ordered to be printed 25th November 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingsway, London, W.C. 2;
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(180)

Legitimacy. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Legitimation by subsequent marriage of parents.
2. Declarations of legitimacy of legitimated persons.
3. Rights of legitimated persons, &c., to take interests in property.
4. Rights of spouse and issue of illegitimate child dying before marriage of parents.
5. Personal rights and obligations of legitimated persons.
6. Death duties.
7. Provisions as to persons legitimated by extraneous law.
8. Right of illegitimate child and mother of illegitimate child to succeed on intestacy of the other.
9. Savings.
10. Interpretation.
11. Short title and commencement.

SCHEDULE.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law relating to children born out of wedlock. A.D. 1926.

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

1.-(1) Subject to the provisions of this section, where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, the marriage shall, if
10 the father of the illegitimate person was or is at the date of the marriage domiciled in England or Wales, render that person, if living, legitimate from the commencement of this Act, or from the date of the marriage, whichever last happens.

*Legitima-
tion by
subsequent
marriage of
parents.*

15 (2) Nothing in this Act shall operate to legitimate a person whose father or mother was married to a third person when the illegitimate person was born.

(3) The legitimation of a person under this Act does not enable him or his spouse, children or remoter issue to
20 take any interest in real or personal property save as is hereinafter in this Act expressly provided.

(4) The provisions contained in the Schedule to this Act shall have effect with respect to the re-registration of the births of legitimated persons.

A.D. 1926.
—
Declara-
tions of
legitimacy
of legiti-
mated
persons.
21 & 22 Vict.
c. 93.

2.—(1) A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may, whether domiciled in England or elsewhere and whether a natural-born British subject or not, present a petition under the Legitimacy Declaration Act, 1858, and that Act, subject to such necessary modifications as may be prescribed by rules of court, shall apply accordingly. 5

(2) A petition under the said Act may be presented by any such person as aforesaid to the county court instead of to the High Court, and the county court on such a petition being presented shall have all such jurisdiction as by the said Act is conferred upon the High Court: 10

Provided that where a petition is presented to the county court, the county court, if it considers that the case is one which owing to the value of the property involved or otherwise ought to be dealt with by the High Court, may, and if so ordered by the High Court shall, transfer the matter to the High Court, and on such transfer the proceeding shall be continued in the High Court as if it had been originally commenced therein. 15 20

Rights of
legitimated
persons, &c.,
to take
interests in
property.

3.—(1) Subject to the provisions of this Act, a legitimated person and his spouse, children or more remote issue shall be entitled to take any interest— 25

- (a) in the estate of an intestate dying after the date of legitimation;
- (b) under any disposition coming into operation after the date of legitimation;
- (c) by descent under an entailed interest created after the date of legitimation; 30

in like manner as if the legitimated person had been born legitimate.

(2) Where the right to any property, real or personal, depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority. 35 40

(3) Where property real or personal or any interest therein is limited in such a way that, if this Act had not been passed, it would (subject or not to any preceding limitations or charges) have devolved (as nearly as the law permits) along with a dignity or title of honour, then nothing in this Act shall operate to sever the property or any interest therein from such dignity, but the same shall go and devolve (without prejudice to the preceding limitations or charges aforesaid) in like manner as if this Act had not been passed. This subsection applies, whether or not there is any express reference to the dignity or title of honour and notwithstanding that in some events the property, or some interest therein, may become severed therefrom.

A.D. 1926;
—

(4) This section applies only if and so far as a contrary intention is not expressed in the disposition, and shall have effect subject to the terms of the disposition and to the provisions therein contained.

4. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his real or personal property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been born legitimate.

Succession
on intestacy
of legiti-
mated
persons and
their issue.

5. Where an illegitimate person dies after the commencement of this Act and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Act with respect to the taking of interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person (including those relating to the rate of death duties) shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Application
to illegiti-
mate per-
son dying
before
marriage of
parents.

6. A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and, subject to the provisions of this Act, the provisions of any Act

Personal
rights and
obligations
of legiti-
mated
persons.

A.D. 1926. relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

Death
duties

7. Where a legitimated person or any relative of a legitimated person takes any interest in real or personal property, any succession legacy or other duty which becomes leviabie after the date of legitimation shall be payable at the same rate as if the legitimated person had been born legitimate. 5
10

Provisions
as to per-
sons legiti-
mated by
extraneous
law.

8.—(1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than England or Wales, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in England and Wales be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage, whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law. 15
20

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person (including those relating to the rate of death duties) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, been so recognised; and, accordingly, this Act shall have effect as if references therein to a legitimated person included a person so recognised as having been legitimated. 25
30
35

(3) For the purposes of this section, the expression "country" includes Scotland and any other part of His Majesty's Dominions, as well as a foreign country.

Right of
illegitimate
child and
mother of

9.—(1) Where, after the commencement of this Act, the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respects all 40

or any of her real or personal property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

A.D. 1926.

—
illegitimate
child to
succeed on
intestacy of
the other.

(2) Where, after the commencement of this Act, an illegitimate child, not being a legitimated person, dies intestate in respect of all or any of his real or personal property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

(3) This section does not apply to or affect the right of any person to take by purchase or descent any entailed interest in real or personal property.

(4) This section shall apply to Scotland with the substitution of "heritable" for "real" and "moveable" for "personal."

10.—(1) Nothing in this Act shall affect the succession to any dignity or title of honour or render any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.

Savings.

(2) Nothing in this Act shall affect the operation or construction of any disposition coming into operation before the commencement of this Act, or affect any rights under the intestacy of a person dying before the commencement of this Act.

11. For the purposes of this Act, unless the context otherwise requires:—

Interpretation.

30 The expression "legitimated person" means a person legitimated by this Act;

35 The expression "date of legitimation" means the date of the marriage leading to the legitimation, or where the marriage occurred before the commencement of this Act, the commencement of this Act;

The expression "disposition" means an assurance of any interest in property by any instrument whether inter vivos or by will;

A.D. 1926.

—

The expression “disposition” means an assurance of any interest in property by any instrument whether inter vivos or by will;

The expression “intestate” has the same meaning as in the Administration of Estates Act, 1925, and “will” includes “codicil”;

The expression “entailed interest” has the same meaning as in the Law of Property Act, 1925.

Short title
and com-
mencement.

12.—(1) This Act may be cited as the Legitimacy Act, 1926. 10

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven.

(3) The provisions of this Act shall, save as therein otherwise expressly provided, extend only to England and Wales. 15

SCHEDULE.

A.D. 1926.

REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS.

1. The Registrar-General may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Births and Deaths Registration Acts, 1836 to 1901, and such re-registration shall be effected in such manner and at such place as the Registrar-General may by regulations prescribe :
- 10 Provided that the Registrar-General shall not authorise the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless—
- 15 (a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section seven of the Births and Deaths Registration Act, 1874 ; or
- 20 (b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction ; or
- (c) a declaration of the legitimacy of the legitimated person has been made under the Legitimacy Declaration Act, 1858, as amended by this Act.
2. It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar-General information with a view to obtaining the re-registration of the birth of that person ; that is to say :—
- 30 (a) If the marriage took place before the commencement of this Act, within six months of such commencement ;
- (b) If the marriage takes place after the commencement of this Act, within three months after the date of the marriage.
- 35 3. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar-General may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Act, or either of them,
- 40 to give him such information concerning the matter as he may

A.D. 1926. — consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a registrar's office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice. 5

4. The failure of the parents or either of them to furnish information as required by this schedule in respect of any legitimated person shall not affect the legitimation of that person.

5. No fee for re-registration under this schedule shall be charged if the necessary information for the purpose is furnished within the time above specified; but in any other case there shall be charged in respect of such re-registration such fees, not exceeding in the aggregate ten shillings, as may be prescribed by regulations under this schedule. 10 15

6. This schedule shall be construed as one with the Births and Deaths Registration Acts, 1836 to 1901.

Legitimacy. [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the law relating to children born out of wedlock.

The Lord Chancellor.

Ordered to be printed 27th April 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
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[Price 3d. Net.]

(52)

Legitimacy Bill. [H.L.]

COMMONS AMENDMENT.

[The Reference is to Bill (No. 91).]

Clause 6.

Page 4.

Line 4, at end insert as a new subsection :

“() Where the marriage leading to the legitimation of a child took place before the fourth day of January, nineteen hundred and twenty-six, and the father of the child died before that date, the child shall, for the purpose of determining rights to pension or additional allowance under the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, be deemed to have been a child of the marriage living at that date :

Provided that nothing in this subsection shall confer any right to claim any payment in respect of any period prior to the date of legitimation.”)

Legitimacy Bill. [H.L.]

COMMONS AMENDMENT.

Ordered to be printed 14th December 1926.

LONDON:
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(212)

Liquor (Popular Control). [H.L.]

MEMORANDUM.

The Bill gives to the inhabitants of licensing districts the right of deciding periodically whether they are to have no change from the system of commercial competitive ownership of the liquor trade in their area, or whether the trade is to be reorganised as at Carlisle, or whether all licences are to be abolished. Electors, by means of the alternative vote, can vote preferentially in favour of one choice and alternatively in favour of a second one. If an area votes for the reorganisation of the liquor trade a central body (called the Board of Management) appointed with the approval of and dismissible by Parliament, but otherwise bearing some such relation to Parliament as do bodies like the Port of London or Mersey Dock Board, takes over the liquor trade in the area concerned. This Board of Management is not a licensing authority, nor has it the powers of the war-time Central Control Board (Liquor Traffic) to vary hours, &c. Its functions are limited to the production and distribution of intoxicants in those areas which have voted for reorganisation, subject to the supervision of the justices and of a central advisory council (on which temperance bodies and private traders will be represented) and of local advisory committees (consisting of licensing justices and others). In reorganisation areas it will be the duty of the local committees to notify the Board of Management as to the number of public-houses required in their areas, where they are wanted, and the number to be closed as redundant. The Board will make such structural alterations as may be desired for the supply of food and non-intoxicants, and observe the other conditions laid down. The Board will not take over hotels or clubs, but will make regulations as provided for the sale and supply of intoxicants in reorganised areas.

A central compensation fund is created. Into this the monopoly value paid for new licences and all profits from the reorganised areas will be paid by the Board of Management. It is also proposed to pay into this central fund a trade levy based on the scheme in the 1904 Licensing Act. This fund will be available for the payment of compensation in areas which vote for no

licence or reorganisation. It will not be under the control of the Chancellor of the Exchequer.

If the income of the fund were at any moment insufficient to meet liabilities, the fund has borrowing powers. Security for the use of these powers is based on the national tax revenue from intoxicants.

The Bill extends to the members of the licensed trade the principle of contributory insurance against certain definite risks. This has been already applied compulsorily to large classes of the community in the schemes for insurance against the risks of unemployment and of sickness.

Where an area votes for reorganisation the owners of properties acquired will be paid off as to capital by means of annuities, terminable in a maximum period of 15 years. During this period 5 per cent. interest will be paid each year on such part of the capital as has not then been redeemed. Compensation for loss of employment—depending on the nature and length of such employment—will also be paid.

The principle of a time limit (already recognised by Parliament) is adopted where monopoly rights of sale (*i.e.*, licences) are concerned. During this period the Bill suspends the operation of the reduction scheme initiated by the 1904 Act and guarantees security to the owners of all licences but when the period is over the Bill gives back to the nation its unfettered control over licences. As it is proposed to hold polls before the end of the time limit, compensation for licence values (in case both of a reorganisation and of a no-licence vote) will be paid during this period for the number of unexpired years. Full compensation based on a valuation will be paid for land, buildings and fixtures acquired at any time.

No drastic alteration in the existing licensing system is possible under the Bill without a direct mandate from the inhabitants of the area concerned, who are given freedom of choice either to remain as they are or to try an experiment in no licence or to adopt the "Carlisle" system of reorganisation of the drink trade. No precipitate or universal change is imposed by the Bill. Nor is an area voting either for no licence or for reorganisation committed to such system in perpetuity.

Liquor (Popular Control). [H.L.]

ARRANGEMENT OF CLAUSES.

PART I.

POLLS.

Clause.

1. Provisions for the taking of first polls under the Act.
2. Provisions for the taking of subsequent polls under the Act.
3. Power to postpone polls.
4. Voting at and effect of polls.
5. Use of transferable vote in certain cases.
6. Date of coming into operation of a reorganisation or no-licence resolution.
7. Constitution of polling areas.
8. Supplemental provisions as to polls.

PART II.

ESTABLISHMENT OF A BOARD OF MANAGEMENT AND CENTRAL ADVISORY COUNCIL.

9. Board of Management.
10. Central Advisory Council.

PART III.

EFFECT OF RESOLUTIONS.

11. No-change resolution.
12. Reorganisation resolution.
13. No-licence resolution.

PART IV.

PROVISIONS AS TO REORGANISATION.

14. Local advisory committees.
15. Powers of Board, &c.
16. Vesting of property in Board.
17. Purchase and sale of property by Board.
18. Acquisition of breweries by Board.
19. Sunday closing.

PART V.

FINANCIAL ARRANGEMENTS AND COMPENSATION.

Clause.

20. Compensation fund.
21. Payments to compensation fund.
22. Information to be furnished to the Board.
23. Compensation payable in reorganisation areas.
24. Compensation payable in no-licence areas.
25. Compensation in certain other cases.
26. Time limit for compensation in no-licence and reorganisation areas.
27. Datum period.
28. Apportionment of compensation.
29. Loss of employment.
30. Payment of compensation.

PART VI.

MISCELLANEOUS PROVISIONS.

31. As to disputed compensation.
32. Renewal of old on-licences, and grant of new licences.
33. Re-granting of licences.
34. Transfer of Carlisle State Management District.
35. Accounts of Board of Management.
36. Assurances to the Board of Management.
37. Savings for passenger vessels and railway restaurant cars.
38. Rules, &c. to be laid before Parliament.
39. Repeals.
40. Interpretation.
41. Short title.
42. Extent.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the Law relating to the manu- A.D. 1926.
facture, sale, and supply of intoxicating liquor, —
and to provide for the popular control thereof
and of the grant and renewal of licences, and
for other purposes incidental thereto.

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

PART I.

POLLS.

1. Subject to and in accordance with the provisions Provisions
of this Act, a poll of the electors in every polling area (as for the
10 constituted under this Act) shall be taken upon the taking of
questions in this section specified in the third year after first polls
the passing of this Act, and the questions to be submitted under the
to the electors thereat shall be the adoption in and for Act.
that area of either—

15 (a) a no-change resolution; or
(b) a reorganisation resolution; or
(c) a no-licence resolution.

2. Subject to and in accordance with the provisions Provisions
of this Act, a poll of the electors in every polling area (as for the
20 constituted under this Act) shall be taken upon the taking of

- A.D. 1926.]
 subsequent]
 polls under]
 the Act.]
- questions in this section specified in each of the seventh, eleventh, and fifteenth years after the passing of this Act and in each fourth year thereafter, and the questions to be submitted to the electors in each such area at any such poll shall be :— 5
- (a) If a no-change resolution is in force in that area, the continuance of that resolution or the adoption of either a reorganisation resolution or a no-licence resolution : 5
- (b) If a reorganisation resolution is in force in that area, the continuance of that resolution or the adoption of a no-licence resolution : 10
- (c) If a no-licence resolution is in force in that area, the continuance of that resolution or the adoption of a reorganisation resolution : 15
- Provided that if at each of two consecutive polls taken in any polling area in pursuance of this Act either a reorganisation or a no-licence resolution is passed, no further poll shall be taken in that area earlier than in the eighth year after the taking of the last poll in that area, nor unless such poll shall be demanded by a requisition transmitted to the Secretary of State and signed by not less than one-twentieth of the electors entitled to vote at a poll in that area or by not less than ten thousand of such electors. 20 25
- 3.**—(1) If a general election of members to serve in Parliament shall be held in any year in which any poll under this Act is required by this Act to be taken, the Secretary of State may by order postpone the taking of such poll for one year. 30
- (2) The Secretary of State after considering the amount for the time being standing to the credit of the central fund hereinafter mentioned may by order postpone for one year the taking of the second and the third poll by this Part of this Act required to be taken, or of either of those polls. 35
- 4.**—(1) On a poll in any area in which three questions are submitted to the electors—
- (a) if fifty-five per cent. at least of the original votes recorded are in favour of a no-licence resolution such resolution shall be deemed to be carried ; 40
- Voting at and effect of polls.

(b) if a majority of the original or of the original and transferred votes recorded are in favour of a reorganization resolution such resolution shall be deemed to be carried; A.D. 1926.

5 (c) in any other case the no-change resolution or its continuance shall be deemed to be carried.

(2) On a poll in any area in which only two questions are submitted to the electors, if fifty-five per cent. at least of the votes recorded are in favour of a no-licence resolution, or of the continuance of a no-licence resolution, such resolution shall be deemed to be carried, otherwise the continuance or adoption (as the case may be) of a reorganization resolution shall be deemed to be carried.

15 (3) Any resolution carried at any poll taken in pursuance of this Part of this Act subsequent to the first poll shall supersede, if different therefrom, any resolution carried at any preceding poll.

20 5. On any poll in which the adoption of one of three resolutions is submitted, each elector shall have one transferable vote, and in giving his vote Use of transferable vote in certain cases.

(a) shall place on his ballot paper the figure 1 (in this Act referred to as the original vote) opposite the resolution for which he votes; and

25 (b) may in addition place on his ballot paper the figure 2 (in this Act referred to as the vote transferred) opposite the resolution which is next in the order of his preference.

Each ballot paper shall be counted as a vote in favour of the resolution indicated with the figure 1.
30 If on counting the votes it is found that neither the no-licence resolution nor the reorganisation resolution has been carried in accordance with the conditions above prescribed, the no-licence resolution shall be deemed to have been negatived and the papers marked with the
35 figure 1 against such resolution shall be examined and transferred in accordance with the preferences, if any, expressed upon them, to the resolution or resolutions marked with the figure 2 on such papers. If after this transfer the reorganisation resolution is found not to have
40 been carried, the no-change resolution shall be deemed to be carried.

A.D. 1926.

Date of coming into operation of a reorganisation or no-licence resolution.

6. A reorganisation resolution or a no-licence resolution shall come into operation in the area for which it is passed on the first day of October next after the passing thereof, and on and after that date such area shall become and be a reorganisation area or a no-licence area, as the case may be. 5

Constitution of polling areas.

7.—(1) As soon as may be after the passing of this Act the Secretary of State shall by order constitute polling areas for the purposes of this Act.

(2) Every polling area shall be either a local area as defined in the first column of the First Schedule to this Act or (with the consent of the local authorities of the local areas concerned) a combination of contiguous local areas as so defined : 10

Provided that the Secretary of State may constitute any area containing not less than one thousand five hundred houses constructed under the Housing Acts, 1890 to 1921, a separate polling area. 15

(3) Any order under this section may from time to time be revoked, amended, or varied by a like order. 20

Supplemental provisions as to polls.

8.—(1) A poll under this Part of this Act shall be taken on such day as the Secretary of State may fix, provided that the day so fixed for all polling areas in which a poll is required to be taken shall be the same, unless the Secretary of State, having regard to special circumstances affecting any polling area, shall fix a different day for that area : 25

Provided also that no poll shall be taken in the months of July, August or September.

(2) The electors entitled to vote at any such poll shall be the persons for the time being entitled to vote as parliamentary electors in any local area constituting or comprised in the polling area. 30

(3) Every such poll shall be by ballot.

(4) The returning officer at any such poll shall be the clerk of the local authority of the local area constituting the polling area, or, if more local areas than one are comprised in the polling area, then the clerk of the local authority of that local area so comprised which at the date of the poll has upon its register of parliamentary electors the greatest number of names. 35 40

(5) On the day on which such poll is taken in any polling area all premises in that area in which intoxicating liquor is sold by retail shall remain closed for the sale of such liquor until after the close of the poll, but nothing
5 in this section shall prohibit the sale to any person residing in such premises of intoxicating liquor for consumption at a meal supplied to such person in any room usually set apart for that purpose. A.D. 1926.

(6) The expenses of such poll (within such maximum scale as may be prescribed as hereinafter mentioned) shall be defrayed out of the central fund hereinafter mentioned.
10

(7) Subject to the provisions of this Act, the procedure at such poll, and the forms to be used thereat, and
15 the maximum scale of the expenses at any such poll shall be such as may be prescribed by rules made by the Secretary of State, and such rules may apply to such polls, with any suitable modifications, any enactments relating to parliamentary or local government elections
20 and to the prevention of corrupt and illegal practices thereat (including the penal provisions thereof).

PART II.

ESTABLISHMENT OF A BOARD OF MANAGEMENT AND CENTRAL ADVISORY COUNCIL.

25 9.—(1) As soon after the passing of this Act as the Secretary of State may deem it necessary, such number of persons as may be appointed by the Secretary of State shall form a board, to be called the Board of Management, for the purposes hereinafter mentioned. Board of Management.

30 (2) The Board of Management (in this Act referred to as "the Board") shall by that name be a body corporate, with perpetual succession and a common seal, and shall have power to hold land without licence in mortmain.

35 (3) The Board shall consist of a chairman and such other members as the Secretary of State may from time to time appoint.

(4) A person appointed to be a member of the Board shall hold office for such term and on such conditions
40 as may be determined by the Secretary of State on his appointment: Provided that the Board, or any member

A.D. 1926. thereof, shall be removable from office by the vote of both
— Houses of Parliament.

(5) A member of the Board whilst holding office shall not engage in any business other than the business of the Board. 5

(6) A member of the Board shall not during his continuance in that office be capable of being elected or of sitting as a member of the House of Commons.

(7) There shall be paid to each member of the Board such salary or remuneration as the Secretary of State may determine. 10

(8) The Board may employ such managers and servants as they may consider necessary for the efficient conduct of the business entrusted to the Board, and may, subject to the approval of the Secretary of State, fix the salary or remuneration of any such manager or servant : 15
Provided that no such remuneration shall be by way of commission in respect of sales of intoxicating liquor.

(9) The Board shall be at liberty to grant superannuation allowances to managers and servants employed by them upon the conditions and according to the scale for the time being in force in relation to civil servants, but nothing in this Act shall constitute any such manager or servant a civil servant. 20

(10) The salaries or remuneration of the members of the Board, and of their managers and servants, and any such superannuation allowance shall be paid out of the income of the central fund hereinafter mentioned. 25

(11) The Secretary of State may make regulations as to the meetings and procedure of the Board and the committees thereof. Subject to any such regulations, the Board may regulate their meetings and procedure and the meetings and procedure of their committees, and shall have power to delegate any of their powers and duties to committees consisting of one or more of the members of the Board. 30 35

(12) No person in the employment of the Board shall address any public meeting or publish any literature or contribute any article to any journal or canvass for any votes in connection with any poll to be taken under the provisions of this Act or in any other manner 40

influence or endeavour to influence the voting at such poll: and if any person so employed infringes the provisions of this section he shall be liable to be summarily dismissed from his employment and to forfeit all super-annuation allowances and other benefits to which he would have been otherwise entitled by reason of that employment and to pay a fine on summary conviction not exceeding ten pounds.

A.D. 1926.

Central
Advisory
Council.

10 **10.**—(1) As soon after the passing of this Act as the Secretary of State may deem it necessary, the Secretary of State shall by order establish a council (in this Act referred to as “the Central Advisory Council”) consisting, as to not less than two-thirds of the members, of persons qualified to represent the views of associations or bodies interested in the trade in intoxicating liquor, of temperance associations, of labour organisations, and of local authorities.

20 (2) It shall be the duty of the Central Advisory Council to advise the Secretary of State and the Board on matters connected with their powers and duties under this Act.

(3) The Central Advisory Council shall meet at least once in every month.

25 (4) The Secretary of State and the Board shall take into consideration any advice or representation submitted by the Central Advisory Council.

(5) The term of office of a member of the Central Advisory Council shall be three years, and one-third of the members thereof shall retire in every year.

30 (6) The Secretary of State may from time to time, and at any time, alter the number of members of the Central Advisory Council and fill any vacancies therein, and may determine in which year the first or any additional members of the said council shall retire, and 35 may make regulations as to their meetings and procedure.

(7) The office of member of the Central Advisory Council shall be unpaid.

40 (8) The Secretary of State may, if he think fit, appoint a person already in the Government service to be secretary of the said council.

A.D. 1926.

PART III.

EFFECT OF RESOLUTIONS.

No-change
resolution.

11. So long as a no-change resolution is in operation in any area the law relating to the sale and supply of intoxicating liquor shall not be affected by this Act (save 5 as thereby otherwise expressly provided), and that area shall be a no-change area.

Reorgani-
sation
resolution.

12. On and after the date upon which any area becomes a reorganisation area, the Board shall have the sole control and management of the sale of intoxicating 10 liquor in that area, and no person shall without the authority in writing of the Board or except in accordance with any conditions imposed by the Board under this Act sell or distribute any intoxicating liquor in any premises situate in the area, and no licence, whether justices' or 15 excise, for the sale of intoxicating liquor shall without such authority be granted or renewed in respect of any premises within the area, and if any person sells or distributes any intoxicating liquor in contravention of this section he shall be liable on summary conviction to a 20 fine not exceeding two hundred pounds.

No-licence
resolution.

13. On and after the date upon which any area becomes a no-licence area, no person shall sell by retail any intoxicating liquor within the area, and no retail licence, whether justices' or excise, for the sale of intoxi- 25 cating liquor shall be granted or renewed in respect of any premises within the area, and the holder of a wholesale or manufacturer's licence shall not be entitled by virtue of such licence to sell any intoxicating liquor in the area, except to a trader for the purposes of his trade 30 or unless it is to be delivered and is delivered at an address outside the area, and it shall not be lawful to supply any intoxicating liquor in any club situate within the area, and it shall no longer be necessary for any such club to be registered under the Licensing (Consolidation) 35 Act, 1910.

Any person offending against the provisions of this section shall be liable to the same penalties as if he were selling intoxicating liquor within a no-change area without having obtained a licence.

PART IV.

A.D. 1926.

PROVISIONS AS TO REORGANISATION.

14.—(1) (a) As soon as may be after a reorganisa-
tion resolution shall have been passed in any area there
5 shall be established for that area, or (if the Secretary of
State thinks fit) for each local area comprised in that
area, a committee (in this Act referred to as a “local
advisory committee”).

Local
advisory
committees.

(b) Such committee shall consist of such persons as
10 the Secretary of State shall appoint, provided that at
least one half of the persons so appointed shall be selected
from the licensing justices acting in and for the area.

(2) It shall be the duty of every local advisory
committee to advise the Board on matters relating to the
15 conduct of their business and the exercise of their powers
and duties in relation to the area for which the committee
is appointed, and the Board shall take into consideration
any advice or representation submitted by any local
advisory committee.

(3) The term of office of a member of a local advisory
committee shall be such as the Secretary of State may
20 determine in each particular case, and the Secretary of
State may from time to time and at any time alter the
number of members of any such committee and fill
25 vacancies therein.

(4) The office of member of a local advisory com-
mittee shall be unpaid.

15.—(1) In any reorganisation area (in this Part of
this Act referred to as “the area”) the Board may,
30 subject as hereinafter provided but without any justices’
licence (whether for the sale of intoxicating liquor or
otherwise), carry on the business of the sale of intoxicating
liquor and any business commonly carried on in conjunc-
tion with such sale, and may appoint any person to carry
35 on any such business on their behalf, and any such person
shall have the same powers as the Board of carrying on
business without a justices’ licence, but shall in all
other respects be subject to the statutory provisions
(including any provision penal or otherwise applied
40 by this Act) affecting the holders of licences, and the
occupiers of premises licensed, for any such business

Powers of
Board, &c.

A.D. 1926. — as aforesaid, in like manner as if he were the holder of the appropriate licences, and to any restrictions imposed by law on persons carrying on any such business as is carried on by him.

(2) An excise licence may be granted in respect of any premises in the area to any person authorised by the Board to sell intoxicating liquor, and in cases where, but for the provisions of this Act, such excise licence could not be granted except to the holder of a justices' licence, such person shall for all purposes be deemed to be the holder of a justices' licence, and the premises whereon such sale is carried on shall for all purposes be deemed to be licensed premises. 5 10

(3) The Board shall not carry on or authorise to be carried on the sale of intoxicating liquor— 15

(a) upon any premises which appear to the Board after consultation with the local advisory committee to be unnecessary for the accommodation of the neighbourhood; or

(b) upon any premises upon which the business of a grocer or provision dealer or any similar business is carried on. 20

(4) In respect of the sale of intoxicating liquor carried on by the Board or by any person on their behalf upon any premises the following conditions shall apply (that is to say):— 25

(a) No advertisement or announcement relating to the intoxicating liquor for sale on the premises shall be displayed on or about the exterior thereof: 30

(b) Adequate facilities shall (if and so far as in the opinion of the Board the same are required by the neighbourhood) be provided for the supply on the premises of food and non-intoxicating liquors, and in such case the structure of the premises shall, so far as may appear necessary, be adapted for that purpose. 35

(5) The Board may make their authority to sell intoxicating liquor subject to such conditions as they think necessary or expedient for the purposes of their 40

control and management of the sale of intoxicating liquor in the area, and such conditions may include all or any of the conditions mentioned in the last preceding subsection, and may also include conditions as to price, 5 quality and strength, and, if they think fit, a condition that the person authorised to sell intoxicating liquors shall only purchase such liquor or specified kinds of liquor from the Board. A.D. 1926.

(6) The Board shall not refuse their authority for 10 the sale of intoxicating liquor (*a*) upon any such on-licensed premises as do not vest in the Board as hereinafter provided, or (*b*) upon any premises in respect of which a wholesale dealer's licence is in force at the date of the passing of the reorganisation resolution: Provided nevertheless that nothing herein shall prevent the Board from 15 attaching to such authority any such conditions as are hereinbefore in this section referred to.

(7) No club which was not registered at the date of the passing of the reorganisation resolution shall after 20 such date be registered in the area without the consent in writing of the Board, and the Board shall be entitled to make such consent subject to any such conditions as are hereinbefore in this section referred to.

(8) The Board may impose any such conditions as 25 are hereinbefore in this section referred to on the supply of intoxicating liquor in any club in the area which was registered at the date of the passing of the reorganisation resolution.

(9) The Board may, if they think fit, themselves 30 manufacture any intoxicating liquor to be sold by them in the area and carry on any trade, manufacture, or business subsidiary or auxiliary to such manufacture.

(10) Nothing in this Act shall exempt the Board from the obligation to take out such excise licence as may 35 be appropriate to any business carried on by them, or by any person on their behalf, and any such excise licence may be granted to the Board or to any such person notwithstanding that no justices' licence is held by them or him.

40 (11) The Board may enter into any arrangement with the occupier of any premises or the owner of any business vesting in or acquired by the Board as hereinafter

A.D. 1926. — provided until such time as the said Board shall themselves take possession thereof or otherwise dispose of the same.

Vesting of property in Board.

16.—(1) Subject to the provisions of this Act, on the date on which any area becomes a reorganisation area—

There shall vest in and be transferred to the Board without any conveyance or assignment—

(a) the fee simple absolute in possession of any premises situate in the area in respect of which a justices' on-licence is in force on that date;

(b) the goodwill of the retail trade or business of a seller of intoxicating liquor carried on upon any premises situate in that area in respect of which a retail excise off-licence is in force at the date aforesaid;

(c) all fixed and loose plant, stock-in-trade, chattels and effects forming part of or used in connection with the trade or business of the sale of intoxicating liquor carried on upon the property mentioned in paragraphs (a) and (b) of this subsection.

(2) Provided as follows:—

No interest in any licensed premises shall vest in the Board—

(a) if such premises are refreshment rooms at a railway station; or

(b) if between the date of the passing of the resolution and the coming into operation thereof the Board give notice in writing to the holder of the licence or other person interested in the premises, or the holder of the licence or such other person give notice in writing to the Board objecting to such interest vesting in the Board on the ground that the premises are an hotel as defined in the second paragraph of the addendum to Part I. of the Second Schedule to this Act, and that such hotel is not property used or held for the

5 purposes of or in connection with the trade or business of a brewery acquired by the Board as hereinafter provided, or on the ground that the premises, not being an hotel, are used only as mentioned in the first paragraph of the said addendum.

A.D. 1926.
—

(3) If any dispute shall arise as to whether any premises, or any part thereof, do or do not vest in the Board under this section, the question shall, in default of agreement, be referred for determination to the Commissioners of Inland Revenue, and if the Commissioners decide that the premises are premises which vest in the Board, the premises shall be deemed to have vested in the Board at the date upon which the area became a reorganisation area, and in any case in which the Board claimed that the premises were premises which vested in them the holder of the licence shall be deemed to have been carrying on the business on behalf of the Board from that date and shall account to the Board for all the profits thereof.

17.—(1) The Board may by agreement purchase, take on lease or otherwise acquire any premises or any interest therein in the area for the purpose of carrying on the manufacture or sale of intoxicating liquor, or otherwise exercising and performing their powers and duties, and, in default of agreement, may compulsorily acquire any premises or any interest therein.

Purchase and sale of property by Board.

(2) The Board may sell and lease or agree to lease for any term and upon any conditions and to any person any property vested in or acquired by them.

(3) The Board may execute such repairs and alterations as they think fit in or upon any such property.

18.—(1) In any case in which during the three years next preceding the date upon which the area became a reorganisation area not less than fifty per centum of the intoxicating liquor manufactured in or supplied from any brewery, wherever situate, has been sold to persons carrying on business on premises within the area which vest in the Board in pursuance of this Part of this Act, the Board may, either by agreement or compulsorily, and shall, if required so to do by the person carrying on the business of the brewery, acquire the brewery and all property held by that person in connection with the brewery and with the business thereof (including any

Acquisition of breweries by Board.

A.D. 1926. — trade which is carried on as subsidiary or auxiliary to such business) wherever situate.

If any dispute shall arise as to the power or obligation of the Board to acquire such brewery and property, the same shall be referred to arbitration. 5

(2) In any case in which the amount of the intoxicating liquor so sold as aforesaid during the said three years has amounted to less than fifty per centum of the intoxicating liquor manufactured in or supplied from any brewery, wherever situate, but the acquisition of such brewery shall appear to the Board to be necessary or expedient for the purpose of the more efficient or economical exercise or discharge of their powers or duties under this Part of this Act in any area, they may by agreement acquire such brewery and property held therewith as described in the last preceding subsection, and, in default of agreement, the matter may be referred to arbitration and, if the arbitrator by his award declares that such acquisition is necessary or expedient for such purpose, they the Board shall be at liberty to acquire such brewery and property compulsorily : 10 15 20

Provided that nothing in this section shall authorise the Board to carry on the business of the sale by retail of intoxicating liquor upon any premises situate in a no-change area. 25

Sunday closing.

19.—(1) If at any time there shall be transmitted to the Secretary of State a requisition signed by not less than one-tenth of the persons for the time being entitled to vote as parliamentary electors in a reorganisation area, and demanding a poll under this section, a poll of such electors shall be taken on the question whether in the area there shall or shall not be permitted hours for the sale or supply of intoxicating liquor on Sundays. 30

(2) A poll under this section shall be taken on such day within six months after the requisition has been so transmitted as the Secretary of State shall fix, and the provisions of Part I. of this Act relating to the procedure at, and the expenses of, a poll under the said Part (subject to such modifications as the Secretary of State may by order prescribe) shall apply to a poll under this section. 35 40

(3) If at a poll under this section a majority of the votes recorded is in favour of the resolution that there shall be no permitted hours for the sale or supply of intoxicating liquor on Sundays in the area, then as from

the first day of January next following the day of the poll there shall be no permitted hours (within the meaning of the Licensing Act, 1921) during which intoxicating liquor may be sold or supplied on Sundays, Christmas Day, or Good Friday in any premises within the area for consumption either on or off the premises.

A.D. 1926.

PART V.

FINANCIAL ARRANGEMENTS AND COMPENSATION.

20. There shall be established a fund under the management of the Board, to be called the central compensation fund (in this Act referred to as the "central fund").

Compensation fund.

21.—(1) For the period of fifteen years from and after the passing of this Act there shall be imposed in every year in respect of all on-licences granted or renewed in respect of any premises a charge upon the annual value of such premises at the rates shown in the scale of charges set out in the first part of the Second Schedule to this Act, and in respect of all off-licences granted or renewed in respect of any premises a charge equal to the amount of the duty payable for the licence held in respect of such premises.

Payments to compensation fund.

(2) Charges payable under this section in respect of any licence shall be levied and paid together with and as part of the duties on the corresponding excise licence, but a separate account shall be kept by the Commissioners of Customs and Excise of the amount produced by those charges, and that amount shall in each year be paid over to the Board in accordance with rules made by the Treasury for the purpose.

(3) Such deductions from rent as are set out in the second part of the Second Schedule to this Act may, notwithstanding any agreement to the contrary (whether made before or after the commencement of this Act) be made by any holder of a licence who pays a charge under this section and also by any person from whose rent a deduction is made in respect of the payment of such a charge.

(4) In cases where the holder of an on-licence is bound by any covenant agreement or undertaking, or is otherwise under any direct or indirect obligation of any kind, to obtain a supply of intoxicating liquor from any

A.D. 1926. — person such person shall on the first day of October in each year during the said period pay to the Board a sum equal to the amount charged upon the premises and payable by the holder of the licence in pursuance of this section: and the amount so payable shall be 5 deemed to be a debt due from such person to the Board and shall be recoverable by the Board accordingly.

(5) All sums paid to the Board under this section shall be carried to and form part of the central fund.

(6) The Board shall in respect of any premises in a 10 reorganisation area which shall for the time being be used by the Board for the sale of intoxicating liquor pay to the central fund in each year a sum equal to the amount which would be imposed under this section in respect of the licence granted or renewed in respect of 15 such premises if a no-change resolution were in operation in that area and the Board were the holders of the appropriate licence.

(7) The Board shall pay into the central fund the proceeds realised by the sale or other disposal by them of 20 any property vested in or acquired by them, and the balance of the net profits of any business carried on by them after deducting therefrom all payments made by them under subsection (6) hereof and all other payments properly made by them in pursuance of this Act. 25

(8) The Board may, with the consent of and in accordance with rules made by the Secretary of State, borrow on the security of the central fund for the purpose of paying any compensation payable under this Act: and the repayment of any sums so borrowed 30 shall by way of further security be charged upon the revenue of Customs and Excise derived from the duties on the sale of intoxicating liquors and on the licences authorising the sale thereof.

(9) In the event of any sum so charged upon the 35 said revenue being paid in whole or in part therefrom, the Board shall repay the sum so paid to the Commissioners of Customs and Excise within a period not exceeding ten years; and shall in the meantime pay interest thereon at the rate of five per cent. per annum to the said 40 Commissioners in each year out of the moneys standing to the credit of the Central Fund, and also provide therefrom in each year a sum by way of a sinking fund

sufficient to effect the repayment of the capital within the specified period. A.D. 1926.

22. When a reorganisation or a no-licence resolution has been passed in any area—

Information to be furnished to Board.

5 (1) Any person claiming to be interested in any property or business or interest in respect of which after the coming into operation of the resolution in the area compensation may be payable as hereinafter provided shall, upon the request of the Board, furnish to the Board in the prescribed form and within the prescribed time :

15 (a) A return of all property or licences held by such person at the date of the return for the purpose of or in connection with the trade or business of manufacturer or seller of intoxicating liquor carried on by him ;

20 (b) A trading and profit and loss account (which shall include a return of any sums paid on account of excess profits duty during the period in question) in respect of such trade or business for each year of the datum period hereinafter mentioned ;

25 (c) Balance sheets of the assets and liabilities of such trade or business as at the commencement of the datum period hereinafter mentioned and at the close of each year thereof, together with true copies of any balance sheets published at any time during the same datum period ;

30 (d) Particulars of all debentures, debenture stock, mortgages, loans, charges, and securities existing at the date of the carrying of the resolution and affecting such trade or business or any property used in connection therewith and of the property (if any) charged thereby ;

35 (e) (If such person is a company) particulars of all shares and stock issued by such company and subsisting at the date of the carrying of the resolution and of the rights of the respective holders thereof in respect of profits and capital ;

40 (170) B 3

A.D. 1926.
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(f) Particulars of all investments and loans made out of or representing assets belonging to such trade or business;

(g) Schedules of all fixed and loose plant and stock-in-trade belonging to or used in connection with such trade or business, and a statement of the respective values thereof and of the method by which such values are arrived at;

(h) Such other particulars and information relating to such trade or business and the assets and profits thereof as may be prescribed:

- (2) The Board may at any time require the production of, and may either by themselves or any duly authorised agent inspect and take copies of, or extracts from, all books, accounts, and documents in the possession or under the control of the person entitled to such trade or business, or any property used in connection therewith, or of any mortgagee or chargee of such property, trade, or business:
- (3) If any person fails to furnish any return, particulars, or information required by or under this section within the time (not being less than thirty days) specified in the request of the Board, or fails to produce upon request of the Board any such book, account, or document as aforesaid, or obstructs the Board, or any officer or agent thereof, in the exercise of any of the powers given to the Board by this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds:
- (4) If any person, in furnishing any return, particulars, or information required by this section, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with or without hard labour, or to a fine not exceeding two hundred pounds, or to both:
- (5) The Board shall also obtain such further information (whether by means of valuations or

otherwise) as they think fit with respect to the value of any such property or licence as aforesaid: A.D. 1926.

5 (6) In this section the term "prescribed" means prescribed by rules made by the Board.

23.—(1) Subject to the provisions of this Act, compensation shall be payable to the persons interested in any property acquired by or vesting in the Board in pursuance of the provisions of Part IV. of this Act: Compensation payable in reorganisation areas.
10 and the compensation so payable shall be the sum representing the value of the property in question ascertained in accordance with the provisions of this section and without any allowance on account of such vesting or acquisition being compulsory.

15 (2) (i) Where the property consists of premises in which a justices' on-licence is in force the compensation payable shall be a sum representing

20 (a) the difference between the value of the premises calculated on the basis that the licence would be renewed for the remainder of the period between the date of the taking of the poll and the expiration of fifteen years from the commencement of this Act and the value which those premises would bear if they were not licensed premises; and

25 (b) the value of the licensed premises calculated on the basis that the same were not licensed premises at the date of the taking of the poll.

30 (ii) Where the property consists of the goodwill of the business carried on upon the premises in respect of which a justices' off-licence is held, the compensation payable shall be a sum equal to not more than three times the amount of the average annual net profits of the trade or business carried on under and by virtue of the licence during the datum period defined by this Act, as may be agreed upon between the Board and the holder of the licence, or in default of agreement determined by the Commissioners of Inland Revenue.

A.D. 1926:

(iii) Where the property consists of any machinery, fixed or loose plant, stock-in-trade, chattels, or effects the compensation payable shall be such sum as may be agreed between the Board and the owner of the property or, in default of agreement, fixed by a single valuer to be appointed by the owner of the property and the Board, or, failing such joint appointment, by arbitration. 5

(iv) Where the property consists of property of whatsoever nature other than property specified in the preceding provisions of this subsection, the compensation payable shall be such sum as may be agreed between the Board and the persons interested in the property, or in default of agreement fixed by arbitration. 10 15

(3) The Secretary of State, after consultation with the Commissioners of Inland Revenue, shall make rules as to the method according to which annual net profits are to be ascertained for the purposes of this section: Provided that in ascertaining such profits any sum paid in respect of excess profits duty shall be excluded. 20

Compensation payable in no-licence areas.

24. Subject to the provisions of this Act, there shall be payable by way of compensation to the persons interested in the premises in respect of any loss caused by the operation of a no-licence resolution 25

(a) In the case of any premises in respect of which a justices' on-licence is held a sum ascertained as provided in like case by section 23 (2) (i) (a), but including in the value of the licensed premises the amount of any depreciation of trade fixtures arising by reason of the operation of the no-licence resolution. 30

(b) In the case of premises in respect of which a justices' off-licence is held a sum ascertained as provided in like case by section 23 (2) (ii), but including in that sum the amount of any depreciation of trade fixtures arising by reason of the operation of the no-licence resolution. 35

Compensation in certain other cases.

25.—(1)

(a) Any person who is the holder of a wholesale licence granted in respect of premises situate 40

in a no-licence area or in a reorganisation area ; A.D. 1926.
and

5 (b) Any person who is the holder of any licence
for the sale of intoxicating liquor granted in
respect of any hotel as defined in the second
paragraph of the addendum to Part I. of the
Second Schedule to this Act, or in respect of
10 other premises used only as mentioned in the
first paragraph of the said addendum, and
situate in a no-licence area

shall be entitled to such compensation as the Commis-
sioners of Inland Revenue shall award for the loss of
profits derived from the sale of intoxicating liquor in such
premises by reason of the area becoming a no-licence area
15 or a reorganisation area, as the case may be.

(2) The proprietor of any proprietary club, or the
committee of any members' club, the premises whereof
are situate in a no-licence area, shall be entitled to such
compensation as the Commissioners of Inland Revenue
20 shall award for the loss of profits or revenue derived
from the sale or supply of intoxicating liquor in the club
by reason of the area becoming a no-licence area.

(3) Claims for compensation under this section shall
be submitted to the Commissioners of Inland Revenue
25 within such time and in such manner as the Commis-
sioners shall by rules direct.

26. No compensation shall be payable under this Act in respect of any loss caused by the operation of a
no-licence resolution, or under section 23 (2) (i) (a)
30 or 23 (2) (ii) of this Act in consequence of the premises
or goodwill of the business therein mentioned vesting in
the Board by virtue of a reorganisation resolution,
passed at any poll taken after the expiration of fifteen
years from the commencement of this Act.

Time limit
for compen-
sation in
no-licence
and re-
organisation
areas.

35 27. For the purposes of this Act the expression
" datum period " shall mean the period of three years
immediately preceding the passing of the reorganisation
or no-licence resolution, or any shorter period for which
the business of the sale of intoxicating liquor has been
40 carried on, or such other period as may be agreed between
the person carrying on the business and the Board, or

Datum
period.

A.D. 1926. (for special reasons) fixed by the Commissioners of
 — Inland Revenue.

Apportion-
 ment of
 compensa-
 tion.

28.—(1) Any compensation payable under this Act shall be apportioned amongst the persons admitted, or appearing to the Commissioners of Inland Revenue or other arbitrator to be interested in the property in question in such shares as such persons shall mutually agree or, in default of such agreement, as the Commissioners of Inland Revenue or other arbitrator shall determine, and no appeal shall lie from such determination.

(2) In apportioning any such compensation amongst the holders of shares, stock, debentures, or other securities of a company the Commissioners of Inland Revenue or other arbitrator shall have regard to the average gross annual income received by such respective holders during the datum period in respect of such shares, stock, debentures, or other securities, and to the market value (if any) and the terms of redemption thereof, and the sufficiency of the security therefor, and shall not be bound to give effect to the priorities subsisting under the regulations of the company or otherwise as between different classes of shares, stock, debentures, or securities.

Loss of em-
 ployment.

29.—(1) If any person shall suffer pecuniary loss by the loss of any office or employment by reason of the adoption of a reorganisation or no-licence resolution he shall be entitled to claim compensation for the loss so suffered. Any such claim shall be made in writing to the Board, and in default of agreement between such claimant and the Board shall be determined by arbitration as early as circumstances will permit as a question of disputed compensation under this Act: Provided that the arbitrator in determining the said question shall, if any offer of employment has been made to such claimant by the Board, take into consideration the nature of the employment so offered and the remuneration attached thereto and the facts as to the acceptance or refusal thereof and the grounds for any such refusal.

(2) Compensation under this section may be by way of annuity for life of the claimant or payment of a capital sum, or otherwise as may be agreed between the Board and the claimant, or determined by the arbitrator,

who shall have regard to the age of the claimant, the period and nature of his employment, and all the circumstances of the case. A.D. 1926.

30.—(1) Any capital sum payable to any person by way of compensation under this Act shall bear interest at the rate of five per centum per annum from the date of the coming into operation of the reorganisation or no-licence resolution, or in the case of compensation for loss of office or employment, from the date upon which such loss occurred, and any annuity granted as compensation shall commence and payment thereof shall be made accordingly. Payment of compensation.

(2) The Board shall from the date of the operation of the reorganisation or no-licence resolution pay to any person appearing to them to be entitled to any capital sum by way of compensation interest at the rate aforesaid on such sum as shall appear to the said Board to be the probable amount of such compensation by quarterly payments, and upon the payment to any person ascertained to be entitled to such compensation of the amount to which he is so entitled or the issue to him of such annuity as hereinafter mentioned, the accounts of the parties in respect of the interest so paid shall be adjusted and any deficiency or excess in respect thereof shall be paid by or refunded to the Board, as the case may require.

(3) Where the capital sum payable to any person by way of compensation is less than five hundred pounds such sum, with any interest due thereon, shall be paid by the Board in full to such person as soon as may be after the date of such sum being finally determined or apportioned.

(4) The Board, with the consent of the Secretary of State, may at any time agree with any person entitled to any capital sum by way of compensation for payment thereof in full, and the same shall thereupon be paid accordingly.

(5) Subject as hereinbefore provided, any capital sum payable to any person by way of compensation under this Act, with the interest thereon at the rate of five pounds per centum per annum, shall be paid by means of the issue to such person of a terminable annuity of such amount as will be sufficient to discharge such sum and interest within such number of years as the Secretary

A.D. 1926. — of State may determine in each case: Provided, that the said number of years shall not in any case exceed fifteen, and shall not in any case of compensation payable by reason or in consequence of any resolution passed at the first poll taken under this Act in any area be less than five twelve.

(6) Every such annuity, together with any expenses incurred in connection with the issue thereof, and every such capital sum shall be charged—

(a) Where the same is issued or paid by way of compensation for loss arising by reason of an area becoming a no-licence area, upon the central fund and the income thereof; and

(b) Where the same is issued or paid by way of compensation for property vesting in or acquired by the Board, or in respect of loss arising by reason of an area becoming a reorganisation area, upon the income of the Board and upon the central fund and the income thereof.

(7) Regulations may be made by the Secretary of State in respect of the form of any such annuity and the mode of issue thereof.

PART VI.

MISCELLANEOUS PROVISIONS.

As to disputed compensation. **31.**—(1) No notice to treat need be served upon any person interested in any premises or property which vests in the Board under Part IV. of this Act, and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses (Consolidation) Act, 1845, shall not be incorporated with this Act, and, notwithstanding anything to the contrary in any Act, all questions of disputed compensation arising under this Act shall, except where otherwise expressly provided by this Act, be determined by arbitration in the manner provided by this Act.

(2) Any question referred to arbitration by the provisions of this Act shall be referred to the arbitration of such person or body of persons as may be agreed by the parties, or in default of agreement appointed by the Secretary of State from among the persons or bodies

of persons to whom questions under the Acquisition of Land (Assessment of Compensation) Act, 1919, are by that Act referred, and such arbitrator shall have all the powers and authority of an arbitrator appointed under the Arbitration Act, 1889. A.D. 1926.

32.—(1) After the passing of this Act and before the expiration of fifteen years therefrom, notwithstanding anything to the contrary in the Licensing Consolidation Act, 1910, it shall not be lawful for any authority to refuse the renewal of an old on-licence except on one or more of the grounds specified in the second part of the Second Schedule to that Act: and the licensing justices shall have no power to refer the question of the renewal of such licence to the compensation authority. Renewal of old on-licences and grant of new licences.

(2) After the passing of this Act no on-licence shall be granted in respect of any premises for a longer period than one year.

33.—(1) After the expiration of fifteen years from the passing of this Act and in each year thereafter, the application for the regrant of any licence (including any old on-licence) shall, subject to the provisions of this Act, be treated as and be deemed to be an application for the grant of a new licence: and no compensation shall be payable by reason of the regrant of any licence being refused: and all provisions as to confirmation and all other provisions of the Licensing Consolidation Act, 1910, or any Act amending the same applicable to the grant of a new licence shall apply accordingly: provided that there shall be no power to attach to the regrant of an on-licence any conditions for securing to the public the monopoly value of the licence. Re-granting of licences.

(2) After the expiration of fifteen years from the passing of this Act and in each year thereafter, it shall be lawful for the licensing justices at a meeting convened for that purpose and to be held not less than twenty-one days before the General Annual Licensing Meeting to fix by resolution the number of on-licences to be granted at the next General Annual Licensing Meeting for their district: and thereupon in the manner and at the times prescribed by rules to be made in that behalf by the Secretary of State to publish notice or the said resolution and at the same time to invite tenders

A.D. 1926. — of the amounts which the applicants for such licences would be prepared to pay for the grant thereof for the year in question, the amount of which tender shall in no case be less than the amount of the licence duty applicable to the premises in respect of which the licence is sought: and the justices may take into consideration the amount so tendered in deciding in respect of which premises licences should be granted for the ensuing year. 5

Transfer of
Carlisle
State
Manage-
ment
District.

34.—(1) The Secretary of State may at any time after the establishment of the Board by order transfer to the Board all or any of the powers, rights, liabilities, and property exercisable by, attaching to, or vested in him by virtue of Part II. of the Licensing Act, 1921, and may by such order declare that as from the date of the operation thereof the Carlisle State Management District defined in the Second Schedule to that Act shall become and be deemed to be a reorganisation area within the meaning of this Act, and that this Act shall apply thereto accordingly. 10 15 20

(2) Any such order may apply with such modifications and adaptations as the Secretary of State may think fit all or any of the provisions set out in the Fourth Schedule to the Licensing Act, 1921, and may provide for any such adjustment as between the Secretary of State and the Board in respect of the property and liabilities affected by the order as may be required, and may contain any such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of placing each such State Management District under the control of the Board in like manner as if it were a reorganisation area, and of giving full effect to the provisions of this section. 25 30

Accounts of
Board of
Manage-
ment.

35. The Board shall keep full accounts of all their receipts and expenditure and shall submit to the Secretary of State at such time in each year and in such form as he may require a profit and loss account and balance sheet, and the same shall be laid before both Houses of Parliament. 35

Assurances
to the
Board of
Manage-
ment.

36. All property acquired by the Board under this Act shall be assured to and vested in that Board, and no assurance of any such property to the Board shall be liable to any ad valorem or other stamp duty. 40

A.D. 1926.

37. Nothing in this Act shall affect the grant of licences in respect of passenger vessels or railway restaurant cars :

Savings for passenger vessels and railway restaurant cars.

5 Provided that there shall be no sale of intoxicating liquor on passenger vessels while in the territorial waters adjacent to a no-licence area.

38. All orders, rules, and regulations made under this Act by the Secretary of State, the Treasury, or the Board, shall be laid before each House of Parliament as soon as may be after they are made, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which that House has sat next after any such order, rule, or regulation is laid before it, praying that the same may be annulled, His Majesty in Council may, if it seems fit, annul the order, rule, or regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Rules, &c., to be laid before Parliament.

39. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Repeals.

40. In this Act, unless the context otherwise requires, the expressions "intoxicating liquor," "justices' licence," "justices' on-licence," "old on-licence," and "justices' off-licence" shall have the same meanings respectively as they have in the Licensing (Consolidation) Act, 1910.

Interpretation.

41. This Act may be cited as the Liquor (Popular Control) Act, 1926.

Short title.

42. This Act shall not apply to Scotland or Ireland or Wales (including Monmouthshire).

Extent.

A.D. 1926.

SCHEDULES.FIRST SCHEDULE.

<u>Local Area.</u>	<u>Local Authority.</u>	
The City of London - - -	The lord mayor and corporation.	5
Electoral divisions in the County of London (excluding the City of London) as constituted by s. 40 of the Local Government Act, 1888.	The London County Council.	10
County boroughs - - -	The mayor, aldermen and burgesses acting by the council.	
Municipal borough having a population of 50,000 or upwards.	The mayor, aldermen and burgesses acting by the council.	15
Licensing districts as constituted by the Licensing (Consolidation) Act, 1910.	The licensing justices.	

SECOND SCHEDULE.

A.D. 1926.

PART I.

SCALE OF CHARGES FOR COMPENSATION LEVY.

Annual Value of Premises to be taken as for the purpose of the Publican's Excise Licence Duty.		Rate of Charge.		
£	£	£	s.	d.
	under 15	-	1	0 0
10	15 and under 20	-	2	0 0
	20 „ „ 25	-	3	0 0
	25 „ „ 30	-	4	0 0
	30 „ „ 40	-	6	0 0
	40 „ „ 50	-	10	0 0
15	50 „ „ 100	-	15	0 0
	100 „ „ 200	-	20	0 0
	200 „ „ 300	-	30	0 0
	300 „ „ 400	-	40	0 0
	400 „ „ 500	-	50	0 0
20	500 „ „ 600	-	60	0 0
	600 „ „ 700	-	70	0 0
	700 „ „ 800	-	80	0 0
	800 „ „ 900	-	90	0 0
	900 and over	-	100	0 0

25 ADDENDUM.

(1) The rate of charge in the case of an hotel, as defined for the purpose of this provision, shall be one-third of that charged in other cases, and in the case of any licensed premises which are certified by the licensing justices on the application of the holder of the licence to be used only as public gardens, picture galleries, exhibitions, places of public or private entertainment, railway or refreshment rooms, bonâ fide restaurants or eating-houses, or for any other purpose to which the holding of a licence is merely auxiliary, such rate, not less than one-third of that charged in other cases, as the justices think proper under the circumstances.

(2) For the purposes of this provision, an hotel means premises of the value of fifty pounds and upwards which are proved to the satisfaction of the Commissioners of Customs and Excise to be structurally adapted for use as an inn or hotel for the reception of guests and travellers desirous of dwelling therein, and to be mainly so used, and in the case of which either no portion of the premises is set apart and used as an ordinary

A.D. 1926. public-house for the sale and consumption therein of intoxicating
 2ND SCH. liquor, or the annual value of any portion so set apart and used
 —cont. does not in the opinion of the Commissioners of Customs and
 Excise exceed twenty-five pounds.

PART II.

5

SCALE OF DEDUCTIONS IN RESPECT OF COMPENSATION
 LEVY.

A person whose unexpired term does not exceed—

1 year may deduct a sum equal to 100 per cent. of the charge. 10

2 years	„	„	88	„	
3	„	„	82	„	
4	„	„	76	„	
5	„	„	70	„	
6	„	„	65	„	15
7	„	„	60	„	
8	„	„	55	„	
9	„	„	50	„	
10	„	„	45	„	
11	„	„	41	„	20
12	„	„	37	„	
13	„	„	33	„	
14	„	„	29	„	
15	„	„	25	„	
16	„	„	23	„	25
17	„	„	21	„	
18	„	„	19	„	
19	„	„	17	„	
20	„	„	15	„	
21	„	„	14	„	30
22	„	„	13	„	
23	„	„	12	„	
24	„	„	11	„	
25	„	„	10	„	

A person whose unexpired term exceeds—

35

25	{ but does }	30 years	{ may deduct a }	7 per cent. of
	{ not exceed }		{ sum equal to }	the charge.
30	„	35	„	6
35	„	40	„	5
40	„	45	„	4
45	„	50	„	3
50	„	55	„	2
55	„	60	„	1

40

but the amount deducted shall in no case exceed half the rent.



THIRD SCHEDULE.

A.D. 1926.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title	Extent of Repeal.
5 10 Edw. 7. and 1 Geo. 5. c. 24.	The Licensing Consolida- tion Act, 1910.	Sections 14 (2), 18, 19, 20, and 21.

**Liquor (Popular
Control). [H.L.]**

A

B I L L

INTRODUCED

An Act to amend the Law relating to the manufacture, sale, and supply of intoxicating liquor, and to provide for the popular control thereof and of the grant and renewal of licences, and for other purposes incidental thereto.

The Lord Bishop of Liverpool

Ordered to be printed 16th November 1926.

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingsway, London, W.C. 2;
120, George Street, Edinburgh; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; 15, Donegall Square West, Belfast;
or through any Bookseller.

Printed by Frye and Spottiswoode, Ltd.,
East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[*Price 9d. Net.*]]

(170)



A

B I L L

INTITULED

An Act to amend the law with respect to the constitution and extension of county boroughs, and to amend the Local Government (Adjustments) Act, 1913. A.D. 1926.

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

1.—(1) No borough having a population of less than seventy-five thousand according to the published returns of the last census for the time being shall be constituted a county borough.

Limitation
of power to
constitute
county
boroughs.

10 (2) It shall not be lawful for the Minister of Health by Provisional Order to constitute a borough into a county borough, and accordingly paragraph (d) of subsection (1) of section fifty-four of the Local Government Act, 1888, and in subsection (3) of the same section
15 the words "or for constituting a borough into a county borough" shall be repealed.

2.—(1) Where under section fifty-four of the Local Government Act, 1888, a representation is made to the Minister of Health by the council of a county borough for any purpose involving the extension of the area of the county borough, the Minister shall not entertain the representation—

Provisions
as to the
extension
of county
boroughs.

(a) unless he is satisfied that the council of the county borough have sent to the councils of

A.D. 1926. the county borough, the Minister shall not entertain the representation—

(a) unless he is satisfied that the council of the county borough have sent to the councils of the counties, boroughs and districts affected 5 notice of the proposed representation, together with a draft of the order which they desire to have made to give effect to their proposals; and

(b) unless no notice of objection to procedure by 10 Provisional Order has been sent to him by any such council within four weeks from the receipt of the notice from the county borough council, or unless every such notice of objection has been withdrawn.

(2) Where in consequence of any such notice of objection or on any other ground the Minister declines to entertain the representation, and the council of the county borough promote a private Bill to give effect to their proposals, any notices published and served 20 and deposits made for the purposes of the proposed Provisional Order shall, subject to Standing Orders, be held to have been published, served and made for a private Bill applying for similar powers. 15

Modifica-
tions of the
Borough
Funds Acts.

3.—(1) Where the council of a borough promote 25 a private Bill the sole purposes of which are to constitute the borough a county borough, or to extend the area of the borough being a county borough, and purposes incidental thereto, section one of the Borough Funds Act, 1903, and the First Schedule to that Act 30 (relating to the holding of meetings of electors and the taking of polls) shall not apply in relation to that Bill.

(2) The Borough Funds Acts, 1872 and 1903, as amended by the foregoing subsection, shall extend to a Bill having as its object the extension of the area of a 35 county borough notwithstanding that that object may be attainable by Provisional Order.

Saving as
to union
of county
boroughs.

4. Nothing in the foregoing provisions of this Act shall apply to the union of two county boroughs or affect the powers of the Minister of Health to effect such 40 a union by Provisional Order.

5. The Local Government (Adjustments) Act, 1913, shall have effect as if in paragraph (2) of Part II. of the Schedule to that Act for the words “the average annual increase of burden multiplied by fifteen” there were substituted the following words: “the average annual increase of burden multiplied—

A.D. 1926.

—
Amendment
of 3 & 4
Geo. 5. c. 19.

“(a) so far as that increase of burden is attributable to the cost of maintenance of roads, by twenty-one; and

10 “(b) in other cases, by fifteen.”

6.—(1) This Act may be cited as the Local Government (County Boroughs and Adjustments) Act, 1926.

Short title
and extent.

(2) This Act shall extend to England and Wales only.

**Local Government
(County Boroughs and
Adjustments). [H.L.]**

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the law with respect to the constitution and extension of county boroughs, and to amend the Local Government (Adjustments) Act, 1913.

The Earl of Plymouth.

Ordered to be printed 25th March 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingsway, London, W.C. 2; 28, Abingdon
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or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
Essex Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 1d. Net.]

(37)

**Local Government (County
Boroughs and Adjustments) Bill.**

[H.L.]

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE EARL OF ONSLOW.

Clause 2, page 2, line 18, leave out from (“representation”) to the end of line 24 and insert (“the application for the Provisional Order shall be deemed and taken to be a petition for leave to bring in a Private Bill, and the notices published and served and the deposits made for the purposes of the proposed Provisional Order shall, so far as they comply with the requirements of the Standing Orders of the House of Lords and of the House of Commons respectively in the case of a Private Bill, be held to have been published and served and made for a Private Bill applying for similar powers :

“Provided that the council of a county borough shall forthwith inform all persons who have objected to the Provisional Order and other interested persons of their intention to proceed by way of Private Bill.”)

(37 a)

**Local Government
(County Boroughs and
Adjustments) Bill. [H.L.]**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL OF ONSLOW.

23rd March 1926.

L O N D O N
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H. M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingway, London, W. C. 2; 25, Abingdon
Street, London, S. W. 1; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any Bookseller.

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East Harding Street, E. C. 4,
Printers to the King's most Excellent Majesty.
[Price 1d. Net.]

(25 a)



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law with respect to the constitution and extension of county boroughs, and to amend the Local Government (Adjustments) Act, 1913. A.D. 1926.

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

10 **1.**—(1) It shall not be lawful for the Minister of Health by Provisional Order to constitute a borough into a county borough, and accordingly paragraph (*d*) of subsection (1) of section fifty-four of the Local Government Act, 1888, and in subsection (3) of the same section the words “or for constituting a borough into a county
“ borough ” shall be repealed.

Limitation of power to constitute county boroughs.

15 (2) It shall not be lawful for the council of any borough to promote a Bill for the purpose of constituting the borough into a county borough unless the population of the borough, according to the published returns of the last census, for the time being is seventy-five thousand or upwards.

20 **2.**—(1) Where under section fifty-four of the Local Government Act, 1888, a representation is made to the Minister of Health by the council of a county borough for any purpose involving the extension of the area of

Provisions as to the extension of county boroughs.

A.D. 1926. the county borough, the Minister shall not entertain the representation—

- (a) unless he is satisfied that the council of the county borough have sent to the councils of the counties, boroughs and districts affected notice of the proposed representation, together with a draft of the order which they desire to have made to give effect to their proposals; and 5
- (b) unless no notice of objection to procedure by Provisional Order has been sent to him by any such council within four weeks from the receipt of the notice from the county borough council, or unless every such notice of objection has been withdrawn. 10 15

(2) Where in consequence of any such notice of objection or on any other ground the Minister declines to entertain the representation, the application for the Provisional Order shall be deemed and taken to be a petition for leave to bring in a Private Bill, and the notices published and served and the deposits made for the purposes of the proposed Provisional Order shall, so far as they comply with the requirements of the Standing Orders of the House of Lords and of the House of Commons respectively in the case of a Private Bill, be held to have been published and served and made for a Private Bill applying for similar powers: 20 25

Provided that the council of a county borough shall forthwith inform all persons who have objected to the Provisional Order and other interested persons of their intention to proceed by way of Private Bill. 30

Modifica-
tions of the
Borough
Funds Acts.

3.—(1) Where the council of a borough promote a private Bill the sole purposes of which are to constitute the borough a county borough, or to extend the area of the borough being a county borough, and purposes incidental thereto, section one of the Borough Funds Act, 1903, and the First Schedule to that Act (relating to the holding of meetings of electors and the taking of polls) shall not apply in relation to that Bill. 35

(2) The Borough Funds Acts, 1872 and 1903, as amended by the foregoing subsection, shall extend to a 40



Bill having as its object the extension of the area of a county borough notwithstanding that that object may be attainable by Provisional Order. A.D. 1926. —

4. Nothing in the foregoing provisions of this Act shall apply to the union of two county boroughs or affect the powers of the Minister of Health to effect such a union by Provisional Order. Saving as to union of county boroughs.

5. The Local Government (Adjustments) Act, 1913, shall have effect as if in paragraph (2) of Part II. of the Schedule to that Act for the words "the average annual increase of burden multiplied by fifteen" there were substituted the following words: "the average annual increase of burden multiplied— Amendment of 3 & 4 Geo. 5. c. 19.

15 " (a) so far as that increase of burden is attributable to the cost of maintenance of roads, by twenty-one; and

" (b) in other cases, by fifteen."

6.—(1) This Act may be cited as the Local Government (County Boroughs and Adjustments) Act, 1926. Short title and extent.

20 (2) This Act shall extend to England and Wales only.

Local Government (County Boroughs and Adjustments). [H.L.]

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to amend the law with respect to the constitution and extension of county boroughs, and to amend the Local Government (Adjustments) Act, 1913.

The Earl of Onslow.

Ordered to be printed 27th April 1926.

LONDON :
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Admiral House, Kingsway, London, W.C. 2; 28, Abingdon
Street, London, S.W. 1; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; or 120, George Street, Edinburgh;
or through any Bookseller.

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East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 1d. Net.]

(53)

**Local Government (County
Boroughs and Adjustments)
Bill. [H.L.]**

COMMONS AMENDMENT.

[The references are to Bill (No. 53).]

Clause 5.

Page 3.

Line 1, at end insert (“ in its application to any
“ adjustments consequent on an alteration of
“ boundaries or other change effected after the
“ passing of this Act.”)

(186)

Local Government
(County Boroughs and
Adjustments) Bill.

[H.L.]

COMMONS AMENDMENT.

Ordered to be printed 30th November 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2,
120, George Street, Edinburgh; York Street, Manchester;
1, St. Andrew's Crescent, Cardiff; 15, Donegall Square West, Belfast;
or through any Bookseller.

Printed by Eyre and Spottiswoode, Ltd.,
Essex, Harding Street, E.C.4,
Printers to the King's most Excellent Majesty.
[Price 1d. Net.]

(186)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the A.D. 1926.
Private Legislation Procedure (Scotland) Act
1899 relating to the London Midland and
Scottish Railway. —

WHEREAS His Majesty's Secretary for Scotland
has made the Provisional Order set forth in the
schedule hereunto annexed under the provisions of the
Private Legislation Procedure (Scotland) Act 1899 and 62 & 63 Vict.
5 it is requisite that the said Order should be confirmed by c. 47.
Parliament :

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

1. The Provisional Order contained in the schedule
hereunto annexed shall be and the same is hereby
confirmed. Confirma-
tion of
Order in
schedule.

15 2. This Act may be cited as the London Midland
and Scottish Railway Order Confirmation Act 1926. Short title.

A.D. 1926.

S C H E D U L E.

LONDON MIDLAND AND SCOTTISH RAILWAY.

*Provisional Order to confer further powers upon the
London Midland and Scottish Railway Company.*

WHEREAS it is expedient that the London Midland 5
and Scottish Railway Company (in this Order referred
to as "the Company") should be empowered for the
purposes of their undertaking to acquire the lands in
this Order mentioned;

And whereas it is expedient that the Company 10
should be empowered to hold and use for the purposes
of their undertaking the several lands described in this
Order which have already been acquired by them :

And whereas it is expedient that the periods now
limited for the compulsory purchase of certain lands 15
and for the completion of certain railways and works
should be extended as provided by this Order :

And whereas it is expedient that the other powers
contained in this Order should be conferred upon the
Company : 20

And whereas plans of the lands by this Order
authorised to be acquired and a book of reference
containing the names of the owners and lessees or
reputed owners and lessees and of the occupiers of the
said lands were duly deposited with the sheriff clerks 25
of the several counties within which those lands are
situate which plans and book of reference are in this
Order respectively referred to as the deposited plans
and book of reference :

And whereas the purposes aforesaid cannot be 30
effected without an Order of the Secretary for Scotland
confirmed by Parliament under the provisions of the
Private Legislation Procedure (Scotland) Act 1899 :



Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

A.D. 1926.

1. This Order may for all purposes be cited as the London Midland and Scottish Railway Order 1926.

Short title.

2. The Lands Clauses Acts and Part II (relating to extension of time) of the Railways Clauses Act 1863 as amended by any subsequent Act are except where expressly varied by or inconsistent with this Order incorporated with and form part of this Order.

Incorporation of Acts.

3. Subject to the provisions of this Order the Company may enter upon take use and appropriate for any purposes connected with or ancillary to their undertaking the lands hereinafter described or referred to delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say) :—

Power to acquire additional lands.

In the county of Lanark—

(1) Lands in the parish of Bothwell—

(a) On the east side of and adjoining the Wishaw Deviation Branch Railway between points respectively about 614 yards north and 4 yards south of the north abutment of the railway viaduct over South Calder Water.

(b) On the west side of and adjoining the said railway between points respectively about 309 yards north and 4 yards south of the north abutment of the said viaduct.

(2) Lands in the parish of Cambusnethan and burgh of Motherwell and Wishaw on the south-west side of and adjoining the Wishaw Deviation Branch Railway at Wishaw South Junction between a point about 94 yards south-east of Caledonian Road and the road leading from East Thornlie Street to Thornlie Colliery.

A.D. 1926.

In the county of Sutherland—

Lands in the parish of Rogart on the north side of and adjoining the main line from Inverness to Wick between the occupation level crossing about three-quarters of a mile east of Rogart Station and a point about 239 yards east of the said level crossing.

Errors and omissions in plans and book of reference.

4. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which the said lands are situate for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final. The certificate of the sheriff shall be deposited in the office of the sheriff clerk of the said county and a duplicate thereof shall also be deposited with the town clerk of the burgh or as the case may be the clerk of the parish council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such sheriff clerk and town clerk or clerk of the parish council along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Company may enter upon purchase take hold and use any lands in accordance with such certificate.

Period for compulsory purchase of lands.

5. The powers for the compulsory purchase of lands under this Order shall cease on the First day of October One thousand nine hundred and twenty-nine.

Persons under disability may grant servitudes &c.

6. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude right or privilege of

water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or
5 ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid.

A.D. 1926.
—

7. All private rights of way or servitudes in over or across any lands which shall under the powers of this
10 Order be acquired compulsorily shall as from the date of such acquisition be extinguished: Provided that the Company shall make full compensation to all parties interested in respect of any such rights or servitudes and such compensation shall be settled in manner provided
15 by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

8. And whereas in the exercise by the Company of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the
20 deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

Owners may be required to sell parts only of certain properties.

25 (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Order and whereof a portion only is required for the purposes of the Company or each or any of
30 them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties";

35 (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property
40 without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole

A.D. 1926.
—

the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

- (3) If within such twenty-one days the owner shall 5
by notice in writing to the Company allege that
such portion cannot be so severed the tribunal
to whom the question is referred shall in
addition to the other questions required to be
determined by it determine whether the portion 10
of the scheduled property specified in the notice
to treat can be severed from the remainder
without material detriment thereto and if not
whether any and what other portion less than 15
the whole (but not exceeding the portion over
which the Company have compulsory powers
of purchase) can be so severed;
- (4) If the tribunal determine that the portion of
the scheduled property specified in the notice
to treat or any such other portion as aforesaid 20
can be severed from the remainder without
material detriment thereto the owner may be
required to sell and convey to the Company
the portion which the tribunal shall have deter-
mined to be so severable without the Company 25
being obliged or compellable to purchase the
whole the Company paying such sum for the
portion taken by them including compensation
for any damage sustained by the owner by
severance or otherwise as shall be awarded by 30
the tribunal;
- (5) If the tribunal determine that the portion of
the scheduled property specified in the notice
to treat can notwithstanding the allegation of
the owner be severed from the remainder 35
without material detriment thereto the tribunal
may in its absolute discretion determine and
order that the costs charges and expenses
incurred by the owner incident to the deter-
mination of any matters under this section 40
shall be borne and paid by the owner;
- (6) If the tribunal determine that the portion of
the scheduled property specified in the notice
to treat cannot be severed from the remainder

A.D. 1926.

without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

5

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

10

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The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

25

30

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

9. In all cases of disputed purchase money or compensation arising under this Order in respect of land to be taken compulsorily or otherwise which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the Company and the other party or parties to the dispute concur in the appointment of a single arbiter in terms of such Acts be in the power of the Company or such other party or parties to apply to the Secretary for Scotland to appoint a single arbiter to determine the purchase money or compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversmen sheriff

35

40

A.D. 1926. — or jury acting under the last-mentioned Acts. The said
 arbiter upon appointment shall be deemed to be a sole
 arbiter within the meaning of the Lands Clauses Acts
 and the provisions of those Acts with regard to arbitra- 5
 tion shall apply accordingly and the arbiter shall not-
 withstanding anything contained in the said Acts
 determine the amount of expenses in the arbitration
 and such determination shall be final. The remuneration
 of the said arbiter shall failing agreement be fixed by
 the Secretary for Scotland. 10

Costs of
 arbitration
 in certain
 cases.

10. The tribunal to whom any question of disputed
 purchase money or compensation under this Order is
 referred shall if so required by the Company award and
 declare whether a statement in writing of the amount of
 compensation claimed has been delivered to the Company 15
 by the claimant giving sufficient particulars and in
 sufficient time to enable the Company to make a proper
 offer and if the tribunal shall be of opinion that no such
 statement giving sufficient particulars and in sufficient
 time shall have been delivered and that the Company 20
 has been prejudiced thereby the tribunal shall have
 power to decide whether the claimant's costs or any
 part thereof shall be borne by the claimant :

Provided that it shall be lawful for the Lord Ordinary
 on the Bills or the sheriff of the county in which the 25
 lands are situate in respect of which the claim has risen
 to permit any claimant after seven days' notice to the
 Company to amend the statement in writing of the
 claim delivered by him to the Company in case of
 discovery of any error or mistake therein or for any 30
 other reasonable cause such error mistake or cause to
 be established to the satisfaction of the judge or sheriff
 after hearing the Company if they object to the amend-
 ment and such amendment shall be subject to such terms
 enabling the Company to investigate the amended claim 35
 and to make an offer de novo and as to postponing the
 hearing of the claim and as to costs of the inquiry and
 otherwise as to such judge or sheriff may seem just and
 proper under all the circumstances of the case :

Provided also that this section shall be applicable 40
 only in cases where the notice to treat under the Lands
 Clauses Consolidation (Scotland) Act 1845 either con-
 tained or was endorsed with a notice of the effect of
 this section.

A.D. 1926.

—
Compensa-
tion in case
of recently
altered
buildings.

11. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Order the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-five if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

12. The Company may hold use and appropriate for the purposes of their undertaking the following lands which have already been acquired by them and the expenditure of money by the Company in or about the purchase or acquisition thereof or the works executed thereon is hereby sanctioned and confirmed (that is to say):—

Company
may hold
certain
lands
already
acquired.

In the county of Ayr—

Lands in the parish of Irvine on the west side of and adjoining the Company's Main Line from Ayr to Glasgow at Bogside Station.

In the county of Inverness—

Lands in the parish of Inverness and Bona and burgh of Inverness on the east side of Porterfield Bank Road north of and near the junction of that road with Old Edinburgh Road.

In the county of Lanark—

(1) Lands in the parish of Govan and city of Glasgow:—

(a) On the west side of Melfort Avenue Dumbreck between Dalkeith Avenue and Nithsdale Road.

(b) On the west side of Queen's Gate Dowanhill Street Dowanhill between Albion Street and Victoria Crescent Road.

A.D. 1926.

- (2) Lands in the parish and city of Glasgow on the south-west side of Easterhill Street Toll-cross between that street and Tollcross Station.

In the county of Perth—

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Lands in the parish of Blackford at and near Gleneagles Station :—

(a) On the west side of and adjoining the Crieff Branch Railway between that railway and the road leading to Barns Farm from the public road from Blackford to Auchterarder. 10

(b) Between the Company's Main Line from Glasgow to Perth the Crieff Branch Railway and the southern boundary of Gleneagles Hotel Sewage Purification Works. 15

(c) On the west side of and adjoining the Crieff Branch Railway between that railway and the village of Muirtown and the Lands of Middle Greenwells. 20

In the county of Renfrew—

Lands in the parish of Eastwood on the north side of and adjoining Alder Road Mansewood between Nevis Road and Tinto Road. 25

Extension
of time for
compulsory
purchase of
certain
lands.

13. The periods now limited by the London Midland and Scottish Railway Order 1924 for the compulsory purchase of the lands in this section referred to are hereby extended until the first day of October one thousand nine hundred and twenty-nine but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised (that is to say) :— 30

(a) Lands in the parishes of Govan and Renfrew described in the Second Schedule to the Glasgow and South Western Railway Order 1906 authorised to be acquired by the Glasgow and Renfrew District Railway Act 1897 ; 35

(b) Lands in the parish of Stevenston and the burgh of Saltcoats authorised to be acquired by section 4 of the Glasgow and South Western 40

A.D 1926.
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- Railway Order 1918 and lands authorised to be acquired by section 9 of that Order and therein numbered and described (1) in the parish of Stevenston and partly in the burgh of Saltcoats (4) in the parish of Irvine and in the parish of Dundonald in the royal burgh of Irvine (other than the lands numbered 45 in the last-mentioned parish and burgh on the plans deposited in relation to the said Order of 1918) (6) in the parish of Monkton and Prestwick and partly in the burgh of Prestwick and (7) in the last-mentioned parish and burgh.
- (c) Lands authorised to be acquired by section 6 of the Caledonian Railway Order 1907 and therein numbered and described (2) in the parish of Bothwell (3) in the parishes of Crawford and Wandell and Lamington (9) in the parish of Currie (11) in the parishes of Stirling and St. Ninians and partly in the royal burgh of Stirling and (13) in the parish of Comrie;
- (d) Lands authorised to be acquired by section 5 of the Caledonian Railway Order 1910 and therein numbered and described (1) and (2) in the parish of Govan and city and royal burgh of Glasgow (3) in the parish of Rutherglen and royal burgh of Rutherglen (4) in the parish of Rutherglen (6) in the parish of Old Monkland and burgh of Coatbridge and (7) in the parish of Hamilton;
- (e) Lands authorised to be acquired by section 5 of the Caledonian Railway Order 1913 and therein numbered and described (1) in the parish of Kirkpatrick Juxta;
- (f) Lands authorised to be acquired by section 6 of the Caledonian Railway Order 1922 and therein numbered and described (1) in the parish of Dalziel (2) and (5) in the parish of Cambusnethan (3) and (4) in the parish of Cambusnethan and partly in the burgh of Motherwell and Wishaw (6) in the parish of Bothwell (8) in the parish of Cambuslang and (9) in the parish of Blantyre;

A.D. 1926.

(g) Lands authorised to be acquired by section 4 of the London Midland and Scottish Railway Order 1924 and therein numbered and described (2) in the parish of Galston (3) in the parish of Glenbervie and (4) in the parish of Bothwell: 5

Provided that as regards the said lands (a) the powers of the Company shall only be exercised subject to the provisions of section 24 (For protection of Trustees of Clyde Navigation) of the Glasgow and South Western Railway Order 1911 and subject also to the powers conferred on the Trustees of the Clyde Navigation by the Clyde Navigation Act 1911 and the Clyde Navigation Order 1914: 10

Provided also that nothing in this Order shall in any way prejudice or affect the provisions of or be deemed to extend the periods specified in section 18 (For protection of Town Council of Saltcoats) of the Glasgow and South Western Railway Order 1918. 15

Extension of time for completion of certain railways.

14. The periods now limited by the Glasgow and South Western Railway Order 1918 for the completion of— 20

(a) Railway No. 5 authorised by the Glasgow and Renfrew District Railway Act 1897; and

(b) Railways Nos. 1 and 2 authorised by the Glasgow and South Western Railway Order 1911; 25

are hereby extended until the first day of October one thousand nine hundred and thirty-one and the Glasgow and South Western Railway (Darvel and Lanarkshire Railway Transfer) Order 1904 and the said Order of 1911 shall be read and construed as if the period limited by this section for the completion of the railways respectively had been the respective periods limited by the said Orders of 1904 and 1911 for the completion thereof. 30

Extension of time for completion of certain works under Caledonian Railway Act 1900.

15. The period within which the Company are required by section 26 (For the protection of the Corporation of Glasgow) of the Caledonian Railway Act 1900 to carry out the street improvements and works referred to in that section as now extended by the Caledonian Railway Order 1922 is hereby further extended until the first day of October one thousand nine hundred and thirty-one. 35 40

16. The Company may apply towards the purposes of this Order to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

A.D. 1926.

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Application
of funds.

17. Nothing in this Order contained shall exempt the Company from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the passing of the Act confirming this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Provision
as to
general
railway
Acts.

18. Except as hereinafter expressly provided nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown
rights.

19. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown Rights" or in the Glasgow and Renfrew District Railway Act 1897 or the Glasgow and South Western Railway Orders 1906 1911 and 1918 or in any public Statute His Majesty and His Lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Company authorised to be taken or constructed by this Order or by the Glasgow and Renfrew District Railway Act 1897 or by the Glasgow and South Western Railway Orders 1906 1911 or 1918 but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both

Crown
minerals.

A.D. 1926. inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals 5 incorporated in this Order and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Company to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the 10 Company by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of
Order.

20. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order 15 or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Order.

PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN
COMPULSORILY. 20

Area.	No. on deposited Plans.	Description of Property in Book of Reference.
Parish of Bothwell	1	Railway embankments telegraph posts and wires signals wires and fittings 25 posts sidings points and levers buffer stops huts shrubs.
	4	Pasture land.
	5	Pasture land plantation marsh.

London Midland and
Scottish Railway
Order Confirmation.

[H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to the London Midland and Scottish
Railway.

The Duke of Sutherland.

Ordered to be printed 13th May 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C. 2; 28, Abingdon
Street, London, S.W. 1; York Street, Manchester;
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Printed by Eyre and Spottiswoode, Ltd.,
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