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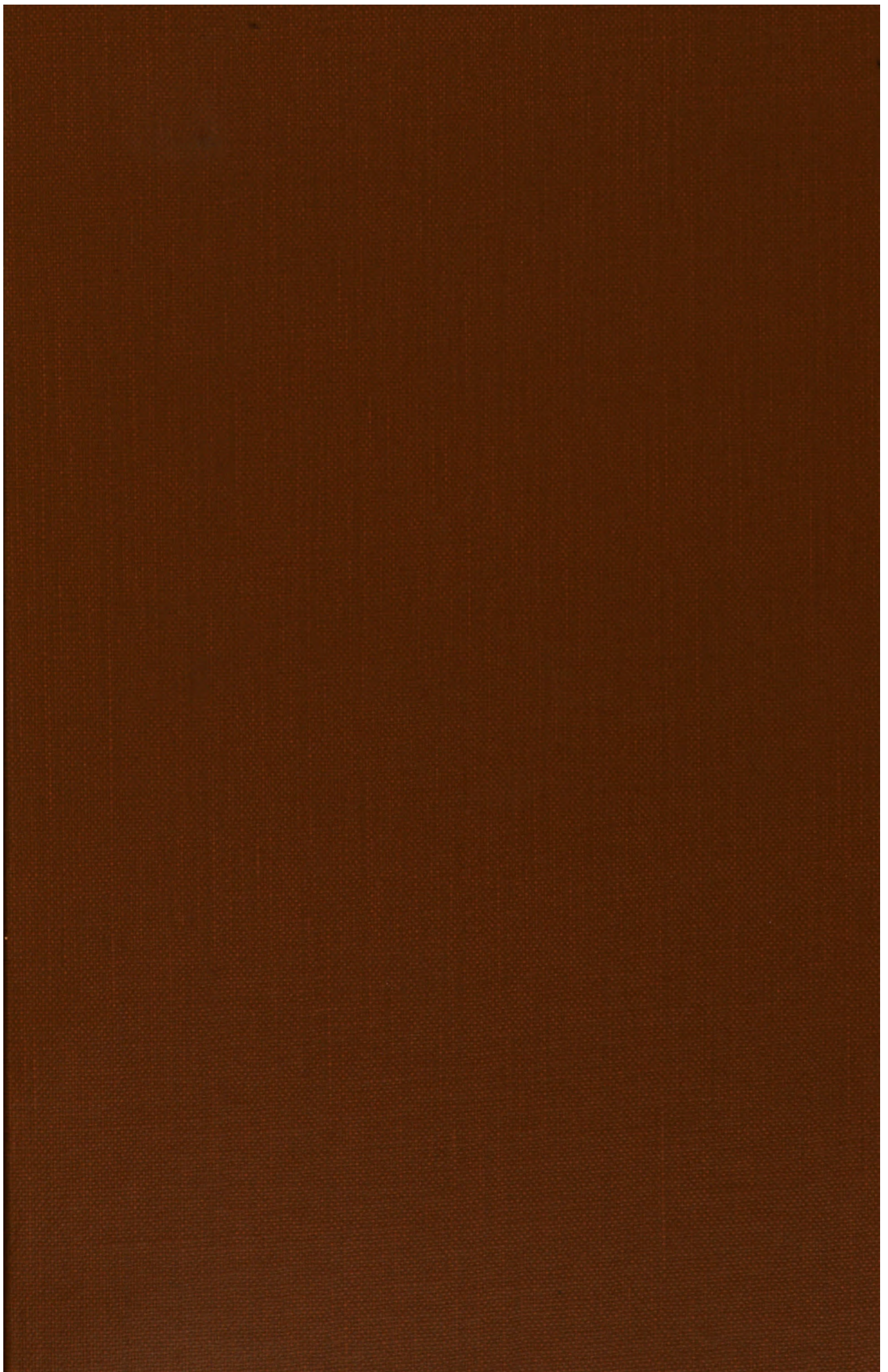
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Pro. Eng. Levels $\frac{1926}{5}$

THE
SESSIONAL PAPERS
PRINTED BY ORDER
OF
THE HOUSE OF LORDS,
IN THE J4063/71
Session 1926,
(16 & 17 GEORGE V.)
ARRANGED IN SIX VOLUMES.

VOL. V.

PUBLIC BILLS.

(Four Volumes.)

THE SUBJECTS ALPHABETICALLY ARRANGED.

NAT - - WOR

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

1926.



A

B I L L

INTITULED

An Act to enable the Trustees of the National Gallery to transfer or lend the Lane Collection to the Trustees of the National Gallery of Ireland. 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 Trustees of the National Gallery, or a majority of them, may transfer or lend to the Trustees of the National Gallery of Ireland the thirty-nine pictures known as the Lane Collection, now in the Tate Gallery in London, and named in the Schedule to this Act. Power to transfer or lend the Lane Collection to the National Gallery of Ireland.

(2) The Secretary of State for the Dominions may give directions or make rules, should it be necessary, to give effect to this Act.

2. This Act may be cited as the National Gallery (Lane Collection) Act, 1926. Short title.

A.D. 1926.

SCHEDULE.

Vetheuil : Sunshine and Snow	- - - - -	Claude Monet	
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**National Gallery
(Lane Collection).**
[H.L.]

A

B I L L

INTITULED

An Act to enable the Trustees of the National Gallery to transfer or lend the Lane Collection to the Trustees of the National Gallery of Ireland.

The Lord Carson.

Ordered to be printed 28th April 1926.

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PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

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[Price 1d. Net.]

(59)

A

B I L L

INTITULED

An Act to amend the Officers of Royal Naval Reserve Act, 1863. 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. The provisions of the Officers of Royal Naval Reserve Act, 1863 (hereinafter referred to as "the principal Act"), which relate to the pensions and allowances payable to officers to whom that Act applies on disablement and to the dependent relatives of such officers (that is to say, in section three thereof the words from "and if any such person is disabled" to the end of the section), are hereby repealed, and in lieu thereof the following provision shall have effect :—

Amendment
of s. 3 of the
principal
Act.

15 "Where any such officer sustains any disability of mind or body which is attributable to the conditions of naval service, he may be granted an allowance or pension in respect thereof at such rate and subject to such conditions as the Admiralty with the consent of His Majesty in Council may appoint, and where he is killed or dies as the result of any wound, accident, injury or disease attributable to the conditions of naval service, his widow, children or other dependent relatives may be granted such pension, allowances or gratuity as the Admiralty with the like consent may appoint."

A.D. 1926.
—
Amendment
of s. 2 of the
principal
Act.

2. The consent of His Majesty in Council shall not be necessary to rules, orders and regulations established by the Admiralty under section two of the principal Act with reference to the enrolment of persons as officers of reserve to the Royal Navy, and accordingly the words "with the consent of Her Majesty in Council" in the said section are hereby repealed. 5

Short title
and citation.

3. This Act may be cited as the Naval Reserve (Officers) Act, 1926, and the principal Act and this Act may be cited together as the Naval Reserve (Officers) Acts, 1863 and 1926. 10

Naval Reserve (Officers).

A

B I L L

INTRODUCED

An Act to amend the Officers of Royal
Naval Reserve Act, 1863.

(Brought from the Commons 22nd November 1926.)

Ordered to be printed 22nd November 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.*]

(173)



A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to North Berwick Burgh Extension. A.D. 1926.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners 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. Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the North Berwick Burgh Extension Order Confirmation Act 1926. Short title.



A.D. 1926,
—

S C H E D U L E

NORTH BERWICK BURGH EXTENSION.

*Provisional Order to extend the boundaries of the burgh
of North Berwick and for other purposes.*

WHEREAS the provost magistrates and councillors of 5
the royal burgh of North Berwick (hereinafter called “ the
Town Council ”) are the municipal and local authority
within the burgh of North Berwick (hereinafter called
“ the existing burgh ”) and are charged with the adminis- 10
tration and management thereof :

And whereas the land available for the erection of
houses within the existing burgh is limited and land
suitable and convenient for the erection of houses is
available within the district (situate in the parish of 15
North Berwick) lying contiguous and adjacent to the
existing burgh and by this Order annexed to the existing
burgh (which district is hereinafter referred to as “ the
district annexed ”) :

And whereas the Town Council supply water within
the existing burgh and the district annexed : 20

And whereas it is expedient that the compulsory
limits of the Town Council for the supply of water should
be extended to include the district annexed and that
the Town Council should be the sole authority for the
supply of water in the extended burgh all as hereinafter 25
provided :

And whereas the Town Council are the commissioners
under the Burghs Gas Supply (Scotland) Acts 1876 and
1918 :

And whereas from their gasworks the Town Council 30
supply gas within the existing burgh and the district
annexed :

And whereas the supply of water and gas by the Town Council to and within the district annexed has most materially assisted the development of the district annexed: A.D. 1926.
—

5 And whereas by virtue and in pursuance of the North Berwick Electricity Special Order 1925 the Town Council have become the authorised undertakers for the supply of electricity within the existing burgh and it is expedient that the area of the Town Council for the supply
10 of electricity should be extended to include the district annexed:

And whereas in the preparation by the Town Council of a town planning scheme under the provisions of the Town Planning (Scotland) Act 1925 it is desirable
15 to include land outwith the existing burgh and it is expedient for the purpose of such a scheme that the district annexed should be included within the boundaries of the burgh:

And whereas the district annexed can be efficiently
20 and conveniently administered by the Town Council and it is expedient and in the public interest that the municipal and local administration of the existing burgh and the district annexed should be under one authority:

And whereas it is expedient that the boundaries
25 of the existing burgh should be extended as by this Order provided and that all franchises rights privileges and immunities of and pertaining to the existing burgh and the powers and jurisdictions of the Town Council and all other powers and jurisdictions applicable within
30 the existing burgh should be extended to and be applicable within the existing burgh as extended by this Order and to the inhabitants thereof:

And whereas for the purposes of such extension it is expedient that subject to the provisions of this Order the
35 district annexed should be separated and disjoined for the purposes of this Order from the county of East Lothian and that subject to the said provisions all matters of administration and management and all jurisdictions powers functions and authorities within the district
40 annexed including the maintenance and management of the roads and streets should devolve upon and be vested in the Town Council:

A.D. 1926. — 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 5 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 :—

Short title
and com-
mencement
of Order.

1. This Order may be cited for all purposes as the 10 North Berwick Burgh Extension Order 1926 and shall come into operation on the date of the passing of the Act confirming the same (except as otherwise expressly provided) which date is hereinafter referred to as “the commencement of this Order.” 11

Interpreta-
tion of
terms.

2. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction :—

(a) The several words and expressions to which meanings are assigned by any public or local 20 Act of Parliament or Order applicable within the existing burgh shall subject to the provisions of this Order have the same respective meanings ; and

(b) The following expressions shall in this Order 21 have the meanings respectively assigned to them in this section (that is to say) :—

“The existing burgh” means the burgh of North Berwick within the limits and boundaries thereof existing immediately 3 previous to the commencement of this Order ;

“The burgh” means the burgh of North Berwick as extended by this Order ;

“The district annexed” means the area annexed to the existing burgh by this Order ; 3

“The Town Council” means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be ;

“The magistrates” means the magistrates of the existing burgh or of the burgh as the case may be; A.D. 1926. —

5 “The Dean of Guild Court” means the Dean of Guild Court of the existing burgh or of the burgh as the case may be;

10 “The town clerk” means the town clerk of the existing burgh or of the burgh as the case may be and includes any deputy acting for him;

“The county” means the county of East Lothian;

15 “The county council” means the county council of the county and includes any district committee thereof;

“The sheriff” means the sheriff of the Lothians and Peebles and includes any of his substitutes in the county;

20 “The sheriff clerk” means the sheriff clerk of the county;

“The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Acts amending or extending the same;

25 “The Town Councils Acts” means the Town Councils (Scotland) Acts 1900 to 1923;

30 “The Public Health Acts” means the Public Health (Scotland) Acts 1897 to 1907 and any Acts amending or extending the same.

3. From and after the fifteenth day of May one thousand nine hundred and twenty-six the municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend the existing burgh and the district annexed and the burgh shall be comprised within the limits and boundaries set forth and described in the Schedule to this Order Provided that the description of the said boundaries shall be subject to the rules of construction in section 5 of the Representation of the People (Scotland) Act 1832. Extension of boundaries.

A.D. 1926.
—
Map of the
burgh.

4. A map of the burgh of which eight copies have been signed by the Right Honourable the Earl of Liverpool chairman of the commissioners to whom this Order was referred shall within one month after the commencement of this Order be deposited as follows (that is to say) 5
one copy in the office of the Secretary for Scotland one copy with the town clerk at his office one copy with the sheriff clerk at his office in Haddington one copy with the Board of Trade one copy with the Commissioners of 10
Customs and Excise one copy with the Ministry of Agriculture and Fisheries one copy with the Electricity Commissioners and one copy in the office of the Minister of Transport If there be any discrepancy between the said map and the description in the Schedule to this Order the said map shall be deemed to be correct and shall prevail. 15

District
annexed
disjoined
from
county.

5. From and after the fifteenth day of May one thousand nine hundred and twenty-six the district annexed shall be and the same is hereby for the purposes of this Order disjoined from the county.

Transfer-
ence of
works in
district
annexed.

6. All lands sewers drains and pipes within the district annexed belonging to or vested in the county council and all powers rights duties revenues and jurisdictions and obligations connected therewith shall from and after the fifteenth day of May one thousand nine hundred and twenty-six be and the same are hereby transferred from 25
the county council and any district committee or other committee thereof and are hereby vested in the Town Council and the said property and rights revenues and obligations connected therewith shall subject to the provisions of this Order and to the provisions of the 30
Police Acts and the Public Health Acts be held used managed and maintained with the same rights duties revenues jurisdictions and obligations attached thereto by the Town Council as when vested in and belonging to the county council or any district committee or other 35
committee thereof and the Town Council may use such works hereby vested in them in connection with any works in the burgh.

Roads &c.
in district
annexed.

7. The roads streets bridges foot pavements and footpaths within the district annexed so far as the same 40
are vested in the county council or other public authority shall from and after the fifteenth day of May one thousand nine hundred and twenty-six be transferred to

and vested in and be managed maintained and repaired by the Town Council along with and in the same way and manner and to the same extent as the roads streets bridges foot pavements and footpaths within the existing burgh and the county council or other public authority shall be freed and relieved of the repair and maintenance of all such roads streets bridges foot pavements and footpaths so far as within the district annexed in all time coming. A.D. 1926. —

8. Nothing in this Order contained with respect to the vesting of roads streets sewers bridges foot pavements and footpaths within the district annexed shall prevent any superiors owners or other persons by whom or by whose predecessors the same shall have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the said parties respectively. Saving rights in roads foot pavements footpaths sewers and drains.

9. Subject to the provisions of this Order all property heritable and moveable (including all means revenues and income of every description arising therefrom) belonging to or leviable within the existing burgh or to which the existing burgh is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall as from the fifteenth day of May one thousand nine hundred and twenty-six be and the same is hereby vested in and shall be held by the Town Council for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh and all debts due to the Town Council of the existing burgh by any person prior to the fifteenth day of May one thousand nine hundred and twenty-six may be demanded and recovered from such person and received and applied by the Town Council for behoof of the burgh. Property of existing burgh vested in Town Council.

10. Subject to the provisions of this Order all jurisdictions rights powers and authorities heretofore exercised or exercisable by the county council or any committee thereof or other local authority within or over the district annexed or any part or parts thereof (with Powers of local authorities to cease in district annexed.

- A.D. 1926. — the exception of such jurisdictions rights powers and authorities (if any) as are presently exercised by the county council or any committee thereof or other local authority other than the Town Council within the existing burgh or any part thereof) shall cease and determine from and after the fifteenth day of May one thousand nine hundred and twenty-six. 5
- Electricity area of supply. 11. From and after the commencement of this Order the area of supply of electricity by the Town Council shall be the burgh. 10
- As to water supply of burgh. 12. The limits for the compulsory supply of water by the Town Council shall from and after the fifteenth day of May one thousand nine hundred and twenty-six be the burgh.
- Assessments on burgh. 13. Every rate charge or assessment (except such rates or assessments as are presently requisitioned for or levied and collected by the county council or the parish council within the existing burgh or any part thereof) authorised to be requisitioned for or levied and collected by the county council or other local authority having jurisdiction over the district annexed or any part or parts thereof but which shall not have been actually imposed previous to the fifteenth day of May one thousand nine hundred and twenty-six shall on that date cease and determine within the district annexed and thereafter all assessments and rates leviable within the existing burgh by the Town Council shall thenceforth be leviable on and within the burgh in the same way and manner as the same are leviable on and within the existing burgh. Provided always that the Town Council shall on or before the fifteenth day of January one thousand nine hundred and twenty-seven pay to the county council such sum as may represent the proportion effeiring to the period between the fifteenth day of May one thousand nine hundred and twenty-six and the commencement of this Order of the product of the assessments which the county council would have levied in the district annexed for the year ending Whitsunday one thousand nine hundred and twenty-seven. 40
- Public and local Acts to apply to extended burgh. 14. From and after the fifteenth day of May one thousand nine hundred and twenty-six the Burgh Police Acts and all other Public General Statutes and all local

and private Acts and Orders which apply to the existing burgh and all byelaws regulations rules and orders made thereunder and the whole provisions powers and authorities of the Town Council and the magistrates 5 under the said Acts and Orders shall extend and apply to the district annexed and may be exercised by the Town Council and the magistrates in the same manner and as fully in all respects within the district annexed as the same apply and may be exercised within the 10 existing burgh.

A.D. 1926.
—

15 15. From and after the fifteenth day of May one thousand nine hundred and twenty-six the Town Council the magistrates and the Dean of Guild Court respectively shall have possess and may exercise over the burgh and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which the 20 Town Council the magistrates and the Dean of Guild Court respectively of the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates assessments dues and charges and all rights privileges immunities and obligations at present enjoyed possessed by or incumbent 25 on the inhabitants of the existing burgh shall extend and apply to the inhabitants of the burgh.

Powers of magistrates and Town Council &c. to apply to extended burgh.

30 16.—(1) Subject and without prejudice to any of the provisions of this Order the Town Council and the county council or either of them may make and carry into effect agreements with respect to the transfer of property from the county council to the Town Council and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

Power to Town Council and county council to enter into agreements.

35 (2) The provisions of any such agreement shall be deemed to be within the powers of the Town Council and of the county council respectively and if and when made shall have and be carried into effect accordingly.

40 (3) Any difference or dispute arising as to such agreement or as to any other matter or thing in relation to the transference under this Order of the property of the county council shall be determined by an arbiter to be agreed upon or failing agreement to be appointed by

A.D. 1926. the Secretary for Scotland on the application of any of
— the parties concerned.

As to
vesting all
property
transferred
to Town
Council.

17. All property transferred to or vested in the Town Council by virtue of this Order shall vest in them without the necessity of recording in the Register of Sasines any conveyance notarial instrument or notice of title or other deed or writing but for the purpose of enabling the Town Council to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expeding a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Town Council.

Parochial
arrange-
ments not
to be
affected.

18. The lands and heritages within the district annexed shall remain parts and portions of the parish of North Berwick within which they now lie and shall not be affected by any of the provisions of this Order in so far as regards the settlement relief or management of the poor the erection and maintenance of district lunatic asylums the payment of poor's rates or education rate or any burdens for purposes other than those for which the said lands and heritages will be assessed under the provisions of the Police Acts or any other public or local statutes presently affecting or which may hereafter affect the existing burgh and of this Order.

Adjustment
of indebted-
ness between
Town
Council and
county
council.

19. The financial adjustment as between the Town Council and the county council consequent upon the inclusion within the boundaries of the burgh of the district annexed shall be made upon the basis of the provisions of the Local Government (Adjustments) (Scotland) Act 1914 and in accordance with the rules contained in the schedule to that Act and section 50 of the Local Government (Scotland) Act 1889 as applied by section 96 of the Burgh Police (Scotland) Act 1903 shall apply and have effect on the extension of the boundaries of the existing burgh by this Order and any dispute or difference arising in connection with such adjustment shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary for Scotland on the application of the Town Council or the county council.

20. The Town Council in addition to any other powers of borrowing which they now have or may obtain may (a) for the purpose of the payment of any capital sum which may be paid under the provisions of the section of this Order whereof the marginal note is "Adjustment of indebtedness between Town Council and county council" and (b) for the purpose of paying the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto borrow such money as may be necessary on the security of an assessment to be imposed in the same manner and along with and as part of the assessment for the maintenance and repair of highways leviable by the Town Council as local authority under the Roads and Bridges (Scotland) Act 1878 or of the Public Health General Assessment leviable under the Public Health (Scotland) Act 1897 or any Acts amending the said Acts and the Town Council may assign so much or such part as may be required of such assessment as security for the money which may be so borrowed under the provisions of this section Provided (1) that money so borrowed for purpose (a) aforesaid shall be repaid in accordance with the provisions of the said Act of 1897 except that the repayment shall be completed within twenty-five years from the date or dates of borrowing and (2) that money so borrowed for purpose (b) aforesaid shall be repaid within five years from the commencement of this Order.

A.D. 1926.
—
Borrowing
and assess-
ing power.

21. The Town Council shall continue to consist of the same number of members as at present and shall continue in office subject to the provisions of the Town Councils Acts and other statutes regulating the election of magistrates and councillors and the order of their retirement shall not be affected.

Continuance
in office of
Town
Council.

22. All laws statutes jurisdictions powers privileges and usages now in force in relation to the district annexed in so far as inconsistent or at variance with the provisions of this Order are subject to the provisions of this Order hereby repealed.

Repeal of
laws incon-
sistent with
this Order.

23. 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 Town Council to take use or in any

Crown
rights.

A.D. 1926. — 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. 5 10

Costs of
Order.

24. All 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 Town Council out of moneys borrowed by them under this Order for that purpose or any rates and assessments which they are authorised to levy. 15

The SCHEDULE referred to in the foregoing Order.

(Referred to in the section of the Order of which the marginal note is "Extension of boundaries.")

BOUNDARIES OF THE BURGH.

20

The area lands and heritages situated in the parish of North Berwick in the county of East Lothian bounded by a line commencing at the point at which the boundary line between the parishes of North Berwick and Dirleton reaches the shore of the Firth of Forth at low-water mark being the north-westmost point of the existing burgh boundary thence eastwards along low-water mark till it reaches the north-eastmost point of the existing burgh boundary thence southwards for a distance of 1,960 feet or thereabouts till it reaches the road leading from North Berwick to Dunbar thence westwards along the north side of the said road for a distance of 540 feet or thereabouts thence northwards along the line of a fence between the fields numbered 268 and 270A on the 25-inch Ordnance survey map of Haddingtonshire edition of 1907 for a distance of 500 feet or thereabouts thence westwards along the fences and walls on the south side of the Burgh Golf Links till it reaches the west side of the footpath on the west side of Rhodes Farm thence in a south-easterly direction along the west side of the said footpath and along 25 30 35

A.D. 1926.

—

the west side of the road in continuation thereof until it reaches
the north side of the road leading from North Berwick to
Dunbar thence in a westerly direction along the north side of
the said last-mentioned road for a distance of 1,188 feet or
5 thereabouts thence westwards along the south side of the said
road leading from North Berwick to Dunbar until it reaches
the east side of the road leading from North Berwick to the
Heugh thence in a south-easterly direction along the east side
of the last-mentioned road for a distance of 208 feet or there-
10 abouts thence westwards along the wall and fence forming the
northern boundary of the Heugh Farm until it reaches Mill
Burn thence westwards along the centre of the said burn for
a distance of 1,315 feet or thereabouts thence northward along
the line of a hedge between the fields numbered 294 and 287 on
15 said Ordnance survey map and thereafter following the line of
said hedge until a point 160 feet or thereabouts south of the
fence forming the south boundary of the road known as the
New Road is reached thence westward along a line parallel to
the said last-mentioned fence until the existing burgh boundary
20 is reached thence westward and northward along the line of the
existing boundary to the point of commencement.

AN ACT TO CONFIRM
Extension Order
Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to North Berwick Burgh Extension.

The Duke of Sutherland.

Ordered to be printed 17th June 1926.

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(101)

A

B I L L

ENTITLED

An Act to authorise the Treasury to guarantee certain loans to be raised respectively by the Government of Palestine and by the Governments of certain territories in East Africa. 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 Treasury may, subject to the provisions of this Act, guarantee in such manner and on such conditions as they think fit the payment of the principal of and the interest on any loan raised by the Government of Palestine for the purposes set out in the First Schedule to this Act and any loan raised by the Governments of Kenya, Uganda, Northern Rhodesia, Nyasaland, or Tanganyika for the purposes set out in the Second Schedule to this Act: Guarantee
of Palestine
and East
African
loan.

15 Provided that the amount of the principal of the loans to be guaranteed under this Act shall not in the aggregate exceed, as respects loans raised by the Government of Palestine an amount sufficient to raise four million five hundred thousand pounds, and as respects
20 loans raised by the other Governments aforesaid an amount sufficient to raise ten million pounds.

A.D. 1926.

—

(2) A guarantee shall not be given under this Act until the Government by which the loan is to be raised has provided to the satisfaction of the Treasury and the Secretary of State—

- (a) For raising, appropriating, and duly applying the loan in the case of a loan to be raised by the Government of Palestine, for the purposes and in the manner set out in the First Schedule to this Act, and, in the case of a loan to be raised by any of the other Governments aforesaid, for the purposes and in the manner set out in the Second Schedule to this Act, subject in either case to any arrangements which may be made with the assent of the Treasury and the Secretary of State for the application of savings on one head of expenditure under the said First Schedule or the said Second Schedule, as the case may be, to another head of expenditure thereunder: 5
- (b) For the establishment and regulation of one or more sinking funds for the purpose of the repayment of the principal of the loan or any instalment thereof within a period not exceeding forty years from the date on which the loan or instalment is actually raised and for the management of the sinking funds by trustees to be nominated by the Treasury: 10 15 20 25
- (c) For charging on the general revenues and assets of the territory or colony concerned or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and the payments to be made to the sinking funds to be established as aforesaid: 30
- (d) For charging on the general revenues and assets of the territory or colony concerned immediately after the last mentioned charge the repayment to the Treasury of any sum issued in pursuance of this Act out of the Consolidated Fund on account of the guarantee under this Act with interest on the said sum at such rate as the Treasury may fix: 35 40
- (e) For raising, or securing the raising of, sufficient money to meet the above charges,



nor, in the case of a loan to be raised by any Government other than the Government of Palestine, until after consultation with an advisory committee appointed by the Secretary of State subject to the approval of the
5 Treasury. A.D. 1926; —

(3) Any sums required by the Treasury for fulfilling any guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums received by way of the
10 repayment of any sums so issued shall be paid into the Exchequer.

(4) The Secretary of State shall satisfy himself that fair conditions of labour are observed in the execution of all works carried out under any loan raised in pursuance
15 of this Act.

2. This Act may be cited as the Palestine and East Africa Loans Act, 1926. Short title.

A.D. 1926.

SCHEDULES.

FIRST SCHEDULE.

PURPOSES OF PALESTINE LOAN.

	£	
1. Railways - - - - -	1,640,000	5
2. Purchase of railway and other capital assets from His Majesty's Government - - - -	1,000,000	
3. Harbour construction and port improvements -	1,115,000	
4. Public buildings, telegraphs and telephones, surveys, minor works of development, and purposes incidental to or connected with any of the purposes mentioned in this Schedule, including the raising of the loan - - - - -	745,000	10
	4,500,000	

SECOND SCHEDULE.

15

PURPOSES OF EAST AFRICAN LOANS.

	£	
1. Railways - - - - -	6,500,000	
2. Harbour construction and port improvements -	2,500,000	
3. Roads, other works of development (including scientific research) and purposes incidental to or connected with any of the purposes mentioned in this Schedule, including the raising of the loans - - - - -	1,000,000	20
	10,000,000	25

**Palestine and
East Africa Loans
(Guarantee).**

A

B I L L

INTITLED

An Act to authorise the Treasury to guarantee certain loans to be raised respectively by the Government of Palestine and by the Governments of certain territories in East Africa.

(Brought from the Commons 13th December 1926.)

Ordered to be printed 13th December 1926.

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(209)

A

B I L L

INTITULED

An Act to amend the Parks Regulation Act, 1872. 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. The Parks Regulation Act, 1872 (hereinafter referred to as the principal Act), shall apply to all parks, gardens, recreation grounds, open spaces and other land for the time being vested in, or under the control or
10 management of, the Commissioners of Works, and accordingly in that Act the expression "park" shall include all such parks, gardens, recreation grounds, open spaces and land as aforesaid :

Application.
35 & 36 Vict.
c. 15.

Provided that the provisions of the First Schedule
15 to the principal Act shall not apply to any park to which those provisions did not apply immediately before the commencement of this Act.

2.—(1) Subject to the provisions of this Act, the Commissioners of Works may make such regulations to
20 be observed by persons using any park to which the principal Act applies, as they consider necessary for securing the proper management of the park, and the preservation of order and prevention of abuses therein, and if any person fails to comply with, or acts in
25 contravention of, any regulations so made, he shall be

Power to
make regu-
lations.

A.D. 1926. — guilty of an offence against the principal Act and shall be liable on conviction thereof by a court of summary jurisdiction to a penalty not exceeding five pounds.

(2) Before any regulation 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 against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulation. 5 10

(3) As from and after the date upon which regulations made under this Act come into operation as respects any park all references in the principal Act to regulations shall, as respects that park, be construed as references to regulations made under this Act. 15

31 & 32 Vict. c. 37.
45 & 46 Vict. c. 9. (4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Commissioners of Works as though the Commissioners were included in the first column of the Schedule to the first-mentioned Act, and any Commissioner or the Secretary, or any person authorised to act on behalf of the Secretary, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any regulations made under this Act. 20 25

Application to Royal Botanic Gardens, Kew. 52 & 53 Vict. c. 30. **3.** Whereas under section four of the Board of Agriculture Act, 1889, the powers and duties of the Commissioners of Works under the principal Act have, as respects the Royal Botanic Gardens, Kew, been transferred to the Minister of Agriculture and Fisheries: 30

Now, therefore, this Act shall apply to the Royal Botanic Gardens, Kew, as if references to the Minister of Agriculture and Fisheries were therein substituted for references to the Commissioners of Works. 35

Short title, citation, extent, construction and repeal.

4.—(1) This Act may be cited as the Parks Regulation (Amendment) Act, 1926, and the principal Act and this Act may be cited together as the Parks Regulation Acts, 1872 and 1926.

(2) This Act shall not extend to Northern Ireland. 40

(3) Except where the context otherwise requires, references in this Act to the principal Act shall be con-



strued as references to that Act as amended by this Act, and this Act shall be construed as one with the principal Act. A.D. 1926.

(4) The provisions of the principal Act specified in Part I. of the Schedule to this Act are hereby repealed as from the commencement of this Act, and the provisions of that Act specified in Part II. of the said Schedule shall continue in force for a period of one year after the commencement of this Act and shall then be hereby repealed.

SCHEDULE.

PROVISIONS OF PRINCIPAL ACT REPEALED.

Section 4.

PART I.

Provisions repealed from Commencement of Act.

15 Section 2.

In section 8 the words " garden or possession " in each place where those words occur.

In section 10 the word " Royal. "
The Second Schedule.

20

PART II.

Provisions repealed upon expiration of One Year after Commencement of Act.

Section 4 (so far as unrepealed).

Section 9.

25

The First Schedule.

**Parks Regulation
(Amendment). [H.L.]**

A

B I L L

INTITULED

An Act to amend the Parks Regulation
Act, 1872.

The Viscount Peel.

Ordered to be printed 27th July 1926.

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(143)

A

B I L L

INTITULED

An Act to enable Peeresses in their own right to sit and vote in the House of Lords. 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. A woman being the holder in her own right of any peerage, other than a peerage of Scotland or Ireland, shall, if otherwise qualified, be entitled to receive a writ of summons to Parliament and to sit and vote in the House of Lords as fully as if she were a man and notwithstanding that the Royal Charter or Letters Patent (if any) creating such peerage do not expressly confer upon her the right to hold and possess a seat, place, and voice in Parliament. Peeresses in their own right other than Peeresses of Scotland or Ireland to sit and vote in the House of Lords.

2. A woman being the holder in her own right of any peerage of Scotland or Ireland, if otherwise qualified, shall be entitled as fully as if she were a man, to vote at the elections of representative peers of Scotland or Ireland respectively and to be an elected representative of the peerage of Scotland or Ireland and as such to sit and vote in the House of Lords. Peeresses of Scotland or Ireland in their own right to vote at elections of representative Peers.

3. Subsection (5) of section nine of the Representation of the People Act, 1918, is hereby repealed. Repeal of 7 & 8 Geo. 5. c. 64. s. 9 (5).

4. This Act may be cited as the Parliament Short title. (Qualification of Peeresses) Act, 1926.

**Parliament
(Qualification of
Peerses). [H.L.]**

A

B I L L

INTITULED

An Act to enable Peerses in their
own right to sit and vote in the
House of Lords.

The Viscount Astor.

Ordered to be printed 20th April 1926.

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(45)



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to increase and extend the powers of the court to inflict penal servitude in lieu of imprisonment in the case of certain crimes. 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) Where a person is convicted on indictment of two or more offences to which this Act applies in respect of which he is liable to be sentenced to terms of imprisonment amounting in the aggregate to a period of not less than three years, the court may, instead of sentencing him to imprisonment, sentence him to penal servitude for any term not exceeding the aggregate period for which he might have been sentenced to imprisonment, so, however, that no sentence of penal servitude imposed under this section shall be for a term exceeding seven years:

Power of court to substitute penal servitude for consecutive terms of imprisonment.

Provided that if, on an appeal by a person sentenced under this Act to penal servitude in respect of two or more offences with which he was charged on separate indictments, it appears to the Court of Criminal Appeal that the appellant, though not properly convicted

A.D. 1926. — on some indictment, has been properly convicted on some other indictment, the Court shall have the like powers as if the appellant had been convicted of the offences on different counts or parts of the same indictment; but where an appellant convicted of two or more offences, whether on one or more indictments, has been sentenced under this Act to penal servitude in respect of two or more offences and his conviction of any such offence is quashed by the Court of Criminal Appeal, the Court shall not affirm any sentence passed at the trial or pass any sentence in substitution therefor which is more severe than would have been warranted by law if the appellant had been acquitted at the trial of any charge in respect of which his conviction is quashed.

(2) This Act applies to all indictable offences not otherwise punishable by penal servitude except blasphemous or seditious libel and other offences of blasphemy or sedition, unlawful assembly, rout or riot, offences under any enactment relating to corrupt and illegal practices at elections, and offences of inciting or attempting or conspiring to commit any such offence as aforesaid.

(3) In the application of subsection (1) of this section to Scotland

(a) the expression "the Court" shall mean the High Court of Justiciary, and the power to award penal servitude conferred by that subsection shall be exerciseable in the case of a person remitted to the said High Court for sentence under the Criminal Procedure (Scotland) Acts, 1887 and 1921, as well as in the case of a person convicted before the said High Court;

(b) a reference to the Court of Criminal Appeal shall be construed as a reference to the High Court of Justiciary in the exercise of its jurisdiction under the Criminal Appeal (Scotland) Act, 1926.

Short title
and extent.

2.—(1) This Act may be cited as the Penal Servitude Act, 1926.

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



Penal Servitude.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULIED

An Act to increase and extend the powers of the court to inflict penal servitude in lieu of imprisonment in the case of certain crimes.

(Brought from the Commons 22nd June 1926.)

Ordered to be printed 27th July 1926.

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(145)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation Water. 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 Perth Corporation Water Order Confirmation Act 1926. Short title.

A.D. 1926.

S C H E D U L E.

PERTH CORPORATION WATER.

Provisional Order to authorise the construction of additional waterworks for the city and royal burgh of Perth to confer further borrowing powers for the purposes of the water undertaking of the city and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal and police administration of the said city and royal burgh (hereinafter called "the burgh") and are the local authority within the burgh under the Public Health (Scotland) Act 1897 and are also the owners of the water undertaking of the burgh :

And whereas the existing water supply of the burgh is mainly derived from an intake in the River Tay and such supply is now insufficient for the wants and conveniences of the present population and the trade and manufactures of the burgh :

And whereas by the Perth Corporation (Waterworks &c.) Order 1921 power was obtained to provide a new and additional supply of water by another intake in the River Tay at a point above the city and by conduits and lines of pipes :

And whereas the works authorised by the said Perth Corporation (Waterworks &c.) Order 1921 have not been proceeded with and it is now desired to amend the scheme proposed by the said Order and for that purpose to construct and maintain the works hereinafter described :

And whereas the aggregate moneys authorised to be borrowed by the Perth Water Acts 1877 to 1921 in connection with and for the purposes of the water undertaking of the Corporation amount to two hundred and thirty-six thousand eight hundred and seventy-five pounds which amount has been or is in course of being



borrowed to the extent of ninety-nine thousand and
 eighty-five pounds and it is expedient to authorise the
 Corporation to borrow additional money for the purpose
 of the waterworks by this Order authorised and for the
 5 general purposes of their water undertaking as hereinafter
 provided :

A.D. 1926.

And whereas estimates have been prepared by the
 Corporation for and in relation to the purposes hereinafter
 mentioned in respect of which they are by this Order
 10 authorised to borrow money and such estimates are
 as follows :—

	£
Purchase of lands and servitudes- -	2,800
Intake collecting conduit filter tunnels 15 and relative works - - -	10,500
Trunk mains - - - -	59,020
Reservoir embankments and relative works - - - -	27,000
Subsidiary works - - - -	1,680
	£101,000
20	£101,000

And whereas the several works included in such
 estimates are permanent works and it is expedient that
 the cost thereof should be spread over a term of years :

And whereas it is expedient that the Corporation
 25 should be authorised to borrow and raise money for the
 purposes of the waterworks by this Order authorised
 and for the other purposes of this Order and to levy rates
 and assessments as in this Order provided :

And whereas it is expedient that the further powers
 30 and provisions hereinafter in this Order contained should
 be conferred on the Corporation and made as by this
 Order provided :

And whereas plans and sections showing the lines
 situations and levels of the several works authorised
 35 by this Order and the lands proposed to be taken for
 the purposes thereof and of this Order and also a book
 of reference to such plans containing the names of the
 owners and lessees or reputed owners and lessees and
 of the occupiers of the lands houses and other property
 40 required or which may be taken for the purposes or

A.D. 1926. — under the powers of this Order were duly deposited with the sheriff clerk of the county of Perth at his office in Perth and are hereinafter 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) 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 and citation of Acts.

1. This Order may be cited for all purposes as the Perth Corporation Water Order 1926.

The Perth Water Acts 1877 to 1921 and this Order may be cited as the Perth Water Acts 1877 to 1926.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter in this Order referred to as "the commencement of this Order."

Division of Order into Parts.

3. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Lands.

Part IV.—Financial.

PART I.

PRELIMINARY.

Incorporation of Acts.

4. The Lands Clauses Acts are so far as the same are applicable for the purposes and are not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order.

This Order shall be deemed to be a special Act within the meaning of those Acts.

The Waterworks Clauses Act 1847 (except the provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the

A.D. 1926.

exception of clauses 68 70 71 72 and 88 thereof) and the Waterworks Clauses Act 1863 and the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith are (except where expressly varied by this Order) incorporated with and form part of Part II. of this Order Provided that sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 shall be read so as to apply to the construction of the conduits or lines of pipes by this Order authorised and the prescribed limits shall be two hundred yards from every or any part of the respective works.

5. In this Order terms words and expressions to which meanings are assigned by the Perth Water Act 1877 and the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Order the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say)—

“ The promoters of the undertaking ” “ the undertakers ” and “ the company ” respectively mean the Corporation ;

“ The railway ” means the works by this Order authorised and “ the centre of the railway ” means the boundaries of those works.

Further in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context inconsistent with or repugnant to such construction (that is to say)—

“ Burgh ” means the city and royal burgh of Perth ;

“ Corporation ” means the lord provost magistrates and councillors of the burgh ;

“ Sheriff ” means the sheriff of the county of Perth and includes his substitutes ;

“ Sheriff clerk ” means the sheriff clerk of the county of Perth ;

A.D. 1926.

- “The Act of 1877” means the Perth Water Act 1877;
- “The Act of 1888” means the Perth Water and Gas Act 1888;
- “The Act of 1899” means the Perth Water Police and Gas Act 1899; 5
- “The Order of 1904” means the Perth Corporation Order 1904;
- “The Order of 1908” means the Perth Corporation Order 1908; 10
- “The Order of 1921” means the Perth Corporation (Waterworks &c.) Order 1921;
- “The Water Acts” means the Water Acts as defined in the Order of 1908 and that Order and the Order of 1921 so far as they respectively relate to water and water purposes; 15
- “The water undertaking” means and comprehends the water undertaking as defined by the Act of 1899. 20

PART II.

20

WATERWORKS.

Power to
make
additional
water-
works.

6. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described wholly situate in the county of Perth (that is to say):— 25

- (1) An intake (Work No. 1) comprising a collecting conduit or well with ten filter tunnels connecting therewith all situate in the sand and gravel bank lying in the River Tay opposite to and to the east of the Woody or Scone Islands situate in the parish of Scone and county of Perth: 30
- (2) A conduit or line of pipes (Work No. 2) situate in the parishes of Scone Tibbermore and Perth all in the county of Perth commencing in the intended collecting conduit or well (Work No. 1) at the south end thereof and terminating in the well within the pumping station at the corner of Tay Street and Marshall Place in the parish 35 40

of Perth in the burgh of Perth That portion A.D. 1926.
of the conduit or line of pipes which crosses
the River Tay will be laid as a double line of
pipes :
—

- 5 (3) A sedimentation chamber (Work No. 3) wholly
situate in the parish of Tibbermore in the
county of Perth on the west bank of the River
Tay at a point on the line of said conduit
10 (Work No. 2) sixty-five yards or thereby
northwards from the north-east corner of the
field or enclosure numbered 366 on the $\frac{1}{2500}$
Ordnance survey map (second edition 1901):
- 15 (4) A reservoir (Work No. 4) situate partly on the
lands of Atholebank and partly on the lands of
Cornhill and within the fields or enclosures
numbered 516 517 and 518 on the $\frac{1}{2500}$ Ordnance
survey map (edition 1901) lying to the north-
west of the existing reservoir known as Viewlands
20 Reservoir such new reservoir to be formed by
an embankment commencing at a point where
an imaginary straight line measured in an
easterly direction one hundred and seventeen
yards or thereabouts from the south-west corner
of said field or enclosure numbered 518 would
25 intersect an imaginary straight line measured
in a northerly direction forty-two yards or
thereabouts from the north-east corner of the
house called Atholebank which embankment
will extend in a north-easterly direction for a
30 distance of one hundred yards or thereabouts
thence in a northerly direction in a curved line
for a distance of two hundred and eighty yards
or thereabouts thence in a south-westerly direc-
35 tion for a distance of eighty-six yards or there-
abouts thence in a southerly direction in a curved
line for a distance of two hundred and seventy
yards or thereabouts and terminating at the
commencing point before mentioned all situate
40 in the parish of Tibbermore in the burgh of
Perth :
- (5) A conduit or line of pipes (Work No. 5) situate
in the parishes of Perth and Tibbermore in the
burgh of Perth commencing in the pumping
station at the corner of Tay Street and Marshall

A.D. 1926.

Place and terminating in the proposed reservoir (Work No. 4) at the north-west corner thereof :

- (6) A conduit or line of pipes (Work No. 6) situate in the parishes of Tibbermore and Perth in the burgh of Perth commencing in the south end of the said intended reservoir and terminating in the said existing Viewlands Reservoir on the north-west side thereof. 5

Application of certain sections of existing provisions as to works.

7. The sections hereinafter specified of the Act of 1899 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the works and reservoir by this Order authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say) :— 10 15

Of the Act of 1899—

Section 6 (Power to make subsidiary works and improve existing works);

Section 7 (Limits of lateral deviation); 20

Section 16 (Supply to local authorities in bulk or otherwise).

Of the Order of 1921—

Section 7 (Limits of vertical deviation);

Section 9 (Power to alter roads &c. temporarily); 25

Section 10 (Power to divert and impound waters);

Section 11 (For protection of conduits &c. from pollution);

Section 12 (Works below high-water mark to be subject to approval of Board of Trade); 30

Section 13 (Temporary discharge of water into streams);

Section 14 (Corporation may enlarge or increase number of pipes); 35

Section 15 (Power to lay pipes in streets not dedicated to public use);

Section 18 (Limit of powers of Corporation to abstract water); 40

Section 55 (Crown rights).

8. The provisions of section 20 (For protection of Caledonian Railway Company) of the Order of 1921 shall so far as applicable extend and apply *mutatis mutandis* to the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and to the works and reservoir by this Order authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said section had been re-enacted in this Order with reference thereto.

A.D. 1926.
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For protection of London Midland and Scottish and London and North Eastern Railway Companies.

9. If the works authorised by this Order are not completed within six years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Corporation from altering renewing relaying extending enlarging or discontinuing any of their pumping apparatus filtration plant engines machinery conduits aqueducts mains pipes or conveniences at any time and from time to time as occasion requires subject to the provisions of this Order.

Period for completion of works.

10.—(1) The Corporation shall so long as any part of the water supply for the burgh is taken from the River Tay provide an adequate and efficient chlorinating plant to the satisfaction of the director of water examinations Metropolitan Water Board or such other person as the Scottish Board of Health may approve the fee of such director or other person being payable by the Corporation and such plant shall at all times be maintained in good working order and shall be so worked as to ensure that at all times the water supplied to the consumers shall be pure and wholesome.

Provisions as to chlorinating plant &c.

(2) The Corporation shall at all times employ a full time qualified water engineer who shall be approved by the Scottish Board of Health and who shall have under his direct and constant control and management the whole water undertaking including the said chlorinating plant and who shall from time to time take and submit samples of the water for bacteriological examination by a bacteriologist to be retained by the Corporation and

A.D. 1926. approved by the Scottish Board of Health and who shall when required by such bacteriologist submit to him samples of the water for examination.

(3) Any person duly authorised by the Scottish Board of Health for that purpose may at any time enter any premises pertaining to or any part of the water undertaking in order to inspect and examine the same and may inspect and examine the same and may take samples.

Works to form part of water undertaking.

11. The works by this Order authorised shall form part of the existing water undertaking of the Corporation and all the powers and provisions vested in and applicable to the Corporation by the Water Acts with reference to their water undertaking shall be and the same are hereby in so far as applicable and not inconsistent with the provisions of this Order extended and applied to the waterworks by this Order authorised.

Abandonment of certain works previously authorised.

12. The Corporation shall abandon the construction of the works authorised by section 6 (Power to make additional waterworks) of the Order of 1921.

Compensation for damage to land by entry &c. for purposes of works abandoned.

13. The abandonment by the Corporation under the authority of this Order of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Perth Corporation (Waterworks) Order 1921.

Compensation to be made in respect of portions of works abandoned

14. Where before the commencement of this Order any contract has been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Order the Corporation shall be released from all liability to purchase or

to complete the purchase of any such land but notwithstanding full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land for all injury or damage sustained
5 by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of
10 compensation paid for lands taken under the provisions thereof.

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PART III.

LANDS.

15 15. Subject to the provisions of this Order the Corporation may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they require for the purposes of the construction and maintenance of the works by this Order authorised.

Power to
take lands.

20 16. If there be any omission misstatement or wrong 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 Corporation after giving ten days' notice to the owners lessees
25 and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from accident or mistake he shall certify the same accordingly in duplicate and shall in his certificate
30 state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk and a duplicate thereof shall also be deposited with the clerk of the parish council of any parish in which the lands
35 affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks 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 such certificate and it shall be lawful for the Corporation to enter
40 upon take and use the lands and execute the works in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

A.D. 1926.
—
Lands for
accesses &c.

17. The Corporation may subject to the provisions of this Order acquire compulsorily or by agreement and may appropriate hold and use the lands hereafter in this section described and shown on the deposited plans and described in the deposited book of reference or 5 some part or parts of such land that is to say—

Firstly—Lands situate wholly in the parish of Scone in the county of Perth within the enclosures numbered 387 392 and 420 on the 25-inch Ordnance survey map (1901 edition) of that 10 parish;

Secondly—Lands situate in the parish of Tibbermore in the county of Perth within the enclosures numbered 174 175 176 179 and 180 and lands situate in the parish of Scone in the county of 15 Perth within the enclosures numbered 387 and 420 on the 25-inch Ordnance survey map (1901 edition) of those respective parishes;

and use the same or any part thereof as and for accesses to Work No. 1 hereinbefore described and for the other 20 purposes of this Order.

Application
of certain
sections of
existing
provisions
as to ser-
vitudes &c.

18. The sections hereinafter specified of the Act of 1899 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the lands and servitudes to be acquired by the Corporation under the 25 authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say):—

Of the Act of 1899— 30

Section 20 (Additional lands by agreement for water purposes);

Section 21 (Power to take servitudes &c. by agreement).

Of the Order of 1921— 35

Section 24 (Corporation may acquire servitudes only in certain cases).

Period for
compulsory
purchase of
lands.

19. The powers of the Corporation for the compulsory purchase of lands and property required for or in connection with the works authorised by this Order 40 shall cease after the expiration of three years from the commencement of this Order.

20. And whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and property shown on the deposited plans
5 and numbered thereon 1 to 10 both inclusive in the parish of Scone and 1 to 10 both inclusive and 12 13
15 and 16 in the parish of Tibbermore and 1 to 41 both inclusive in the parish of Perth may be sufficient for the purposes of the same and that such portions may be
10 severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and property and whereof
15 parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder
20 of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the said properties so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation
25 paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise.

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Owners may be required to sell parts only of certain lands and buildings.

PART IV.

30

FINANCIAL.

21. The power given to the Corporation by section 28 (Power to borrow additional moneys for water undertaking) of the Order of 1921 to borrow the sum of one hundred and thirty thousand pounds for constructing
35 the works authorised by that Order and the purchase of lands and other property and rights and servitudes under the authority of that Order and for the general purposes of the water undertaking and to borrow with the sanction of the Secretary for Scotland further sums
40 of money for the general purposes of that undertaking is hereby repealed.

Repeal of part of borrowing powers under Order of 1921.

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Power to
borrow
additional
money.

- 22.—(1) The Corporation (in addition to any moneys borrowed or which they have power to borrow under and in virtue of the Water Acts as amended by this Order) may from time to time under the authority of this Order borrow on mortgage of the several rates and charges 5
leviable by them under the provisions of the Water Acts and this Order such sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say):—
- (a) In respect of the purchase of lands and servitudes 10
and the construction of the reservoir embankments and relative works the sum of twenty-nine thousand eight hundred pounds;
 - (b) In respect of the construction of the intake 15
collecting conduit filter tunnels and trunk mains the sum of sixty-nine thousand five hundred and twenty pounds;
 - (c) In respect of the subsidiary works the sum of one thousand six hundred and eighty pounds;
 - (d) In respect of the general purposes of the water 20
undertaking the sum of fifteen thousand pounds;
 - (e) With the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by a Secretary of State such further sums as may be requisite for the general purposes 25
of the water undertaking;
 - (f) In respect of the costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation 30
thereto and also in respect of the costs charges and expenses of and incident to the preparing and applying for or otherwise in relation to the application in the year one thousand nine hundred and twenty-five for a Provisional Order 35
in respect of the Loch Ordie Water Scheme such sum as may be necessary.
- (2) The Corporation may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and 40
interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the

Corporation pay off the same or any part thereof otherwise than by means of instalments or the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

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10 23. The sections hereinafter specified of the Act of 1877 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the money to be borrowed or raised by the Corporation under the authority of this Order and to the mortgages assignments or
15 transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or
20 raised or granted under the authority of the Act of 1877 and of the Order of 1921 (that is to say):—

Application of certain sections of existing provisions as to mortgages &c.

Of the Act of 1877—

25 Section 113 (Forms of mortgage and transfer) and the Second and Fourth Schedules therein mentioned;

Section 114 (Mortgages may be accompanied with interest warrants) and the Third Schedule therein mentioned;

30 Section 120 (Arrears may be enforced by appointment of judicial factor);

Section 121 (Powers and duties of judicial factor);

Section 122 (Mortgages to be personal estate);

Section 123 (Discharge of mortgages) and the Fifth Schedule therein mentioned.

35 Of the Order of 1921—

Section 30 (Application of money borrowed or raised for water undertaking);

Section 32 (Annual estimates to include interest on money borrowed &c.).

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—
Priority of
existing
securities
for money
borrowed
for water
purposes.

24. All mortgages and securities granted by the commissioners incorporated by the Act of 1877 and by the former burgh commissioners and by the Corporation in pursuance of the powers of the Water Acts before the commencement of this Order and which shall be subsisting at the commencement of this Order shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Corporation for moneys borrowed or raised by them in relation to the water undertaking under this Order.

Application
of water
revenue.

25. Section 33 (Application of water revenue) of the Order of 1921 is hereby repealed and subject to the provisions of the Water Acts and this Order the Corporation shall apply all moneys from time to time received by them under the powers of the Water Acts or this Order (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say):—

(Firstly) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys and also in payment of any feu duties ground annuals or other charges exigible in respect of any lands or property forming part of the water undertaking;

(Secondly) In payment of interest of money borrowed under the authority of—

(a) The Act of 1877;

(b) The Act of 1888 relating to the water undertaking;

(c) The Act of 1899 relating to the water undertaking;

(d) The Order of 1904 relating to the water undertaking;

(e) The Order of 1908 relating to the water undertaking;

(f) The Order of 1921 relating to the water undertaking; and

(g) This Order;

(Thirdly) In setting apart the instalments or sinking fund for paying off the money borrowed under the authority of the Water Acts and this Order; A.D. 1926.

5 (Fourthly) In carrying the other powers and provisions of the Water Acts (so far as not repealed or altered) and this Order into execution;

10 (Lastly) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate the public water rate and the rates and charges fixed by special agreement for a supply of water when circumstances shall permit the same to be done.

15 26. The Corporation shall pay off all moneys borrowed by them under the powers of this Order (other than moneys to be borrowed with the sanction of a Secretary of State) within the respective periods following (which periods shall severally be deemed to be "the prescribed period" referred to in section 47 (Sinking fund) of the Order of 1904) (that is 20 to say):—

Periods of
repayment
of moneys.

25 (1) As to moneys borrowed under the authority of subsection (a) of the section of this Order of which the marginal note is "Power to borrow additional money" within sixty years from the date or dates of the borrowing of the same:

30 (2) As to moneys borrowed under the authority of subsection (b) of the section of this Order of which the marginal note is "Power to borrow additional money" within forty years from the date or dates of the borrowing of the same:

35 (3) As to moneys borrowed under the authority of subsections (c) and (d) of the section of this Order of which the marginal note is "Power to borrow additional money" within thirty years from the date or dates of the borrowing of the same:

40 (4) As to moneys borrowed under the authority of subsection (e) of the section of this Order of which the marginal note is "Power to borrow additional money" such period as shall from

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time to time be prescribed by the Secretary of State :

- (5) As to moneys borrowed for paying the costs charges and expenses referred to in the section of this Order of which the marginal note is 5
“ Costs of Order and Loch Ordie application ” within five years from the commencement of this Order.

Application of certain sections of existing provisions as to borrowings &c.

27. The sections hereinafter specified of the Order of 1904 and of the Order of 1921 shall so far as applicable 10 extend and apply mutatis mutandis to all moneys borrowed or raised by the Corporation under the powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 and of the Order of 1921 (that is to 15 say) :—

Of the Order of 1904—

Section 46 (Mode of repayment);

Section 47 (Sinking fund);

Section 48 (Power to Corporation to borrow on 20 cash account);

Section 49 (Protection of lenders from enquiry);

Section 50 (Order not to restrict borrowing powers of the Corporation);

Section 51 (Annual return to the Secretary for 25 Scotland with respect to sinking fund).

Of the Order of 1921—

Section 52 (Powers of Secretary for Scotland in 30 relation to borrowing);

Section 53 (Manner in which mortgages and deeds to be granted by the Corporation).

Public water rate to be levied.

28.—(1) From and after Whitsunday one thousand nine hundred and twenty-seven the Corporation are hereby authorised and required once in every year to 35 assess and levy upon and from the owners of all lands and heritages within the compulsory water limits except lines and railways and railway sidings the public water rate of such sum in the pound of the full annual value of all such lands and heritages according to the valuation 40 roll in force therein for the time being as the Corporation

shall from time to time decide provided always that such public water rate shall not exceed twopence in the pound. A.D. 1926.

(2) Section 89 (Public water rate to be levied) of the Act of 1877 is hereby repealed as from Whitsunday one thousand nine hundred and twenty-seven.

29.—(1) Section 71 (Supply of water to railway companies and general station committee at fixed price) section 72 (Price so fixed to be in full of all payments except public water rate) and section 73 (Railway companies and station committee may take supplies of water elsewhere) of the Act of 1877 and section 19 (Amendment of section 71 of the Perth Water Act 1877) of the Order of 1921 are hereby repealed as from the date when the supply of water from the works by this Order authorised commences. Supply of water to railway companies and general station committee.

(2) The Corporation shall from the date above mentioned provide and furnish to each of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and to the Perth General Station Committee incorporated by the Perth General Station Act 1865 at such places within the water limits as defined in the Water Acts as such companies and committee respectively shall appoint and by means of communication pipes meters and other necessary and proper apparatus to be provided laid down and maintained at the cost of such companies and committee respectively sufficient supplies of water for the buildings works water tanks engines and other property belonging to or occupied by them respectively and for all other purposes for which they may respectively require supplies of water including the refreshment rooms and hotel and appurtenances thereof which are or may hereafter be erected in connection with the Perth general station but excepting other dwelling-houses upon payment at the rate of sixpence for each quantity of one thousand gallons as ascertained by meter which may be so supplied Provided always that the total amount payable to the Corporation by each of the said parties in respect of such supplies shall not in any year be less than the sums following that is to say four hundred and ninety-five pounds by the London Midland and Scottish Railway Company one

A.D. 1926. — hundred and fifty pounds by the London and North Eastern Railway Company and sixty pounds by the Perth General Station Committee although the quantities of water taken from the Corporation by the said parties respectively may not in such year be sufficient to yield 5 the said respective sums at the aforesaid rate unless the Corporation have failed to supply the said parties respectively with quantities of water sufficient to yield the said respective sums at that rate Provided that 10 the before-mentioned rate and sums shall be subject to revision every ten years from the date above mentioned Provided further that any difference arising under this section between the Corporation on the one hand and the London Midland and Scottish Railway Company the London and North Eastern Railway Com- 15 pany and the Perth General Station Committee or any one or more of them on the other hand shall be settled by an arbiter to be appointed on the application of the Corporation or either of the railway companies or the Perth General Station Committee by the sheriff. 20

(3) In consideration of the payments provided for in the immediately preceding subsection the two companies and each of them and the Perth General Station Committee and the lands and heritages belonging to and occupied by them respectively (including and 25 excepting as in the immediately preceding subsection) shall be exempt from the domestic water rate levied from time to time by the Corporation and from all other rates and payments under the Water Acts or this Order except the public water rate not exceeding 30 twopence in the pound of the annual value according to the valuation roll of the lands and heritages belonging to them respectively within the compulsory water limits as defined in the Water Acts other than lines of railway and railway sidings Provided always 35 that the said exemption shall only exist so long as the said lands and heritages remain the property of the two companies or either of them or of the said Perth General Station Committee.

(4) Nothing in the Water Acts or this Order 40 contained shall prevent the two companies or either of them or the Perth General Station Committee from taking supplies of water otherwise than from the Corporation but they shall nevertheless pay the sums

and rates by this Order provided to be paid by them A.D. 1926.
as if they took no such other supplies. —

30.—(1) The agreement as set forth in the Schedule to this Order made between the Corporation and the
5 Right Honourable Alan David Earl of Mansfield is hereby confirmed and made binding on the parties thereto and on the successors of the said Earl of Mansfield in the lands of Scone and others and North Muirton and others referred to in the said agreement
10 or any portions thereof affected by the works or matters mentioned in the said agreement.

Confirma-
tion of
agreement.

(2) References to the Earl of Mansfield in the articles of the said agreement shall be construed so as to include his successors aforesaid.

15 (3) Provided always that nothing contained in the said agreement shall be held to recognise or confirm any right title or claim of the said Earl of Mansfield to any foreshore or bed of the River Tay below high water mark or to any mines minerals or mineral substances
20 therein or thereunder or to any salmon fishings in the said river but the right and title to such foreshore and river bed mines minerals and mineral substances and to such salmon fishings shall remain in the same state as if this Order had not been made.

25 31. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto and the costs charges
30 and expenses of and incident to the preparing and applying for and otherwise in relation to the application for a Provisional Order in the year one thousand nine hundred and twenty-five for the Loch Ordie Water Scheme shall be paid by the Corporation out of the funds and revenues of their water undertaking or the
35 moneys which the Corporation are by this Order authorised to borrow for the payment of the same on the security of the said funds and revenues.

Costs of
Order and
Loch Ordie
application.

A.D. 1926. The SCHEDULE referred to in the foregoing Order.

AGREEMENT between THE RIGHT HONOURABLE ALAN
DAVID EARL OF MANSFIELD (hereinafter referred
to as "Lord Mansfield") of the first part and
THE LORD PROVOST MAGISTRATES AND COUNCILLORS 5
OF THE CITY AND ROYAL BURGH OF PERTH (herein-
after referred to as "the Corporation") of the
second part.

WHEREAS Lord Mansfield is heritable proprietor of inter alia
the lands of Scone and others in the parish of Scone and the 10
lands of North Muirton and others partly in the parish of
Tibbermore and partly in the parish of Perth and county of
Perth :

And whereas the Corporation have made application to
the Secretary for Scotland under the Private Legislation 15
Procedure (Scotland) Act 1899 for a Provisional Order entitled
" Provisional Order to authorise the construction of additional
waterworks for the city and royal burgh of Perth to confer
further borrowing powers for the purposes of the water under-
taking of the city and for other purposes " : 20

And whereas by the Order the Corporation seek statutory
powers for the construction of inter alia the following works
upon or affecting portions of the said lands of Scone and others
and North Muirton and others belonging to Lord Mansfield
videlicet :— 25

- (1) An intake (Work No. 1) comprising a collecting conduit
or well with ten filter tunnels connecting therewith
all situate in the sand and gravel bank lying in the
River Tay opposite to and to the east of the Woody
or Scone Islands situate in the parish of Scone and 30
county of Perth ;
- (2) A conduit or line of pipes (Work No. 2) situate in the
parishes of Scone Tibbermore and Perth all in the
county of Perth commencing in the intended collecting
conduit or well (Work No. 1) at the south end thereof 35
and terminating in the well within the pumping station
at the corner of Tay Street and Marshall Place in
the parish of Perth in the burgh of Perth That portion
of the conduit or line of pipes which crosses the River
Tay will be laid as a double line of pipes ; 40

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5 (3) A sedimentation chamber (Work No. 3) wholly situate in the parish of Tibbermore in the county of Perth on the west bank of the River Tay at a point on the line of said conduit (Work No. 2) sixty-five yards or thereby northwards from the north-east corner of the field or enclosure numbered 366 on the ¹/₂₅₀₀ Ordnance survey map (second edition 1901);

all as delineated on the deposited plans and as described in the book of reference relative to the Order :

10 And whereas it has been agreed between the parties that provision should be made for the protection of the rights and interests of Lord Mansfield in the event of the Order passing :

15 Therefore notwithstanding anything to the contrary contained in the Order or in any Order therewith incorporated the parties have agreed and do hereby agree and bind and oblige themselves as follows videlicet :—

20 1. The powers of the Corporation for the compulsory purchase of lands servitudes wayleaves and other rights in or over lands for the purposes of the Order shall not be put in operation against Lord Mansfield provided that the Corporation shall be entitled to acquire from Lord Mansfield and Lord Mansfield shall be required to sell to the Corporation for the purposes of the Order at the price and subject to the conditions and reservations in this agreement expressed the lands servitudes
25 and rights following videlicet :—

30 (a) The whole or such part as the Corporation may require of that area of ground forming part of the said lands of Scone and others which is delineated and coloured red on the plan signed by the parties to this agreement as relative thereto within which area Work No. 1 and part of Work No. 2 are intended to be constructed
35 Declaring that the following rights are reserved to Lord Mansfield and his lessees tenants and others having his authority and permission in so far as such rights or the exercise thereof shall not interfere with or prejudicially affect the water supply or the sources thereof or the works by the Order authorised (1) the exclusive right of salmon and other fishing in said river (2) the exclusive right of fishing sporting shooting
40 and boating on and from said area of ground (3) the right to remove sand and gravel for estate purposes from said area of ground and (4) right of access to and passage over said area of ground for the due exercise of the rights hereby reserved and for the purpose of
45 inspection of the works during the construction or any alteration or renewal thereof ;

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- (b) A privilege of passage at such times as may be arranged but only for the purposes and during the period of the construction of the works for heavy plant and materials to and from said area delineated and coloured red on said plan by the road commonly known as the Gas Works road commencing at a point on the Perth-Stormontfield public road opposite the Scone Curling Pond and thence along the line shown coloured green on the said plan provided that the Corporation shall without cost to Lord Mansfield lay and during the construction of the works maintain a sleeper track along said line and on the completion of the works leave the same in situ if required free of charge ; 5 10
- (c) A perpetual servitude of access or passage to and from said area coloured red on said plan by the Sheriffston Farm service road commencing at a point on the Perth-Stormontfield public road opposite the Scone Foresters' Bothy and thence along the line shown coloured red to the point marked "A" on said plan thence from the point marked "A" to the said area coloured red by such suitable line as may be mutually agreed upon Provided that the Corporation shall as far as reasonably possible restrict the use of this access to the conveyance of heavy plant and materials and to any other purpose connected with their water supply for which the access hereinafter provided by North Muirton Farm may be reasonably unsuitable and inconvenient ; 15 20 25
- (d) A perpetual servitude of passage to and from said area coloured red on said plan by the access road to North Muirton Farm commencing at a point on the Perth-Dunkeld public road at North Muirton Farm cottages and thence along the line shown coloured blue on said plan ; 30
- (e) A perpetual servitude of wayleave for the conduit or line of pipes Work No. 2 of said Order so far as such work passes through or over the lands of Lord Mansfield such servitude of wayleave to be within the limits of deviation shown on the Parliamentary plans lodged with said Order ; 35 40
- (f) An area of ground part of the said lands of North Muirton and others of such extent as may be necessary for the erection of the sedimentation chamber forming Work No. 3 of said Order such area of ground to be within the limits of deviation shown on said Parliamentary plans. 45

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2. Subject to the provisions of the immediately preceding article and to the provisions of the Waterworks Clauses Act 1847 with reference to mines and minerals all mines metals and minerals in and under said lands affected by this agreement
5 are reserved and shall belong to Lord Mansfield.

3. The Corporation shall not be entitled to commence the construction of any part of the works or to bring or have any workmen plant or materials on any land belonging to or to be acquired from Lord Mansfield (except for the purposes
10 of making preliminary surveys and investigations in connection with the preparation of contract plans and the letting of such contracts) unless and until they shall have first intimated to Lord Mansfield by a notice in writing signed by the town clerk of Perth their intention to proceed with the undertaking Failing
15 such notice being given within three years after the commencement of the Order this agreement and all the powers by the Order authorised with reference to any lands belonging to Lord Mansfield shall lapse and determine except as regards Article 7 hereof.

20 4. Before entering upon any lands belonging to Lord Mansfield for the construction of their works thereon (other than preliminary investigations &c. as aforesaid) the Corporation shall serve upon Lord Mansfield a notice to treat specifying the lands wayleaves and other rights to be acquired by them
25 for the purposes of the undertaking and the Corporation shall pay to Lord Mansfield such sum as may failing agreement be fixed by arbitration between the parties hereto in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 as modified by the Acquisition of Land (Assessment of
30 Compensation) Act 1919 as in full satisfaction save as hereinafter mentioned of all claims competent to Lord Mansfield for the lands and rights to be taken or exercised by the Corporation in pursuance of this agreement and for compensation in respect thereof all in respect of the works to be constructed or powers
35 to be exercised under the Order or this agreement which sum shall bear interest at the rate of five per centum per annum from the date of the Corporation's entry upon the said lands for the purpose of construction as aforesaid until payment.

5. The Corporation shall relieve Lord Mansfield of all
40 claims by agricultural and other tenants or lessees expressly including tenants or lessees of salmon fishings for damage and disturbance and shall make good all damage to roadways bridges water courses water supplies pipes drains embankments dykes fences and ditches occasioned by the construction
45 maintenance or renewal of the works by the Order authorised The Corporation shall indemnify Lord Mansfield against reduction of fishing rental for a period of ten years after the expiry of

A.D. 1926. the current leases in 1927 and 1928 provided such reduction
— of rental is shown to be due to the operations by the Order
authorised In so far as the Corporation in the construction
of the works authorised by this Order shall interfere with the
banks of the said river they shall be bound to restore the same 5
and thereafter for a period of three years maintain the portions
so restored in good order and repair.

6. During the construction of the works by the Order
authorised access for all workmen employed by the Corporation
or on their behalf shall be by the right bank of said river and 10
no such workmen shall be permitted to remain on the left bank
of said river except when actually engaged on the works.

7. The Corporation shall relieve Lord Mansfield of all
expenses (including stamp duties searches and revising fees)
of and incident to conveyances of lands and servitude rights 15
deeds of restriction or discharge of heritable securities and all
other writs necessary for carrying out the provisions of this
agreement and of this agreement.

8. Subject to the provisions of Article 3 hereof the works
when begun shall be carried on with all reasonable expedition 20
irrespective of any other part of the undertaking and shall
be completed within a period not exceeding three years after
the date of the notice therein referred to Provided however
that should the completion of the works be delayed in consequence 25
of the condition of the river preventing the work being proceeded
with within the said period such an extension of the period
above fixed shall be given as may be found necessary.

9. After the completion of the works the Corporation and
their contractors and all persons employed by them shall in
the maintenance renewal and use of the works carry on their 30
operations as far as reasonably practicable in such manner
and at such times as will be least injurious to the interests of
Lord Mansfield and his tenants and lessees.

10. Lord Mansfield shall grant facilities for the erection
of such temporary huts or stores as may be required for the 35
carrying out of said works but such huts or stores shall only
be erected on sites to be approved of by Lord Mansfield and
immediately upon the completion of the works the Corporation
shall remove all huts stores plant and other erections from
land the property of Lord Mansfield and shall level and restore 40
the sites thereof to the satisfaction of Lord Mansfield. No
erection for occupation by workmen or others employed on
the works (except watchmen) shall be placed on the left bank
of said river.

11. In constructing the conduit or line of pipes so far as 45
situated upon or within lands belonging to or acquired from

A.D. 1926.

Lord Mansfield the Corporation shall restore as far as reasonably practicable all ground opened or disturbed and where said conduit or line of pipes is laid on or near or above the surface of the ground the same shall be covered with earth to a sufficient
5 depth and the slopes of any banking or cutting finished to a gradient approved by Lord Mansfield and thereafter maintained by the Corporation for a period of three years from the completion of restoration.

12. The Corporation undertake that all pipes and conduits
10 laid or constructed under the powers of the Order within the lands belonging to Lord Mansfield shall be so laid and constructed as not to interfere with or raise the bed of any stream ditch water-run or drain.

13. All surplus material arising from the construction or
15 maintenance of any of the works shall be removed by the Corporation on the completion of the work or deposited on such part of Lord Mansfield's lands as he may approve.

14. Neither the Corporation nor any contractor or other
20 person employed by the Corporation or on their behalf shall be entitled to make use of any private road or path over or within the lands belonging to Lord Mansfield nor except by agreement with Lord Mansfield enter upon or use or allow their workmen or others under their control to enter upon or
25 use for any purpose any lands streams or private road or path over or within the lands belonging to Lord Mansfield excepting only the land and servitude rights specified in Article 1 hereof and the Corporation shall not without the consent of Lord Mansfield in writing interfere in any way by themselves or
30 any contractor or workman employed by them or on their behalf with the bed of the River Tay above or below the limits of the area coloured red on said plan except only so far as may be necessary for the laying protecting maintaining or renewing of said conduit or line of pipes across said river.

15. The Corporation shall be bound at all times to use
35 every reasonable precaution and means in their power to prevent trespass poaching and other disturbance or injury by any person in their employment or under their control to game and fish and to sporting and fishing rights upon within or appertaining to any lands belonging to or acquired from Lord Mansfield
40 and shall take all reasonable means and precaution to prevent dogs guns snares traps and other implements for the capture or destruction of game ground game wildfowl or fish being brought kept or used by any person in their employment or under their control upon any lands belonging to or acquired from Lord
45 Mansfield and if any person in the service or under the control of the Corporation or of any contractor employed by them shall be convicted or reasonably suspected of poaching or

A.D. 1926. — trespassing or otherwise causing disturbance or injury to the lands or sporting or fishing rights of Lord Mansfield the Corporation or any contractor employed by them shall be bound on requisition in writing by Lord Mansfield instantly to dismiss such person or persons and to remove such person or persons from any lands acquired from Lord Mansfield or in the occupation of the Corporation. 5

16. From and after the completion of the works the Corporation's right of access to said area coloured red on said plan shall be restricted to the members of the Corporation and any duly accredited officials or workmen employed by the Corporation for all purposes strictly connected with the inspection and necessary supervision maintenance and renewal of the works and such right of access shall at all times be exercised in such a way as will cause least disturbance and injury to game and sport within the lands belonging to or acquired from Lord Mansfield and the least personal inconvenience to Lord Mansfield and his tenants. 10 15

17. In the event of the Corporation at any time or times after the completion of the works entering again upon any lands belonging to or acquired from Lord Mansfield for any purpose connected with the works other than ordinary inspection supervision maintenance or renewal the Corporation shall be liable to pay compensation to Lord Mansfield for all disturbance and other damage thereby occasioned to his lands and sporting and fishing rights and shall free and relieve Lord Mansfield of all claims at the instance of his lessees or tenants in respect of such disturbance or other damage. 20 25

18. If any difference arises under this agreement between Lord Mansfield and the Corporation such difference shall except where otherwise specially provided be determined by an arbiter to be mutually agreed upon by the parties hereto and failing agreement by an arbiter to be appointed by the sheriff of the county of Perth. 30

19. This agreement shall be scheduled to and confirmed by the Order and the obligations of the parties under this agreement are conditional on the passing during the session of 1926 or the session of 1927 of the Order into law confirming this agreement and making the same binding on the parties hereto And this agreement is made subject to such alterations as Parliament or the Secretary for Scotland may think fit to make therein but in the event of Parliament or the Secretary for Scotland making any material alteration therein either party may withdraw from this agreement. 35 40

In witness whereof these presents typewritten on this and the eight preceding pages are together with the plan annexed 45

A.D. 1926.

and signed as relative hereto executed by the parties hereto
as follows videlicet They are subscribed for and on behalf of
the said lord provost magistrates and councillors of the city
and royal burgh of Perth and sealed with their common seal
5 by authority and in the presence of a special meeting of the
town council held within the council hall municipal buildings
Perth on the Thirtieth day of June nineteen hundred and
twenty-six by Thomas Dempster Lord Provost who presided
10 over said meeting and Robert Adam town clerk both of said
burgh before these witnesses Henry Douglas depute town clerk
Perth and Charles Macpherson town officer Perth and they
are subscribed by the said Alan David Earl of Mansfield at
Perth the first day of July and year last mentioned before
15 these witnesses David Mackenzie writer to the signet Perth
and John Black Lawson clerk to Messrs. Condie Mackenzie
& Co. writers to the signet Perth.

DAVID MACKENZIE Witness.

MANSFIELD.

J. B. LAWSON Witness.

THOMAS DEMPSTER

HENRY DOUGLAS Witness.

Lord Provost.

20 CHARLES MACPHERSON Witness.

ROBT. ADAM Town Clerk.

L.S.

Petroleum Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD DESBOROUGH.

28th April 1926.

LONDON:
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(33 a)

Petroleum. [H.L.]

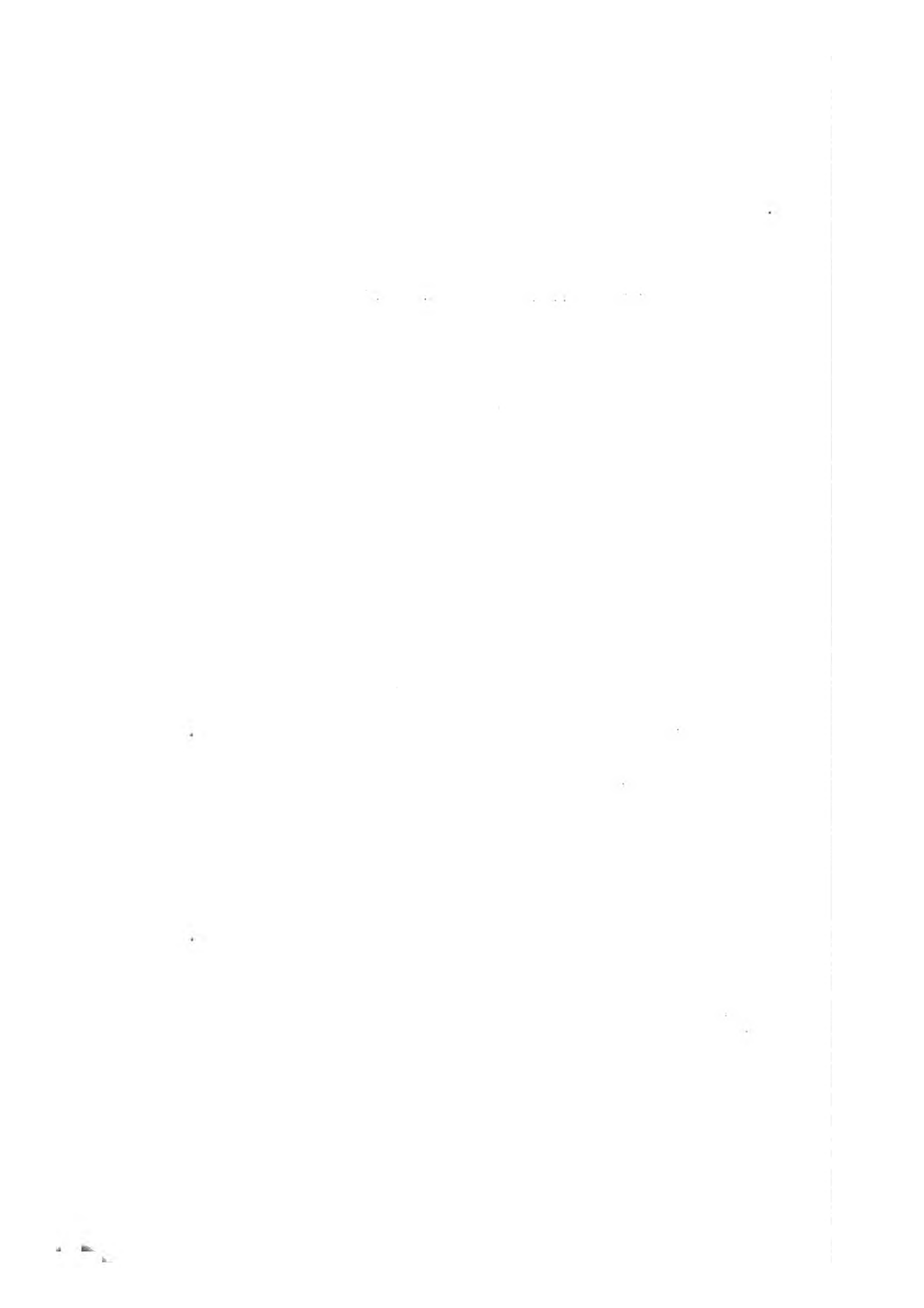
[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Definition of "petroleum" and "petroleum spirit."
2. Amendment as to verification and stamping of testing apparatus.
3. Amendment as to method of testing of petroleum.
4. Extension of 34 & 35 Vict. c. 105, ss. 11 and 12, to persons keeping petroleum for the purposes of trade or industry.
5. Byelaws as to the loading and carriage of petroleum spirit in ships.
6. Penalties for contravention of 34 & 35 Vict. c. 105, ss. 6 and 7.
7. Provisions as to conditions attached to licences.
8. Fees payable for licences.
9. Application of certain provisions of 38 Vict. c. 17.
10. Byelaws and regulations to be laid before Parliament.
11. Short title, citation, construction, extent and repeal.

SCHEDULES.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Petroleum Acts, 1871
and 1879.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) Section three of the Petroleum Act, 1871, shall cease to have effect, and that Act shall have effect as if the expression " petroleum spirit " were therein substituted for the expression " petroleum to which this Act applies " wherever that expression occurs.

Definition
of " petro-
leum " and
" petroleum
spirit."
34 & 35 Vict.
c. 105.

(2) For the purposes of the Petroleum Acts, 1871 and 1879, and of this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" petroleum " includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances, and other products of petroleum; and

" petroleum spirit " means such petroleum as when tested in the manner set forth in the First Schedule to this Act gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

A.D. 1926.

—
Amendment
as to verifi-
cation and
stamping
of testing
apparatus.

2. Apparatus for testing petroleum stamped by the Board of Trade in accordance with the provisions of section three of the Petroleum Act, 1879, shall not be deemed to have been verified by the Board unless—

- (a) it has been stamped within ten years; and
- (b) no part of the apparatus has been materially altered, repaired, or replaced since the apparatus was last stamped.

Amendment
as to
method of
testing of
petroleum.

3. Subject as hereinafter provided, the provisions contained in the First Schedule to this Act shall have effect in lieu of the provisions contained in the First Schedule to the Petroleum Act, 1879 (which relate to the mode of testing petroleum), and references in the Petroleum Acts, 1871 and 1879, to the First Schedule to those Acts respectively shall be construed as references to the First Schedule to this Act :

Provided that—

- (a) apparatus made in accordance with the specification contained in the First Schedule to the Petroleum Act, 1879, may be verified and stamped by the Board of Trade in accordance with the provisions of section three of that Act as originally enacted, so, however, that no such apparatus shall be so verified and stamped after the expiration of a period of two years from the commencement of this Act unless it has been previously verified and stamped before the expiration of that period; and
- (b) petroleum tested in manner provided by Part II. of the First Schedule to this Act by means of apparatus made in accordance with the specification contained in the First Schedule to the Petroleum Act, 1879, which has been verified and stamped by the Board shall, subject to the provisions of this Act relating to the verification and stamping of apparatus, be deemed to have been tested in the manner set forth in the First Schedule to this Act.

4. Section eleven of the Petroleum Act, 1871 (which empowers an officer of the local authority to purchase petroleum from any dealer in it, to require the dealer to show him any place or vessel in which petroleum in his possession is kept and give him samples of such petroleum, and to cause any samples so taken to be tested and any petroleum which is found to be petroleum spirit to be certified as such), and section twelve of the said Act (which imposes penalties on a dealer who refuses to comply with any such requirement as aforesaid or who fails to give assistance to or obstructs any such officer or the local authority), shall apply with respect to any person who keeps petroleum for the purposes of any trade or industry carried on by him, as those sections apply with respect to a dealer in petroleum, and accordingly references in each of the said sections to a "dealer" shall be construed to include references to any person who keeps petroleum for such purposes as aforesaid.

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—
Extension of
34 & 35 Vict.
c. 105,
ss. 11 & 12,
to persons
keeping
petroleum
for the
purposes of
trade or
industry.

5.—(1) The byelaws as to ships carrying petroleum required to be made and confirmed under section four of the Petroleum Act, 1871, shall include byelaws as to the loading of ships with petroleum spirit and generally as to the precautions to be observed with respect to ships carrying petroleum spirit whilst in harbour.

Byelaws as
to the
loading and
carriage of
petroleum
spirit in
ships.

(2) Until byelaws made under the said section four as amended by this section come into force, any byelaws in force at the commencement of this Act with respect to the landing of petroleum spirit, shall, so far as applicable, apply with the necessary modifications to the loading of ships with petroleum spirit.

(3) If it appears to the Admiralty that byelaws under the said section four ought to be made with respect to any place within the limits of a dockyard port as defined by the Dockyard Port Regulation Act, 1865, but that there is no harbour authority competent to make byelaws with respect to that place, the Admiralty may make byelaws with respect thereto, and the said section four shall apply accordingly subject to the modifications that the provisions thereof as to the submission of byelaws to the Minister of Transport and the confirmation thereof by him, and as to the publication of byelaws, shall not apply as respects any byelaws made by the Admiralty, and any byelaws so made shall come

28 & 29 Vict.
c. 125.

A.D. 1926. into force without confirmation and shall be published in such manner as the Admiralty think proper.

(4) In the event of a failure to comply with or of a contravention of the requirements of any byelaw in force under the said section four as amended by this section, the owner and master of any ship in or in relation to which the failure or contravention occurs, and, except in the case of a failure or contravention in respect of the mooring of a ship, the owner of any petroleum spirit in respect of which the failure or contravention occurs, shall be guilty of an offence under this section and shall in respect of each such offence, be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the case of a continuing offence, not exceeding fifty pounds for every day on which the offence is committed or continued :

Provided that it shall be a good defence to proceedings for an offence under this section to prove—

- (a) if the proceedings are against the owner or master of a ship for an offence in respect of the landing or loading of petroleum spirit, that all reasonable means were taken by the master to prevent the commission of the offence ; and
- (b) if the proceedings are against the owner of petroleum spirit for an offence in respect of the landing or loading thereof, or in respect of any failure to observe precautions required to be observed with respect to ships carrying petroleum spirit whilst in harbour, that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him.

(5) If it appears to a harbour master or to any person acting under the orders of a harbour authority that any ship or any petroleum spirit is in a place in which it ought not, in accordance with any such byelaws as aforesaid to be, he may cause it to be removed so as to be in conformity with the byelaws, and all expenses incurred by the harbour authority in connection with any such removal may be recovered summarily as a civil debt from the owner of the ship or of the petroleum spirit, as the case may be.

6.—(1) Any person who keeps, sends, conveys, sells or exposes for sale any petroleum spirit in contravention of section six of the Petroleum Act, 1871, shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

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Penalties
for contra-
vention of
34 & 35 Vict.
c. 105. ss. 6
and 7.

(2) The occupier of any premises in which petroleum spirit is kept in contravention of section seven of the Petroleum Act, 1871, shall be liable on summary conviction to a fine not exceeding twenty pounds for each day on which the contravention continues.

(3) A court before whom any person is convicted in respect of a contravention of the provisions of section six or seven of the Petroleum Act, 1871, may order that the petroleum spirit in respect of which the offence was committed and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as they think fit.

7.—(1) If any person to whom a licence is granted under the Petroleum Act, 1871, contravenes any condition of the licence he shall be liable on summary conviction to a fine not exceeding twenty pounds for each day on which the contravention continues.

Provisions
as to
conditions
attached to
licences.

(2) Where conditions to be observed by workmen are attached to any licence granted under the Petroleum Act, 1871, the occupier of the premises to which the licence relates shall cause to be kept posted on the premises in such form and in such position as to be easily read by the workmen employed on the premises a notice setting out those conditions, and—

- (a) if the occupier of any premises fails to comply with the foregoing requirements of this subsection he shall be liable on summary conviction to a fine not exceeding five pounds for each day on which the failure continues; and
- (b) if any person pulls down, injures or defaces any notice posted in accordance with the requirements of this subsection he shall for each offence be liable on summary conviction to a fine not exceeding five pounds; and
- (c) if any workman contravenes any condition of which notice has been given in accordance with the requirements of this subsection he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.

- A.D. 1926.
—
Fees payable for licences.
- 8.** In respect of every licence granted by a local authority under section seven or by a Secretary of State or by the Secretary for Scotland under section ten of the Petroleum Act, 1871, fees shall be payable annually by the person to whom the licence is granted to the local authority or to the Secretary of State or Secretary for Scotland, as the case may be, in accordance with the scale set out in the Second Schedule to this Act, or such lower scale as the Secretary of State, or as respects Scotland the Secretary for Scotland, may with the consent of the Treasury prescribe by regulations. 5 10
- Application of certain provisions of 38 Vict. c. 17.
- 9.** The provisions of the Explosives Act, 1875, set out in the Third Schedule to this Act with the modifications necessary for their application to petroleum spirit, are as so set out hereby incorporated with this Act. 15
- Byelaws and regulations to be laid before Parliament.
- 10.** All byelaws made by the Admiralty under this Act and all regulations made by the Secretary of State as to the conveyance of petroleum spirit by road 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 byelaw or regulation is laid before it, praying that the byelaw or regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new byelaw or regulation. 20 25
- Short title, citation, construction, extent and repeal.
- 11.**—(1) This Act may be cited as the Petroleum Act, 1926, and the Petroleum Acts, 1871 and 1879, and this Act may be cited together as the Petroleum Acts, 1871 to 1926. 30
- (2) Except where the context otherwise requires, references in this Act to the Petroleum Act, 1871, and the Petroleum Act, 1879, shall be construed as references to those Acts as amended by this Act, and this Act shall be construed as one with those Acts. 35
- (3) This Act shall not extend to Northern Ireland.
- (4) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. 40

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

TEST APPARATUS TO BE USED AND MODE OF TESTING
 PETROLEUM THEREWITH SO AS TO ASCERTAIN THE
 5 TEMPERATURE AT WHICH IT WILL GIVE OFF IN-
 FLAMMABLE VAPOUR.

PART I.

SPECIFICATION OF THE TEST APPARATUS.

General.

10 The apparatus to be employed shall be the Abel Petroleum
 Testing Apparatus or the Abel apparatus modified by having an
 oil cup provided with a stirrer. It shall be constructed to the
 dimensions herein specified within the limits of accuracy pre-
 scribed by the tolerances set forth below.

15 *The Oil Cup.*

The oil cup consists of a cylindrical vessel open at the top
 and fitted on the outside with a flat circular flange projecting
 at right angles.

20 Within the cup, fixed through the wall and silver soldered
 or brazed in place, there is a gauge consisting of a piece of wire
 bent upwards and terminating in a point.

Material. Brass or Gun-metal.

	Dimension.	Tolerance.
Cup, wall and bottom thickness - - -	17 B.W.G.	—
25 „ internal diameter - - - - -	2"	±0·05"
„ internal depth - - - - -	2·2"	±0·05"
Flange, thickness - - - - -	17 B.W.G.	—
„ width - - - - -	0·5"	±0·05"
30 „ distance of upper side from top edge of cup.	0·375"	±0·05"
Gauge, thickness, not less than - - -	10 I.W.G.	—
„ distance of point from level of upper edge of cup.	0·7"	±0·005"

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The Cover.

1st Sch.
—cont.

The cup is provided with a close-fitting cover with a downward projecting rim barely reaching the flange on the cup. The downward projecting rim is made solid with the top or silver soldered or brazed in place. Upon the cover are mounted a thermometer socket, trunnions to support an oil-test lamp, a pair of guides in which a slide moves, and a white bead. The top of the cover is pierced by three rectangular holes symmetrically placed on a diameter, one in the centre and the other two as close as practicable to the inner sides of the cover-rim and opposite each other. These three holes are covered or uncovered by means of a slide moving in suitably disposed guides. The slide has two perforations, one corresponding in all particulars to the centre hole in the cover and the other to one of the holes at the side. The movement of the slide is restricted by suitable stops, and its length and the disposition of the holes are such, that at the outer extremity of the movement of the slide, the holes in the cover are simultaneously just completely opened and at the inner extremity of the movement of the slide they are completely closed.

The trunnions supporting the test lamp are fixed on the top of the guides and the lamp is mounted in the trunnions so that it is free to oscillate. The lamp is provided with a jet to contain a wick and is so arranged that when the slide is moved so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide and tilted over the central hole in such a way that the lower edge of the cover bisects the circle formed by the bore of the jet when in the lowest position. The flame then occupies a central position within the hole in both directions.

A suitably mounted gas-jet may be substituted for the lamp.

The thermometer socket is in the form of a split tube, mounted on a diameter at right angles to the diameter through the centres of the holes, and fitted at such an angle as to bring the bulb of the thermometer, when in place, vertically below the centre of the cover and at the correct distance from it.

A white bead, the dimensions of which represent the size of test flame to be used, is mounted in a visible position on the cover.

Materials. All parts excepting bead, brass or gun-metal.
Bead, ivory or other suitable material.

—	Dimension.	Tolerance.	
Cover, thickness - - - -	0·05"	+0·015"	40
„ central hole, length (in direction of slide).	0·5"	±0·005"	
„ width	0·4"	±0·005"	45
„ peripheral holes length (in direction of slide).	0·2"	±0·005"	
„ width	0·3"	±0·005"	

	Dimension.	Tolerance.
Slide, thickness - - - -	20 B.W.G.	—
„ width of upper surface -	0.5"	+0.01"
5 Lamp. Overall length of jet -	Approx. 0.6"	(excess only). To suit the requirements for the position of jet when tilted.
„ Bore of jet at end - - -	0.0625"	±0.005"
10 Bead. Diameter - - - -	0.15"	±0.01"
Thermometer Socket :		
Internal diameter - - - -	0.6"	±0.01"
Length of short side measured from under surface of cover.	Approx. 0.5"	—
15 Length of long side measured from under surface of cover.	Approx. 0.75"	—
Distance of centre of socket from centre of cover measured on the underside.	Approx. 0.7"	—
20 These dimensions are subject to the correct placing of the thermometer when in position.		
25 Vertical depth of lowest part of thermometer below centre of under-side of cover.	1.5"	±0.1"

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1st Sch.
—cont.*Cover fitted with stirrer.*

Provision may be made in the cover for the reception of a stirrer which projects into the oil cup, for use with viscous materials only.

A bush is mounted on the cover in a position diametrically opposite the thermometer mounting and its length is such and it is set at such an angle that the stirrer rod clears the oil-level gauge and the blades operate below the level of and without fouling the thermometer bulb. The bush is placed as near as practicable to the outer edge of the cover.

The stirrer consists of a round stem having four blades or vanes silver soldered in place at one end. A collar is fixed on the stem so that when the stem is inserted into the bush from below, it is arrested at a position such that the correct length protrudes into the oil cup. The top end of the stem is reduced and screwed.

A long sleeve having an internally screwed, knurled knob soldered to its upper end, is passed over the upper end of the stem and screwed home. The length of the sleeve is such that a flat-faced collar at its lower end just comes into contact with the upper end of the bush, leaving the stirrer free to rotate without appreciable vertical play.

A.D. 1926. A flat-headed cylindrical plug is provided for insertion in the bush when the stirrer is not in use.

—
1st Sch.
—cont.

Material. Brass or Gun-metal.

—	Dimension.	Tolerance.	
Stem, length overall - - - - -	4"	$\pm 0.1"$	5
„ „ Lower end to point of attachment of blades.	Approx. 0.1"	—	
„ „ Lower end to upper surface of collar.	1.9"	$\pm 0.1"$	
„ „ Upper surface of collar to lower end of thread.	2"	$\pm 0.1"$	10
„ „ Diameter of stem - - - - -	Approx. 0.125"	—	
„ „ „ of collar - - - - -	Approx. 0.25"	—	
„ Thread - - - - -	7 B.A.	—	
Blades, Thickness - - - - -	17 B.W.G.	—	15
„ Length excluding root - - - - -	0.5"	$\pm 0.01"$	
„ Breadth (all corners of blades rounded).	$\frac{5}{16}"$ (0.3125").	$\pm 0.01"$	
„ Blade angle - - - - -	Approx. 45°	—	
Sleeve. Length, to suit stem, giving free rotation with no appreciable vertical play when screwed home.	—	—	20
Diameter of bore - - - - -	Sliding fit on stem.	—	
Diameter of collar - - - - -	Approx. 0.25"	—	25

Heating Vessel.

The heating vessel or bath consists of two flat-bottomed cylindrical copper vessels placed coaxially one inside the other and soldered at their tops to a flat copper ring, greater in outside diameter than the larger vessel and of smaller inside diameter than the smaller vessel. The space between the two vessels is thus totally enclosed and is used as a water jacket. 30

An ebonite or fibre ring of right-angle section is fitted into the hole in the centre of the flat ring forming the top of the bath and, when the apparatus is in use, the oil cup fits into, and its flange rests upon, this ebonite or fibre ring so that the oil cup is centrally disposed within the heating vessel. The ebonite or fibre ring is secured in place by means of six small screws having their heads sunk below the surface of the ring, to avoid metallic contact between the bath and the oil cup. 35

A split socket, similar to that on the cover of the oil cup, but set vertically, allows a thermometer to be inserted into the water-space. A funnel and overflow pipe also communicate with 40

the water-space through the top plate and two loop handles are provided thereon.

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1ST SCH.
—cont.

—		Dimension.	Tolerance.
Inner vessel.			
5	Thickness - - - -	24 B.W.G.	—
	Internal diameter - - -	3"	±0.05"
	Internal depth - - - -	2.5"	±0.05"
Outer vessel :			
	Thickness, not less than - -	24 B.W.G.	—
10	Internal diameter - - - -	5.5"	±0.1"
	Internal depth - - - -	5.75"	±0.1"
Top plate :			
	Thickness, not less than - -	20 B.W.G.	—
	Outer flange projection - -	0.375"	±0.1"
15	Diameter of central hole - -	To suit ebonite or fibre ring. Clearance not to exceed 0.1".	—
Ebonite or fibre ring.			
	Internal diameter - - - -	Easy fit on oil cup	—
20	External diameter of flange - -	2.75"	±0.02"
	Overall depth of spigot - -	0.25"	±0.02"
	Thickness, flange and spigot - -	0.08"	±0.005"
	Screws, C.S. - - - -	8 B.A. × 0.15"	—
Thermometer socket.			
25	Internal diameter - - - -	0.6"	±0.01"
	Height from top of plate - -	0.75"	±0.05"

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a cylindrical copper jacket not less than 24 B.W.G. flanged inwards at the top, and of such dimensions that the bath, while resting firmly on the iron ring, just touches with its outward projecting flange the inward-turned flange of the jacket. Two handles are provided on the outer jacket.

Diameter of the outer jacket 6.5 inches ± 0.1 inches.

Spirit Lamp.

A spirit lamp is provided for raising the temperature of the water bath, but any other means approved by the Board of Trade may be employed for this purpose.

Thermometers.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point.

A.D. 1926.

*Oil Cup Thermometer.*1ST SCH.
—cont.,

Type -	- Mercury in glass, nitrogen filled, graduated on the stem, enamel back.	
Length -	- Approximately 9 inches.	
Stem -	- Diameter 0.24 inches to 0.28 inches.	5
Bulb -	- Spherical: made of a normal glass approved by the Board of Trade. Diameter, 0.35 inches \pm 0.05 inches.	
Range -	- 50° F. to 150° F. with expansion chamber. Distance from the bottom of the bulb to the 50° line 2.75 inches to 3.15 inches. Distance from the 50° line to the 150° line not less than 4.75 inches.	10
Immersion -	- A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 2.25 inches \pm 0.05 inches.	15
Graduation -	- Scale graduated in 1° F. divisions. Every 5° and 10° to be indicated by longer lines. Figured at every 10° in full.	20
Marking -	- "Abel Oil Cup": Identification number: "Fahrenheit": Maker's or Vendor's name or trade mark.	

Water Bath Thermometer.

25

Type -	- Mercury in glass, nitrogen filled, graduated on the stem, enamel back.	
Length -	- Approximately 9 inches.	
Stem -	- Diameter, 0.24 inches to 0.28 inches.	
Bulb -	- Cylindrical: made of a normal glass approved by the Board of Trade. Length approximately 0.8 inches. Diameter not to exceed the diameter of the stem.	30
Range -	- 90° F. to 190° F. with expansion chamber. Distance from the bottom of the bulb to the 90° line 3.95 inches to 4.35 inches. Distance from the 90° line to the 190° line not less than 3.55 inches.	35
Immersion -	- A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 3.5 inches \pm 0.1 inches.	40

Graduation	-	Scale graduated in 1° F. divisions. Every 5° and 10° to be indicated by longer lines. Figured at every 10° in full.	A.D. 1926,
Marking	-	“Abel Water Bath”: Identification number : “Fahrenheit”: Maker’s or Vendor’s name or trade mark.	— 1st Sch. —cont.

The brass collar of the thermometer is in each case of the following dimensions :—

10	Outside diameter	-	push fit in socket.
	Thickness of tube	-	22 B.W.G.
	Thickness of flange	-	0·1 inches. ± 0·001 inches.

Note.—A model apparatus is deposited at the Standards Department of the Board of Trade.

PART II.

15 *Method of applying the Flashing Test.*

1. The test apparatus shall be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath shall be filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the beginning of the test shall be 130° Fahrenheit and no heat shall be applied to the water-bath during the test. When a test has been completed and it is desired to make another test the water-bath shall be again raised to 130° F. which may conveniently be done while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The next test is then proceeded with.

3. If an oil test-lamp is being used it shall be prepared by fitting it with a piece of flat plaited candle-wick, and filling it with colza or rape-oil up to the lower edge of the opening of the spout or wick tube. The lamp shall be trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup is readily maintained by simple manipulation from time to time with a small wire trimmer. A gas test-lamp may be employed, and if so, the size of the jet of flame shall be adjusted to the size laid down above.

4. The bath having been raised to the proper temperature, the cup shall be placed on a level surface in a good light and the oil to be tested shall be poured into it, until the level of the liquid just reaches the point of the gauge which is fixed in the cup. Before a test is begun the temperature of the oil shall be

A.D. 1926. determined and shall be brought to approximately 60° F. The
 — cover, with the slide closed, shall then be put on to the cup and
 1ST SCH. pressed down so that its edge rests on the rim of the cup, and the
 —cont. cup shall be placed into the bath or heating vessel, every care
 being taken to avoid wetting the sides of the cup with the 5
 oil. The thermometer in the lid of the cup has been adjusted
 so as to have the correct immersion when the brass collar of
 the thermometer is properly seated, and its position shall not
 in any circumstances be altered. When the cup has been placed
 in the proper position, the scale of the thermometer faces the 10
 operator.

5. The test-lamp shall then be placed in position upon the
 lid of the cup. When the temperature has reached 66° F. the
 operation of testing shall be begun, the test flame being
 applied once for every rise of one degree, in the following 15
 manner :—

The slide shall be slowly drawn open while a metronome,
 set at 75 to 80 beats per minute, beats three times and shall be
 closed during the fourth beat. A pendulum of 24 inches effective
 length may be used in place of the metronome, counting one 20
 beat from one extremity of the swing to the other.

SECOND SCHEDULE.

FEES PAYABLE IN RESPECT OF LICENCES TO KEEP PETROLEUM SPIRIT.

	Fee payable. £ s. d.	25
In respect of a licence to keep a quantity :—		
Not exceeding 100 gallons - - - - -	0 5 0	
Exceeding 100 gallons, not exceeding 500 gallons -	0 10 0	
" 500 " " " 1,000 " "	0 15 0	30
" 1,000 " " " 5,000 " "	1 0 0	
" 5,000 " " " 10,000 " "	2 0 0	
" 10,000 " " " 20,000 " "	3 0 0	
" 20,000 " " " 50,000 " "	4 0 0	
Exceeding 50,000 gallons - - - - -	5 0 0	35

Note.—In the case of a solid substance for which by
 virtue of an Order in Council made under section fourteen of
 the Petroleum Act, 1871, a licence is required to be granted
 under the said Act, the fee payable under this Schedule shall
 be calculated as if ten pounds weight of the substance were 40
 equivalent to one gallon.

THIRD SCHEDULE.

A.D. 1925.

**PROVISIONS OF EXPLOSIVES ACT, 1875, INCORPORATED
WITH MODIFICATIONS.**

1. The Secretary of State may make regulations as to the conveyance of petroleum spirit by road, and in particular for declaring or regulating any of the following matters; that is to say,—

Regulations
as to convey-
ance by road.
(Explosives
Act, 1875,
s. 37.)

- 5 (1) Regulating the description and construction of carriages to be used in the conveyance by road of petroleum spirit; and
- 10 (2) Prohibiting or subjecting to conditions and restrictions the conveyance by road of petroleum spirit with any explosive, or with any articles or substances, or in passenger carriages; and
- 15 (3) Fixing the quantity of petroleum spirit which may be conveyed at one time or in one carriage; and
- 20 (4) Determining the precautions to be observed in conveying petroleum spirit by road, and in loading and unloading the carriages used in the conveyance thereof, and the time during which the petroleum spirit may be kept during such conveyance, loading and unloading as aforesaid; and
- 25 (5) Providing for the publication and supply of copies of the regulations; and
- 30 (6) Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger; and
- (7) Adapting on good cause being shown the regulations in force under this section to the circumstances of any particular locality.

The penalties to be annexed to any breach, or attempt to commit any breach, of any regulations made under this section may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the breach continues, and forfeiture of all or any part of the petroleum spirit in respect of which, or being in the carriage in respect of which, the breach of regulation has taken place.

A.D. 1926.

3RD SCH.

—cont.

Notice to be given of accidents. (Explosives Act, 1875, s. 63.)

2. Whenever any accident which occasions loss of life or personal injury occurs by explosion or by fire in or about or in connection with any licensed premises, the occupier of the premises shall if the explosion or fire involved petroleum spirit forthwith send or cause to be sent to the Secretary of State notice of the accident and of the loss of life or personal injury. A notice of any accident of which notice is sent in pursuance of this section need not be sent to any inspector of factories.

Where, in, about, or in connexion with any carriage, ship, or boat either conveying petroleum spirit, or on or from which petroleum spirit is being loaded or unloaded, any accident which occasions loss of life or personal injury occurs by explosion or by fire, the owner or master of the carriage, ship or boat shall if the explosion or fire involved petroleum spirit forthwith send or cause to be sent to the Secretary of State notice of the accident and of the loss of life or personal injury, but this provision shall not apply where the petroleum spirit carried or loaded on, or unloaded from, the carriage, ship or boat is or was for use only on that carriage, ship or boat or in any case in which such notice as aforesaid is by law required to be sent to some other Government department.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Inquiry into accidents and formal investigation of any serious case. (Explosives Act, 1875, s. 66.)

3. The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes and circumstances thereof, is expedient, the Secretary of State may by order direct a formal investigation to be held, and with respect to inquiries and investigations made or held under this Act the following provisions shall have effect :—

- (1) The Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist the Government inspector in holding a formal investigation, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the order, to hold such an investigation with the assistance of a Government inspector or any other assessor or assessors named in the order :
- (2) The persons holding any formal investigation (in this section referred to as the court) shall hold it in open court in such manner and under such conditions as they

may think most effectual for ascertaining the causes and circumstances of the accident, and for enabling them to make the report in this section mentioned :

A.D. 1926.

—
3RD SCH.

—cont.

- 5 (3) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and shall have all the powers of a Government inspector under this Act, and in addition the following powers, namely—

10 (a) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose ;

15 (b) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for the said purpose require to be furnished to them answers or returns to such inquiries as they think fit to make ;

20 (c) They may require the production of all books, papers, and documents which they consider important for the said purpose ;

25 (d) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

- 30 (4) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record ; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of the expenses :

- 35 (5) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes the court in the execution of their duty, shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a failure to comply with a requisition for furnishing any return or producing any document, not exceeding ten pounds during every day that the failure continues :
- 40
- 45

A.D. 1926.

—
3RD SCH.
—cont.

(6) The Government inspector making an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending it, and any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to make to the Secretary of State, and the Secretary of State shall cause every report so made to him to be made public in such manner as he thinks expedient.

Powers of
inspectors.
(Explosives
Act, 1875,
s. 55.)

4. A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

- (1) he may enter, inspect, and examine at all reasonable times by day any licensed premises, and every part thereof, and any premises in which any petroleum spirit is kept, or is suspected by him to be kept in contravention of this Act; and
- (2) he may require the occupier of any premises which he is so entitled to enter, or a person employed therein by the occupier, to give him samples of any petroleum on the premises.

The occupier of any such premises as aforesaid, his agents and servants, shall furnish the means required by an inspector as necessary for every such entry, inspection and examination which he is entitled under this section to make.

Any person who fails to permit an inspector to enter, inspect or examine as aforesaid, or to comply with any such requisition of an inspector as aforesaid, or who in any manner obstructs an inspector in the execution of his duties, shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Provisions as
to coroners'
inquests on
deaths from
accidents
connected
with petro-
leum spirit.
(Explosives
Act, 1875,
s. 65).

5.—(1) Where a coroner holds an inquest upon the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, the coroner shall adjourn the inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:

Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of the holding thereof, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary that he should do so.

(2) The coroner before the adjournment, may take evidence to identify the body, and may order the interment thereof.

A.D. 1926.

—
3RD SCH.

—cont.

(3) The coroner, at least four days before holding the
5 adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest.

(4) An inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest as aforesaid to examine any witness, subject nevertheless to the
10 order of the coroner on points of law.

(5) Where evidence is given at an inquest at which no inspector or person employed on behalf of the Secretary of State is present, of any neglect as having caused or contributed to the accident, or of any defect in or about or in connection
15 with any licensed premises, or any carriage, ship or boat carrying petroleum spirit, appearing to the coroner or jury to require a remedy, the coroner shall send to the Secretary of State notice in writing of the neglect or defect.

6. In this Schedule—

20 The expression “ licensed premises ” means any premises in respect of which a licence is in force under the Petroleum Act, 1871; and

Interpreta-
tion.

25 The expression “ Government inspector ” means a Government inspector under the Explosives Act, 1875.

7. In the application of this Schedule to Scotland—

Application
to Scotland.

The expression “ a master of one of the superior courts ” means the auditor of the Court of Session;

30 The expression “ attending before a court of record ” means attending on citation the High Court of Justiciary;

The expressions “ stipendiary magistrate ” and “ court of summary jurisdiction ” mean the sheriff; and

The expression “ information ” means complaint.



A.D. 1926.

FOURTH SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.	
34 & 35 Vict. c. 105.	The Petroleum Act, 1871	Section three, the last paragraph of section four, the last paragraph of section six, the second paragraph of section seven, in section nine the words "the mode of carrying such petroleum within the district of the licensing authority" and the third paragraph.	5 10 15
42 & 43 Vict. c. 47.	The Petroleum Act, 1879	Section two.	
44 & 45 Vict. c. 67.	The Petroleum (Hawkers) Act, 1881.	The whole Act.	20

Petroleum. [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act to amend the Petroleum Acts,
1871 and 1879.

The Lord Desborough.

Ordered to be printed 29th April 1926.

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(60)

Petroleum Bill. [H.L.]

COMMONS AMENDMENTS.

[The references are to Bill (No. 60).]

Clause 5.

Page 4.

Line 22, after (“offence”) insert (“and that the
“offence was not caused or facilitated by any
“act or neglect on the part of the owner or of
“any person engaged or employed by the owner
“or master”)

Clause 7.

Page 5.

Line 23, leave out (“workmen”) and insert
 (“persons employed”)

Line 28, leave out (“workmen”) and insert
 (“persons”)

Line 40, leave out (“workman”) and insert
 (“person employed”)

Third Schedule.

Page 15.

Line 30, at end insert :

(“ (8) Providing for the enforcement of the regu-
lations in any district by the local authority
having power in that district to grant licences
to keep petroleum spirit.”)

Line 32, after (“section”) insert (“shall be recovered
“in manner directed by the Summary Jurisdiction
“Acts and”)

Petroleum Bill.

[H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 21st July 1926.

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(136)



A
B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Inverness Harbour. A.D. 1926.

WHEREAS a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament : 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the Provisional Order made by the Minister of Transport under the said Act and set out in the schedule to this Act be confirmed by Act of 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 amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirma-
tion of
Order in
schedule.

20 2. This Act may be cited as the Pier and Harbour Order Confirmation Act 1926. Short title.

A.D. 1926.

SCHEDULE.**INVERNESS HARBOUR.***Provisional Order to increase the maximum dues and rates
leviable by the Trustees of the Harbour of Inverness.*Short titles
and con-
struction.

1. This Order may be cited as the Inverness Harbour Order 5
1926 and shall be read with the Inverness Harbour Acts 1808
to 1911 as amended and varied by this Order and the said Order
and Acts may be cited together as the Inverness Harbour Acts
1808 to 1926.

Commence-
ment of
Order.

2. This Order shall come into operation upon the day 10
when the Act confirming this Order is passed and that day is in
this Order referred to as "the commencement of this Order."

Interpreta-
tion of
terms.

3. In this Order unless there be something in the subject
or context repugnant to such construction the several words
and expressions to which meanings are assigned by the Order 15
of 1911 shall so far as applicable and subject to the provisions
of this Order have the same respective meanings and the
following words shall have the meanings hereby assigned to them
namely :—

"The Order of 1911" means the Inverness Harbour Order 20
1911 :

"Authorised rates" means the dues and rates which the
Trustees are for the time being authorised to levy
demand and recover in pursuance of the Inverness
Harbour Acts 1808 to 1926 and "authorised rate" 25
means any one of the said dues and rates.

Increase of
dues and
rates.

4. As from the commencement of this Order the provisions
of the Order of 1911 shall be read and have effect as if the dues
and rates prescribed by section 72 (Power to levy rates) and
Schedules D, E and F of the Order of 1911 were in each case 30
increased by fifty per centum :

Provided that if any due or rate levied in pursuance of this
Order includes a fraction of a farthing the fraction if less than
half a farthing shall not be charged and if the fraction amounts
to half a farthing but is less than a farthing it shall be charged 35
as a farthing.

5. Section 86 (Rates to be revised) of the Order of 1911 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof :—

A.D. 1926;
—
Revision of
authorised
rates.

(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as "the Minister")

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Trustees

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) As if the Minister were referred to therein in lieu of the Board of Trade;

(b) As if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar

A.D. 1926.

qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) As if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the Board":

- (4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Annual account to be sent to Ministry of Transport.

6. Section 106 (Annual account to be sent to Board of Trade) of the Order of 1911 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof:—

- (1) The Trustees shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Trustees and any and every such accounts:
- (2) The Trustees shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions:
- (3) The accounts of the Trustees referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirtieth day of September in each year.

Confirmation of byelaws.

7. Notwithstanding anything contained in the Inverness Harbour Acts 1808 to 1911 or any enactment incorporated therewith no byelaw (except so far as it may relate solely to the Trustees or their officers or servants) shall come into operation after the commencement of this Order until confirmed by the Minister of Transport and that confirmation shall be sufficient for all purposes.

8. The Inverness Harbour (Temporary Increase of Charges) No. 2 Order 1925 is hereby repealed. Repeal of
temporary
Order.

9. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees out of the dues or rates authorised to be levied by and other revenues of the Trustees. Costs of
Order.

Pier and Harbour Provisional Order.

A

B I L L

INTITULIED

An Act to confirm a Provisional Order made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Inverness Harbour.

(Brought from the Commons 22nd June 1926.)

Ordered to be printed 22nd June 1926.

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(107)



A
B I L L

INTITULED

An Act to increase the rateable deductions to be made from the pay of the police and to authorise, in certain circumstances, the return of rateable deductions in the case of members of police forces retired or dismissed after the thirtieth day of June, nineteen hundred and nineteen. 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. The rateable deductions to be made from the pay of every member of a police force under section nineteen of the Police Pensions Act, 1921 (hereinafter referred to as the principal Act), shall be at the rate of five per cent. of his pay, and that section shall have effect accordingly. Increase of rateable deductions. 11 & 12 Geo. 5. c. 31.

2.—(1) Where, after the thirtieth day of June, nineteen hundred and nineteen, and before the commencement of the principal Act, a member of a police force left the force without a pension or gratuity and in circumstances which did not enable him to reckon his service in the force for the purpose of pension, the police authority may, if they think fit,— Power to return rateable deductions in certain circumstances.

(a) if he so left the force on retiring (whether voluntarily or as an alternative to dismissal),

A.D. 1926.

either pay to him the whole or any part of any rateable deductions which had been made from his pay or apply the same in such manner as they think fit for the benefit of his wife or widow or children, if any; or

5

(b) if he so left the force on being dismissed, apply the whole or any part of such rateable deductions as aforesaid in such manner as they think fit for the benefit of his wife or widow or children, if any.

10

(2) This section shall not apply to Scotland.

Short title and construction.

3. This Act may be cited as the Police Pensions Act, 1926, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Police Pensions Acts, 1921 and 1926.

15

Police Pensions.

A

B I L L

INTITLED

An Act to increase the rateable deductions to be made from the pay of the police and to authorise, in certain circumstances, the return of rateable deductions in the case of members of police forces retired or dismissed after the thirtieth day of June, nineteen hundred and nineteen.

(Brought from the Commons 3rd August 1926.)

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(164)



Poor Law Bill. [H.L.]

MEMORANDUM.

This Bill is intended to reproduce in a consolidated form the permanent law relating to the relief of the poor in England and Wales.



Poor Law. [H.L.]

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TABLE OF ABBREVIATIONS.

1601	=The Poor Relief Act, 1601 (43 Eliz. c. 2).
1662	=The Poor Relief Act, 1662 (14 Car. 2. c. 12).
1691	=The Poor Relief Act, 1691 (3 Will. & Mary c. 11).
1696	=An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdome (8 & 9 Will. 3. c. 30).
1718	=The Poor Relief (Deserted Wives and Children) Act, 1718 (5 Geo. 1. c. 8).
1722	=The Poor Relief Act, 1722 (9 Geo. 1. c. 7).
1757	=The Apprentices (Settlement) Act, 1757 (31 Geo. 2. c. 11).
1769	=The Poor Relief Act, 1769 (9 Geo. 3. c. 37).
1773	=The Lying-in Hospitals Act, 1773 (13 Geo. 3. c. 82).
1778	=The Parish Apprentices Act, 1778 (18 Geo. 3. c. 47).
1790	=The Workhouses Act, 1790 (30 Geo. 3. c. 49).
1792	=The Parish Apprentices Act, 1792 (32 Geo. 3. c. 57).
1795	=The Poor Removal Act, 1795 (35 Geo. 3. c. 101).
1802	=The Parish Apprentices Act, 1802 (42 Geo. 3. c. 46).
1809	=The Poor (Settlement and Removal) Act, 1809 (49 Geo. 3. c. 124).
1814	=The Poor Relief Act, 1814 (54 Geo. 3. c. 170).
1815	=The Poor Relief Act, 1815 (55 Geo. 3. c. 137).
1816 (W.)	=The Workhouse Act, 1816 (56 Geo. 3. c. 129).
1816 (App.)	=The Parish Apprentices Act, 1816 (56 Geo. 3. c. 139).
1819	=The Poor Relief Act, 1819 (59 Geo. 3. c. 12).
1824	=The Vagrancy Act, 1824 (5 Geo. 4. c. 83).
1825	=The Poor Relief (Settlement) Act, 1825 (6 Geo. 4. c. 57).
1831 (Set)	=The Poor Relief (Settlement) Act, 1831 (1 Will. 4. c. 18).
1831 (Rel.)	=The Poor Relief Act, 1831 (1 & 2 Will. 4. c. 42).
1831 (C.L.)	=The Crown Land Settlements Act, 1831 (1 & 2 Will. 4. c. 59).
1833	=The Apprentices Act, 1833 (3 & 4 Will. 4. c. 63).
1834	=The Poor Law Amendment Act, 1834 (4 & 5 Will. 4. c. 76).
1835	=The Union and Parish Property Act, 1835 (5 & 6 Will. 4. c. 69).
1837	=The Union and Parish Property Act, 1837 (7 Will. 4. & 1 Vict. c. 50).
1838	=The Poor Relief (Loans) Act, 1838 (1 & 2 Vict. c. 25).
1842 (App.)	=The Parish Apprentices Act, 1842 (5 & 6 Vict. c. 7).
1842 (P.P.)	=The Parish Property and Parish Debts Act, 1842 (5 & 6 Vict. c. 18).

- 1842 (Am.) =The Poor Law Amendment Act, 1842 (5 & 6 Vict. c. 57).
1844 =The Poor Law Amendment Act, 1844 (7 & 8 Vict. c. 101).
1846 =The Poor Removal Act, 1846 (9 & 10 Vict. c. 66).
1847 (P.L.B.)=The Poor Law Board Act, 1847 (10 & 11 Vict. c. 109).
1848 (Proc.) =The Poor Law Procedure Act, 1848 (11 & 12 Vict. c. 31).
1848 (Sc.) =The Poor Law (Schools) Act, 1848 (11 & 12 Vict. c. 82).
1848 (Aud.) =The Poor Law Audit Act, 1848 (11 & 12 Vict. c. 91).
1848 (Am.) =The Poor Law Amendment Act, 1848 (11 & 12 Vict. c. 110).
1848 (Rem.) =The Poor Removal Act, 1848 (11 & 12 Vict. c. 111).
1849 (Rel.) =The Poor Relief Act, 1849 (12 & 13 Vict. c. 13).
1849 (Am.) =The Poor Law Amendment Act, 1849 (12 & 13 Vict. c. 103).
1850 =The Poor Law Amendment Act, 1850 (13 & 14 Vict. c. 101).
1851 (App.) =The Poor Law (Apprentices) Act, 1851 (14 & 15 Vict. c. 11).
1851 (Am.) =The Poor Law Amendment Act, 1851 (14 & 15 Vict. c. 105).
1855 =The Poor (Burials) Act, 1855 (18 & 19 Vict. c. 79).
1859 =The Poor Law (Payment of Debts) Act, 1859 (22 & 23 Vict. c. 49).
1861 (Rem.) =The Poor Removal Act, 1861 (24 & 25 Vict. c. 55).
1862 (Sch.) =The Poor Law (Certified Schools) Act, 1862 (25 & 26 Vict. c. 43).
1864 =The Metropolitan Houseless Poor Act, 1864 (27 & 28 Vict. c. 116).
1865 (Met.) =The Metropolitan Houseless Poor Act, 1865 (28 & 29 Vict. c. 34).
1865 (U.C.) =The Union Chargeability Act, 1865 (28 & 29 Vict. c. 79).
1866 (Am.) =The Poor Law Amendment Act, 1866 (29 & 30 Vict. c. 113).
1867 =The Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6).
1867 (Am.) =The Poor Law Amendment Act, 1867 (30 & 31 Vict. c. 106).
1868 =The Poor Law Amendment Act, 1868 (31 & 32 Vict. c. 122).
1869 (Loans) =The Union Loans Act, 1869 (32 & 33 Vict. c. 45).
1869 =The Metropolitan Poor Amendment Act, 1869 (32 & 33 Vict. c. 63).
1870 (Dis.) =The Dissolved Boards of Management and Guardians Act, 1870 (33 & 34 Vict. c. 2).

- 1870 =The Metropolitan Poor Amendment Act, 1870 (33 & 34 Vict. c. 18).
- 1870 (Conv.) =The Pauper Conveyance (Expenses) Act, 1870 (33 & 34 Vict. c. 48).
- 1871 =The Metropolitan Poor Act, 1871 (34 & 35 Vict. c. 15).
- 1871 (Dis.) =The Pauper Inmate Discharge and Regulation Act, 1871 (34 & 35 Vict. c. 108).
- 1875 =The Public Health Act, 1875 (38 & 39 Vict. c. 55).
- 1876 =The Divided Parishes and Poor Law Amendment Act, 1876 (39 & 40 Vict. c. 61).
- 1879 (Am.) =The Poor Law Amendment Act, 1879 (42 & 43 Vict. c. 12.)
- 1879 (H.D.) =The Habitual Drunkards Act, 1879 (42 & 43 Vict. c. 19).
- 1879 (P.L.) =The Poor Law Act, 1879 (42 & 43 Vict. c. 54).
- 1882 (Cas.) =The Casual Poor Act, 1882 (45 & 46 Vict. c. 36).
- 1882 (D.P.) =The Divided Parishes and Poor Law Amendment Act, 1882 (45 & 46 Vict. c. 58).
- 1882 (M.W.) =The Married Women's Property Act, 1882 (45 & 46 Vict. c. 75).
- 1883 =The Poor Law Conferences Act, 1883 (46 & 47 Vict. c. 11).
- 1884 =The Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43).
- 1888 =The Local Government Act, 1888 (51 & 52 Vict. c. 41).
- 1889 =The Poor Law Act, 1889 (52 & 53 Vict. c. 56).
- 1894 (L.G.) =The Local Government Act, 1894 (56 & 57 Vict. c. 73).
- 1894 (F.S.) =The Outdoor Relief Friendly Societies Act, 1894 (57 & 58 Vict. c. 25).
- 1896 =The Local Government (Elections) Act, 1896 (59 & 60 Vict. c. 1).
- 1897 =The Poor Law Act, 1897 (60 & 61 Vict. c. 29).
- 1898 (Assoc.) =The Poor Law Unions Association (Expenses) Act, 1898 (61 & 62 Vict. c. 19).
- 1898 =The Metropolitan Poor Act, 1898 (61 & 62 Vict. c. 45).
- 1898 (Ineb.) =The Inebriates Act, 1898 (61 & 62 Vict. c. 60).
- 1899 =The Poor Law Act, 1899 (62 & 63 Vict. c. 37).
- 1900 (D.C.) =The District Councillors and Guardians (Term of Office) Act, 1900 (63 & 64 Vict. c. 16).
- 1903 =The Poor Law (Dissolution of School Districts and Adjustments) Act, 1903 (3 Edw. 7. c. 19).
- 1904 (Prop.) =The Poor Law Authorities (Transfer of Property) Act, 1904 (4 Edw. 7. c. 20).
- 1904 (F.S.) =The Outdoor Relief (Friendly Societies) Act, 1904 (4 Edw. 7. c. 32).

- 1907 =The Released Persons (Poor Law Relief) Act,
1907 (7 Edw. 7. c. 14).
- 1908 (M.W.) =The Married Women's Property Act, 1908 (8 Edw. 7.
c. 27).
- 1908 (Chil.) =The Children Act, 1908 (8 Edw. 7. c. 67).
- 1913 =The Mental Deficiency Act, 1913 (3 & 4 Geo. c. 28).
- 1924 =The National Health Insurance Act, 1924 (14 &
15 Geo. 5. c. 38).

A

B I L L

INTITULED

An Act to consolidate the enactments relating to the Relief of the Poor in England and Wales. 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:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

CENTRAL AUTHORITY.

1. The Minister of Health (hereinafter referred to as the Minister) is, subject to the provisions of this Act, charged with the direction and control of all matters relating to the administration of relief to the poor throughout England and Wales, according to the law in force for the time being:

Central authority.
[1834, s. 15.]

15 Provided that nothing in this Act shall be construed as enabling the Minister to interfere in any individual case for the purpose of ordering relief.

POOR LAW AREAS AND AUTHORITIES.

Poor Law Unions.

20 **2.**—(1) The law relating to the relief of the poor shall be administered locally by boards of guardians, and a guardian shall not (save as otherwise expressly provided by this Act and any rules, orders or regulations of the Minister made thereunder) be capable of acting

Local administration and constitution of unions.
[1834, ss. 26, 38 and 39.]

A.D. 1926. by virtue of his office except as a member of a board of guardians and at a meeting of the board.

(2) The Minister may by order constitute any parish or combination of parishes as an area in which the relief of the poor is to be so administered, and every area so constituted shall for the purposes of this Act be a poor law union, but until dissolved or altered in accordance with the provisions of this Act, every parish or combination of parishes for which, at the commencement of this Act, a board of guardians is constituted shall continue to be a poor law union.

[1870 (Diss.), s. 5.]

(3) Upon the coming into operation of an order of the Minister forming a union of two or more parishes, for which separate boards of guardians were constituted, the last acting guardians for those parishes shall continue to administer relief in those parishes until the guardians for the new union come into office.

Combina-
tion of
unions for
particular
purposes.
[1879 (P.L.),
s. 8.]

3.—(1) Where on any representation it appears to the Minister that the combination of two or more poor law unions, not in London, for any purpose connected with the administration of the relief of the poor would tend to diminish expense, or would otherwise be of public or local advantage, the Minister may, with the consent of the boards of guardians of the unions to be so combined, make an order for combining the unions for the purposes named therein, and for constituting for the execution of those purposes a joint committee of the several boards of guardians.

(2) The order shall define the powers, rights, duties, liabilities, and obligations of the joint committee, and regulate the election, meetings, and officers of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing (including the adjustment of present and future liabilities and property) which it appears necessary or proper to regulate for the better carrying into effect of the order.

(3) The board of guardians of a poor law union included in such a combination shall, save as otherwise provided by the order, cease to exercise any powers and rights, and to be subject to any duties, liabilities and obligations, vested by the order in the joint committee.

(4) All property acquired by the joint committee shall be vested in the boards of guardians of the poor law unions included in the combination.

Boards of Guardians.

A.D. 1926.

4.—(1) The rural district councillors of any parish or other area in a rural district shall be the representatives of that parish or area on the board of guardians and when acting in that capacity shall be deemed to be guardians of the poor, and guardians as such shall not be elected for that parish or area.

Constitution of boards of guardians. [1834, ss. 38 & 39; 1844, s. 18; 1894 (L.G.), ss. 24 (3) & 89.]

(2) Subject as aforesaid, a board of guardians shall consist of such number of guardians, to be elected in manner hereinafter provided, as the Minister may determine and the Minister may fix the number of guardians to be elected for the several parishes comprised in the poor law union and may from time to time, having regard to the relative population or circumstances of any such parish alter the number of guardians to be elected therefor.

5.—(1) Every board of guardians shall be a body corporate by the name of "The guardians of the poor of _____," and shall have perpetual succession and a common seal, and have power (without licence in mortmain) to hold land for any of their powers and duties under this Act.

Incorporation of boards of guardians. [1835, s. 7; 1842 (Am.), s. 16; 1876, s. 13.]

(2) The Minister may by order change the name of any poor law union consisting of more than one parish and direct how such change of name shall be published:

Provided that no such change of name shall affect any rights or obligations of or securities given by or to the board of guardians or affect the continuance of any pending legal proceedings by or against the board.

(3) The addition to or separation of a parish from a poor law union under this Act shall not affect the corporate existence, property or privileges of the board of guardians.

Qualifications and Disqualifications.

6. A person shall not be qualified to be elected or to be a guardian of a poor law union unless he is registered as a local government elector of the union, or has during the whole of the twelve months preceding the election resided in the union, or is the owner of a freehold or leasehold interest in land within the union, or in the case of a guardian for a parish wholly or partly situate within a

Qualifications of guardians. [1894 (L.G.), s. 20 (2); 7 & 8 Geo. 5. c. 64, s. 10.]

A.D. 1926. borough is qualified to be elected a councillor for that
— borough.

Disqualifi-
cations of
guardians.
[1894 (L.G.),
s. 46 (1), (2),
(4), (6), (7)
and (8).]

7.—(1) A person shall be disqualified for being
elected or being a member of a board of guardians if he—

- (a) is an infant or an alien; or 5
- (b) has within twelve months before his election, or
since his election, received relief; or
- (c) has, within five years before his election or since
his election, been convicted either on indict- 10
ment or summarily of any crime and sentenced
to imprisonment with hard labour without the
option of a fine, or to any greater punishment,
and has not received a free pardon, or has,
within or during the time aforesaid, been
adjudged bankrupt or made a composition or 15
arrangement with his creditors; or
- (d) holds any paid office under the board of
guardians; or
- (e) is concerned in any bargain or contract entered
into with the board, or participates in the 20
profit of any such bargain or contract or of any
work done under the authority of the board:

Provided that a person shall not be disqualified for
being elected or being a member of any such board by
reason of being interested— 25

- (i) in the sale or lease of any lands; or
- (ii) in any loan of money to the board; or
- (iii) in any newspaper in which any advertisement
relating to the affairs of the board is inserted; 30
or
- (iv) in any contract with the board as a shareholder
in any joint stock company; but he shall not
vote at any meeting of the board on any
question in which such company is interested,
except that in the case of a water company 35
or other company established for the carrying
on of works of a like public nature, this prohi-
bition may be dispensed with by the county
council.

(2) Where a person is disqualified by being adjudged 40
bankrupt or making a composition or arrangement with
his creditors the disqualification shall cease, in case of

bankruptcy, when the adjudgment is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part, and, in case of composition or arrangement, on payment of his debts in full. A.D 1926.

(3) If a member of a board of guardians is absent from meetings of the board for more than six months consecutively, except in case of illness or for some reason approved by the board, he shall vacate his seat on the expiration of that period.

(4) Where a member of a board of guardians becomes disqualified for holding office, or vacates his seat by absence, the board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the board and notified in such manner as the board direct, and the office shall thereupon become vacant.

(5) If any person acts when disqualified, or votes when prohibited under this section, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

8.—(1) No paid officer engaged in the administration of the laws for the relief of the poor, nor any person who, having been a paid officer, has been dismissed within five years previously from such office under the provisions of this Act, or of any Act repealed by this Act, shall be capable of serving as a guardian. Paid officers, &c., incapable of serving as guardians. [1842 (Am.), s. 14.]

(2) No person receiving any fixed salary or emolument from so much of the general rate levied within a poor law union as is applicable to the relief of the poor shall be capable of serving as a guardian for that union.

Elections.

9.—(1) The electors of the guardians of a parish shall be the persons registered as local government electors of the poor law union in respect of qualifications arising in that parish, and, if the parish is divided into wards for the election of guardians, the electors of the guardians for each ward shall be such of those persons as are registered in respect of qualifications arising within the ward. Election of guardians. [1894 (L.G.), s. 20 (3)-(5), as amended by 7 & 8 Geo. 5. c. 64.]

(2) Each elector may give one vote and no more for each of any number of persons not exceeding the number to be elected.

A.D. 1926. (3) The election shall, subject to the provisions of this Part of this Act, be conducted in accordance with rules framed by the Secretary of State.

Constitution of electoral districts. [1868, s. 6; 1876, s. 12; 1882 (D.P.) s. 12.] 10
10.—(1) The Minister may, by order, divide any parish into wards for the election of guardians, and determine the number of guardians to be elected for every such ward, having due regard to the net annual value of the property therein according to the valuation list for the time being in force, and may from time to time alter any such wards.

(2) Every such ward shall for the purposes of such election be deemed to be a separate parish, except so far as the Minister may otherwise order.

(3) The Minister may, by order, add to any parish for the purposes of the election of guardians any adjoining parish in the same poor law union, being a parish the population of which, according to the last census for the time being, does not exceed three hundred and the net annual value of the property in which does not exceed the average net annual value of the property in the parishes of the union. 15 20

Powers of county council. [1894 (L.G.), s. 60 (1), (3)]. 25
11.—(1) A county council may, from time to time, by order, fix or alter the number of guardians to be elected for each parish within their county, and for those purposes may exercise powers of adding parishes to each other and dividing parishes into wards, similar to those which by this Part of this Act are for the purpose of the election of guardians, vested in the Minister.

(2) Where a poor law union is situate in more than one county, the power under this section of fixing or altering the number of guardians shall be exercised by a joint committee of the councils of the counties concerned, but if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee : 30 35

Provided that if any order under this sub-section is, within six weeks after the making thereof, objected to by any of the county councils concerned, or by any committee of any of those councils authorised in that 40

behalf, it shall be of no effect until confirmed by the Minister. A.D. 1926.

12.—(1) Rules framed by the Secretary of State in relation to elections of guardians shall have effect as if enacted in this Act, and shall provide, amongst other things—

Election rules and supplemental provisions. [1894 (L.G.), s. 48 (2)-(7).]

- (a) For every candidate being nominated in writing by two local government electors as proposer and seconder and no more;
- 10 (b) For preventing an elector at an election from subscribing a nomination paper or voting in more than one parish or other area in a poor law union;
- 15 (c) For fixing, or enabling the county council to fix, the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;
- 20 (d) For the polls at elections held under this Act and the Local Government Act, 1894, at the same date, and in the same area being taken together except where this is impracticable;
- (e) For the appointment of returning officers for the elections.

25 (2) At every election regulated by rules framed under this Act, the poll shall be taken by ballot, and the Ballot Act, 1872, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and sections seventy-four and seventy-five and Part IV. of the Municipal Corporations Act, 1882, as respectively amended by any subsequent enactment (including the penal provisions of of those Acts) shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election:

35 & 36 Vict. c. 33.
47 & 48 Vict. c. 70.
45 & 46 Vict. c. 50.

35 Provided that—

- (a) Section six of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and
- 40

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(b) Section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(3) The provisions of the Municipal Corporations Act, 1882, and the enactments amending the same, with respect to the expenses of elections of councillors of a borough, and to the acceptance of office, re-eligibility of holders of office, and the filling of casual vacancies, and section fifty-six of that Act shall, subject to the adaptations, alterations and exceptions made by the said rules, apply in the case of guardians :

Provided that—

(a) Nothing in the enactments applied by this section shall authorise or require a returning officer to hold an election to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, and the vacancy shall be filled at the next ordinary election; and

(b) The rules may provide for the incidence of the charge for the expenses of the elections of guardians being the same as before the commencement of the Local Government Act, 1894.

(4) If any difficulty arises as respects the election of any individual guardian, and there is no provision for holding another election, the county council may order a new election to be held and give such directions as may be necessary for the purpose of holding the election.

(5) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority, for any election (whether parliamentary, county council, municipal or other) shall, on request, and if not required for immediate use by the said authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge or, except in cases prescribed by the Minister, for such reasonable charge as may be so prescribed.

(6) The expenses of any election under this Act shall not exceed the scale fixed by the county council.

13.—(1) If any difficulty arises with respect to an election of guardians, or to the first meeting after any ordinary election of guardians, or if, from an election not being held or being defective, or otherwise, the board has not been properly constituted, the county council may, by order, make any appointment or do anything which appears to them necessary or expedient for the proper holding of any such election or meeting, and properly constituting the board, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

(2) Any such order may modify the provisions of this Part of this Act relating to elections and the enactments applied by, or rules framed under, this Part of this Act, so far as may appear to the county council necessary or expedient for carrying the order into effect.

(3) A county council may delegate their powers under this section to a committee.

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Removal of
difficulties.
[1896 (L.G.),
s. 1.]

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Term of Office, &c.

14.—(1) The term of office of a guardian shall be three years, and one third, as nearly as may be, of every board of guardians shall go out of office on the fifteenth day of April in each year, and their places shall be filled by the newly-elected guardians :

Provided that—

(a) where the county council on the application of the board of guardians of any poor law union in their county consider that it would be expedient to provide for the simultaneous retirement of the whole of the members of that board, they may direct that the members of that board shall retire together on the fifteenth day of April in every third year, and such order shall have full effect ;

(b) where at the passing of this Act the whole of the guardians, in pursuance of an order made by the Local Government Board before the commencement of the Local Government Act, 1894, or by a county council since such commencement, retire together at the end of every third year, they shall continue so to retire, unless the county council, on the

Term of
office and
mode of
retirement.
[1894 (L.G.)
ss. 20 (6),
60 (2) and
(3); 1842
(Am.), s. 10;
1900 (D.C.),
s. 1.]

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application of the board or of any district council of a district wholly or partly within the poor law union, otherwise direct.

(2) The council of each county may, for the purpose of regulating the retirement of guardians in cases where 5 they retire by thirds, and in order that as nearly as may be one third of the persons elected as guardians shall retire in each year, direct in which year or years of each triennial period the guardians for each parish, ward, or other area in the union shall retire. 10

(3) Subject to the provisions of this section, where a poor law union is situate in more than one county the power under this section of regulating the retirement of guardians shall be exercised by a joint committee of the councils of the counties concerned, but 15 if any of those councils do not, within two months after request from any other of them, appoint members of such joint committee, the members of the committee actually appointed shall act as the joint committee.

(4) Where an order or direction has, whether before 20 or after the passing of this Act, been made or given by the council of a county or a joint committee of any such councils, as the case may be, with respect to the retirement of members of a board of guardians, the council or joint committee may, on the like application or request, by 25 order rescind such first-mentioned order or direction, and any such order shall provide for all matters necessary or proper for carrying its objects into effect, and, in particular, shall require all the guardians in office at the date thereof to go out of office, and their places 30 to be filled by the newly-elected guardians on the fifteenth day of April next following that date.

(5) Where under this section an order is made by a joint committee, or rescinds an order made by a joint committee, and the order or the rescinding order 35 is within six weeks after the making thereof objected to by any of the county councils concerned or by any committee of any of those councils authorised in that behalf, it shall be of no effect until confirmed by the Minister. 40

Resignation of guardians.
[1842 (Am.), s. 11
as amended by
1894 (L.G.),
s. 89.]

15. The Minister may accept the resignation of any guardian tendered for any cause which the Minister may deem reasonable.

Chairman : Vice-Chairman : Additional Members.

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16.—(1) A board of guardians shall at their annual meeting appoint a chairman for the ensuing year, and if the chairman so appointed dies, resigns or becomes incapable of acting, another person shall be appointed for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

Chairman
and Vice-
Chairman.
[1894 (L.G.),
ss. 20 (8) &
59.]

(2) A board of guardians may appoint a vice-chairman who shall hold office during the term of office of the chairman, and the vice-chairman shall, in the absence or during the inability of the chairman, have the powers and authority of the chairman.

(3) The person appointed chairman or vice-chairman by a board of guardians may be appointed from outside their own body, but in such case shall be appointed from persons qualified to be guardians of the union, and shall be an additional guardian and a member of the board.

17. A board of guardians may (in addition to the chairman and vice-chairman) appoint not more than two persons from outside their own body, but from persons qualified to be guardians of the union, and any person so appointed shall be an additional guardian and member of the board.

Additional
guardians.
[1894 (L.G.),
s. 20 (8).]

Meetings and Proceedings.

18.—(1) Every board of guardians shall hold an annual meeting, and other meetings for the transaction of business under this Act once at least in each month and at such other times as may be necessary for properly executing their powers and duties under this Act.

Meetings of
guardians.
[1894 (L.G.),
ss. 59 (1) &
61.]

(2) Meetings of boards of guardians shall be held and the proceedings thereat shall be conducted in accordance with the rules contained in the First Schedule to this Act.

(3) No meeting of a board of guardians shall be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

A.D. 1926. **19.** Where the whole of any one or more parishes comprised in a poor law union is situated at a greater distance than four miles from the place of meeting of the board of guardians of the union, the Minister may, on the application of the board of guardians, form the parish or parishes into a district and direct the board to appoint a committee of their members to receive applications from persons requiring relief in that district, to examine into such cases, and to report thereon to the board.

District
commit-
tees.
[1842 (Am.),
s. 7.]

School Districts.

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20. The Minister may, by order, combine poor law unions into school districts for the management of any class or classes of children not above the age of sixteen years, but the Minister shall not include in any such district any parish any part of which would be more than fifteen miles from any other part of the district unless the majority of the guardians of each of the several unions proposed to be combined consent.

Unions may
be com-
bined into
school
districts.
[1844, s. 40 ;
1848 (Sc.),
s. 1.]

21.—(1) A board of management shall be constituted for every such school district, and shall have power to accept, take, and hold, on behalf of their district, any lands, buildings, goods, effects, or other property, as a corporation, and in all cases to sue and be sued as a corporation, by the name of "the Board of Management of the School District."

Constitution
of boards of
manage-
ment.
[1844,
ss. 42, 43,
and 45 ;
1848 (Sc.),
s. 2.]

(2) The chairman of the board of guardians of every poor law union forming part of a school district shall, if he consent thereto, be ex officio a member of the board of management, and in addition the board shall consist of such number of elective members as the Minister may determine.

(3) The elective members shall be elected in such manner as the Minister may determine, by the boards of guardians of the several poor law unions comprised in the school district in such proportions as the Minister may determine.

(4) The qualification for being an elective member shall consist in being assessed to rates within the school district on property of such net annual value as the Minister may fix, so, however, that the value so fixed shall not exceed forty pounds :

Provided that any person who would under this Act be disqualified for being a guardian of any poor law union forming part of a school district by reason of being or having been a paid officer, or being in receipt
5 of a salary or emolument payable out of the general rate, shall be disqualified for being an elective member.

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(5) The term of office of an elective member shall be such period not exceeding three years, as the Minister may determine.

10 (6) The provisions set forth in the Second Schedule to this Act shall apply with respect to the election and resignation of members of boards of management and to the acts of such boards and the supply of vacancies therein.

15 (7) The Minister shall have power to regulate the proceedings of boards of management or of committees thereof.

Alteration and Dissolution of Unions and Districts.

20 **22.**—(1) If it appears to the Minister that it is expedient for the better administration of the relief of the poor that any poor law union should be dissolved, he may, after inquiry held in the union to be dissolved, by order dissolve the union.

Power to dissolve or alter unions.
[1834, s. 32;
1844, s. 66;
1876, s. 11];
1894 (L.G.),
s. 89; 1903,
s. 3; 1904,
ss. 1, 3.]

25 (2) The Minister may by order declare any parish to be separated from or added to any poor law union, but no alteration of the parishes constituting a union, nor any addition thereto, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents,
30 consent in writing to the proposed alteration or addition.

(3) Where a poor law union is dissolved or added to another poor law union the board of guardians thereof shall be dissolved as from the date of such dissolution or addition.

35 (4) A poor law union altered in pursuance of an order under this section shall, subject to such rules, orders and regulations as the Minister may make for adapting the constitution, management and government thereof to the altered circumstances, be constituted, managed
40 and governed as if it had been originally formed in such altered state.

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(5) Where any poor law union is dissolved, the parishes constituting the union, or where a poor law union is altered the parishes separated from the union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this Part of this Act as the Minister shall think fit. 5

Additional powers of Minister as to unions. [1888, s. 58.]

23. Where a poor law union is situate in more than one county the Minister may, instead of dissolving the union, provide, by order, that the union shall continue to be one union for the purposes of indoor relief or any of those purposes, and shall be divided into two or more poor law unions for the purpose of outdoor relief, and may, by the order, make such provisions as seem expedient for determining all other matters in relation to which the union is to be one union or two or more unions. 10 15

Power to alter and dissolve school districts. [1844, s. 43 1867 (Am.), s. 16; 1869 (Met.) s. 1; 1903, s. 1; 1904, ss. 1, 3.]

24. The Minister may by order dissolve any school district, or may alter any such district by adding thereto or taking therefrom any poor law union, and upon the dissolution of any such district or the formation of the component parts thereof into one poor law union, the board of management thereof shall be dissolved. 20 25

Adjustments on alteration of areas or authorities. [1903, s. 2 (1).] 51 & 52 Vict. c. 41.

25. Where any alteration of areas or authorities is effected under this Act, agreements may be made by any boards of guardians or other authorities affected thereby for the adjustment of any property, income, debts, liabilities and expenses, so far as they are affected by the alteration, and section sixty-two of the Local Government Act, 1888, as set out and modified with respect to any such adjustment in the Third Schedule to this Act shall apply. 30 35

Property and liabilities of dissolved boards. [1870(Diss.), s. 1; 1835, s. 3; 1903, s. 2, Schd.; 1904, ss. 1, 4.]

26.—(1) On the dissolution of a board of guardians of any poor law union, or the board of management of any school district, their property and liabilities shall vest in the successors of the board as hereinafter defined, without any conveyance or other instrument or the authority of any court, and such successors shall continue in office for the purpose of discharging the debts and liabilities of, and recovering any property due to, the union or district in like manner as if no dissolution had taken place, and shall have 40

power to make any agreements, and carry out any agreements or awards in relation to the adjustment under this Act of any property, income, debts, liabilities and expenses affected by the alteration of any areas or authorities by reason of the dissolution :

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Provided that the successors of the board shall not be empowered to act in manner aforesaid for a longer period than twelve months from the date of the dissolution unless the Minister by order authorises them to continue to act.

(2) For the purpose of disposing otherwise than in pursuance of an agreement or award of adjustment of property so vested in them the successors of the board shall have the like powers of disposal as are by this Act conferred on boards of guardians.

(3) The provisions contained in the Fourth Schedule to this Act shall have effect with respect to the successors of the board.

(4) For the purposes of this section and the said schedule, the expression "successors of the board" means the persons, or the survivors of the persons, acting as members of the board at the time of the dissolution, and any persons who may be added to or substituted for those persons by an order of the Minister.

25 **27.** Where any poor law union or school district is dissolved, or any poor law union has been added to another poor law union, or any parish has been added to or separated from a poor law union, and any person is, by reason of such dissolution, addition or separation
30 deprived of any office or employment, or suffers any diminution of salary or emoluments, the Minister may award compensation to be paid to that person, either in a capital sum or by way of annuity.

Compensation
for loss of
office, &c.
[1867 (Am.),
s. 20; 1868,
s. 15; 1869
(Met.), s. 1; 1896
(Sup.), s. 20;
1903, s. 1.]

35 **28.**—(1) All deeds, bonds, covenants, indentures, orders of justices, or other matters affecting any persons, apprentices, or officers entered into by or made upon or in favour of the board of guardians of a poor law union comprising a parish which is added to a poor law union, shall vest in and enure to the benefit of and shall be a
40 charge upon the board of guardians of the union to which the parish is added without any assignment, transfer or other act.

Transfer of
deeds, &c.
[1870
(Diss.), s. 8.]

- A.D. 1926. — (2) All securities, deeds, orders, books of account, and other documents relating thereto, shall, when required by the last-mentioned board of guardians be delivered to them by the persons having the custody thereof, and all such deeds (other than the title deeds to property), 5 bonds, indentures, orders of justices, or other documents and matters as aforesaid belonging to any dissolved union or district shall be preserved in such custody and be open to inspection in such manner as the Minister may, by order, direct. 10
- [1844, s. 61.] (3) An alteration of the district for which an officer acts shall not affect any bond or security which may have been given in respect of him.

Officers.

Appoint
ment of
officers.
[1834, ss. 46
and 48; 1865
(U.C.), s. 1.] **29.**—(1) The Minister may, by order, direct the 15 board of guardians of any poor law union, or of so many poor law unions as he may by the order declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers, with such qualifica- 20 tions as the Minister thinks necessary, for superintending or assisting in the administration of the relief of the poor in the union or united unions and for otherwise carrying the provisions of this Act into execution.

(2) The Minister may define the duties to be performed by such officers respectively, and the limits 25 within which the officers are to act in the performance of their duties, and direct the mode of appointment and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of them as the Minister thinks ought 30 to give security, and may, if he thinks fit, regulate the amount of their salaries and the time and mode of payment thereof.

(3) Such salaries shall be paid by the board of guardians or the respective boards of guardians in the 35 manner and proportions fixed by the Minister.

(4) No person who has been convicted of felony, fraud or perjury shall be eligible to hold any office under any board of guardians.

Power of
Minister to
appoint
officers in **30.**—(1) If a board of guardians fail for a period 40 of twenty-eight days after receipt of a requisition from the Minister in that behalf to appoint, either originally

or on a vacancy, any officer whom they are lawfully required to appoint, the Minister may, at any time after the expiration of that period, by order, appoint a fit person to be such officer, and determine the salary or remuneration to be paid to him by the board.

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default of guardians.
[1868, s. 7.]

(2) The person so appointed shall be entitled to recover such salary or remuneration from the board of guardians, and shall have all the powers, rights, and privileges, and shall discharge all the same duties and incur the same responsibilities, as if the appointment had been duly made by the board.

31.—(1) The Minister may, by order, either upon or without any suggestion or complaint in that behalf from the board of guardians, remove or suspend any paid officer of the board whom he considers unfit for or incompetent to discharge his duties, or who at any time refuses or wilfully neglects to obey and carry into effect any rules, orders, and regulations made by the Minister, and may require the board to appoint a fit and proper person in his place.

Power of Minister to dismiss officers.
[1834, s. 48;
1894 (L.G.), s. 89.]

(2) Any person so removed or suspended shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any poor law union except with the consent of the Minister.

(3) An order made by the Minister under subsection (1) of this section in which the Minister declares that the urgency of the case requires that the order shall take effect within a period of fourteen days, shall come into force at such time as the Minister by the order directs, notwithstanding that fourteen days have not expired since a copy of the same has been sent by the Minister as required by this Act.

[1842 (Am.), s. 4.]

32. A board of guardians may pay to or reimburse any of their officers any expense necessarily incurred in repairing or restoring property belonging to the officer which may have been maliciously damaged or destroyed by any person applying or having applied for relief, and any costs and expenses incurred in the prosecution of the offender not allowed by the court.

Reimbursement of damage to property of officers.
[1851 (Am.), s. 5.]

33.—(1) The board of management of every school district shall have such of the powers of boards of guardians for the appointment, payment and control

Officers of school districts.
[1844, s. 43.]

- A.D. 1926. — of officers as the Minister may direct, and the Minister shall have the same powers for directing and regulating the appointment, duties, remuneration and removal of officers of any such board as he has with respect to the officers of a board of guardians. 5
- (2) Every such board of management shall with the consent of the bishop of the diocese appoint at least one chaplain of the established church as a paid officer of the board.
- [1844, s. 74.] (3) All the provisions of this Act relating to officers of boards of guardians shall apply to officers of boards of management. 10

PART II.

RELIEF OF THE POOR.

General.

- Relief of the poor. [1601, s. 1; 1834, ss. 38 and 54.] 15
- 34.**—(1) It shall be the duty of every board of guardians—
- (a) To set to work or put out as apprentices all children whose parents are not, in the opinion of the board, able to keep and maintain their children; 20
- (b) To set to work all such persons, whether married or unmarried, as have no means to maintain themselves, and use no ordinary and daily trade of life to get their living by; 25
- (c) To provide such relief as may be necessary for the lame, impotent, old, blind and such other persons as are poor and not able to work; and
- (d) To do and execute all other things concerning the matters aforesaid as to them may seem convenient. 30
- (2) Subject to the provisions of this Act as to orders of removal, the duties of a board of guardians under this section shall apply to all persons within their poor law union. 35
- Relief in sudden and urgent cases. [1834, s. 54.] **35.**—(1) The relieving officer, in cases of sudden and urgent necessity, shall give such temporary relief as each case may require in articles of absolute necessity, but not in money, and whether or not the applicant for

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relief is settled in a parish in the poor law union; but save as provided by this section or by any rules, orders or regulations made by the Minister under this Act, it shall not be lawful for the relieving officer or any other person concerned with the relief of the poor to give any relief to any poor person except such as may be ordered by the board of guardians.

(2) If any relieving officer refuses or neglects to give relief in any case of sudden and urgent necessity to any person not settled nor usually residing in a parish in the poor law union, any justice of the peace may, by order in writing under his hand and seal, require him to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money.

(3) Any justice of the peace may give a similar order for medical relief where any case of sudden and dangerous illness may require it.

(4) If any relieving officer disobeys any order of a justice of the peace under this section he shall be liable to forfeit five pounds.

(5) Except as hereinbefore provided, it shall not be lawful for a justice of the peace to order relief to any person.

36.—(1) Where any person having a fixed place of abode in a poor law union requires relief by reason of accident or sudden illness occurring to him while in a parish in some other poor law union in which he has no legal settlement, the cost of all relief lawfully given to him, medical or otherwise, shall—

Liability for relief in case of accident or illness. [1848 (Am.), s. 2.]

(a) if he is then in receipt of relief be paid or reimbursed in like manner and by the same board of guardians as that other relief; but

(b) if he is not then in receipt of relief, be paid or reimbursed by the board of guardians of the poor law union in which he has his place of abode.

(2) A board of guardians may pay for any medical or other assistance which may be rendered to any poor person on the happening of any accident or sudden illness, although no order has been given for the relief by them or any of their officers.

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Relief to
widows in
certain
cases.

[1844, s. 26].

37. In the case of a widow who has a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than in the poor law union 5 comprising the parish of her legal settlement, the board of guardians of the union comprising the parish of her legal settlement may grant relief to her although she is not residing in that union :

Provided that the board of guardians of the union 10 in which the widow may be resident or may require relief, shall be liable to relieve her in the same manner as any other person requiring relief in that union.

Subscrip-
tions to
hospitals,
&c.

[1851 (Am.),
s. 4; 1879
(P.L.), s. 10;
1908 (Chil.),
s. 36.]

38. A board of guardians may, with the consent of the Minister, contribute by way of an annual subscrip- 10 tion towards the support and maintenance of—

- (a) any public hospital or infirmary for the reception of sick or infirm persons; or
- (b) any institution for blind or deaf and dumb persons or for persons suffering from any 20 permanent or natural infirmity; or any association for aiding such persons; or
- (c) any association for providing nurses or for aiding boys and girls in service; or
- (d) any society for the prevention of cruelty to 20 children; or
- (e) any other institution which appears to the board with the approval of the Minister to be calculated to render useful aid in the administration of the relief of the poor : 3

Provided that nothing in this section shall authorise any subscription to any institution unless the Minister is satisfied that the persons receiving relief from the board have, or could have, assistance therein in case of necessity. 3

Obtaining
relief by
false
statement.
[1882 (Cas.),
s. 5; 1876
s. 44.]

39. If any person for the purpose of obtaining relief for himself or for any other person wilfully gives a false name, or makes or uses a false statement to any board of guardians or any of their officers, he shall be deemed an idle and disorderly person within the meaning 40 of section three of the Vagrancy Act, 1824; and any such

person may be proceeded against as an idle and disorderly person at any time during which he continues to receive relief. A.D. 1926. —

Liability for Maintenance, and Recovery of Relief.

- 5 **40.**—(1) It shall be the duty of the father, grand-
father, mother, grandmother, husband or child, of a
poor old, blind, lame and impotent person, or other
poor person not able to work, if possessed of sufficient
means, to relieve and maintain such person. Liability to
relieve and
maintain
relatives.
[1601, s. 6;
1868, s. 33.]
- 0 (2) The mother of an illegitimate child, so long as
she is unmarried or a widow, shall be bound to maintain
such child as part of her family until the child attains
the age of sixteen, or, if a female, marries under that
age. [1834, s. 71.]
- 5 (3) A man who marries a woman having a child [1834, s. 57.]
(whether legitimate or illegitimate) at the time of the
marriage shall be liable to maintain the child as part
of his family, and shall be chargeable with all relief
granted to or on account of the child until the child
attains the age of sixteen, or until the death of the
mother of the child, and the child shall, for the purposes
of this Act, be deemed a part of the husband's family
accordingly.
- 5 (4) A married woman having separate property shall [1882
(M.W.),
ss. 20, 21.]
be subject—
- (a) to all such liability for the maintenance of her
husband, children and grandchildren as her
husband is by law subject to for the main-
tenance of herself, her children and grand-
children ;
- (b) to the same liability for the maintenance of her [1908
(M.W.),
s. 1.]
parent or parents as an unmarried woman :
- Provided that nothing in this subsection shall
relieve her husband from any liability imposed on him
by law to maintain her children and grandchildren.

41. All relief given to or on account of a wife
shall be considered as given to her husband, and all
relief given to or on account of any child under the
age of sixteen, not being blind or deaf and dumb, shall
be considered as given to the father of the child, or to
the husband of the mother, or, if the mother of the child
Relief to
wife or
child
treated as
relief to
husband or
parent.

A.D. 1926. is unmarried or a widow, to the mother of the child, as the case may be :

[1834,
ss. 56, 71 ;
1844, s. 25 ;
1876, s. 18.]

Provided that—

- (a) nothing in this section shall discharge the father, grandfather, mother and grandmother of any child from liability to relieve and maintain the child in pursuance of the provisions of this Act; and
- (b) where the husband of a woman is beyond the seas, or in legal custody, or in confinement in a licensed house or asylum as a lunatic or idiot, or is living apart from her, all relief given to her or to her child shall, notwithstanding her coverture, be considered as given to her in the same manner and subject to the same conditions as if she were a widow, without prejudice, however, to the liability of her husband in respect of such relief.

Power to obtain maintenance orders.

[1848 (Am.), s. 8; 1850 (Am.), s. 5; 1868, ss. 33 & 36; 1876, ss. 19, 20, 25.]

42.—(1) Where a married woman requires relief without her husband, or, being a lunatic, is removed to any asylum, licensed house or registered hospital, the board of guardians of the poor law union to which she becomes chargeable may complain to a petty sessional court having jurisdiction in the union, and upon any such complaint the court may make an order upon the husband to pay such sum, weekly or otherwise, towards the cost of the relief of his wife, as, having regard to all the circumstances of the case, appears to them to be proper, and shall by the order determine how and to whom the payments shall from time to time be made.

(2) A board of guardians shall be entitled, on complaint to a petty sessional court having jurisdiction in the poor law union, to obtain orders of maintenance upon the relatives liable under this Act to maintain any person whose relief would be chargeable to them in such manner and according to such rate as the court may order.

Appropriation and disclosure of property.
[1848 (Am.), s. 10; 1849 (Am.), s. 16.]

43.—(1) Where any person in receipt of relief has in his possession or belonging to him any money or valuable security for money, the board of guardians of the poor law union to which he is chargeable may take and appropriate, or recover as a debt, so much of such money or the produce of such security as will reimburse

the board for the amount expended by them in the relief of such person during the period of twelve months prior to such taking and appropriation, or to the institution of the proceedings for the recovery thereof, as the case may be.

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(2) In the event of the death of any person having in his possession or belonging to him any money or property, the board of guardians of the poor law union in which he dies may reimburse themselves the expenses incurred by them in and about his burial, and in and about his maintenance at any time during the twelve months previous to his death.

(3) Every person who applies for relief having at the time of application in his possession and under his immediate control any money or other property of which, on inquiry made by the board of guardians or their officers he does not make correct and complete disclosure, shall be taken to be an idle and disorderly person within the meaning of the Vagrancy Act, 1824.

5 Geo. 4.
c. 83.

44. Any relief, or the cost thereof, which is given to or on account of any person above the age of twenty-one, or to his wife, or to any member of his family under the age of sixteen, and which the Minister by any rule, order, or regulation directs to be given or considered as given by way of loan, and whether or not any receipt for such relief, or engagement to repay the same or the cost thereof, or any part thereof, has been given by the person to or on account of whom the relief was given, shall be considered a loan to such person.

Relief by
way of loan.
[1834, s. 58.]

45.—(1) Any relief granted by way of loan to any person may be recovered in the county court or other court for the recovery of small debts for the district wherein the poor law union or the greater part thereof is comprised on the plaint of the board of guardians.

Recovery of
relief by
way of
loan.
[1834, s. 59;
1848 (Am.),
s. 8; 1876,
s. 25.]

(2) Where any relief has been given by way of loan, or where any relief, or the cost thereof, is treated as a loan in accordance with the provisions of this Act or any rules, orders or regulations made thereunder, any justice of the peace may, upon the application of the board of guardians providing the relief, and upon proof that the relief was given to or on account of any person, and that the sum due or any part thereof

A.D. 1926. remains unpaid, issue a summons to such person requiring him and his employer to appear before a court of summary jurisdiction, at a time and place to be named in the summons, to show cause why any wages due to him, or which may from time to time become due to him, from such employer should not be paid over, in whole or in part, to the board. 5

(3) If no sufficient cause is shown to the contrary, or if such person does not appear on the return of the summons, the court shall, by order, direct the employer for the time being from whom any wages are due or may from time to time become due or payable to such person to pay out of the wages to the board, either in one sum or by such weekly or other instalments as the court may think fit, having regard to the circumstances of such person and his family, the amount of the relief, or so much thereof as may from time to time be due or unpaid. 10 15

(4) The payment to, and receipt of, the board of guardians shall be a good discharge to the employer for so much of the wages as are paid by virtue of any such order. 20

(5) If any employer refuses or neglects to pay to the board of guardians producing any such order the money thereby directed to be paid according to the terms of the order, and at the periods thereby fixed, the same may be levied and recovered, and the payment thereof from time to time enforced, against the employer in the manner in which forfeitures under this Act are recoverable. 25 30

Recovery of relief by way of loan out of annuity or benefit. [1876, s. 23; 1879 (Am.), s. 1.] **46.**—(1) Where any person in receipt of relief which has been declared by the board of guardians or their relieving officer to be by way of loan, is entitled to any annuity or periodical payment, the trustee or other person bound to make the payment may from time to time pay to the board of guardians, out of the instalments which have become due, the cost incurred in the relief of that person since the last instalment, and such payment shall be a good discharge to the trustee or other person for the money so paid. 35 40

(2) Where the expenses of any such relief have been incurred in respect of a lunatic who is a member

of a friendly society, and is as such entitled to receive any payment, the board of guardians may recover, as a debt, from him, or in case of his death from his executors, administrators, or assigns, the sum so expended by them
5 as aforesaid, and the managing body of the society, if before the money is paid over, notice is served on them by the clerk to the board of guardians, shall pay the said sum to the board, and shall thereupon be discharged from any further liability in respect thereof:

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10 Provided that—

(a) where the person entitled to receive such payment as a member of a friendly society has a wife or other relative dependent upon him for maintenance, this subsection shall
15 not apply, but the money to which he is so entitled shall, subject to any deductions for keeping up his membership required by the rules of the society, be paid or applied by the managing body of the society to or for the maintenance of his wife or relative;

(b) where the person so entitled has no wife or relative dependent upon him, a claim shall not be made under this section unless the board or the relieving officer have within
25 thirty days of declaring the relief to be by way of loan sent notice in writing thereof to the secretary or trustees of the society.

For the purposes of this subsection "society" includes a branch of a society.

30 (3) Where any trustee or other person declines to make any payment in accordance with this section, the board of guardians may apply to a petty sessional court, and the court may, if satisfied that it is right in all the circumstances to do so, make an order upon him
35 to pay to the guardians the required amounts—

(a) immediately so far as they are then due; and

(b) from time to time thereafter as the liability in respect of the relief arises.

(4) This section shall not have effect in respect
40 of any relief granted contrary to the rules, orders and regulations made under this Act.

(5) Nothing in this section shall affect section seventeen of the National Health Insurance Act, 1924.

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Institutional Relief.

Power to regulate workhouses. [1834, ss. 26 and 42; 1842 (Am.), s. 5; 1871 (Dis.) s. 11.]

47.—(1) The Minister may make rules, orders and regulations for the government of workhouses and the preservation of order therein, for the classification of persons to be relieved in the several workhouses of the same poor law union, and for the nature and amount of the relief to be given to, and the labour to be exacted from, the persons relieved in workhouses. 5

(2) Subject to such rules, orders and regulations as aforesaid, a board of guardians may prescribe a task of work to be done by any person relieved in a workhouse in return for the food and lodging afforded to him: 10

Provided that, save as otherwise expressly provided by this Act, no person shall be detained in a workhouse by reason only of his failure to perform a task of work later than the expiration of four hours after the hour of breakfast on the day following that of his admission into the workhouse. 15

Power to require provision of workhouse accommodation. [1834, s. 23; 1849 (Am.), s. 18; 1889, s. 2; 1894 (L.G.), s. 52 (1).]

48.—(1) The Minister may with the consent in writing of a majority of the board of guardians of any poor law union order the board to provide workhouse accommodation or additional workhouse accommodation of such size and description and in accordance with such plans and in such manner as the Minister may deem most proper for carrying this Act into effect. 20 25

(2) For the purposes aforesaid, the order may authorise the board either to acquire land by purchase or hire and erect buildings thereon, or to acquire by purchase or hire any workhouse, or other building capable of being converted into a workhouse, and to enlarge or alter the same. 30

Power to order workhouses to be altered, &c. [1834, s. 25; 1866 (Am.), s. 8; 1868, s. 8.]

49.—(1) The Minister may, without any such consent as aforesaid, order a board of guardians having a workhouse, or a building capable of being converted into a workhouse, to enlarge or alter the same according to such plan and in such manner as the Minister considers most proper for carrying the provisions of this Act into execution, or to provide proper drainage, ventilation, fixtures, furniture, surgical and medical appliances and other conveniences at any workhouse. 35 40

(2) Where a board of guardians consider it expedient to make any enlargement, alteration or improvement of their workhouse, or the premises, drainage or other appurtenances belonging thereto, at a cost not exceeding five hundred pounds, and the Minister gives his consent, they shall not require any order of the Minister to enable them to execute the work.

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50.—(1) Where a husband and wife, both being above the age of sixty years, are received into a workhouse, they shall not whilst in the workhouse be compelled to live apart from one another.

Husbands and wives in workhouses.

(2) Where a husband and wife are admitted into a workhouse, and either of them is infirm, sick or disabled by any injury, or above the age of sixty years, the board of guardians may permit them to live together, but any such case shall be reported forthwith to the Minister.

[1847 (P.L.B.), s. 23.]
[1876, s. 10.]

51. A board of guardians may direct that any inmate, or any class of inmates, shall be detained in a workhouse, after giving notice to quit, for times not exceeding the limited periods hereinafter mentioned; that is to say,

Detention in workhouse for limited periods.
[1871 (Dis.), s. 4;
1899, s. 4.]

(a) if the inmate has not previously discharged himself from the workhouse within one month before giving the notice, twenty-four hours ;

(b) if he has discharged himself once or oftener within such month, forty-eight hours ;

(c) if he has discharged himself more than twice within two months before giving the notice, seventy-two hours ;

(d) if he has, in the opinion of the board, discharged himself frequently without sufficient reason, one hundred and sixty-eight hours ;

and every such person shall be detained in the workhouse for the time specified accordingly :

Provided that—

(i) The board may from time to time alter or rescind any such direction, and they or, in the interval between their meetings, the visiting committee (whose direction shall be entered in the visitors' book), may exempt, either wholly

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or partially, any inmate from the operation of this section ;

- (ii) the master or other person having charge of the workhouse may, if the board of guardians are not sitting or the visiting committee are not in attendance, discharge any person to whom this section applies before the expiration of any such period as aforesaid if any circumstances in his opinion so require, and shall report the facts of the case to the board at their next meeting; 5
- (iii) this section shall not apply to casual poor ;
- (iv) a direction requiring a longer notice than seventy-two hours to be given must be entered in the minutes, and must specify the name of the person to whom it applies. 15

Detention of inmate suffering from disease, &c. [1867 (Am.), s. 22; 53 & 54 Vict. c. 5. s. 342.]

52. If an inmate of a workhouse is suffering from delirium tremens or from bodily disease of an infectious or contagious character, and the medical officer of the workhouse upon examination reports in writing that the inmate is not in a proper state to leave the workhouse without danger to himself or others, the board of guardians may direct the master to detain him therein, or, if the board are not sitting, the master may, until the next meeting of the board, detain him therein, and the inmate shall not be discharged from the workhouse until the medical officer certifies in writing that discharge may take place : 20 25

Provided that nothing in this section shall prevent the removal of any person after his parent or next-of-kin has given to the board such an undertaking as they consider satisfactory to provide for the removal, charge, and maintenance of the inmate with due care and attention while the malady continues. 30

Workhouse registers. [1834, s. 55.]

53. The master of every workhouse, or such other officer as the Minister may direct, shall register in a book to be provided by the board of guardians in such form as the Minister may appoint and kept specially for that purpose, the name of every person in receipt of relief in the workhouse, together with such particulars respecting the family and settlement of every such person, and his and their relief and employment as the Minister thinks fit. 35 40

54.—(1) A board of guardians shall cause all goods capable of being marked, and belonging to them, to be marked, stamped, or branded with such mark as they think proper for identifying the board by whom the goods have been provided; so however that no such mark or stamp shall be placed on any article of wearing apparel so as to be publicly visible.

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Marking of goods, &c.
[1815, s. 2;
1844, ss. 57,
58].

(2) Any such mark, stamp, or brand as aforesaid on any article (being duly authenticated) shall be taken to be sufficient evidence, without further proof, of the property of the board in the article.

55. If a board of guardians do not appoint a visiting committee for the purpose of visiting their workhouse, or if three months have elapsed during which a visiting committee have not visited the workhouse, the Minister shall appoint a visitor, not being a member of the board, at a salary to be fixed by him to be paid by the board:

Visitation of work-houses.
[1847 (P.L.B.), s. 24.]

Provided that the appointment of any such paid visitor shall cease at the expiration of three months next after the appointment of a visiting committee by the board, subject nevertheless to his re-appointment in case of any repetition of such failure of the board or visiting committee as aforesaid.

56.—(1) Any justice of the peace having jurisdiction in the place where a workhouse is situate may visit and inspect the workhouse, at such times as he may think proper, for the purpose of ascertaining whether the rules, orders and regulations made by the Minister and applicable to the workhouse are duly observed and obeyed therein and may examine into the state and condition of the inmates of the workhouse, and their food, clothing and bedding, and the state and condition of the workhouse.

Power of justices to inspect workhouses.
[1790, s. 1,
1834, s. 43.]

(2) If in the opinion of such justice the rules, orders, or regulations, or any of them, have not been duly observed and obeyed in the workhouse, it shall be lawful for him to summon the person offending to appear before a court of summary jurisdiction to answer any complaint touching such non-observance, and upon conviction the offender shall be liable to the same forfeitures and punishments as are hereinafter

A.D. 1926. provided in the case of persons wilfully neglecting or
 — disobeying the rules, orders, and regulations of the
 Minister.

Reception in
workhouses
of persons
belonging to
other
unions.
[1849 (Am.),
s. 14; 1876,
s. 22].

57.—(1) The board of guardians of a poor law union
to which a workhouse belongs, may, with the consent of 5
the Minister, receive, lodge and maintain in the work-
house, any poor person belonging to any other poor law
union upon such terms as may be agreed between the
respective boards of guardians.

(2) Any such person so received in a workhouse shall, 10
while therein, be treated in all respects in like manner,
and be subject to the same regulations and liabilities, as
the other persons therein, and shall be deemed to be
chargeable in the first instance to the receiving union;
but his residence in that workhouse shall, in all other 15
respects, be attended with the same legal consequences
as if the workhouse were situated within the poor law
union from which he was sent.

Limitation
on powers of
masters,
&c., of
workhouse
to punish.
[1814, s. 7.]

58.—(1) No master of a workhouse or other person
concerned in the administration of relief, shall punish 20
with corporal punishment any adult person under his
care or charge for any offence or misbehaviour whatsoever,
or confine any such person for any offence or misbehaviour
for more than twenty-four hours, or such further 25
time as may be necessary in order to have such person
brought before a justice of the peace.

(2) No master of a workhouse shall, on any pretence,
chain or confine by chains or manacles any poor person
of sane mind.

[1816 (W.),
s. 2.]

Introduc-
tion of
spirituous
liquors
into work-
houses.
[1834, s. 92.]

59.—(1) If any person introduces, or attempts to 30
introduce, into any workhouse any intoxicating liquor
without the order in writing of the master of the
workhouse, it shall be lawful for the master of the
workhouse, or any officer acting under his direction,
to cause that person to be apprehended and brought 35
before a justice of the peace, and the offender shall be
liable on summary conviction to a fine not exceeding
ten pounds.

(2) For the purposes of this section a court of
summary jurisdiction may consist of a single justice of 40
the peace.

Offences by
masters and

60.—(1) If the master of a workhouse orders
any intoxicating liquor to be introduced into the

workhouse, except for the domestic use of himself or of any officer thereof or their respective families, or except by and under the written authority of the medical officer of the workhouse or of a justice visiting the workhouse, or of the board of guardians, or in conformity with any rules, orders, or regulations made by the Minister, he shall be liable to forfeit a sum not exceeding twenty pounds.

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—
officers of
workhouses.
[1834, s. 93;
1884.]

(2) If the master or any other officer of a workhouse—

- (a) introduces into the workhouse or sells, uses, lends, or gives away therein, or knowingly permits, or suffers to be introduced, or sold, used, lent or given away therein, any intoxicating liquor, contrary to the rules, orders, and regulations made by the Minister; or
- (b) punishes with any corporal punishment any adult person in the workhouse; or
- (c) confines any such person for any offence or misbehaviour for more than twenty-four hours, or such further time as may be necessary in order to have such person carried before a justice of the peace; or
- (d) in any way abuses or ill-treats, or is guilty of any other misbehaviour, or otherwise misconducts himself towards or with respect to any inmate of the workhouse,

he shall, for every such offence, be liable to forfeit a sum not exceeding twenty pounds.

(3) Proceedings under this section shall not be instituted except on the complaint of the board of guardians or an inmate of the workhouse.

61. It shall be the duty of the master of a workhouse to keep posted up in a conspicuous place in the workhouse one or more copies of the two preceding sections, and if he fails to do so he shall be liable to forfeit ten pounds.

Posting up
of copies of
two pre-
ceding sec-
tions.

[1834, s. 94.]

62.—(1) The Minister may make orders for regulating the mode in which a contract for the lodging, boarding, or maintenance of any poor person may be entered into by a board of guardians with the proprietor, manager, or superintendent of any house or establishment, and the terms and duration of any such contract, and

Regulation
of boarding
out con-
tracts.
[1849 (Rel.),
s. 6].

A.D. 1926. — if, after the making of any such order, any contract is entered into with any such proprietor, manager or superintendent, or any person acting on his behalf, which is not in accordance with the order, the contract shall be voidable, or if the Minister so directs the contract shall be void. 5

(2) All payments made under or in pursuance of any contract not entered into in conformity with such order as aforesaid at any time after the Minister has declared it to be void, and has given notice of such declaration to the board of guardians, shall be disallowed in their accounts, or the accounts of any of their officers by whom payments have been made or charged. 10

Rules for houses where poor boarded out. [1849 (Rel.), ss. 1 to 4].

63.—(1) The Minister may make rules, orders and regulations for the management and government of any house or establishment wherein any poor person is lodged, boarded, or maintained, for hire or remuneration, under contract with any board of guardians, in like manner and to the same extent as he is empowered to do in the case of a workhouse, and the Minister may by any such order prohibit the reception or retention of any poor person or any class of poor persons in the house or establishment. 15 20

(2) The Minister may direct any such rules, orders, and regulations to any person being or acting as the proprietor, manager, or superintendent, or as an officer, in any such house or establishment, and they shall come into operation as soon after they are made as may be fixed thereby, and shall be binding upon the person named therein, and, if the Minister so directs, upon every person who afterwards succeeds him in the same capacity. 25 30

(3) Nothing in this section shall extend to any county lunatic asylum or licensed house or hospital for the reception of lunatics, nor to any hospital, infirmary, school, or other institution supported by public subscriptions and maintained for purposes of charity only. 35

Removal officers of houses where poor boarded out. [1849 (Rel.), s. 5.]

64.—(1) The Minister may, by order, remove from office any officer in any such house or establishment whom he considers unfit or incompetent to discharge the duties of his office, or who at any time refuses or wilfully neglects to obey and carry into effect any of 40

the rules, orders, or regulations issued by the Minister for the regulation of the house or establishment or of the officers or inmates thereof. A.D. 1926. —

(2) Upon such removal the officer shall forthwith cease to act in his office, and shall not be entitled to any salary, wages or other remuneration in respect of any period after his removal.

65.—(1) The Minister may appoint a person, either temporarily or permanently, to visit and inspect any such house or establishment and the persons received and maintained therein, and to make a report to him upon any inspection. Inspection and visitation of houses where poor boarded out. [1849 (Rel.), s. 7.]

(2) There shall be paid to such visitors by the boards of guardians of the several poor law unions from which persons have been sent to the house or establishment, and are at the time of the inspection maintained therein, such remuneration as the Minister may, by order, direct.

(3) Any justice of the peace having jurisdiction in the place in which any such house or establishment is situated may visit, inspect and examine the house or establishment at such times as he may think proper for the like purpose, and with the same power, as a justice has, by virtue of this Act, in respect of a workhouse. [1849 (Rel.), s. 8.]

66. A board of guardians may provide for the reception, maintenance and instruction of any adult person in receipt of relief, being blind or deaf and dumb, in any institution established for the reception of persons suffering from such infirmities, and may pay the charges incurred in the conveyance of any such person to and from the institution as well as the expenses incurred in his maintenance, support and instruction therein. Blind or deaf and dumb persons. [1867 (Am.), s. 21.]

67. A board of guardians may, with the consent of the Minister, send any idiot in receipt of relief to an establishment for the reception and relief of idiots whether maintained at the cost of the rates or by voluntary subscription, and may, with the like consent, send any person in receipt of relief, being an idiot or an imbecile or insane person, who may lawfully be detained in a workhouse to the workhouse of any other poor law union with the consent of the board of guardians of that union, and pay the cost of the maintenance, clothing, and Idiots. [1868, s. 13.]

A.D. 1926. lodging of such person in the establishment or workhouse, as well as the cost of his conveyance thereto or his removal therefrom, and the expenses of his burial, when necessary.

Casual Poor.

Provision of casual wards. [1871 (Dis.), s. 9]. **68.** Every board of guardians shall provide within 5 their poor law union such casual wards, with such fittings and furniture, as the Minister, having regard to the number of casual poor persons likely to require relief therein, considers necessary.

Diet and discipline of casual poor. [1871 (Dis.), s. 6.] **69.** Every casual poor person shall, subject to 10 the provisions of this Act, be admitted, dieted, and set to work and discharged in such manner, and shall be subject to such regulations, as the Minister may prescribe, and the work so prescribed shall be in substitution for 15 any task of work prescribed under the foregoing provisions of this Act.

Discharge of casual poor. [1882 (Cas.), s. 4.] **70.**—(1) A casual poor person shall not be entitled to discharge himself from a casual ward before the hour of nine o'clock in the morning of the second day following his admission, nor before he has performed the 20 work prescribed for him in accordance with this Act.

(2) Where a casual poor person has been admitted on more than one occasion during one month into any casual ward of the same poor law union, he shall not be entitled to discharge himself before the hour of nine 25 o'clock in the morning of the fourth day after his admission, and he may at any time during that interval be removed by any officer of the board of guardians, or by a police constable, to the workhouse of the union, and be required to remain in the workhouse for the 30 remainder of the period of his detention :

Provided that, in computing the number of days during which a casual poor person may be detained under this section, Sunday shall not be included.

Power to search casuals. [1848 (Am.), s. 10.] **71.** Upon application for relief by any person 35 representing himself to be a casual poor person, the master or other officer of the workhouse, or the relieving officer to whom the application is made, may cause him to be searched, and may take from him any money which is found upon him, and shall deliver it to the 40

board of guardians to be applied towards the payment of their expenses under this Act. A.D. 1926.

Outdoor Relief.

72.—(1) The Minister may declare, by such rules, orders or regulations as he may think fit, to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular poor law union may be administered out of the workhouse, either in money or by the provision of food or clothing, or partly in one way and partly in the other, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such outdoor relief may be afforded.

Power of
Minister to
regulate out-
door relief.
[1834, s. 52.]

(2) Subject as hereinafter provided, all relief which is given by any person having the control or distribution of the funds for the relief of the poor, contrary to such rules, orders or regulations, shall be unlawful and shall be disallowed in the accounts of the person giving the same.

(3) If a board of guardians to whom any such rules, orders or regulations are addressed, upon consideration of the special circumstances of the poor law union, or of any person or class of persons therein, are of opinion that the application and enforcement of the rules, orders or regulations, or of any part thereof, at the time or in the manner prescribed by the Minister, would be inexpedient, it shall be lawful for the board to delay the operation of the rules, orders or regulations, or of any part thereof, for any period not exceeding thirty days, to be reckoned from the day of the receipt of the rules, orders or regulations, and the board shall, twenty days at least before the expiration of that period, make a report of the special circumstances to the Minister.

(4) All relief given by the board before an answer to the report has been returned by the Minister, if otherwise lawful, shall not be deemed unlawful although given contrary to the rules, orders or regulations, or any of them, but if the Minister disapproves of the delay, or thinks that for the future the rules, orders or regulations ought to come into operation notwithstanding the special circumstances alleged by the board, he may, by a peremptory order (which may notwithstanding anything in this Act come into operation immediately),

A.D. 1926. — direct that from a day to be fixed thereby the rules, orders and regulations, or such parts thereof as he may think expedient and proper, shall with or without modifications be enforced and observed by the board, and if any allowance is made or relief given by the board after the day so fixed contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the person giving the same.

(5) If a board of guardians to whom any such rules, orders or regulations are addressed depart from them or any of them in any particular instance of emergency, and within fifteen days after any such departure report the same and the grounds thereof to the Minister, and the Minister approves of the departure, or if the relief so given has been given in food, temporary lodging, or medicine and has been so reported as aforesaid, the relief granted by the board, if otherwise lawful, shall not be unlawful or subject to be disallowed.

Justices
may order
outdoor
relief to
aged and
infirm
persons
unable to
work.
[1834, s. 27.]

73. It shall be lawful for any court of summary jurisdiction having jurisdiction in a place in which a poor law union consisting of two or more parishes is situated, by order, to direct that relief shall be given to any adult person who from old age or infirmity of body is wholly unable to work, without requiring him to reside in a workhouse if such person is lawfully entitled to relief in the union, and desires to receive relief out of a workhouse :

Provided that one of the justices constituting the court shall in the order certify that to his own knowledge such person is wholly unable to work as aforesaid.

Offences by
persons for
whom task
of work pre-
scribed.
[1866 (Am.),
s. 15.]

74. Where a board of guardians prescribe a task of work to be performed by any person to whom, or to whose wife or to whose child under the age of sixteen, outdoor relief is granted by the board (being a task suited to the age, sex, strength and capacity of that person and being of a nature and description of which the Minister has previously approved) and that person refuses or wilfully neglects to perform the task, or wilfully damages any of the tools, materials or other property belonging to the board, he shall be deemed to be an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

75.—(1) In granting outdoor relief to a member of a friendly society, a board of guardians shall not take into consideration any sum received from the friendly society as sick pay except so far as it exceeds five shillings a week: subject as aforesaid in estimating the amount of relief to be granted to any such member it shall be at the discretion of the board of guardians whether they will or will not take into consideration the amount received by him from the friendly society.

A.D. 1926.
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Outdoor relief to members of friendly societies, &c.
[1894 (F.S.), s. 1; 1904 (F.S.), s. 1.]

(2) In granting outdoor relief to a person in receipt of or entitled to receive any benefit under the National Health Insurance Act, 1924, the guardians shall not take into consideration any such benefit, except so far as such benefit exceeds seven shillings and sixpence a week.

[1924, s. 105 (1).]

76. Every board of guardians shall register in a book to be provided by them in such form as the Minister may appoint and kept specially for that purpose, the name of every person in receipt of outdoor relief in the poor law union, together with such particulars respecting the family and settlement of every such person and his and their relief and employment as the Minister thinks fit.

Register of persons in receipt of outdoor relief.
[1834, s. 55.]

Children.

77.—(1) Where a child is maintained by a board of guardians and—

Control of guardians over orphans, &c.
[1899, s. 1].

- (a) the child has been deserted by his parent; or
- (b) the board are of opinion that by reason of mental deficiency, or of vicious habits or mode of life, a parent of the child is unfit to have the control of the child; or
- (c) a parent of the child is unable to perform his or her parental duties by reason of being under sentence of penal servitude or of being detained under the Inebriates Act, 1898; or
- (d) a parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children; or
- (e) a parent of the child is permanently bedridden or disabled and is the inmate of a workhouse, and consents to the resolution herein-after mentioned; or
- (f) both the parents are dead, or in the case of an illegitimate child the mother is dead;

A.D. 1926. — the board may at any time resolve that until the child reaches the age of eighteen years all the rights and powers of such parent as aforesaid, or if both parents are dead of the parents, in respect of the child shall, subject as in this section mentioned, vest in the board, and thereupon those rights and powers shall so vest accordingly and shall continue so vested whether the child does or does not continue to be maintained by the board :

Provided that the board may rescind the resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be, either permanently or temporarily, under the control of the parent, or of any other relative or of any friend, or of any society or institution for the care of children.

(2) A court of summary jurisdiction, if satisfied on complaint made by a parent, or if there is no parent by the guardian, of a child that there was no ground for the resolution, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of its parent or guardian, or that the resolution of the board should be determined, may make an order accordingly, and the board shall comply with the order, and if the order determines the resolution it shall be thereby determined as from the date of the order, and the board shall cease to have the rights and powers of the parent as respects the child.

[1889,
s. 1(3).]

(3) For the purposes of this section a child shall be deemed to be maintained by a board of guardians if it is wholly or partly maintained by them in a workhouse or in any district school, separate school, separate infirmary, sick asylum, hospital for infectious disease, institution for the deaf, dumb, blind or idiots, or any certified school, or is boarded out by the board, whether within or without the limits of the union.

[1889,
s. 1(5).]

(4) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive a board of guardians of any of the powers and rights conferred on them by this section.

[1889,
s. 1(6).]

(5) Nothing in this section shall authorise a board of guardians to cause a child to be educated in any religious creed other than that in which the child would

have been educated but for any resolution of the board under this section, nor affect the provisions of this Act respecting the religious education of a child maintained by a board of guardians, or respecting the right of any
 5 minister of the same religious persuasion as the child to visit and instruct the child, nor affect any provisions of this Act relating to the religious education of children maintained by a board of guardians. A.D. 1926.

(6) If any person—

[1899, s. 2.]

10 (a) knowingly assists, directly or indirectly, a child who has, in pursuance of this section, been placed under the control of a board of guardians to leave, without the consent of the board, the place where the child is under
 15 that control; or

(b) knowingly induces, directly or indirectly, any such child to leave that place; or

(c) knowingly harbours or conceals a child who has so left that place, or prevents him from
 20 returning to that place,

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(7) In the case of any child who is deemed to be
 25 maintained by a board of guardians and who is with their consent adopted by any person, the board shall, during a period of three years from the date of such adoption, cause the child to be visited at least twice in each year by some competent person appointed by them for the purpose, who shall report to them on such visit,
 30 and the board may, if they think fit, at any time during such period revoke their consent to the adoption, and thereupon the child shall be forthwith returned to them by the person having the custody of the child : [1899, s. 3.]

35 Provided that this subsection shall not apply when the adoption is effected under the Adoption of Children Act, 1926.

78. Every board of guardians shall provide for the reception of children and young persons brought to a workhouse in pursuance of the Children Act, 1908,
 40 and, where the place to which under that Act a child or young person is authorised to be taken is a workhouse, the master shall receive the child or young person into Reception and main-
 tenance of children, &c., in workhouses.

A.D. 1926.

[1908,
(Chil.),
s. 126.]Reception of
children
belonging to
another
union.
[1851 (Am.),
s. 6.]

the workhouse if there is suitable accommodation therein, and any expenses incurred in respect of the child or young person shall be paid by the board of guardians.

79.—(1) Where in a building belonging to a board of guardians adequate provision is made for the reception, maintenance and education of poor children, and there is more accommodation therein at any time than the board require for the poor children under their care, they may with the consent of the Minister, contract with the board of guardians of any other poor law union for the reception and maintenance therein and instruction of any children under the age of sixteen years chargeable to such other union, being orphans or children deserted by their parents, or children whose parents or surviving parent consent.

(2) The children received under any such contract shall, while at such building, be maintained and instructed in the same manner in all respects as the children of the poor law union to which the building belongs, and shall be subject to the control and management of the board of guardians of that union and their officers in like manner as if they were chargeable to that union:

Provided that the residence of any such child in any such building shall in all other respects be attended with the same legal consequences as if the building were situated within the poor law union from which such child was sent.

District
schools.
[1844, s. 43;
1867 (Am.),
s. 16.]

80.—(1) The Minister may direct the board of management of a school district to purchase, hire or build, and to equip, buildings of such size and description and according to such plans, and in such manner, as the Minister may deem most proper, for the purpose of being used or rendered suitable for the relief and management of the children to be received into the school.

(2) The Minister may issue rules, orders and regulations for the government of any such school and the inmates thereof as if the school were a workhouse.

(3) It shall be lawful at all times for any of His Majesty's Inspectors of Schools to visit any district school, and to examine into the proficiency of the scholars therein.

81.—(1) Every board of management of a school district shall have such of the powers of a board of guardians for the relief and management of the children within any such school as the Minister may direct, and 5 orders of a board of management may be enforced in the same manner and by the same remedies as orders of a board of guardians.

A.D. 1926.
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Powers and duties of boards of management.
[1844, s. 43; 1867 (Am.) s. 22.]

(2) Any such board of management shall in the case of children in a district school suffering from disease 10 have the like powers of detention as are by this Act conferred on boards of guardians in the case of inmates of workhouses.

82.—(1) Any child, not above the age of sixteen years, who is chargeable to a poor law union comprised 15 in a school district and who is an orphan or has been deserted by its parents or whose parents or surviving parent consent, may be sent to a school of the district.

Children who may be sent to district schools.
[1844, ss. 40 & 51; 1866 (Am.), s. 16.]

(2) Any child not above the age of sixteen years who is chargeable to a poor law union which does not form 20 part of a school district and who is an orphan, or has been deserted by his parents, or whose parents or surviving parent or guardians consent, may be sent by the board of guardians to a school in any school district the board of management whereof are willing to receive the 25 child, and the provisions of this Act relating to the reception in a workhouse of persons belonging to another poor law union shall apply with the necessary modifications.

(3) When a child is sent to a district school from a 30 poor law union which does not form part of a school district—

(a) the costs of the maintenance, employment and instruction of the child in the school shall be 35 paid by the board of guardians to the board of management according to such rates and at such times and in such manner as may be agreed between the said boards, with the approval of the Minister;

(b) Any such child while at the school shall be 40 subject to the control and management of the board of management and their officers in like manner as if the poor law union formed part of the school district.

A.D. 1926.

 Certification
 of schools.
 [1862 (Sch.),
 ss. 2 and 10.]

83.—(1) The Minister may, if he thinks fit, upon the application in writing of the managers of any school supported wholly or partially by voluntary subscriptions, appoint a person to examine into the condition of the school and to report to him thereon, and, if satisfied with the report, may certify that the school is fitted for the reception of such children or persons as may be sent there by a board of guardians in pursuance of this Act. 5

(2) If at any time the Minister is dissatisfied with the condition or management of a certified school, he may, by notice addressed to the managers, declare that the certificate is withdrawn from such day, not less than two months after the date of the notice, as may be specified therein. 10 15

(3) For the purposes of this section the expression “school” includes any institution established for the instruction of idiots or of blind, deaf, dumb, lame or deformed persons, but does not include any certified reformatory school. 20

Power to
 send
 children to
 certified
 schools.
 [1862 (Sch.),
 ss. 1, 6, 7, 9;
 1868, s. 23;
 1882 (D.P.),
 s. 13.]

84. Subject to the provisions of this Act as to blind and deaf and dumb children, a board of guardians may send any poor child to any certified school if the managers of the school are willing to receive the child, and may pay the reasonable expenses incurred in the maintenance, clothing and education of the child whilst in the school, to an amount not exceeding such rate of payment as may be sanctioned by the Minister, and in the conveyance of the child to and from the school, and, in the case of death, the expenses of burial: 25 30

Provided that—

(a) except in the case of an orphan or a child deserted by his parents or surviving parent, a child shall not be sent to a certified school without the consent of his parents or surviving parent; but in the case of an illegitimate child the consent of the mother, if she has the care, custody or possession of the child, shall be sufficient; 35

(b) nothing in this Act shall enable a board of guardians to keep any child in a certified school against the will of the child if above the age of fourteen, or, whatever may be the age of the child, against the will of the parents or surviving parent of the child; 40 45

(c) no child shall be sent to a certified school which is conducted on the principles of a religious denomination to which the child does not belong. A.D. 1926. —

5 **85.** A board of guardians may, with the approval of the Minister, send any poor deaf and dumb or blind child which is—

10 (a) idiot or imbecile; or

 (b) resident in a workhouse or in an institution to which he has been sent by a board of guardians from a workhouse; or

 (c) boarded out by them,

to any school fitted for the reception of such children, whether or not the school is a certified school, but save as aforesaid it shall not be lawful for a board of guardians to send any deaf and dumb or blind child to any school.

Special provisions as to deaf and dumb and blind children. [1868, s. 42; 56 & 57 Vict. c. 42. s. 13.]

86.—(1) If the Minister is of opinion that any person is aggrieved by any child being sent to or kept at a certified school, he may order the child to be removed, and the board of guardians shall forthwith cause the child to be removed from the school, and every engagement previously entered into for the payment of the charges of the child shall thereupon become void for the future.

Power to remove children from school. [1862 (Sch.), ss. 3 and 5.]

(2) The board of guardians may at any time, at their discretion, and shall, if so required by the managers of the school or upon the withdrawal of the certificate, cause any child to be removed from a certified school and brought back to the poor law union.

87.—(1) Every certified school shall be open to the visitation and inspection of any inspector appointed by the Minister, who shall be empowered to make any examination into the state and management of the school which he thinks requisite and as to the condition and treatment of the children therein, and shall report thereon to the Minister.

Inspection of certified schools. [1862 (Sch.), s. 4.]

(2) A board of guardians by whom any child may have been sent to a certified school may from time to time appoint any one of their body to visit and inspect the school, and the school shall at all reasonable times be open to such visitation and inspection.

A.D. 1926.

Provision as to Religious Creed.

Separate
creed
register.
[1868, s. 16.]

88.—(1) The officer for the time being acting as the master or superintendent of a workhouse, or district school, shall keep a register of the religious creed of the inmates of the workhouse or school, separate from all other registers, in such form and with such particulars as may be prescribed by the Minister, and shall, upon the admission of any person to the workhouse or school, make due inquiry into his religious creed and enter the same in the register.

[1868, s. 17
(2).]

(2) In regard to any child under the age of twelve years in a workhouse or district school, the master or superintendent shall enter in the creed register, as the religious creed of the child, the religious creed of the father, or if the creed of the father cannot by reasonable inquiry be ascertained, the creed of the mother unless her creed cannot by reasonable inquiry be ascertained.

The creed of an illegitimate child under the said age shall be deemed to be that of its mother, when that can be ascertained.

[1868, s. 18.]

(3) If any question arises as to the correctness of any entry in the register, the Minister may inquire into the circumstances of the case and determine such question and direct such entry to remain or to be amended.

[1868, s. 19.]

(4) Every minister of any religious denomination officiating in the church, chapel or other registered place of religious worship of that denomination nearest to any workhouse or district school, or any ratepayer in the poor law union or district, shall be allowed to inspect the creed register between the hours of ten o'clock in the morning and four o'clock in the afternoon on any day except Sunday.

Provisions
as to reli-
gious ser-
vices and
instruction.
[1834, s. 19;
1844, s. 43;
1868, ss. 20
and 21.]

89.—(1) No inmate of a workhouse or district school shall be obliged to attend any religious service which may be celebrated in a mode contrary to his religious principles.

(2) On the request of an inmate, any licensed minister of his religious denomination may, at all times in the day, visit the workhouse or district school for the purpose of affording the inmate religious assistance, or for the purpose of instructing any child of the inmate in the principles of the child's religion.

(3) Any minister of any religious denomination officiating in the church, chapel or other religious place of worship of that denomination nearest to any workhouse or district school may, in accordance with regulations to be approved or ordered by the Minister, visit and instruct any inmate of the workhouse or school entered in the creed register as belonging to the same religious creed as the minister, unless the inmate, being above the age of fourteen, and after having been visited at least once by the minister, objects to being instructed by him. A.D. 1926.

(4) Every inmate of a workhouse for whom a religious service according to his own creed is not provided in the workhouse, may, subject to regulations to be approved or ordered by the Minister, be permitted to attend at such times as the Minister may allow some place of worship of his own denomination, if there is any such place of worship within a convenient distance of the workhouse :

20 Provided that the board of guardians may, for abuse of such permission or on some other special ground, refuse permission to any particular inmate, and shall in such case cause an entry of such refusal, and the grounds thereof, to be made in their minutes.

25 **90.**—(1) No child, being an inmate of a workhouse or of a district school, who is regularly visited by a minister of his own religious creed for the purpose of religious instruction shall, if the parents or surviving parent of the child, or in the case of an orphan or deserted child if such minister, make a request in writing to that effect, be instructed in any other religious creed, or be required or permitted to attend the service of any other religious creed, than that entered in the creed register, except where the child is over the age of twelve years and desires to receive instruction in some other creed or to attend the service of any other religious creed, and is considered by the Minister to be competent to exercise a judgment upon the subject. Provisions as to religion of children in workhouses and district schools. [1834, s. 19 ; 1844, s. 43 ; 1868, s. 22.]

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35
40 (2) Subject as aforesaid, no child being an inmate of a workhouse or district school shall be educated in any religious creed other than that professed by his parents or surviving parent, and to which his parents or surviving parent object, or, in the case of an orphan or deserted child, to which his next of kin object.

A.D. 1926.

Removal
of children
to certified
schools of
religion to
which they
belong.

[1866 (Am.),
s. 14; 1868,
s. 23.]

91.—(1) If the parent, step-parent, nearest adult relative, or next-of-kin of any child, not belonging to the established church, relieved in a workhouse or in a district school, or, if there is no parent, step-parent, nearest adult relative, or next-of-kin, the god-parent of the child, makes application to the Minister in that behalf, the Minister may, if he thinks fit, order that the child shall be sent to some certified school established for the reception, maintenance and education of children of the religion to which the child belongs. 5 10

(2) Upon such an order being made, the board of guardians of the poor law union to which the child is chargeable shall cause the child to be conveyed to such school accordingly, and pay the costs and charges of the maintenance, lodging, clothing and education of the child therein. 15

(3) In the case of a deserted child or an orphan on behalf of whom no relative, next-of-kin, step-parent, or god-parent makes application, the Minister may exercise the power conferred upon him by this section upon being satisfied that there is reasonable ground for so doing. 20

Apprentices, etc.

Guardians
may bind
children
apprentices.
[1601, s. 3;
1778, s. 1;
1844, s. 12.]

92.—(1) Subject to the enactments relating to the employment of children, a board of guardians may bind any child whose parents are not, in the opinion of the board, able to maintain the child, to be an apprentice until the child attains the age of twenty-one years, or, being a female, marries under that age. 25

(2) The binding shall be as effectual to all purposes as if the child were of full age and by indenture of covenant bound himself. 30

Duties of
masters of
apprentices.
[1792, s. 9;
1842 (App.),
s. 1; 1844,
s. 12.]

93.—(1) The Minister may, by order, prescribe the duties to be performed by the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which children may be bound as apprentices. 35

(2) Every master of such an apprentice who wilfully refuses or neglects to perform any of the terms or conditions so inserted in any such indenture shall be liable to forfeit a sum not exceeding twenty pounds. 40

(3) Subject to any such order as aforesaid, the provisions contained in the Fifth Schedule to this Act shall apply in the case of apprentices upon the binding out of whom no sum, or no larger sum than five pounds, is paid. A.D. 1926.

(4) Nothing in this Act shall directly or indirectly affect the provisions of any Act relating to apprentices to the sea service.

94.—(1) It shall not be lawful for the master of an apprentice bound by a board of guardians to assign him to any other person or to discharge him from his service without the consent in writing of two justices having jurisdiction in the place where the master resides. Restrictions on discharge and transfer of apprentices. [1792, s. 7; 1816, ss. 9, 10 and 13.]

(2) If any person assigns any such apprentice to any other person, or discharges him from his service without such consent as aforesaid, he shall be liable on summary conviction to a fine not exceeding ten pounds, and the court may direct that the amount of the fine (after deducting the necessary costs of the proceedings) shall be paid either to the person who gave information of the offence or to the board of guardians of the poor law union in which the offence was committed, or to the board of guardians by whom the apprentice was bound, or to such other person or applied to such other purposes as the court may think fit.

95.—(1) If any person to whom a child has been bound apprentice by a board of guardians removes his residence or place of business out of the county, or forty miles from the parish wherein it was situated when the child was bound, he shall, at least fourteen days before the removal, give notice in writing thereof to the board of guardians of the poor law union wherein the apprentice is then resident. Removal of master. [1816 (App.), s. 8; 1844, s. 12.]

(2) The board of guardians and the master of the apprentice shall cause the apprentice to appear before two justices of the peace having jurisdiction in the place where he is serving, who may make an order, either for the continuance or discharge of the apprenticeship or for the binding or assigning of the apprentice to some other person, as they think fit, and may also require the master to pay the amount of the premium received with the apprentice, or such portion of it as they think fit, for the expense of assigning or binding the apprentice to some other person.

A.D. 1926. (3) If any master removes as aforesaid and takes an apprentice to any other place without such order as aforesaid, or wilfully abandons and leaves an apprentice without giving such notice as aforesaid, he shall be liable on summary conviction to a fine not exceeding 5 ten pounds, to be paid to the board of guardians of the poor law union comprising the parish in which the apprentice is settled :

Provided that proceedings for such an offence shall not be instituted after the expiration of three months 10 from the commission of the offence.

Appeals. **96.** If any person is aggrieved by any matter or thing done, or omitted to be done, by any board of guardians, or by any justices of the peace, or by any other person whomsoever, under and by virtue of the 15 provisions of this Part of this Act relating to apprentices, he may appeal to the next court of quarter sessions.

[1792, s. 14;
1802, s. 7;
1816 (App.),
s. 17.]

Register of apprentices. **97.**—(1) Every board of guardians shall provide a register in the form set out in the Sixth Schedule to this Act and shall cause to be entered therein the name 20 of every child who is bound out by the board as an apprentice, or who having been so bound out is assigned to some other person, and such other particulars as are required by the said form.

[1802, ss. 1,
2, 3, 5 and 6;
1844, s. 12.]

(2) Any person may, at all reasonable hours, inspect 25 any such register, and may take a copy of any entry therein, in the case of any justice of the peace without fee, and in the case of any other person upon payment of a fee of sixpence.

(3) Where it is proved to the satisfaction of any 30 court that an indenture is lost or has been destroyed, an entry in any such register shall be accepted by the court as sufficient evidence of the facts therein specified.

(4) This section shall apply to any persons (not being guardians) on whom powers of binding out parish 35 apprentices are conferred by any Act of Parliament, whether public general or local or personal, in like manner as it applies to a board of guardians.

Register of young persons taken as servants. **98.**—(1) Every board of guardians shall provide and keep a register in the form set out in the Sixth Schedule 40 to this Act, and shall cause to be entered therein the name of every young person under the age of sixteen hired or taken as a servant from the workhouse,

[1851
(App.), s. 3.]

together with the several other particulars specified in the said form. A.D. 1926.

(2) Every such entry shall be signed by the presiding chairman at an ordinary meeting of the board.

5 **99.**—(1) Where any young person under the age of sixteen has gone into service from the workhouse, or has been bound as an apprentice by a board of guardians, then, so long as the servant or apprentice is under the age of sixteen and continues in the same
10 service and resides in the poor law union or within five miles thereof, the board shall cause him to be visited at least twice a year, and a report to be furnished as to whether there is reason to believe that he is not supplied with the necessary food, or is subjected to cruel or illegal
15 treatment in any respect.

Visitation
of servants
and appren-
tices.
[1851(App.),
ss. 4 and 5;
1876, s. 33.]

(2) Where any young person under the age of sixteen has gone into service from the workhouse, or has been bound as an apprentice by a board of guardians, and the residence of the master is more than five miles
20 from any part of the poor law union, written notice of the service or apprenticeship, specifying the name and age of the servant or apprentice, and the name, description and residence of the master, shall be forthwith sent by the board to the board of guardians of the poor law union
25 in which the master resides, and thereupon it shall become the duty of such last-mentioned board to cause the particulars contained in such notice to be registered in a book to be provided by them for the purpose, together with the name of the poor law union from which the
30 notice has been received, and they shall cause such person to be visited as frequently, and in the same manner in all respects, as if he had gone from their own workhouse, or had been bound as an apprentice by themselves.

(3) Any board of guardians or board of management
35 of a school district may appoint an officer or other person to visit and report upon the condition, treatment and conduct of any young person under the age of sixteen who has gone into service from a workhouse or district school.

40 **100.** If any boy not an apprentice in the merchant service who, or whose parent, is in receipt of relief, is desirous of serving in the naval service of the Crown, the board of guardians may enable him to be sent for approval by the competent authority, and may

Power to
pay ex-
penses of
boys en-
tering naval
service.
[1876, s. 28.]

A.D. 1926. — pay such sum, if any, as may be required by the regulations of the service for providing outfit or otherwise, and also such expenses as may be necessary to be incurred for the conveyance of the boy in charge of a proper person to and from the port 5 or place in the United Kingdom at which he may be required to attend for examination, and, if accepted, for entry into the service.

Emigration.

Power to assist emigration. [1848 (Am.), s. 5; 1849, (Am.), s. 20; 1850, s. 4.]

101. A board of guardians may, with the consent 10 of the Minister and in compliance with such rules, orders, and regulations as he may prescribe, procure or assist in procuring the emigration of—

- (a) any orphan or deserted child under the age of sixteen who is chargeable to the poor law 15 union;
- (b) any other poor person who is chargeable, or would if relieved be chargeable to the poor law union;
- (c) any poor person having a settlement in any 20 parish of the poor law union :

Provided that a board of guardians shall not procure the emigration of an orphan or deserted child unless the child has given its consent before a petty sessional court held in or near the union, and a certificate of the 25 consent under the hands of two of the justices present has been transmitted to the Minister.

Burial.

Burial of poor persons. [1844, s. 31; 1849 (Am.), s. 17; 1855, s. 1.]

102.—(1) A board of guardians may bury the body of any poor person which may be within the poor 30 law union, and may pay the costs of the burial of any poor person dying outside the union, who was at the time of his death in receipt of relief from them.

(2) Every body directed by a board of guardians to be buried shall be buried either— 35

- (a) in the burial ground of the parish in which the death occurred or is deemed to have occurred; or
- (b) if the death did not take place in a workhouse or district school, in the burial ground of the 40 parish in the poor law union in which the deceased resided at the time of his death; or

- (c) where in pursuance of the provisions of the next succeeding section the board of guardians have acquired a right to bury in any such burial ground as is mentioned in that section, in that burial ground: A.D. 1926.

Provided that—

- (i) if the deceased in his lifetime, or the wife, husband, or next of kin of the deceased, has expressed a desire to that effect, then, subject to the provisions of the next succeeding paragraph of this proviso, the burial shall take place in the burial ground of the parish in which the deceased resided at the time of his death, or, if the death occurred in a workhouse or district school, in the burial ground of the parish in which the death is deemed to have occurred;
- (ii) if the burial ground mentioned in paragraph (a) or paragraph (b) of this subsection has been closed and no other burial ground provided in its place, or if in consequence of the crowded state of such burial ground as aforesaid, the board of guardians are of opinion that burial therein would be improper, it shall be lawful for the guardians to bury the body in the burial ground of some neighbouring parish;
- (iii) where the deceased in his lifetime, or the wife, husband or next-of-kin of the deceased, has expressed a desire that the burial shall take place in any particular burial ground (whether or not any such burial ground as is hereinbefore in this section mentioned) nothing in this section shall prevent the board from burying the body in that burial ground.

(3) In all cases of burial by or under the direction of a board of guardians the proper burial fees shall be paid by the board to the person entitled to receive such fees. [1850, s. 2; 1855, s. 1.]

103.—(1) A board of guardians may contribute such sum of money as the Minister may approve towards the provision or enlargement of any burial ground in the poor law union or the burial ground of the parish in which the workhouse is situated, and where a burial

Power of guardians to acquire right to bury in certain

A.D. 1926. — ground is provided or enlarged with the aid of such a contribution, it shall be lawful for the board to bury therein the dead body of any person dying in the workhouse.

burial grounds.
[1850, s. 2;
1855, s. 2.]

(2) A board of guardians may enter into agreements with the proprietors (whether a company, burial board, local authority, committee or other body of persons) of any burial ground for the burial of the bodies of any poor persons which the board may undertake to bury, or towards the burial whereof they may render assistance, and when such an agreement is made the burial in that burial ground of any body under the directions of the board or with their aid shall be lawful :

Provided that no such agreement shall be valid unless made in such form and with such stipulations as the Minister may approve.

Prohibition on officers receiving remuneration in respect of burials.
[1844, s. 31.]

104. No officer concerned with the relief of the poor shall receive any money for the burial of the body of any poor person or act as undertaker for reward in the burial of any such body, or receive any money from any dissecting school or school of anatomy or hospital, or from any person to whom any such body may be delivered, or derive any personal emolument whatever for or in respect of the burial or disposal of any such body, and if any officer contravenes any of the provisions of this section he shall be liable to forfeit a sum not exceeding five pounds.

Recovery of expenses of burials.
[1849 (Am.), s. 17.]

105. The cost of burying any person by or under the direction of the guardians shall be recoverable in like manner and from the same parties as the cost of any relief (if given to such person when living) would have been recoverable.

Provision as to deaths in workhouse or district school.
[1865 (U.C.) s. 10 ;
1876, s. 21.]

106. For the purposes of the provisions of this Act relating to the burial of poor persons—

- (a) in the case of a death in a workhouse, the death shall be deemed to have taken place in the parish in the poor law union where the deceased last resided previously to his removal to the workhouse;
- (b) in the case of a death in a district school, the death shall be deemed to have taken place in

the parish in the poor law union from which the deceased was sent to the school, or, if sent to such school from a workhouse, to that workhouse. A.D. 1926. —

PART III.

IRREMOVABILITY, SETTLEMENT AND REMOVAL.

Irremovability.

107.—(1) A person who is in receipt of relief, unless rendered irremovable by virtue of this Act, may be removed in manner hereinafter provided to the poor law union comprising his parish of settlement. Irremovability. [1795 (Rem.), s. 1; 1846, s. 1; 1849, s. 4; 1861 (Rem.), ss. 1 and 4; 1865 (U.C.), s. 8.]

(2) No person shall be removed, nor shall any order be made for the removal of any person, from any poor law union in which he has resided for one year next before the application for the order :

Provided that the time during which he has been—

- (a) serving in the naval, military or air service of the Crown as a seaman, marine, soldier or airman; or
- (b) resident as an in-pensioner in Greenwich or Chelsea Hospital; or
- (c) confined in a lunatic asylum, licensed house or registered hospital for the reception of lunatics; or
- (d) resident as a patient in a hospital; or
- (e) detained in an institution or resident in an approved home under the Mental Deficiency Act, 1913; or [1913, s. 69.]
- (f) resident in the workhouse of, or otherwise in receipt of poor relief from, a board of guardians; or
- (g) wholly or in part maintained by any rate or subscription raised in a parish in which he does not reside, not being a bonâ fide charitable gift; or
- (h) a prisoner in a prison; or
- (i) detained in a certified reformatory or industrial school; or [1908 (Chil.), s. 89.]

- A.D. 1926. (j) detained in a retreat under the Habitual Drunkards Act, 1879, or detained in or absent under licence from a State inebriate reformatory or a certified inebriate reformatory under the Inebriates Act, 1898;
- [1879 (H.D.), s. 32.] shall not be regarded as interrupting his residence in the union, but shall for all purposes be excluded in the computation of time hereinbefore mentioned.
- [1898 (Ineb.), s. 22.]
- [1846, s. 2.] (3) No woman residing in a poor law union with her husband at the time of his death shall be removed, nor shall any order be made for her removal, from the union for one year next after his death, if she so long continues a widow.
- [1846, s. 3.] (4) No child under the age of sixteen residing in a poor law union with his father, mother, stepfather, stepmother or reputed father shall be removed, nor shall any order be made for the removal of the child, from the union in any case where the father, mother, stepfather, stepmother or reputed father may not lawfully be removed therefrom.
- [1848 (Rem.), s. 1.] (5) Whenever any person has a wife or children whose settlement is the same as his or her own, the wife and children shall be removable from any poor law union from which he or she would be removable notwithstanding anything contained in the foregoing provisions of this section, and shall not be removable from any poor law union from which he or she would be irremovable by reason of any of the said provisions :
- [1861 (Rem.), s. 3; 1866 (Am.), s. 17.] Provided that if a married woman deserted by her husband resides in any poor law union for one year after such desertion in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable to be removed from the union unless her husband returns to cohabit with her.
- [1861 (Rem.), s. 2.] (6) Where a child under the age of sixteen residing with his surviving parent is left an orphan, and the parent at the time of death was irremovable by reason of residence, the orphan, if not otherwise irremovable, shall be exempt from removal in like manner and to the same extent as if he had then acquired for himself an exemption from removal by residence.
- (7) Nothing in this Act shall affect any exemption from removal to which by the common law the owner

of an estate and the husband and wife of such an owner are entitled, or affect any rule of common law against the separation from the mother of a child under the age of seven. A.D. 1926.

- 5 (8) Where a person is irremovable from any poor law union and the parish wherein that exemption has been wholly or partly acquired is transferred to another poor law union he shall so long as he continues to reside in such other union be irremovable therefrom. [1868, s. 34.]

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Settlement.

108.—(1) A person shall be deemed to be settled in the parish in which he was born until it is shown that he has derived or acquired a settlement elsewhere, or is presumed to be settled elsewhere, and the parish in which a person is last settled shall be deemed to be his parish of settlement. Settlement.

(2) Subject to the provisions of this Part of this Act, a person may—

- 20 (a) derive a settlement in a parish from a parent or from a husband;
- (b) acquire a settlement in a parish by residence, by apprenticeship, by estate, by renting a tenement, or by the payment of rates or taxes;
- 25 (c) be presumed to be settled in a parish by reason of an estoppel.

109.—(1) Until a person acquires a settlement of his own or derives a settlement from a husband, that person— Derivative settlements.

- 30 (a) if a legitimate child, shall take and follow up to the age of sixteen the settlement of his father, or if and so long as his father has no settlement, the maiden settlement of his mother, but if after the death of the father the mother acquires a settlement (not being a derivative settlement) shall take and follow up to the age of sixteen that settlement; [1876, s. 35(1).]
- 35 (b) if an illegitimate child, shall take and follow up to the age of sixteen the settlement of his mother; [1834, s. 71; 1876, s. 35(2).]
- 40 and shall in either case retain the settlement so enjoyed at the age of sixteen.

- A.D. 1926. (2) Subject to the provisions of the next succeeding section as to a married woman deserted by her husband, a married woman shall take and follow the settlement of her husband, and shall retain the settlement so enjoyed at the date of his death or of the dissolution of the marriage until she acquires or derives another settlement : 5
 [1876, s. 35(1).] Provided that if her husband has no settlement she shall not by reason of her marriage cease to retain her maiden settlement.
- (3) For the purposes of this section the maiden settlement of a woman means the settlement enjoyed by her, whether as a spinster or otherwise, immediately before her marriage, or if she has been married more than once, before her latest marriage. 10
- [1876, s. 35(3).] (4) If any child in this section mentioned has not acquired a settlement nor derived one from a husband, and it cannot be shown what settlement has been derived from a parent without inquiring into the derivative settlement of that parent, the child shall be deemed to be settled in the parish in which he was born. 15 20
- Settlement by residence. [1876, s. 34.] **110.**—(1) Where a person has resided for the term of three years in a parish in such manner and in such circumstances in each of those years as would, in accordance with this Act, render him irremovable, he shall be deemed to be settled in that parish. 25
- (2) A married woman deserted by her husband may acquire for herself a settlement by residence.
- Settlement by apprenticeship. [1691, s. 7; 1757, s. 1; 1816 (App.) s. 9; 1834, s. 67.] **111.** If any person is bound an apprentice by a duly stamped deed, writing or contract, and in pursuance thereof resides for forty days in any parish, he shall be deemed to have acquired a settlement therein : 30
- Provided that—
- (a) no settlement shall be acquired by being apprenticed to the sea service or sea fishing service; and 35
- (b) where a person bound as an apprentice by a board of guardians has been assigned to a person other than the person to whom he was originally bound, no settlement by virtue of service of apprenticeship after the assignment shall be acquired unless the assignment was legally made in accordance with the provisions contained in this Act. 40

112.—(1) A person who, having an estate in any parish, resides in the parish for forty days shall be deemed to have acquired a settlement therein, but shall not retain the settlement so acquired if he ceases to reside within ten miles of the parish :

A.D. 1926.

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Settlement
by estate.
[1722, s. 5;
1834, s. 68.]

Provided that if he purchased the estate and has not paid as consideration therefor at least thirty pounds, he shall not be deemed to have acquired a settlement in the parish unless he has resided in the estate for forty days, and shall not retain the settlement so acquired if he ceases to reside in the estate.

(2) Where a person having acquired a settlement under this section ceases by reason of non-residence to retain such settlement, any question as to his settlement shall be determined as if he had never acquired a settlement under this section.

[1834, s. 68;
1722, s. 5.]

(3) For the purposes of this section “ estate ” means such an estate or interest as would immediately prior to the passing of this Act have been sufficient to support a claim to a settlement by estate.

113. If any person—

Settlement
by renting a
tenement.
[1825, s. 2.]

(a) rents and by virtue of such renting occupies for a whole year a tenement in any parish consisting of a separate and distinct dwelling-house or building, or of land, or of both, at a rent of not less than ten pounds; and

(b) himself pays the rent or at least ten pounds thereof; and

[1831 (Set.),
ss. 1, 2.]

(c) is assessed to and pays the general rate in respect of such tenement for one year; and

[1834, s. 66.]

(d) resides in the parish for forty days

[1662, s. 1.]

he shall thereby acquire a settlement in the said parish.

114. If any person—

Settlement
by paying
rates or
taxes.

(a) is charged with and pays his share towards—

[1691, s. 5.]

(i) the public taxes or parochial rates of any parish in respect of any tenement therein of the yearly value of ten pounds at least, being his own property; or

(ii) the parochial rates of any parish in respect of any tenement therein consisting

[1795, s. 4.]

A.D. 1926.

—

of a separate and distinct dwelling-house or building, or of land, or of both, rented by him at a rent of not less than ten pounds a year for one whole year; and

[1825, s. 2.]

(b) resides in the parish for forty days after such payment as aforesaid,

he shall thereby acquire a settlement in the said parish :

Provided that in the case of a tenement so rented no settlement shall be acquired under this section unless the tenement is occupied for a whole year by virtue of the renting and rent to the amount of ten pounds is actually paid for a year of the tenancy.

Settlement
by estoppel.

115. Where an order has been made adjudging any person to be settled in a parish named therein and ordering him to be removed thereto, then—

(a) if the order has not been appealed against, or if any appeal against the order has been dismissed or abandoned; and

(b) if the person has been removed thereunder or has, after the service of the order, been relieved without actual removal by the board of guardians of the poor law union comprising the parish,

the order shall be conclusive evidence for all purposes that such person was at the date thereof settled in the parish.

Restrictions
on the
acquisition
of settle-
ment in cer-
tain cases.

[1814, s. 3.]

[1773, s. 5;

1814, s. 2.]

116.—(1) A person born in any poor law institution shall, so far as regards his settlement of birth, be deemed to have been born in the parish in which his mother was residing before she last became chargeable as an inmate of the poor law institution.

(2) No person whose mother was at the time of his birth a prisoner in a prison, or a patient in a lying-in hospital, shall be deemed to be settled, by reason of his birth therein, in the parish in which the prison or hospital is situated, and in the case of an illegitimate child born in a lying-in hospital, the parish in which the mother was settled at the time of birth shall be deemed to be the child's settlement of birth.

[1831 (Rel.),
s. 5; 1831
(C.L.), s. 2.]

(3) No person to whom any land hired, taken, or enclosed under or by virtue of the provisions of Part V. of this Act, or the corresponding enactment in any Act

repealed by this Act, has been let, shall acquire a settle- A.D. 1926.
ment by reason of his renting and occupying, or by —
reason of his paying parochial rates in respect of, such
land, either alone or with any other land or tenement.

5 (4) No toll keeper of any navigation, or person [1814, s. 5.]
renting the tolls and residing in any toll house of the
navigation, shall acquire any settlement by reason of
renting and occupying a tenement or by reason of the
payment of public taxes or parochial rates.

10 **117.** No person shall derive or acquire, or be Questions
deemed to have derived or acquired, a status of irre- of re-
movability or settlement except in accordance with the movability
provisions of this Part of this Act; and any question and settle-
arising after the commencement of this Act as to the ment to be
15 removability or settlement of any person shall be decided in
determined as if those provisions had been in force at all accordance
material dates : with this
Act alone.

20 Provided that where an order of removal has been
made before the commencement of this Act any appeal
therefrom shall be determined as if this Act had not been
passed.

25 **118.**—(1) Where at the time of the grant of relief Liability
to any person that person's settlement is in question, for relief
the expenses of his relief pending the determination of pending de-
settlement shall be chargeable to the board of guardians termination
of settle-
30 of the poor law union which is finally determined or ment.
admitted to be the poor law union in which his place of [1834, s. 84.]
settlement is situate :

30 Provided that that board shall not be liable to
repay the cost of relief granted before notice of the
person having become chargeable was sent to them by
the board which granted relief.

35 (2) Any sums which a board of guardians are liable to
pay under this section shall be recoverable in the same
manner as forfeitures under this Act are recoverable.

Removal.

40 **119.** If a board of guardians are satisfied that any Removal by
person chargeable to another poor law union is settled consent.
in a parish within, and removable to, their union, and [1865 (U.C.)
s. 6.]
consent under their common seal to receive such person
without a removal order, the board seeking to remove
him may do so without such an order.

- A.D. 1926. —
Removal by
order of
justices.
[1795, s. 1;
1846, s. 4;
1865 (U.C.),
s. 2; 1867,
(Am.), s. 27;
1876, ss. 25
and 34.]
- 120.** Upon complaint made by a board of guardians that a person has become chargeable to the poor law union, a petty sessional court having jurisdiction in any part of the union, if satisfied of the truth of the complaint and that the person is not settled within or irremovable from the union, may order him to be removed to the poor law union in which his parish of settlement is situated :
- Provided that—
- (a) no order shall be made for the removal of any person becoming chargeable in respect of relief made necessary by sickness or accident, unless the court making the order state therein that they are satisfied that the sickness or accident will produce permanent disability ;
- (b) a removal order in respect of a settlement alleged to have been acquired by residence shall not be made upon the evidence of the person to be removed without such corroboration as the court think sufficient.
- 121.**—(1) No person shall be removed under a removal order until twenty-one days have elapsed after written notice of his being chargeable, accompanied by a copy of the order and by a written statement setting forth the grounds of removal (including particulars of the settlement relied upon in support thereof), has been served by the removing board of guardians upon the board of guardians to whom the order is directed.
- (2) The clerk to the court making a removal order shall keep the depositions upon which the order was made, and shall within seven days furnish a copy thereof to the board of guardians to whom the order is directed, if they apply for a copy and pay for it at the rate of twopence per folio of seventy-two words; and if such an application is made within the period of twenty-one days above mentioned, no person named in the order shall be removed until the expiration of fourteen days from the sending of the copy of the depositions.
- (3) If notice of appeal against a removal order is received by the removing board of guardians within the period of twenty-one days mentioned in subsection (1) of

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this section, or if a copy of the depositions is applied for within that period, before the expiration of the fourteen days mentioned in subsection (2) of this section, no person named in the order shall be removed until the appeal has been finally disposed of or the time for prosecuting the appeal has expired. A.D. 1926.

(4) Notwithstanding anything in this section, if the board of guardians to whom a removal order is directed consent in writing to submit to the order and to receive any person named therein that person may be removed forthwith. [1834, s. 79.]

122.—(1) The board of guardians of the poor law union from which any person is ordered to be removed under the provisions of this Part of this Act may employ any proper person to remove and deliver him to the board of guardians of the poor law union to which he is ordered to be removed, and the delivery of any such person at the workhouse of the last-mentioned board to any officer of the workhouse shall be deemed a delivery to the board of guardians. Delivery under removal order. [1691, s. 9; 1814, s. 10; 1846, s. 7.]

(2) If any guardian or officer of a workhouse refuses to receive any person so delivered in accordance with the terms of a removal order and of this Part of this Act he shall be liable on summary conviction to a fine not exceeding five pounds, which shall be paid to the removing guardians.

123.—(1) If it appears to the court making a removal order that any person named therein is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him to do so, they shall by an endorsement on the order signed by them suspend the execution of the order until satisfied that it may safely be executed without danger to that person. Suspension of removal of sick persons. [1795, s. 2.]

(2) The suspension of a removal order under this section shall operate also as a suspension for the same period of the order so far as it relates to every other person named therein who was of the same household or family as the sick or infirm person at the time of the making of the order. [1809, s. 3.]

(3) No act done by any person continuing to reside in a poor law union under the suspension of a removal [1795, s. 2.]

- A.D. 1926. order shall be of any effect for the purpose of giving him
— a status of irremovability therefrom or a settlement
therein.
- [1809, s. 2.] (4) The suspension of a removal order shall not
affect the time within which notice of appeal against the 5
order has to be given.
- [1834, s. 84.] (5) No expenses of relief shall be recoverable under
a suspended removal order unless notice of the order,
with a copy thereof, has been served within ten days
upon the board of guardians to whom it is directed; but 10
subject as aforesaid,—
- [1867 (Am.),
s. 26.] (a) the removing board of guardians may at the end
of every quarter send to the board of guardians
in whose favour the order is made an account 15
of the cost incurred in the relief of any person
named in the order, and may recover the amount
reasonably expended by them (or so much thereof
as may remain unpaid) in the county court
within whose district their poor law union or
the greater part thereof is situated; 20
- [1795, s. 2;
1809, s. 1.] (b) if the removal order is subsequently executed,
or the person named in the order dies before the
execution thereof, the court who made the order
or any petty sessional court having the same 25
jurisdiction may upon complaint order the
expenses proved to have been incurred by the
suspension of the order (or so much thereof as
may remain unpaid) to be paid by the board of
guardians in whose favour the order is made.
- [1795, s. 2.] (6) If the sum ordered to be paid by any board of 30
guardians under paragraph (b) of the preceding subsection
exceeds twenty pounds, the board may appeal against
the order to the next court of quarter sessions in like
manner as against a removal order; and on such an appeal
the court may if they think fit reduce the sum ordered 35
to be paid.
- [1795, s. 2;
1809, s. 1.] (7) Where a removal order has been suspended the
court who made the order, or any petty sessional court
having the same jurisdiction, may, by endorsement signed
by them, authorise the execution of the order. 40

124. The provisions of this Part of this Act which relate to the sending and service of copies of orders of removal shall apply to such orders when suspended, and to orders consequent upon such suspension, and to demands for payment of expenses arising thereon.

A.D. 1926.

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Service of
suspended
orders of
removals, &c.
[1848 (Proc.),
s. 10.]

125.—(1) Where a removal order has been made and a copy thereof served as provided by this Part of this Act, the board of guardians obtaining the order may at any time abandon it by written notice served upon the board of guardians to whom the order was directed, and thereupon the order and all proceedings consequent thereon shall become null and void.

Abandon-
ment of
removal
order.
[1848
(Proc.), s. 8.]

(2) The board of guardians abandoning an order shall pay to the board of guardians to whom the order was directed the costs which the latter board may have incurred by reason of the order and of all subsequent proceedings thereon, which costs may be taxed by the proper officer of the court before whom any appeal against the order (if it had not been abandoned) might have been brought, and shall be recoverable in the manner in which forfeitures under this Act are recoverable.

126.—(1) Any person who thinks himself aggrieved by a removal order may appeal against the order to the next practicable court of quarter sessions having jurisdiction in the county or place for which the court who made the order act :

Appeals.
[1662, s. 2;
1696, s. 6.]

Provided that—

[1722, s. 8.]

(a) before such an appeal is proceeded with reasonable notice of the appeal shall be given by the appellants to the respondents; and if it appears to the court to which the appeal is made that reasonable notice was not given they shall adjourn the appeal to the next sessions; and

(b) no appeal against a removal order shall be allowed unless notice of appeal is given within twenty-one days after the notice of chargeability and statement of grounds of removal has been sent as hereinbefore provided, or, if within such twenty-one days a copy of the depositions has been applied for, within fourteen days after the sending of a copy thereof.

[1848
(Proc.), s. 9.]

A.D. 1926. (2) The appellants shall with such notice, or fourteen
 — days at least before the first day of the sessions at which
 [1834, s. 81.] the appeal is intended to be tried, serve upon the
 respondents a written statement of their grounds of
 appeal, and they shall not be heard in support of the 5
 appeal unless such a statement has been so served.

[1848 (Proc.), s. 3.] (3) No omission or delay in furnishing a copy of
 the depositions upon which a removal order was made
 shall afford any ground of appeal against the order,
 and upon the hearing of an appeal against an order the 10
 order shall not be quashed or set aside, either wholly or
 in part, on the ground that such depositions do not
 furnish sufficient evidence to support, or that any
 matter therein contained or omitted raises an objection
 to, the order or grounds of removal. 15

[1834, s. 81; 1848(Proc.), s. 2.] (4) On the hearing of an appeal against a removal
 order it shall not be lawful for the respondents or appel-
 lants to go into or give evidence of any other grounds of
 removal or of appeal respectively than those set out in
 the order or in the statements of grounds of removal 20
 and grounds of appeal respectively.

Relief and removal of persons discharged from prisons, &c. [1907, ss. 1-3.] **127.**—(1) Where it appears to a justice of the peace
 having jurisdiction in the place where a prison is situate,
 or being a member of the visiting committee or board of
 visitors of the prison, by notice in writing given by the 25
 governor of the prison, that a person detained in the
 prison is about to be released therefrom, and that on
 release that person will, by reason of infirmity of
 mind or body, require immediate relief, the justice may
 make an order for the removal of that person, on his 30
 release, to, and his reception in, the workhouse of the
 poor law union within which he appears to the justice to
 be settled, or, if the justice cannot ascertain in what
 parish he is settled, or if he has not a place of settlement
 in England or Wales, then the workhouse of the poor 35
 law union to which he is deemed to be *prima facie*
 chargeable for the purposes of this section.

(2) Such person as aforesaid shall, for the purposes of
 this section, be deemed to be *prima facie* chargeable to the 40
 poor law union in which the ordinary residence of the
 person appears to the justice making the order to have
 been at the time when the offence for or in respect of

which he is detained was alleged to have been committed, or, if the justice cannot ascertain such residence, or if such residence was not in England or Wales, then—

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

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

(3) The order of the justice shall be in such form as may be prescribed by the Secretary of State and shall authorise the conveyance of the person in respect of
15 whom it is made to the workhouse named in the order, and shall be served and be enforceable in like manner as a removal order under this Part of this Act.

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

(5) Where an order under this section has been made with respect to any person, a removal order under the foregoing provisions of this Part of this Act for his
30 removal to the poor law union within which he is actually settled may be obtained on the application of the board of guardians named in the order under this section, either before or after the execution of that order, and on the removal order being obtained the order under this section
35 shall cease to have effect and the provisions of this section shall cease to apply, but all expenses incurred under this section or an order made thereunder by the board of guardians named in that order shall be repaid to them
40 by the board of guardians of the poor law union within which the said person is actually settled.

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(6) This section shall apply to persons detained in industrial and reformatory schools, subject to the following modifications :—

- (a) for references to prisons and governors thereof there shall be substituted references to reformatory and industrial schools and superintendents thereof; 5
- (b) for the reference to members of the visiting committee or board of visitors there shall be substituted a reference to managers; 10
- (c) references to offences and the time and place where offences were committed shall include references to the circumstances in consequence of which the order of detention was made and the time and place where such circumstances occurred. 15

(7) This section shall apply to persons detained in inebriate reformatories subject, in the case of certified inebriate reformatories, to the following modifications :—

- (a) for references to prisons and governors thereof there shall be substituted references to inebriate reformatories and superintendents thereof; 20
- (b) for references to members of the visiting committee or board of visitors there shall be substituted references to managers. 25

Provisions for facilitating determination of questions as to settlement.

[1865 (U.C.), s. 5.]

128.—(1) For better enabling a board of guardians to obtain or appeal against removal orders, any officer or person having the custody of any books or other documents of or belonging to any parish in their poor law union shall, if so ordered by the board of guardians, upon reasonable notice produce the same to the board or to any person appointed by them, and shall allow copies or extracts to be taken therefrom for the use of the board without fee or reward. 30

(2) If any person is by age, illness or infirmity unable to appear before a petty sessional court to be examined as to his settlement, it shall be lawful for one justice having jurisdiction where that person is to conduct the examination and report the result thereof to another justice of the same jurisdiction, and for the said two justices upon such report to adjudge the settlement of 40

[1809, s. 4.]

the said person and make and suspend the removal order in all respects as if the said person had appeared before them sitting as a petty sessional court. A.D. 1926.

(3) Any justice may examine any person (having a wife or child) who is in custody in a prison, or who is in the custody of any police officer by virtue of any warrant of commitment, touching the place of his last legal settlement, and such examination shall be signed by the justice taking the same, and shall, so long as the person so examined continues a prisoner or in custody, be received in evidence as to such settlement for the purposes of any removal order. [1819, s. 28.]

(4) A board of guardians giving notice of appeal against a removal order, and any person authorised by them, shall, until the decision of the appeal, have access at all reasonable times to any person named in the order for the purpose of examining him as to his settlement, and, if it is necessary for the more effectual examination of any such person that he should be taken out of the poor law union in which he is residing, the appellants board may remove him therefrom for such time as may be necessary, defraying the expenses of his removal and of his maintenance whilst so removed. [1834, s. 80.]

129. Every notice, statement, demand or other document required to be given by any board of guardians in respect of any removal order or any appeal against a removal order may be signed by their clerk in their name and shall be deemed to be duly served upon the board of guardians to whom it is addressed, if it is delivered to their clerk, or left at his office, or sent by post addressed to him at his office. Signature and service of notices, &c. [1851 (Am.), ss. 10, 13; 1865 (U.C.), s. 4.]

130. If any person removed under a removal order returns to and again becomes chargeable to the poor law union from which he was removed, within twelve months after his removal and without the consent of the board of guardians of that union, he shall be deemed an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824. Penalty on returning after removal. [1865 (U.C.), s. 7.]

131. Nothing in this Act shall affect the enactments relating to the removal of poor persons from or to England and Wales to or from Scotland, Northern Ireland, the Isle of Man, the Channel Islands or the Scilly Islands. Saving law as to removals from or to England.

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PART IV.

FINANCIAL PROVISIONS.

Expenses of Guardians.

Manner
in which
expenses to
be charged
and raised.
[1865 (U.C.),
s. 1.]

132.—(1) Where a poor law union consists of two or more parishes, the cost of the relief of the poor and all expenses of the board of guardians, not being expenses specially declared by or under this or any other Act to be separately chargeable to single parishes within the union, shall be charged to the common fund of the union and be defrayed as union common charges.

(2) In order to raise moneys required by them to defray union common charges or expenses separately chargeable on single parishes, or, in the case of a poor law union consisting of a single parish, any expenses of the board of guardians thereof, every board of guardians shall from time to time issue precepts to the rating authority of each rating area wholly or partly comprised within the poor law union in accordance with the provisions of the Rating and Valuation Act, 1925, and any rules made thereunder.

Contributions to School Districts.

Payment of
contribu-
tions to
district
boards.
[1844, s. 46;
1903, s. 3.]

133.—(1) Every board of management of a school district shall from time to time call on the boards of guardians of the poor law unions included in the district for such contributions as they may deem requisite for the purposes of this Act, and orders (in a form prescribed by the Minister) requiring payment of the amount of such contributions, signed by the clerk or other officer of the board of management, shall, fourteen days at least before the time the precept of the board of guardians for raising the amount of the contributions must be issued, be forwarded to the clerks to the several boards of guardians, and to the rating authorities of the areas from which the contributions will become due.

(2) If any contribution is not duly paid by a board of guardians to the treasurer of the board of management, then, for the recovery of the contribution, or so much thereof as is not paid, from the rating authority or authorities within whose area the whole or any part of the poor law union is situate, the board of management shall (in addition to any other remedies) have the like remedies as the board of guardians.

134.—(1) The expenses incurred by a board of management of a school district in respect of—

- (a) purchasing, hiring, erecting, repairing, adding to and fitting up buildings;
 - 5 (b) purchasing utensils and materials for the employment of inmates of the school, and of books and other things necessary for their instruction;
 - (c) the salaries of officers and servants;
- 10 and all other expenses incurred on the common account of the poor law unions comprised in the district shall be borne by the several poor law unions comprised in the district in proportion to the net annual value thereof according to the valuation lists for the time being
- 15 in force.

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Basis for contributions to district boards.
[1844, s. 47; 13 & 14 Vict. c. 11, s. 1.]
[1868, s. 11.]

(2) All other expenses incurred in the relief of children under the management of the board shall be separately charged by that board to the respective poor law unions from which the children were sent.

Payment of Debts by Guardians, &c.

135. Subject to the provisions hereinafter contained, any debt, claim or demand lawfully incurred by or due from a board of guardians, or the board of management of a school district, shall be paid within

15 three months from the expiration of the half-year ending the thirtieth day of September or the thirty-first day of March in which it has been incurred or become due, but not afterwards:

Limitation of time for payment of debts.
[1859, s. 1.]

0 Provided that the Minister may, by order, extend the time within which any such payment shall be made for a period not exceeding twelve months after the date when the debt claim or demand was incurred or became due.

136.—(1) Where whether before or after the commencement of this Act any sum has been borrowed by a board of guardians or by a board of management of a school district, under the authority of any statute the time limited by the last preceding section for the payment of debts shall—

Provision for loan charges.
[1859, s. 3.]

- 0 (i) if the debt is made payable on a day certain, commence on that day;

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(ii) if the debt is not made payable on a day certain, commence on the expiration of twelve months from the day when the money was advanced ;

and where any such debt is repayable by instalments, each instalment shall be payable within twelve months after the date when it falls due :

Provided that the Minister may in any such case allow an extension of time for payment not exceeding six months.

(2) Interest in any case to which this section applies shall be payable within the like time as the principal.

Payment of
solicitor's
bills.
[1859, s. 5.]

137. Where a board of guardians or board of management of a school district are engaged in any proceeding in any court, nothing in this Part of this Act shall require the board to pay the bill of costs of any solicitor retained by them for the purpose thereof until the final determination of the proceeding, or until the solicitor ceases to be so retained, but the bill of costs of the solicitor shall be duly taxed and paid within one year after the final determination of the proceeding or the cesser of the retainer, and not afterwards, unless the Minister authorises an extension of time not exceeding six months.

Saving for
judgment
debts.
[1859, ss. 4
and 5.]

138. If within the time hereinbefore limited or any extension thereof allowed by the Minister proceedings are commenced before a competent court of jurisdiction to enforce any debt claim or demand (including a claim for a bill of costs), and are prosecuted with due diligence, the sum adjudged to be due or arrived at by settlement of the proceedings shall be satisfied, and payment thereof may be enforced, notwithstanding that the time so limited may have expired.

No call or
order to be
invalidated.
[1859, s. 6.]

139. No precept issued by a board of guardians, nor any rate made to meet such a precept, shall be deemed to be illegal on the ground that it is made to provide for any debt claim or demand, if the debt claim or demand is one the payment whereof is authorised by this Act, or on the ground that the precept includes a balance due from a parish at the time when the accounts were made up and balanced.

140. All payments, charges and allowances made by any person from or on the proceeds of any rate applicable to the relief of the poor contrary to the provisions of this Act, or of any rule order or regulation of the Minister under this Act, are hereby declared to be illegal.

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Payments
contrary to
Act illegal.
[1834, s. 89;
1844, s. 37.]

Borrowing Powers.

141.—(1) A board of guardians may, with the sanction of the Minister, borrow for the purpose of raising money to meet the expenses incurred, or proposed to be incurred, for any permanent work or object, or any other thing, the costs of which ought, in the opinion of the Minister, to be spread over a term of years, and any money so borrowed and the interest thereon shall be charged on and paid out of the common fund of the poor law union, or, in the case of a poor law union consisting of a single parish, the fund out of which the expenses of the board of guardians are payable.

Borrowing
by guard-
ians and
managers.
[1869
(Loans),
s. 4; 1879
(P.L.), s. 13;
1889, s. 2;
1897, s. 2.]

(2) A loan shall not be of such amount as exceeds, or will make the total debt of the board of guardians exceed, one-fourth of the total net annual value of the poor law union.

(3) The Minister may, by provisional order, extend the said maximum to double the amount above authorised, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to every such provisional order in like manner as if they were herein re-enacted and the board of guardians were a local authority.

(4) The unapplied balance of any loan raised by a board of guardians may, with the consent of the Minister, be applied to any purpose for which a loan may be raised under this Act by the board.

(5) This section shall apply to the board of management of a school district in like manner as if they were a board of guardians and this section were in terms made applicable to them, but with the substitution of one-sixteenth of the net annual value of the district for one-fourth of the net annual value of the union, and of a reference to the common fund of the district for the reference to the common fund of the union.

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Provisions
as to loans.
[1897, s. 1.]

142.—(1) A loan raised under this Act shall be repaid within such period, not exceeding sixty years, as the board of guardians or board of management, with the sanction of the Minister, may determine, either by equal yearly or half-yearly instalments of principal or of principal and interest, or by means of a sinking fund. 5

(2) The sinking fund shall be set apart, invested and applied in accordance with the Local Loans Act, 1875, and the Acts amending that Act, and for the purpose of such application the prescribed rate shall be a rate not exceeding three per centum per annum: 10

Provided that the board shall not invest in their own securities.

(3) Where a loan has been contracted to be repaid by annual instalments it may, with the consent of the lenders, be repaid by half-yearly instalments. 15

(4) Any such board may borrow money under this Act, without the consent of the Minister for the purpose of repaying any outstanding part of a loan which they have power to repay: 20

Provided that any money so borrowed shall be repaid in the manner directed by this Act and within the same period as that originally sanctioned for the repayment of the loan, unless the Minister consents to the period for repayment being enlarged, but that period shall not exceed sixty years from the date of the original borrowing. 25

(5) For the purpose of this section, the expression “outstanding” means not repaid by instalments, or by means of a sinking fund, or out of capital money properly applicable to the purpose of repayment other than money borrowed for that purpose. 30

Provision
for
securities.
[1869
(Loans), s.
6.]
[1882(D.P.)
s. 14.]

143.—(1) Every security for money borrowed under the authority of an order of the Minister may be made according to the form set out in the Seventh Schedule to this Act, or as near thereto as the circumstances of the case will admit. 35

(2) The board of guardians or board of management, as the case may be, shall keep a register of the securities in respect of all sums borrowed by them in such form, and subject to such regulations as to inspection or otherwise, as the Minister may prescribe. 40

144. The purposes for which the Public Works Loan Commissioners may lend shall include the payment of the expenses incurred by boards of guardians in the emigration of poor persons under this Act if application is made to them for the purpose with the consent of the Minister.

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Loans by Public Works Loan Commissioners. [1834, s. 63.]

Miscellaneous.

145. The Minister may by regulations authorise any board of guardians, subject to compliance with the regulations, to pay the reasonable expenses of any of their members or of their clerk incurred in attending any conference of guardians held for the purpose of discussing any matter which is connected with the duties which devolve on them, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference.

Conference expenses. [1883, s. 2.]

146.—(1) The Minister may by regulations authorise any board of guardians, subject to compliance with the regulations, to pay any sum not exceeding five pounds in any one year as an annual or other subscription to the funds of the Association of Poor Law Unions in England and Wales, as well as the reasonable expenses of the attendance of representatives, not exceeding in any case two, at meetings of the Association :

Contribution by guardians to Association. [1898 (Assoc.), s. 1.]

Provided that no payment shall be made in respect of the attendance of any representative at a meeting of the Association unless the attendance of the representative at that meeting has been expressly authorised by a resolution passed at a meeting of the board held after not less than seven days notice in writing that the proposal is to be considered at the meeting of the board has been sent to each guardian.

(2) Any such representative shall be either a guardian or (without power of voting) the clerk to the board.

147. The Minister may, by order, direct in what cases (other than those expressly authorised by this Act) and under what regulations a board of guardians may pay the reasonable expenses incurred by them in conveying any person chargeable to their poor law union from one place in England to another.

Expenses of conveyance. [1870 (Con.) s. 1.]

- A.D. 1926. — Information required for effectual discharge of duties. [1876, s. 15.]
- 148.**—(1) A board of guardians may pay the reasonable expenses incurred in the preparation and collection of information required of or by them respecting any matter which is under their management, supervision or control, and may in the case of a poor law union comprising two or more parishes charge the amount to the common fund of the union or to any parish or parishes therein, according as the subject-matter relates to the general concern of the union or to some separate part thereof. 5 10
- [1876, s. 16.] (2) If a board of guardians require any such information from any of their officers, the amount payable may, in the case of a dispute between the board and the officer, be settled by the Minister.

Audit.

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- Accounts to be audited. [1834, s. 47; 1844, s. 38; 1879 (Aud.), 1922, s. 1.]
- 149.**—(1) The accounts of every board of guardians and of their officers shall be audited by the district auditor.
- (2) Every board of guardians and every officer thereof and every other accountable person shall yearly render to the district auditor an account made up to the thirty-first day of March or such other day as the Minister may by order direct, and the account in the case of an officer or other accountable person shall include an account of all monies, matters and things committed to his charge, or received, held or expended by him on behalf of the poor law union. 20 25
- (3) All balances due from any officer or other accountable person may be recovered in the manner in which forfeitures under this Act are recoverable : 30
- Provided that no such proceedings shall exonerate or discharge the liability of any surety of any such person as aforesaid.
- (4) For the purposes of this section, “accountable person” means any person having the collection, receipt or distribution of money applicable to the relief of the poor, or holding or accountable for any books, deeds, papers or goods relating to the relief of the poor. 35

- Powers and duties of auditors.
- 150.**—(1) A district auditor shall have power to examine and audit the accounts and allow or disallow 40

items therein, and shall charge in every account audited by him the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which any such person is accountable but not brought by him into account, against that person, and shall certify on the face of every account audited by him any money, books, deeds, papers or goods found by him to be due from any person.

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[1844, s. 32;
1868, s. 24;
1879 (Aud.),
s. 11.]

(2) Where a district auditor has so certified any money, books, deeds, papers or goods to be due from any person, he shall forthwith report the same to the Minister, and that person shall within seven days pay or deliver, or cause to be paid or delivered, to the treasurer of the board of guardians or other person authorised to receive the same the money, books, deeds, papers or goods certified to be due from him.

(3) All money so certified to be due shall, on the application of the district auditor, be recoverable from all or any of the persons making or authorising the illegal payment or otherwise answerable for such monies.

(4) If any person from whom any such books, deeds, papers, or goods may be due neglects or refuses to deliver the same to the person for the time being authorised to receive the same, he shall be liable, on the complaint of the district auditor or of the person authorised to receive the same, to be committed to prison by two justices until delivery is made.

(5) Subject to any rules which may be made by the Minister under section five of the District Auditors Act, 1879, the district auditor shall, in addition to any notices required by law to be given by him, give notice of the audit by advertisement in some newspaper circulating in the county in which the poor law union or the greater part thereof is situated a reasonable time before the holding of the audit, and the production of a copy of such a newspaper shall in all courts and for all purposes be deemed sufficient evidence of the notice of the audit.

[1848(Aud.),
s. 7.]

151.—(1) It shall be lawful for every ratepayer of the poor law union to be present at the audit of the accounts relating to the union, and to make any objection to any such accounts before the auditor, and the auditor may require any person holding or accountable for any money,

Provisions
as to hold-
ing of
audits.
[1844, s. 33;
1849 (Am.),
s. 11.]

A.D. 1926. books, deeds, papers or goods relating to the relief of the
 — poor, to produce to him his accounts and vouchers, and
 to make or sign a declaration with respect to such
 accounts.

(2) If any such person refuses or neglects to attend, 5
 either at the audit or any adjournment thereof, when so
 required by the auditor, or to produce to him any such
 accounts or vouchers, or to make or sign a declaration
 with respect to his accounts required by the auditor, he
 shall be liable for every such refusal or neglect to forfeit 10
 forty shillings, or if he wilfully makes or signs a false
 declaration in respect of any such accounts he shall be
 liable to the penalties of perjury, and where any such
 proceedings are taken on an information laid by the
 district auditor, any expenses incurred by the auditor, 15
 except so far as they are paid by the person against
 whom the proceedings are taken, shall, if the Minister
 consents, be repaid to him by the board of guardians.

Mode of
 certifying
 balances.
 [1848(Aud.),
 s. 5.]

152.—(1) Where any officer continues in office at
 the time when the accounts are audited, the district 20
 auditor shall certify as due such sums of money only as
 are disallowed or surcharged by him in the accounts so
 audited :

Provided that where the aggregate amount dis-
 allowed by the auditor in the account of any such officer 25
 does not amount to forty shillings, it may be paid over
 with the balance due from the officer instead of being
 paid to the treasurer.

(2) Where an officer has ceased to hold office at
 the time when the accounts are audited, the district 30
 auditor shall ascertain the balance due on the accounts
 so audited, together with the sums (if any) which he may
 have disallowed or surcharged, and shall give credit for
 all sums which are proved to have been paid in respect
 of such balance to his successor, or otherwise lawfully 35
 applied on behalf of the poor law union, before the date
 of the audit, and he shall certify, report and recover the
 balance remaining due after such credit has been given.

(3) Any certificate made by a district auditor, if
 made according to the forms set forth in the Eighth 40
 Schedule to this Act, or in a form to the like effect,
 shall be deemed to be sufficient.

153.—(1) If a district auditor sees cause to surcharge any person liable to be surcharged by him, with any sum of money in reference to any payment considered by the auditor to have been illegally or improperly made, he shall, if the person is not present at the audit and is not a person to whom notice of the audit is required to be given, cause notice in writing of his intention to make the surcharge to be given to the person proposed to be surcharged, and shall adjourn the audit, so far as it relates to that particular matter, for a sufficient time to allow the person to appear to show cause against the surcharge.

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Right of
person pro-
posed to be
surcharged
to be heard.
[1848(Aud.),
ss. 7 and 8.]

(2) A notice under this section may be sent by post addressed to the person concerned at his last known place of abode.

(3) Save as provided by this section it shall not be necessary to prove that an audit was adjourned and that notice of the adjournment was given.

154.—(1) If any person is aggrieved by any allowance, disallowance or surcharge made by a district auditor, the auditor if so required by him shall state in the book of account in which the allowance, disallowance or surcharge is made the reasons therefor.

Right of
appeal to
High Court
by certiorari.
[1844, s. 35.]

(2) Any person aggrieved by an allowance, and any person aggrieved by a disallowance or surcharge if he has paid or delivered over to the person authorised to receive the same all such money and goods as are admitted by his account to be due from him or remaining in his hands, may apply to the High Court for a writ of certiorari to remove into that court the allowance disallowance or surcharge in like manner and subject to the like conditions as are provided in respect of persons applying for writs of certiorari for the removal of orders of justices of the peace, except that—

(a) the condition of the recognizance shall be to prosecute the certiorari, at the cost of the applicant, without delay, and if the allowance, disallowance or surcharge is confirmed, to pay to the district auditor, within one month, the taxed costs of the auditor; and

(b) notice of the intended application (which shall contain a statement of the matter complained

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of) shall be given to the district auditor, who shall, in return to the writ, return a copy under his hand of the entry in the book of account to which the notice refers, and shall appear before the court and defend the allowance, disallowance or surcharge impeached, and shall be reimbursed all costs he may incur in the defence by the board of guardians interested unless the court makes any order to the contrary. 5 10

(3) On the removal of the allowance, disallowance or surcharge the court shall decide the particular matter of complaint set forth in the statement and no other, and if it appears to the court that the decision of the auditor was erroneous, they shall order such sum of money as may have been improperly allowed, disallowed or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same, and may also, if they see fit, order the costs of the person prosecuting the certiorari to be paid by the board of guardians. 15 20

Right of appeal to Minister. [1844, s. 36.]

155.—(1) Any person aggrieved by any allowance, disallowance or surcharge, in lieu of making application to the High Court for a writ of certiorari, may apply to the Minister to inquire into and decide upon the lawfulness of the reasons stated by the district auditor for the allowance, disallowance or surcharge, and thereupon the Minister may issue such order therein as he may deem requisite for determining the question. 25

[1848(Aud.), s. 4.]

(2) Where an appeal is made to the Minister against any allowance, disallowance or surcharge, the Minister may decide the appeal according to the merits of the case, and if he finds that any disallowance or surcharge is or has been lawfully made, but that the subject-matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should be remitted, he may direct it to be remitted upon payment of the costs, if any, which may have been incurred by the district auditor or other competent authority in enforcing the disallowance or surcharge. 30 35 40

Appeals in the case of

156. In the case of an appeal against an allowance, disallowance or surcharge in a joint account, the decision

of the district auditor may be reversed by the court or the Minister, as the case may be, and the disallowance or surcharge may be remitted by the Minister, in favour of one or more of the persons appealing only, without
5 discharging the other person or persons affected by the decision.

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—
a joint
account.
[1876, s. 38.]

157.—(1) In any proceedings taken by a district auditor before a court of summary jurisdiction to recover sums certified by him to be due, it shall be sufficient for
10 him to produce a certificate of his appointment under the seal of the Minister, and to prove that the audit was held, that the certificate was made in the book of account to which it relates, that the sum certified to
15 be due had not been paid to the treasurer of the board of guardians within seven days after it had been so certified nor within three clear days before the laying of the information (of which non-payment a certificate in writing purporting to be signed by the treasurer shall be sufficient evidence).

Proceedings
for recovery
of sums
certified to
be due.
[1848(Aud.),
s. 9; 1849,
(Am.), s. 9;
1884, s. 11.]

20 (2) If at the hearing of the information it is proved that the said sum had been paid to the treasurer subsequently to the date of such last-mentioned certificate, the costs incurred by the district auditor shall be paid by the party against whom the information was laid, unless
25 he proves that notice of such payment had been given to the auditor twenty-four hours at least prior to the date of laying the information.

(3) The payment of any sum certified by a district auditor to be due in accordance with this Act may,
30 together with the costs of the proceedings for the recovery thereof, be enforced in like manner as if it were a sum due in respect of the general rate or may be recovered in the manner in which forfeitures under this Act are recoverable.

[1844, s. 32;
1884, s. 11.]

35 (4) Notwithstanding anything in the Summary Jurisdiction Acts, a district auditor may commence any such proceedings at any time before the expiration of nine months from the date of the disallowance or surcharge, or in the event of an appeal being made to the High
40 Court or to the Minister as hereinbefore provided, before the expiration of nine months from the determination of the appeal.

[1849 (Am.),
s. 9.]

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[1844, ss. 32,
& 59.]

(5) Subject to the approval of the Minister, a board of guardians shall pay the costs, so far as not recovered from any other source, of any legal proceedings taken by or under the direction of a district auditor for the protection of the rates or property of the poor law union or any parish therein or for the recovery of any sum certified by the auditor to be due, and, in the case of a poor law union consisting of two or more parishes, may charge such expenses either to the common fund of the union or to the account of any parish therein. 5 10

Right of
auditor to
inspect
books.
[1866 (Am.),
s. 7.]

158.—(1) A district auditor may at any time, when authorised or required by the Minister so to do, inspect the accounts and books of account of any board of guardians or officer liable to account to him.

(2) If any guardian or officer refuses to allow any such auditor, when so authorised or required, to make the inspection or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, he shall be liable, on summary conviction, to forfeit a sum not exceeding five pounds. 15 20

Taxation
and allow-
ance of
solicitors'
bills.
[1844, s. 39;
1859, s. 5.]

159. On the application of a board of guardians or of the solicitor concerned, it shall be the duty of the clerk of the peace of the county or place in which the poor law union or any part thereof is situate, or his deputy, to tax any bill due to the solicitor in respect of business performed on behalf of the poor law union, and the allowance of any sum on such taxation shall be evidence of the reasonableness of the amount, but not of the legality of the charge, and the clerk of the peace shall be allowed for such taxation such fee as may be fixed from time to time by the master of the crown office, and declared by an order of the Minister, and if any such bill is not taxed before it is presented to the district auditor, the auditor's decision on the reasonableness as well as the legality of the charges shall be final. 25 30 35

Audit of
accounts
of school
district
boards.

160.—(1) The accounts of the board of management of every school district and of their officers shall be audited by the district auditor. 40

(2) Every such board of management and every such officer, shall, once in every year, at such time and

in such manner and form as may be prescribed by the Minister, account to the district auditor, and the auditor shall have all the powers of allowing and disallowing any charges in such accounts as are given to district auditors by this Act as respects boards of guardians and their officers.

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[1844, s. 49;
1879 (Aud.),
s. 11; 1922,
s. 1.]

(3) All sums certified by a district auditor to be due shall be recoverable on the application of the auditor in the manner hereinbefore provided in the case of the audit of the accounts of a board of guardians, and the provisions of this Part of this Act as to the audit of accounts of boards of guardians shall apply accordingly.

(4) Within thirty days of the completion of the audit the board of management shall cause to be printed, and shall forward to each board of guardians within their district, an abstract of the accounts of their district so audited, in such form as the Minister may direct.

PART V.

ACQUISITION AND DISPOSAL OF PROPERTY.

20 **161.**—(1) A board of guardians may, with the approval of the Minister and subject to any rules, orders or regulations made by him, purchase or take on lease land for the purpose of being used as the site of a workhouse or of being occupied with a workhouse, or for any
25 other purpose connected with the relief of the poor.

Powers as
to acquisition
of
land.
[1819, s. 12;
1831 (Rel.),
s. 1; 1835,
ss. 1, 3, and
4; 1844,
s. 44.]

(2) For the purpose of the purchase and taking on lease of land, sections one hundred and seventy-six and one hundred and seventy-eight of the Public Health Act, 1875, except so far as those sections relate to the
30 taking and purchasing of land otherwise than by agreement, shall apply as if they were herein re-enacted and in terms made applicable to boards of guardians.

(3) A board of guardians may also for any purpose for which they may so acquire land take any parish lands,
35 that is to say, land belonging to or held for any parish in the union or the poor thereof.

(4) Subsections (1) and (2) of this section shall apply to the board of management of a school district in like manner as they apply to a board of guardians.

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Guardians
may inclose
certain
lands.

[1831 (Rel.),
s. 2; 1831
(C. L.), s. 1;
1835, s. 4;
1899 (Com.),
s. 22.]

162.—(1) A board of guardians may inclose from any waste or common land in or near their poor law union, with the consent in writing of the lord of the manor and the majority in value of the persons having rights of common therein, signified under their hands and seals, and with the consent of the Minister, any part, not exceeding fifty acres, of such waste or common land for the purpose of cultivating and improving the same for the use and benefit of the union and the poor persons therein, or for any purpose for which a board of guardians may purchase land.

(2) A board of guardians may inclose from any forest or waste lands belonging to the Crown in or near their poor law union, with the consent of the Treasury and subject to the control of the Minister, any part (not exceeding fifty acres) of any forest or waste land belonging to the Crown, for the purpose of cultivating and improving the same for the use and benefit of the union and the poor persons therein, or for any purpose for which a board of guardians may purchase land :

12 & 13 Geo.5.
c. 51. s. 21 (4).

Provided that no inclosure of land in the New Forest shall be made under this subsection.

[Commons
Act, 1899,
s. 22.]

(3) An inclosure of common purporting to be made under this section shall not be valid without the consent of the Minister of Agriculture and Fisheries.

Power as to
disposition
of property.
[1835, s. 3;
1851 (Am.),
s. 17;
1889, s. 8.]

163.—(1) A board of guardians may, with the approval and subject to the rules, orders and regulations of the Minister, sell, exchange, let, or otherwise dispose of any workhouse, buildings, land, or other property belonging to them or held in trust for the poor law union, and

(a) in case of a sale, shall apply the proceeds thereof (after deducting the reasonable expenses) towards the purchase or building of any workhouse, or towards the discharge of any debt contracted by them, or in any other manner for the permanent advantage of the union approved by the Minister; and

(b) in case of an exchange, the land to be taken in exchange shall be conveyed to the board of guardians upon the same trusts as those on which the land given in exchange was held, and

the rents and profits thereof shall be applied to the same purposes as those to which the rents and profits of the land given in exchange would have been applicable ; and

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5 (c) in the case of a lease, the rents and profits shall be applied in such manner for the relief of the poor as the Minister may direct.

(2) This section applies to the board of management of a school district in like manner as it applies to a board of guardians, with this modification, that the board shall apply the proceeds or rents of the sale, exchange, lease or disposition for the benefit of the school district in such manner as the Minister may direct. [1851, s. 17.]

15 (3) Nothing in this Act shall affect the powers of a board of guardians of a poor law union to dispose of property belonging to or held in trust for any parish or parishes comprised in the union, or the parishioners, ratepayers or inhabitants thereof, subject, in any case where at the commencement of this Act the consent of 20 any other persons would be necessary, to the obtaining of such consent.

164.—(1) Where a poor law union consists of or comprises a rural district, and it appears to the board of guardians desirable that any hospital or building vested in them should be vested in the council of the rural district for the purpose of the reception of persons suffering from any dangerous infectious disorder, they may, by resolution to be confirmed by an order of the Minister, transfer the hospital or building accordingly, and from the date named in the order the hospital or building shall be deemed to be vested in the rural district council, for the use of the inhabitants of the union or part thereof named in the resolution and order.

Transfer of buildings, &c. to rural district council for use as infectious hospitals. [1879 (P.L.), s. 14.]

35 (2) If the hospital or building is to be for the use of the inhabitants of any part of the union comprised in a borough or urban district, the order may determine the contribution to be made by the council of that borough or district towards the maintenance of the hospital or building.

40 (3) Where part of the union is comprised in a borough or urban district and the hospital or building is not to be for the use of the inhabitants of that part, the order may determine the value of the interest of that

A.D. 1926. — part of the union in the hospital or building, and the manner in which such value is to be paid to that part by the residue of the union for whose use the hospital or building is to be kept, and the application of the sum so paid. 5

PART VI.

LONDON.

EXTENT AND APPLICATION.

Application of Act to London. [1867, s. 3.] **165.** This Part of this Act extends only to London, and the provisions of this Act shall apply to London subject to the provisions of this Part of this Act. 10

ASYLUM BOARDS.

Constitution and Powers.

Formation of asylum districts. [1867, ss. 5 and 6; 1869, s. 1; 1876, s. 40.] **166.** For the purpose of the provision of asylums for the reception and relief of the sick, insane, or infirm, or any class or classes of poor persons in receipt of relief, the Minister may by order combine into districts such poor law unions as he may think fit, and may from time to time alter any such district by addition, sub-division or otherwise, and may if he thinks fit dissolve any such district : 15 20

Provided that until the Minister otherwise orders the whole of the poor law unions in London shall continue to be a single district for the purposes for which the Metropolitan Asylum Board is constituted at the commencement of this Act. 25

Constitution of asylum board. [1867, ss. 8 and 9.] **167.**—(1) For every asylum district there shall be constituted a body of managers (hereinafter referred to as an asylum board), and every such board shall be a body corporate with power, subject to orders of the Minister, to take, hold and dispose of land for the purposes of the district. 30

(2) An asylum board shall consist of managers of whom some shall be elective and some nominated as hereinafter provided. 35

[1867, s. 10; 1869, s. 6.] (3) Subject to orders made by the Minister under this section, elective managers shall be from time to time

elected by the boards of guardians of each of the poor law unions forming the district from among themselves, or from among ratepayers qualified to be guardians therein, or partly from one and partly from the other. A.D. 1926.

5 (4) Subject to orders made by the Minister under this section, nominated managers shall be from time to time nominated by the Minister from among justices of the peace resident in the district, or from among ratepayers assessed to the general rate therein on a rateable value of not less than forty pounds, or partly from one and partly from the other. [1867, s. 11; 1868, s. 9.]

(5) The Minister shall from time to time, by order, prescribe the total number of the managers, and the proportion of the elective and nominated managers (but so that the prescribed number of the nominated managers shall not exceed one-third of the prescribed number of the elective managers), the number of elective managers to be elected by each board of guardians, the qualifications of the managers, their tenure of office, the mode and time of election, and the quorum for their meetings: [1867, s. 12.]

Provided that any person who would under this Act be disqualified for being a guardian of any poor law union forming part of an asylum district by reason of being or having been a paid officer or being in receipt of a salary or emolument payable out of the general rate shall be disqualified for being an elective manager.

(6) The dissolution or alteration of any poor law union comprised in an asylum district shall not affect the tenure of office of any elective manager elected by the board of guardians of that union. [1869, s. 7.]

(7) The provisions set forth in the Second Schedule to this Act shall apply with respect to the election and resignation of members of asylum boards and to the acts of such boards and the supply of vacancies therein. [1868, s. 9.]

35 (8) An asylum board may from time to time, subject to such regulations as the Minister may, by order, prescribe, appoint committees of members of their body and delegate to them any of their powers. [1867, s. 27.]

40 **168.** Where an asylum is provided for the reception and relief of the insane, the Board of Control may depute one of their body, or appoint from time to time a special

Representa-
tion of
Board of
Control.

A.D. 1926. commissioner, who shall be entitled to attend meetings
of the asylum board and to take part in their proceedings,
[1867, s. 30; but not to vote.
1890, s. 342.]

Appoint- 169.—(1) An asylum board shall have the like
ment, &c., powers as boards of guardians for the appointment, 5
of officers. control and payment of officers.
[1867, s. 25.]

(2) The duties, number and salaries of the officers,
and the securities to be given by them, shall be such
as the Minister may approve or by order direct.

Provision 170.—(1) The Minister may by order determine the 10
of asylums. number of asylums to be provided for each asylum
[1867, ss. 7, district and direct the asylum board to purchase, hire
8 and 15.] or build, and (in either case) to fit up buildings for asylums,
of such nature and size, and according to such plan and
in such manner as the Minister may think fit, and the 15
board shall carry such directions into execution.

[1867, s. 18.] (2) The Minister may, by order, direct that any
building for the time being used as a workhouse shall,
with such alterations as the Minister may think fit, be
used for an asylum, and thenceforth that building shall 20
be for the common use of the district accordingly, and
an annual sum in the nature of rent or other compensa-
tion, of such amount as the Minister may from time to
time direct, shall be paid to the board of guardians to
whom the building belongs, as long as it continues to be 25
so used :

[1867, s. 19.] Provided that if in any such case the asylum board
expend any money in the improvement or enlargement
of the building, or the providing of substantial fittings
therein, and afterwards relinquish the use thereof, the 30
Minister may make an adjustment in respect of that
expenditure between the owners of the building and the
asylum board, and direct such amount as he thinks
equitable to be reimbursed to the asylum board by the
owners of the building, to be paid either in a lump sum 35
or by instalments as the Minister may direct.

[1867, s. 20.] (3) An asylum board shall in accordance with orders
made by the Minister provide for every asylum all
necessary fixtures, furniture and conveniences.

[1871, s. 1; 1876, s. 40.] (4) For the purposes of this Part of this Act 40
“asylum” includes any workhouse or other building,

and any ship, vessel, hut, tent, or other temporary erection which may be used by the asylum board, with the approval of the Minister, for the reception of poor persons, or otherwise for the purposes of an asylum. A.D. 1926.
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5 **171.**—(1) The mode of admission of persons into an asylum shall be such as the Minister may by order direct. Admission to and government of asylums.

(2) An asylum board shall have the like powers as a board of guardians for the relief, maintenance and management of the inmates of the asylum, and shall provide such medicines, appliances and requisites for the medical and surgical care and treatment of the inmates, and cause the same to be used according to such rules as the Minister may, by order, direct and the provisions of this Act enabling boards of guardians to receive poor persons chargeable to some other poor law union shall extend to asylum boards. [1867, s. 21.]
[1867, s. 22 ;
1876, s. 22.]

(3) The Minister may make rules, orders and regulations for the government of an asylum as if the asylum were a workhouse. [1867, s. 23.]

(4) Any person relieved in an asylum shall be liable to the same obligations in respect of the relief afforded to him as if it were afforded in a workhouse. [1844, s. 54 ;
1867, s. 23.]

(5) The provisions of this Act relating to religious instruction and the appointment of chaplains in a district school shall apply in the case of an asylum.

(6) Every guardian of a poor law union included in an asylum district shall at all reasonable times be entitled to enter an asylum and inspect any part thereof, and enter his remarks thereon in a book to be kept for the purpose.

172. For the purposes of chargeability, burial and other incidents, an asylum shall, in relation to each inmate thereof, be deemed to be in the poor law union from which such inmate was sent. Chargeability, &c., of inmates. [1867, s. 24.]

173.—(1) All lawful and reasonable orders of an asylum board shall be obeyed, and obedience thereto shall be enforced in like manner, and by and under like remedies and penalties, as lawful and reasonable orders of a board of guardians. General powers and duties of asylum board. [1867, s. 26.]

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[1867, s. 28.] (2) An asylum board shall, in the exercise and discharge of all their powers and duties, be subject to orders of the Minister in like manner as a board of guardians.

Use of
asylums for
medical
instruction.
[1867, s. 29;
1869, s. 20.] **174.**—(1) Where an asylum is provided for the reception and relief of the sick or insane, it may be used for the training of nurses in such cases and in such manner and subject to such regulations as the Minister may by order direct.

[1889, s. 4.] (2) Where an asylum is provided for the reception of persons suffering from fever, small pox or diphtheria it may be used for purposes of medical instruction, subject to such regulations as the Minister may by order direct.

Provisions
as to con-
terminous
districts.
[1871 (Dis.),
s. 10.] **175.** Where any district formed under this Part of this Act for the relief of any class or classes of poor persons is conterminous with any district previously so formed for the relief of some other class or classes, the Minister may, by order, direct that the asylum board of any such last-mentioned district shall also be the board of the conterminous district so subsequently formed.

Amalgama-
tion of
several
parts of a
district into
one union.
[1869, s. 2.] **176.** Where all the poor law unions constituting a district formed under this Part of this Act are formed into one poor law union, all the property of the board shall be transferred to, and shall vest in, the board of guardians of the union, and the liabilities, obligations, and debts of the asylum board shall be, in like manner, transferred to and discharged by the board of guardians, and the asylum board shall be dissolved.

Dissolution and
alteration of
asylum districts.
[1867 (Am.),
s. 20; 1869, s. 1;
1870 (Diss.), s. 1;
1903, ss. 1 and 2;
1904, ss. 1 and 2.] **177.** The provisions of this Act as to the dissolution of a board of management on the dissolution of a school district, and as to the adjustment, vesting and disposal of property and liabilities on the dissolution or alteration of a school district, shall apply in the case of the dissolution or alteration of an asylum district.

Expenses and borrowing.

Expenses.
[1867, ss. 31
and 32.] **178.**—(1) Expenses incurred by an asylum board in or about—
(a) purchasing, hiring, building, repairing and fitting up, or the payment of compensation for the use of, buildings;

(b) providing fixtures and furniture, conveniences, medicines, medical and surgical appliances and other necessaries for keeping an asylum in proper order; A.D. 1926.

5 (c) the salaries and maintenance of officers;

shall be defrayed by contributions from the poor law unions forming the district.

(2) Expenses incurred by an asylum board in or about the food, clothing, maintenance, care, treatment and relief, or for the burial, of inmates of an asylum shall be separately charged to the respective poor law unions from which the inmates of the asylum were sent.

(3) Nothing in this section shall affect the provisions of the Public Health (London) Act, 1891, as to the payment of expenses incurred by the Metropolitan Asylum Board under that Act.

179.—(1) The provisions of this Act relating to the borrowing of money by boards of guardians shall apply to an asylum board in like manner as if they were a board of guardians and those provisions were in terms made applicable to them, but with the substitution of a reference to one-tenth of the rateable value of the asylum district for the reference to one-fourth of the net annual value of the poor law union. Loans.
[1869, s. 9;
1897, s. 2.]

(2) For the purposes of the provisions so applied, “common fund” in relation to an asylum district means the fund raised by contributions from the poor law unions forming the district, assessed on and contributed by them in conformity with the provisions of this Part of this Act. [1869, s. 23.]

180.—(1) Sums to be contributed under this Part of this Act by poor law unions shall be assessed on, and contributed by the several boards of guardians, in proportion to the rateable value of those unions, as ascertained from the valuation lists for the time being in force. Provisions
as to contri-
butions.
[1867, s. 55;
1869, s. 45.]

(2) An asylum board shall from time to time call on the boards of guardians of the poor law unions forming the district for such contributions as the asylum board consider requisite. [1867, s. 56.]

A.D. 1926. (3) An order (in a form prescribed by the Minister) signed by the clerk or other officer of the asylum board, requiring the payment of the amount of the contribution, shall fourteen days at least before the contribution becomes due be delivered to the clerk or acting clerk of the board of guardians liable to the contribution. 5

[1867, s. 57.] (4) If any contribution is not duly paid, the asylum board shall (in addition to any other remedies) have the like remedies for the recovery of the contribution, or so much thereof as is not paid, from the council authorised to levy the general rate in the several parishes in the poor law union liable for the contribution as the board of guardians have, and if any such council pays in respect of any parish any money to the asylum board on account of such contribution, they shall be entitled to credit for such payment in the accounts of the union with the parish. 10 15

Audit of accounts. [1867, s. 33; 1867, s. 34; 1922, s. 1.] **181.**—(1) The accounts of an asylum board and their officers shall be audited in like manner and subject to the like provisions as the accounts of a board of guardians in London and their officers, and those provisions shall apply accordingly: 20

Provided that the accounts of the Metropolitan Asylum Board shall be made up and audited once a year. 25

[1867, s. 35.] (2) Within one month after each audit the asylum board shall deliver to each board of guardians whose poor law union is comprised in the district a printed abstract (in a form prescribed by the Minister) of the accounts as audited. 30

SPECIAL PROVISIONS WITH RESPECT TO METROPOLITAN BOARDS OF GUARDIANS.

Classification of Poor Persons.

Classifica- tion of workhouses and the reception therein of persons belonging **182.**—(1) A board of guardians may, with the approval of the Minister, set apart any ward or portion of a workhouse for the reception of particular classes or descriptions of poor persons, and provide separate maintenance and treatment for them therein, subject to such regulations as the Minister may order or approve, and may, with the consent of the Minister, receive and 35 40

maintain therein any poor person of the same class or description chargeable to any other poor law union upon such terms as may be agreed between the boards of guardians concerned.

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to other
unions.

[1869, s. 17.]

[1867, s. 50.]

- 5 (2) Where, in the opinion of the Minister, a workhouse is adapted only for the reception of poor persons of a particular class or particular classes, but is capable of accommodating poor persons of that class or those classes from any other poor law union, the Minister may, 10 by order, direct the board of guardians of the poor law union to which the workhouse belongs to receive, lodge and maintain therein poor persons of that class or those classes, or any of them, and the board shall receive, lodge and maintain such persons accordingly on terms 15 to be agreed on, with the approval of the Minister, between the boards of guardians concerned, or, in default of such agreement, to be prescribed by order of the Minister.

- (3) Any such person so received into a workhouse 20 shall, while therein, be treated in all respects in like manner, and be subject to the same regulations and liabilities, as the other persons of the same class or condition, and shall be deemed to be chargeable in the first instance to the receiving union :

- 25 Provided that the residence of such a person in a workhouse shall, in all other respects, be attended with the same legal consequences as if the workhouse had been situated within the poor law union from which he was sent.

- 30 (4) Every guardian of the poor law union from which a person is sent to the workhouse of another poor law union under this section may at all reasonable times enter the workhouse and inspect any part thereof.

- 35 **183.** For the purpose of facilitating the appointment of resident workhouse medical officers, and for improving the classification and management of any classes of poor persons, the Minister may, by order, determine, or from time to time vary, as he thinks fit, any contract with any medical or other officer appointed 40 by a board of guardians, and direct the board to pay to the officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum, or otherwise, as the Minister may think fit.

Variation of
contracts.

[1867, s. 59;

1876, s. 41.]

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Medical Out-door Relief.

Dispen-
saries.
[1867, s. 38.]

184. The Minister may, by order, direct a board of guardians to provide one or more dispensaries, and for that purpose either to purchase, hire or build, and to fit up and furnish, one or more buildings, of such nature and size, as the Minister may think fit, or to set apart, adapt, fit up and furnish a part of a workhouse, and in either case according to such plans, and in such manner, as the Minister may think fit. 5

Dispensary
committee.
[1867, s. 39;
1869, s. 12.]

185.—(1) Where the Minister, on the application of a board of guardians, so orders, there shall be a committee of management for the dispensaries of the poor law union, to be called the dispensary committee. 10

[1867, s. 40.]

(2) The dispensary committee shall be elected by the guardians from among themselves, or from among ratepayers of the poor law union assessed to the general rate on a rateable value of not less than forty pounds, or partly from one and partly from the other. 15

[1867, s. 41.]

(3) The Minister shall prescribe the number and tenure of office of the members of the dispensary committee, the mode and times of election, and the quorum for their meetings. 20

Places for
seeing sick
poor, &c.
[1867, s. 42.]

186.—(1) Where a board of guardians in compliance with a requirement by the Minister provide a dispensary, they shall also provide, according to the directions of the Minister, proper places where the medical officers may see such of the sick poor as attend there for advice, and where meetings of the dispensary committee may be held. 25

[1869, s. 13.]

(2) Where a board of guardians provide a dispensary otherwise than in compliance with a requirement by the Minister, they shall, if required by the Minister so to do, provide a proper room at the dispensary where the medical officers may see such of the sick poor as attend there for advice, and medical officers shall personally, or by their authorised substitutes, attend at the dispensary during the times fixed for the purpose by the board of guardians with the approval of the Minister. 30 35

Appoint-
ment of

187.—(1) The dispensary committee, or where a dispensary committee has not been established the board 40

of guardians, shall appoint proper persons to be dispensers of medicine, and may appoint such other officers and servants for the purposes of the dispensaries as they think fit. A.D. 1926.
—
dispensers,
&c.

5 (2) The duties, qualifications, number and salaries of the dispensers, officers and servants shall be such as the Minister may approve or by order direct. [1867, ss. 43, 45 and 46.]

(3) Where a dispensary committee has been established, the power of appointing district medical officers for the poor law union shall be vested in the committee subject to the rules and orders of the Minister respecting the appointment and removal of officers. 10

(4) For giving effect to the provisions of this Part of this Act relating to medical outdoor relief, the Minister may vary, as he may think fit, medical districts, and the salaries of, and contracts with, district medical officers. 15

188. A board of guardians providing a dispensary shall provide proper medicines and appliances and requisites for the care and surgical treatment of the sick poor relieved out of the workhouse, and the same shall be dispensed and furnished to such of the poor entitled to relief, as require the same, on the prescription or written direction of the district medical officer, subject to such regulations as the Minister may by order direct. 20 Provision and dispensing of medicines, &c. [1867, s. 44.]

189. A board of guardians may, with the consent of the Minister, enter into arrangements with any public general hospital or dispensary situate within the poor law union for the reception and treatment in the hospital or dispensary of poor persons in receipt of relief on terms to be arranged between the board of guardians, with the sanction of the Minister, and the authorities of the hospital or dispensary. 25 30 Arrangements with public general hospitals. [1869, s. 16.]

Casual Poor.

190.—(1) Every board of guardians shall provide within the poor law union such wards or other places for the reception and relief of casual poor persons as the Minister directs: 35 Casual poor persons. [1864, s. 5; 1865 (Met.), s. 1.]

Provided that until the Minister by order otherwise directs such duties as aforesaid and all other duties and powers of boards of guardians with respect to casual poor 40

A.D. 1926. — persons shall be performed and exercised throughout the whole of the poor law unions in London by the Metropolitan Asylum Board.

[1865 (Met.), s. 5.] (2) The wards or places of reception provided under this section shall be open for the admission of casual poor persons who apply to be admitted during the hours between six o'clock in the evening and eight o'clock in the morning in the months between October and March inclusive, and during the hours between eight o'clock in the evening and eight o'clock in the morning in the months between April and September inclusive. 5 10

[1865 (Met.), s. 2.] (3) The Minister shall cause the wards and other places of reception provided under this section to be inspected, not less than once in every four months, during the hours during which such wards and places are by this section required to be open for admission, and the results of such inspection shall be reported to the Minister. 15

[1865 (Met.), s. 4.] (4) Any constable of the metropolitan police or of the police of the City of London may personally conduct any casual poor person, not charged with any offence, to any ward or other place of reception approved of by the Minister, and every such person shall, if there is room, be temporarily relieved therein. 20

(5) The provisions of this Act relating to the discharge of casual poor persons shall in their application to London have effect subject to the following modifications:— 25

(a) in determining the number of admissions of a casual poor person every casual ward in London shall be deemed to be a casual ward of the same union; 30

[1882 (Cas.), s. 4.] (b) the expression "the workhouse of the union" shall include any workhouse and any asylum provided under this Act for the reception and setting to work of casual poor persons to which the casual poor persons of the union can be sent. 35

Miscellaneous Provisions.

Manner in which expenses to be 191.—(1) Subject to the provisions of the Agricultural Rates Acts, 1896 and 1923, where a board of guardians require to raise from two or more parishes 40

within the poor law union any sum in respect of contributions to the common fund of the union, they shall raise that sum in proportion to the rateable value of those parishes as ascertained from the valuation lists for the time being in force.

A.D. 1926.
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charged and raised.
[1865 (U.C.), s. 1.]

(2) For the purpose of raising any sum so apportioned to any parish, or in the case of a poor law union consisting of a single parish any expenses of the board of guardians thereof, precepts shall be sent—

10 (a) in the case of the City of London Poor Law Union to the common council of the City of London; and

(b) in the case of any other poor law union to the council of each metropolitan borough wholly or partly comprised within the union;

15 in accordance with the City of London (Union of Parishes) Act, 1907, and the London Government Act, 1899, respectively.

20 **192.** Where a board of guardians have at any time, under the orders of the Minister, borrowed and expended money upon the improvement or enlargement of a workhouse or other property belonging to a parish comprised within the poor law union, and the workhouse or property is afterwards sold or let, the board shall be entitled to receive out of the purchase money or rents such an amount as, in the opinion of the Minister, appears reasonable, and the money or rent so received shall be appropriated for the benefit of the union in such manner as the Minister by order directs.

Recoupment of money expended on parish workhouse.
[1869, s. 3.]

30 **193.**—(1) The accounts of boards of guardians and boards of management of school districts shall be audited half yearly, or as often as the rules, orders and regulations of the Minister may direct, but not less often than once in every half year, and the provisions of this Act as to audit shall have effect accordingly.

Provisions as to audit.
[1834, s. 47;
1844, s. 38;
1870, s. 3.]

40 (2) Within one month of each audit of the accounts of a board of guardians, they shall deliver, in the case of the City of London Poor Law Union to the common council of the City of London, and in the case of any other poor law union to the council of each metropolitan borough in which the union or any part thereof is situated, one or more copies of the financial statement of the

A.D. 1926. board, showing the receipts, expenditure, balances and
— liabilities for the half year, as audited.

Metropolitan Common Poor Fund.

Metro-
politan
Common
Poor Fund.
[1867, s. 61.]
[1867, s. 62.]

194.—(1) The Metropolitan Common Poor Fund (hereinafter referred to as the common poor fund), shall be raised according to the provisions of this Part of this Act by contributions from the several poor law unions and places in London, and shall be under the management of the receiver of the common poor fund (hereinafter referred to as the receiver), who shall be appointed by the Minister, and shall be removable by him, and shall receive such salary and give such security (if any) as the Minister may direct.

[1867, s. 71.]

(2) The salaries of the receiver and his assistants, and all expenses incurred by him in the execution of this Act, shall be paid out of the common poor fund.

[1867, s. 63;
1867, s. 72.]

(3) The receiver shall keep an account with the Bank of England, intituled “the account of the receiver of the metropolitan common poor fund for the time being,” which shall be drawn on in such manner and according to such regulations as the Minister may by order direct.

Assessment
of contribu-
tions to
fund.
[1867, s. 64.]

195. The Minister shall from time to time assess on the several poor law unions the amounts of their respective contributions to the common poor fund in proportion to the rateable value of those unions, to be determined according to the valuation lists for the time being in force.

Collection of
contribu-
tions to
fund.
[1867, s. 65.]

196.—(1) The Minister shall from time to time issue to each board of guardians a contribution order requiring them to pay the amount of the contribution therein specified, in the manner and within the time therein specified, and the board of guardians shall accordingly cause the amount of their contribution to be raised out of the general rate and pay the same into the Bank of England to the credit of the account of the receiver :

30
35

Provided that the board shall be entitled to have credit in part payment of their contribution for the amount which may be repayable to them out of the common poor fund, under the order of the Minister as

hereinafter mentioned, in respect of expenditure during the preceding half year. A.D. 1926.

(2) No order under this section shall be liable to be removed into any court by certiorari or otherwise, nor shall any precept of a board of guardians, or any rate, be liable to question in any court on the ground of its having been made wholly or partly in furtherance of any such order.

197.—(1) In order to obtain payment of the amount of the contribution to the common poor fund payable in respect of any place which is not included in a poor law union (that is to say, the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn), the Minister shall from time to time issue—

Contributions from Inns of Court. [1867, s. 66.]

(a) in the case of the Inner Temple and the Middle Temple to the masters of the bench, treasurer, or sub-treasurer thereof; and

(b) in the case of Lincoln's Inn and Gray's Inn to the council of the Metropolitan Borough of Holborn;

an order requiring the payment of the amount of contribution therein specified, in the manner and within the time therein specified.

(2) In the Inner Temple and the Middle Temple the masters of the bench, treasurer or sub-treasurer, may levy on the several persons occupying rateable property therein the amount of the contribution so payable by means of a rate in the nature of a general rate, and for that purpose may employ and remunerate collectors, and shall have the like powers as are for the time being vested in rating authorities in London for the purposes of the making, assessing, levying and collecting the general rate.

(3) Contributions shall not be payable under this section in respect of the Inner Temple, the Middle Temple or Gray's Inn, if and so long as the contributions to the guardians of the City of London Poor Law Union and the guardians of the Holborn Union are made in respect thereof in manner hereinafter provided.

A.D. 1926. **198.** If any contribution to the common poor fund required by the Minister to be paid by any board of guardians, council, masters of the bench, treasurer or sub-treasurer is not duly paid, the receiver shall (in addition to any other remedies) have the like remedies for the recovery, in the receiver's own name, of the contribution, or of so much thereof as is not paid, as boards of guardians have for the recovery from rating authorities of contributions of parishes, and for that purpose the order of the Minister requiring the contribution shall be conclusive evidence of the amount thereof and of the liability thereto of the party sued.

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Recovery of
contribu-
tions.
[1867, s. 68.]

Application
of fund.
[1867,
s. 69 (1).]

199. Expenses incurred for the following purposes shall be repaid out of the common poor fund, that is to say—

- (a) for the maintenance of lunatics in lunatic asylums registered hospitals and licensed houses, and of insane poor in asylums under this Part of this Act, except such expenses as are chargeable as expenses of the London County Council;
- (b) for the maintenance of poor persons who are in receipt of relief and are inmates of an asylum provided under this Part of this Act for patients suffering from fever, diphtheria or smallpox;
- (c) for the maintenance of poor persons in any other asylum provided under this Part of this Act, and of poor persons above the age of sixteen years in any workhouse :

[1867,
s. 69 (2);
1889, s. 3.]

[1870, s. 1.]

Provided that—

- (i) the Minister shall certify the maximum number of poor persons to be maintained in any asylum or workhouse; and no repayment shall be made in respect of a greater number of poor persons maintained in any asylum on any one day than will complete the maximum number so certified, nor in respect of a greater number of poor persons maintained in any workhouse on any one day than will, together with children under the age of sixteen years, if any, maintained therein on the same day, complete the maximum number so certified; and

(ii) the amount so repaid in respect of maintenance shall be at the rate of fivepence per day for each poor person; A.D. 1926. —

(d) for the maintenance of poor children in district, separate and certified schools and in certified industrial schools: [1867, s. 69 (8); 1898, s. 1.]

Provided that—

(i) an institution or the maintenance of poor children shall not be deemed to be excluded from the provisions of this section by reason only of the children being educated at a public elementary school or elsewhere outside the institution;

(ii) if on any day the number of poor children maintained in any district or separate school exceeds the number certified by the Minister as the maximum number of children to be maintained in that school, no repayment shall be made from the common poor fund in respect of the maintenance during that day of the children so in excess; and in such case where children are received in any such school from more than one poor law union, so much of the cost of their maintenance as is not repaid from the common poor fund shall be borne in such manner as the Minister may direct;

(e) for the maintenance and instruction of orphan or deserted children placed out by a board of guardians with the consent of the Minister; [1869, s. 21.]

(f) for all medicine and medical and surgical appliances supplied by boards of guardians under this Act to poor persons in receipt of relief; [1867, s. 69 (3).]

(g) for the salaries (including the cost of rations according to a scale fixed by the Minister) of all officers employed by boards of guardians in and about the relief of the poor, by boards of management of school districts, and by asylum boards, and of the dispensers and other persons employed in dispensaries under this Part of this Act, where the appointments of such officers have been sanctioned by the Minister; [1867, s. 69 (4); 1870, s. 2.]

- A.D. 1926. —
 [1867,
 s. 69 (5);
 1869, s. 18;
 1876, s. 41.]
- (h) for compensation to any medical officer of a workhouse affected by the determination or variation by the Minister of a contract respecting medical relief in the workhouse, and for compensation to any officer deprived of his office or whose salary or emoluments are diminished by the dissolution or alteration of a poor law union or of a parish being added to or taken from such a union or the dissolution of a school district or asylum district; 5 10
- [1867, s. 69 (6).]
 [1867,
 s. 69 (7);
 1869, s. 15.]
- (i) for fees for registration of births and deaths;
 (j) for fees for and other expenses of vaccination incurred with the authority and approval of the Minister;
- [1864,
 ss. 3, 4;
 1865 (Met.),
 s. 3; 1867,
 s. 69 (9);
 1871 (Diss.),
 s. 10.]
- (k) for the relief of casual poor persons certified by the auditor, including the cost and expenses of providing such wards or other places of reception for such persons as the Minister under this Act may direct. 15
- 200.**—(1) If a board of guardians or an asylum board, during any half year ending on the thirtieth day of September or the thirty-first day of March, have refused or neglected to comply with any order of the Minister— 20
- (a) directing the alteration or enlarging of a workhouse or asylum; or 25
- (b) directing the provision of proper drainage, ventilation, fixtures, furniture, surgical and medical appliances; or
- (c) directing the appointment of any officer; or 30
- (d) prescribing the maximum number of poor persons to be maintained in any workhouse or asylum, or the classification of such persons; 35

the board shall be deemed to be in default, and the Minister may, if he thinks fit, omit from his order for such half year addressed to the receiver the sums which the board of guardians, or the boards of guardians of the several poor law unions comprised in the asylum district, would, if there had been no such default, have been entitled to be repaid out of the common poor fund under paragraph (c) of the last foregoing section: 40

Provided that if the board comply with the order before the termination of the next ensuing half year, the Minister may include in his order for that half year the sums so omitted from his orders for the previous 5 half year. A.D. 1926. —

(2) If a board of guardians, after being required by the Minister to provide a dispensary, neglect or refuse to comply with the requisition, no repayment shall be made from the common poor fund to that board in respect of any medicine or medical or surgical appliances supplied by them to poor persons or in respect of the salaries of the medical officers of the poor law union until the board provide a dispensary in conformity with the requisition. [1869, s. 14.]

15 **201.** Nothing in this Part of this Act shall prevent any board of guardians from obtaining a removal order or an order of maintenance in respect of any person by reason of his costs and expenses being repaid out of the common poor fund. Saving for orders of removal and maintenance. [1867, s. 82.]

20 **202.** After each half-yearly audit the district auditor shall, within such time and in such manner as the Minister directs, certify to the Minister the amount actually expended by each poor law union in respect of expenses which are to be repaid out of the common poor fund, and the Minister shall, by order direct the receiver to repay out of that fund to the boards of guardians the several sums so expended, and the amount repaid shall be applied by them in aid of the fund out of which the expenses of the relief of the poor are payable. Mode of repayment out of fund. [1867, s. 70.]

30 **SPECIAL PROVISIONS AS RESPECTS METROPOLITAN SCHOOL DISTRICTS.**

203. All the provisions of this Part of this Act with respect to the assessment of, calling for, and recovery of contributions from poor law unions to an asylum board shall apply to contributions from poor law unions to boards of management of school districts. Contribution to expenses of school districts. [1867, ss. 48, 56.]

204. The Minister may nominate to be members of a board of management of a school district such persons as he may think fit from among justices of the peace Addition of nominated members to district board.

A.D. 1926. resident in the school district, or from among ratepayers
 — assessed to the general rate therein on a rateable value of
 [1867, s. 49; not less than forty pounds, or partly from one and partly
 1868, s. 9.] from the other, but so that the number of members so
 nominated shall not exceed one-third of the full number 5
 of the elective members of the board.

ACQUISITION OF LAND.

Acquisition of land, &c. [1867, ss. 16 and 51; 1897, s. 2.] **205.**—(1) The provisions of Part V. of this Act relative to the acquisition of sites or buildings for work- 10
 houses shall extend to lands and buildings which in the opinion of the Minister are required to be purchased, hired or otherwise acquired for any of the purposes of this Part of this Act, and shall have effect as if an asylum board were a board of guardians, and as if an asylum or dispensary were a workhouse. 15

[1867, ss. 51, 52 and 53; 1868, s. 35.] (2) For the purpose of enlarging any workhouse, hospital, or district school existing on the twenty-ninth day of March, eighteen hundred and sixty-seven, a board of guardians, board of management of a school district or an asylum board may, by order of the Minister, acquire 20
 land compulsorily, and for that purpose the provisions of the Lands Clauses Acts relating to the purchase of land otherwise than by agreement, as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, are hereby incorporated with this Part of this Act, with these 25
 modifications, namely, that in those Acts the expression “the promoters of the undertaking” shall mean the board desirous of purchasing lands, and the expression “lands” shall include any interest in, or easement or other right over or affecting, land : 30

[1867, s. 54.] Provided that before the Minister makes any such order the board applying for the order shall publish once at least in each of four consecutive weeks in a daily morning newspaper published in London an advertisement stating the object for which the land is proposed 35
 to be taken, the quantity of land required, and the place where a plan of the land is open for inspection at reasonable hours, and shall four weeks before the application to the Minister serve notices on the owners or reputed owners, lessees or reputed lessees, and occupiers of the 40

land, stating the particulars thereof, and that the board are willing to treat for purchase thereof. A.D. 1926.

(3) For the purpose of the purchase of land adjacent to an asylum provided by the Metropolitan Asylum Board, sections one hundred and seventy-six and two hundred and ninety-six to two hundred and ninety-eight of the Public Health Act, 1875, shall apply as if they were herein re-enacted and in terms made applicable to the Metropolitan Asylum Board and to the purposes of this section. [1889, s. 5.]

10

GENERAL.

206. An order of the Minister under this Part of this Act shall not be deemed a general rule within the operation of this Act, although addressed to more than one poor law union. Orders of Minister. [1867, s. 4.]

207.—(1) The Inner Temple, the Middle Temple and Gray's Inn shall not be added to a parish or poor law union so long as the masters of the bench thereof make payments, as regards the Inner Temple and the Middle Temple to the board of guardians of the City of London Poor Law Union, and as regards Gray's Inn to the board of guardians of the Holborn Union, of such sums as may be called for by those boards respectively as contributions in aid of the funds of those unions upon a precept framed according to the form set forth in the Ninth Schedule to this Act or in a form to the like effect, which sum, together with the costs of collection, shall, when the masters of the bench of the Inn think proper, be paid out of a rate in the nature of the general rate to be made and levied in like manner as the general rate in a parish. Prohibition against inclusion of Inns of Court in parish or union [1876, s. 43.]

(2) Such contribution shall be based upon the rateable value of the Inn as settled by the valuation list in force for the time being, or as otherwise settled by the Minister for its contribution to the common poor fund, and shall be calculated and issued in every respect as if the Inn were a parish comprised in the appropriate union, so however that the contribution shall not include any sum, whether for principal or interest, in respect of the repayment of moneys borrowed by the board of guardians:

(171)

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A.D. 1926. — Provided that the contribution of the respective poor law unions towards the common poor fund shall be calculated upon the rateable value of those unions increased by the rateable value of the Inn or Inns contributing thereto as aforesaid. 5

Compensation of officers. [1869, s. 18.] **208.**—(1) Any compensation payable to any officer who is deprived of his office or whose salary or emoluments are diminished by reason of a poor law union, school district or asylum district being dissolved or of a poor law union being altered, or of a parish being added to or taken from a poor law union, shall be paid by the board of guardians of such one of the unions affected by the dissolution or alteration as the Minister may by order direct. 10

[1869, s. 19.] (2) In computing the time of service of any officer of a poor law union who is deprived of his office by reason of a union being dissolved or altered, any period during which the officer has been in the service of the council of any metropolitan borough comprising the union or any part thereof, or the predecessors of that council, shall, with the consent of the council, be included. 20

Provision of ships for training boys for sea service. [1869, s. 11.] **209.** A board of guardians and a board of management of a school district or an asylum board may, with the consent of the Minister, purchase, hire, or otherwise acquire and fit up and furnish one or more ships to be used for the training of boys for the sea service, and every such ship shall be deemed to be a school or asylum, as the case may be, within the meaning of this Act. 25

Appointment of officers on failure of managers, &c. [1867, s. 80.] **210.** If at any time an asylum board, or a dispensary committee, or a board of guardians, fail for fourteen days after receipt of a requisition of the Minister in that behalf to appoint (either originally or on a vacancy) any officer whom they are by law required or authorised to appoint, then, at any time after the expiration of that period, the Minister may by order appoint a fit person to be such officer, and the person so appointed shall have and perform the same powers, rights, privileges, and duties as if the appointment had been duly made by the asylum board, dispensary committee or board of guardians, as the case may be. 30 35 40

PART VII.

A.D. 1926.

CENTRAL ADMINISTRATION.

General.

5 **211.**—(1) For executing the powers given to him by this Act the Minister shall make such rules, orders and regulations as he may think fit for—

Power of Minister to make rules, &c. [1834, ss. 15 and 38.]

(a) the management of the poor;

(b) the government of workhouses and the education of children therein;

10 (c) the apprenticing of children of poor persons;

(d) the guidance and control of boards of guardians and their officers so far as relates to the management or relief of the poor and subject to the provisions of this Act prescribing their duties;

15 (e) the making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor;

20 (f) the keeping, examining, auditing and allowing of accounts; and

(g) any purposes for which rules, orders and regulations may be made under this Act and generally the carrying of this Act into execution in all other respects.

25 (2) All rules, orders and regulations made by the Minister under this Act shall have effect as if enacted in this Act, subject however to the power of the Minister to suspend, alter or rescind any such rule, order or regulation. [1834, s. 42.]

30 **212.**—(1) Except where otherwise provided by this Act, all powers given by this Act, and all powers given by every other Act of Parliament, whether public general or local, relating to—

Control of Minister over exercise of powers. [1834, s. 21.]

35 (a) the building, altering or enlarging of workhouses;

(b) the acquisition and disposal of workhouses and the sites thereof;

40 (c) the preparation of houses for the reception of poor persons, and the dieting, clothing, employment and government of such persons;

A.D. 1926.

(d) the raising and borrowing of money for any of the purposes aforesaid and the repayment thereof;

and all other powers of regulating and conducting work-houses and of the government, care, and employment of 5 poor persons therein, and all powers auxiliary to any of the powers aforesaid or in any way relating to the relief of the poor, shall be exercised by the persons authorised by law to exercise the same, under the control and subject to the rules, orders and regulations of the 10 Minister.

[1835, s. 3.]

(2) The Minister may direct the mode in which any money required for the purchase of any property by a board of guardians is to be raised, paid and secured, and the objects to which rents, profits or income of any 15 property acquired by a board of guardians are to be applied.

[1837, s. 4.]

(3) The Minister may give directions as to the forms of conveyance and instruments by way of sale exchange, assignment, security or transfer under the 20 authority of this Act.

Power to refer disputes to Minister. [1851 (Am.), s. 12.]

213. Boards of guardians between whom any question affecting the settlement, removal or chargeability of any person arises, may by agreement under their common seals submit the question to the Minister for his 25 decision, and the Minister may, if he sees fit, by order determine the question, and every such order shall in all courts and for all purposes be final and conclusive between the boards by whom the question was submitted.

General rules. [1847 (P.L.B.), ss. 15, 17; 1868, s. 1.]

214.—(1) Save as otherwise expressly provided in 30 this Act, every rule, order or regulation made by the Minister under this Act which is directed to and affects more than one poor law union (other than an order for the formation of two or more poor law unions into a district) shall be deemed a general rule, and every rule, 35 order or regulation made to vary or rescind a general rule shall also be deemed a general rule, notwithstanding that it affects one poor law union only.

(2) The Minister shall cause a copy of every general rule to be laid before both Houses of Parliament as soon 40 as may be after its publication.

(3) His Majesty may, by Order in Council, disallow any such general rule, or any part thereof, and thereupon the rule, so far as it has been so disallowed, shall cease to have effect, but without prejudice to the validity of
5 anything previously done thereunder.

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215.—(1) A copy of every rule, order or regulation made by the Minister under this Act shall, before it comes into operation in any poor law union, be sent by the Minister to the board of guardians of the union
10 or their clerk, and no such rule, order or regulation (except as otherwise expressly provided by this Act) shall come into operation until the expiration of fourteen days after a copy thereof has been so sent :

Date for rules, &c., coming into operation. [1834, ss. 18 and 20.; 1882 (D.P.), s. 14; 1875, Sch. V.]

Provided that every general rule made by the
15 Minister under this Act shall be published in the London Gazette, and, when so published, shall take effect in like manner and have the same force and validity as if a copy thereof had on the date of publication been sent in manner hereinbefore provided.

20 (2) The board of guardians or their clerk shall preserve and publish all such rules, orders and regulations in such manner as the Minister directs, and shall allow any owner of property or his agent, and any ratepayer, in the poor law union to inspect the
25 same at all reasonable times, free of charge, and shall furnish copies of the same, at the rate of threepence for every folio of seventy-two words, and shall allow copies thereof or extracts therefrom to be taken at the rate of three-halfpence for every such folio.

30 (3) If any guardian or a clerk to a board of guardians to whom such rules, orders or regulations, or copies thereof, are sent as aforesaid neglects to preserve or publish the same as directed by the Minister, or refuses to allow such inspection or to furnish or allow
35 copies or extracts to be taken as aforesaid, he shall for every such offence be liable to forfeit a sum not exceeding ten pounds.

(4) If any general rule after it has come into operation is disallowed in manner hereinbefore mentioned, or
40 if any rule, order or regulation is revoked by the Minister, the Minister shall send to the board of guardians of

A.D. 1926. — every poor law union affected by the rule, order or regulation, or to their clerk, notice of the disallowance or revocation and the provisions of this section as to the preservation, publication and inspection of rules, orders and regulations, and the furnishing and taking of copies 5 and extracts, shall apply to such notice as aforesaid in like manner as they apply to the original rule, order or regulation.

Power to act on orders immediately. [1849 (Am.), s. 12.] **216.** Nothing in this Act shall be taken to invalidate any act or proceeding done or taken in conformity with any rule, order or regulation of the Minister by the person to whom it is addressed although the period of fourteen days has not elapsed from the date when the copy of the rule, order or regulation was sent, or, in the case of a general rule, was published in the London 15 Gazette.

Evidence of transmission of rules, &c. [1844, s. 72.] **217.**—(1) It shall not be necessary in any civil or criminal proceeding to prove the sending of any rule, order or regulation in accordance with the provisions of this Act, except to the clerk to the board of guardians 20 of the poor law union within which the rule, order or regulation is intended to have effect.

(2) It shall in no case be necessary to prove such sending unless reasonable notice in writing is given, by the party requiring such proof to the party upon 25 whom such proof would lie, that such proof will be required.

(3) Whenever it is proved to the satisfaction of a court that a rule, order or regulation was sent, and that the party who has given such notice was cognizant 30 thereof, the court shall order the reasonable expenses of the witnesses called to prove the same to be paid by that party.

Penalty on persons disobeying rules, &c. [1834, s. 98.] **218.**—(1) If any person wilfully neglects or disobeys any rule, order or regulation made by the 35 Minister under this Act, he shall be liable, for the first offence to forfeit a sum not exceeding five pounds, and for a second offence to forfeit a sum not exceeding twenty pounds nor less than five pounds.

(2) In the event of a person being convicted a third 40 time, such third and every subsequent offence shall be

deemed a misdemeanour, and he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years and to a fine of not less than twenty pounds. A.D. 1926. —

5 **219.**—(1) No rule, order or regulation made by the Minister under this Act shall be removable by writ of certiorari into any court except the High Court. Appeals against rules, &c., [1834,

10 (2) Before an application is made for a writ of certiorari to remove into the High Court any rule, order or regulation made by the Minister, notice of the intended application shall be given to the Minister at least ten days previously setting forth the name and description of the applicant, the date on which it is intended to make the application, and the grounds of the application, and the Minister may at the time when the application is made appear to show cause why the application should not be granted and in such case the Court may, if it thinks fit, forthwith proceed to hear and determine the application upon the grounds set forth in the notice. ss. 105 and 106.]

(3) No writ of certiorari shall be granted under this section unless the writ is applied for— [1849 (Am.), s. 13.]

25 (a) in the case of a general rule, within twelve months after the date of the publication of the rule in the London Gazette; and

(b) in the case of any other rule, order or regulation, within twelve months after the date when copies have been sent in manner provided by this Act.

30 (4) If on a rule, order or regulation being removed into the High Court by writ of certiorari it is quashed as illegal, the Minister shall forthwith notify the judgment of the court to all boards of guardians to whom it was directed, and the rule order or regulation shall from the date of the receipt of the notice be void, without prejudice, however, to the validity or legality of anything previously done thereunder; but until the receipt of such notice a rule order or regulation which has been removed into the High Court shall continue of full force and effect. [1834, ss. 105 and 108.]

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Inspectors and Inquiries.

Appoint-
ment of
inspectors.
[1847
(P.L.B.),
s. 19.]

220.—(1) The Minister shall, subject to the consent of the Treasury as to number, by order appoint inspectors for the purpose of assisting in the execution of this Act, and may assign to the inspectors such duties as the Minister may think fit, and the Minister may remove any such inspector. 5

(2) There shall be paid to every such inspector such salary as the Treasury may determine.

Duties of
inspectors.
[1847
(P.L.B.),
s. 20.]

221. An inspector appointed under this Act shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief is lodged, and to attend any meeting of a board of guardians and any parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at the meeting. 10 15

Power to
hold in-
quiries.
[1847
(P.L.B.),
ss. 11, 21.]

222.—(1) The Minister may cause such inquiries to be held and require such returns to be made as the Minister may consider necessary or desirable for the purposes of this Act. 20

(2) The Minister and any inspector appointed under this Act may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and shall have power to take evidence on oath and for that purpose to administer oaths, or may, instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined : 25 30

Provided that—

(a) no person shall be required, in obedience to such a summons, to go more than ten miles from his place of abode; and

(b) nothing in this section shall empower the Minister or any inspector to require the production of the title, or of any instrument relating to the title, of any land or any interest therein not being the property of any poor law union or parish. 35 40

(3) The Minister may, with the consent of the Treasury, appoint a person to act, for a period not exceeding thirty days, as an inspector for the purpose of conducting any special inquiry, and the Minister may delegate to any person so appointed such of his powers as he may deem necessary or expedient for summoning witnesses and conducting such inquiry.

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[1847
(P.L.B.),
s. 22.]

(4) Every person who refuses or wilfully neglects to attend in obedience to any summons of the Minister or of any inspector, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any books or other documents which he may be required to produce for the purposes of this Act shall be guilty of a misdemeanour.

[1847
(P.L.B.),
s. 26.]

(5) The Minister in any case where he thinks fit may order such expenses of a witness attending in pursuance of a summons under this section as he deems reasonable to be paid—

[1834, s. 14;
1847
(P.L.B.),
s. 21.]

(a) where a poor law union or any parish appears to him to be interested, by the board of guardians of that union or of the union in which the parish is comprised, and in the latter case may direct the expenses to be charged either to the common fund of the union or to the account of the parish; and

(b) in any other case, as part of the expenses of the Minister in the execution of this Act:

Provided that the Minister shall not order the expenses of a witness travelling more than ten miles from the union or parish so interested to be paid by the board of guardians.

(6) If a person is charged with any misconduct in any matter relating to the administration of the laws relating to the relief of the poor and a special inquiry into the charge is held, the person bringing the charge and the person charged shall be entitled to appear at the inquiry by counsel or solicitor, but this provision shall not be construed as affecting the powers of the person holding any inquiry under this Act (whether a special inquiry or not) to allow any person appearing at the inquiry to be represented by counsel or solicitor.

[1842, s. 2.]

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PART VIII.

GENERAL.

Legal Proceedings.

Power of
officers to
take and
conduct
proceedings.
[1844, s. 68.]
6 & 7 Vict.
c. 73.

223. Notwithstanding anything contained in the Solicitors Act, 1843, any officer of a board of guardians, 5
or of a board of management of a school district may, if duly empowered by the board, make or resist any application, claim or complaint, or take and conduct any proceedings on behalf of the board, before any court of summary jurisdiction, although he is not a 10
certificated solicitor.

Provision as
to evidence.
[1844, s. 69 ;
1848 (Am.),
s. 11.]

224.—(1) Any board of guardians and any board of management of a school district may at any meeting thereof make a certificate of chargeability in the form 15
set out in the Tenth Schedule to this Act, or in a form to the like effect, and every such certificate purporting to be signed by the chairman presiding at the meeting and to be sealed with the common seal of the board and to be countersigned by the clerk of the board shall, unless the contrary is shown, be sufficient 20
evidence of the truth of all the statements contained in the certificate, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and all justices and for all purposes, without proof of the signatures or 25
of the official characters of the persons signing it, or of the seal, and no further evidence of chargeability than the certificate shall be required.

[1894 (L.G.)
s. 59 ; 1844,
s. 69.]

(2) Any minute made of proceedings at a meeting of a board of guardians or board of management of a 30
school district, and copies of any orders made or resolutions passed at such a meeting, if purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next 35
ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to 40
have been duly transacted.

225.—(1) It shall not be lawful for any guardian or officer of a board of guardians or other person concerned with the relief of the poor, in his own name or in the name of any other person, for his own profit, to supply any goods or materials for the use of any workhouse or otherwise for the purpose of the relief of the poor in any place for which he acts as such guardian, officer or otherwise, or to be concerned directly or indirectly in supplying any such goods or materials or in any contract relating thereto.

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—
Penalties on guardians and officers furnishing goods, &c. for relief of poor. [1815, s. 6; 1834, ss. 51 and 77.]

(2) If any person supplies or is concerned in supplying any such goods or materials, or is concerned in any such contract in contravention of the provisions of this section, he shall be liable to forfeit the sum of one hundred pounds recoverable by action in the High Court to the person suing therefor.

(3) If any person holding an office concerned with the relief of the poor supplies any goods or materials in contravention of this section, he shall be liable for each offence to forfeit the sum of five pounds recoverable in manner in which forfeitures under this Act are recoverable, and one half thereof shall be paid to the informer and one half to the board of guardians.

(4) This section shall extend to members and officers of an asylum board in like manner as to guardians and officers of boards of guardians.

[1867, s. 14.]

226. If any officer of a board of guardians wilfully disobeys any legal and reasonable orders given for carrying into execution the rules, orders and regulations made by the Minister under this Act, or the provisions of this Act, he shall be liable to forfeit a sum not exceeding five pounds.

Penalty for disobedience to orders. [1834, s. 95.]

227. If any officer of, or other person employed by or under the authority of, a board of guardians, steals, embezzles, or wilfully wastes or misapplies any money or goods belonging to the board, he shall, in addition to any penalties to which he may be liable independently of this Act, be liable for every such offence, to forfeit a sum not exceeding twenty pounds, and also treble the amount or value of the money or goods.

Penalty on officers, &c. stealing, &c. goods. [1834, s. 97.]

A.D. 1926. **228.** Any officer of a board of guardians who wilfully authorises or makes an illegal or fraudulent payment, or unlawfully makes any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended by him, or disallowed or surcharged by a district auditor, shall be liable for every such offence to forfeit a sum not exceeding twenty pounds, and also treble the amount of such payment or of the sum so entered in his accounts.

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Fraudulent
payments
by officers.
[1844, s. 32.]

Penalty on
officers un-
lawfully
procuring
removals.
[1846, s. 6;
1851 (Am.),
s. 11.]

229.—(1) If any officer of a board of guardians with the intent to cause any person to become chargeable to any poor law union to which that person was not then chargeable—

- (a) conveys that person out of the poor law union for or within which the officer acts, or causes or procures any such person to be so conveyed; or
- (b) gives directly or indirectly any money, relief or assistance, or affords or procures to be afforded any facility, for such conveyance; or
- (c) makes any offer or promise or uses any threat to induce any such person to depart from the poor law union;

and in consequence of such conveyance or departure any person becomes chargeable to a poor law union to which he was not then chargeable, the officer shall be liable to forfeit a sum not exceeding five pounds to be paid to the board of guardians aggrieved.

(2) Proceedings under this section may be taken before a court of summary jurisdiction having jurisdiction either within the poor law union from which, or within the poor law union to which, the person was conveyed or departed.

Penalty on
taking in
pawn, &c.
goods pro-
vided for
relief of
poor.
[1815, s. 2.]

230.—(1) If any person—

- (a) knowingly takes in pawn, buys, exchanges or receives any goods provided for the use of, or for the purpose of being worked up by, the poor in any workhouse, or given to any poor persons, or any goods or furniture of a workhouse; or

- (b) causes any mark marked, stamped or branded in accordance with this Act or any enactment repealed by this Act on any goods belonging to a board of guardians to be obliterated or defaced;

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he shall for each offence be liable on summary conviction to a fine not exceeding five pounds, one half of which shall be paid to the informer, and the other half to the board of guardians, and for the purpose of this subsection the court may consist of a single justice.

- (2) If any person deserts or runs away from a workhouse or asylum and carries away with him any such goods as aforesaid, he shall on summary conviction be liable to imprisonment for a term not exceeding three months.

[1844, s. 58;
1850, s. 8;
1867, s. 23.]

231.—(1) If any poor person in receipt of relief—

Penalties
for abscond-
ing, &c.
[1871 (Dis.),
s. 7.]

- (a) absconds or escapes from or leaves any casual ward before he is entitled to discharge himself therefrom; or
- (b) refuses to be removed from a casual ward to any workhouse or asylum under the provisions of this Act; or
- (c) absconds or escapes from or leaves any workhouse or asylum during the period for which he may be detained therein; or
- (d) refuses or neglects, whilst an inmate of any casual ward, workhouse or asylum, to do the work or observe the regulations prescribed;

he shall be deemed an idle and disorderly person within the meaning of section three of the Vagrancy Act, 1824.

(2) If any poor person in receipt of relief—

- (a) commits any of the offences before mentioned after having been previously convicted as an idle and disorderly person; or
- (b) wilfully destroys or injures his own clothes or damages any of the property of the board of guardians or asylum board,

he shall be deemed a rogue and vagabond within the meaning of section four of the said Act.

[1867, s. 23.]

A.D. 1926. — (3) Any officer of a workhouse or asylum, or any constable, may without warrant apprehend any such person who has absconded or escaped from or left the workhouse or asylum, and take him before a justice of the peace, and upon the order of the justice take him 5 back to the workhouse or asylum.

(4) Where any casual poor person is taken before a justice of the peace and charged with any offence under this section, the justice may, if he thinks fit, grant a certificate to the person who has preferred the charge 10 for the amount of the expenses incurred by him in relation thereto, and such certificate shall have the same effect, and the amount mentioned therein shall be paid and recovered in like manner, as in the case of a certificate granted by a court of summary jurisdiction under 15 section twenty-eight of the Summary Jurisdiction Act, 1879.

42 & 43 Vict. c. 49.

Penalties on misbehaviour. [1815, s. 5; 1844, ss. 54 & 58; 1867, s. 23.] **232.**—(1) If any inmate of a workhouse or asylum is guilty of drunkenness or other misbehaviour, he shall, on summary conviction, be liable to be imprisoned in the 20 case of a first offence for a term not exceeding twenty-one days, and in the case of a second or subsequent offence for a term not exceeding forty-two days.

(2) A court of summary jurisdiction for the purposes of this section may consist of a single justice. 25

Assaults on officers. [1850, s. 9; 1851 (Am.), s. 18.] **233.** If any person shall be convicted of any assault upon an officer appointed under this Act in the execution of his duty, or upon any person acting in aid of such officer, he shall be liable, on conviction on indictment, to be imprisoned for any term not exceeding two years. 30

Power to arrest disorderly inmates. [1871 (Dis.), s. 8.] **234.** The master or porter of a workhouse, or the officer having charge of a casual ward, may arrest without warrant any inmate of the workhouse or ward charged with any offence therein punishable on summary conviction, and take him before a justice 35 having jurisdiction in the place where the workhouse or ward is situated, and shall for the purposes of this section have all the powers and authority of a constable.

Power of guardians to pay costs **235.**—(1) A board of guardians or a board of management of a school district or an asylum board 40

may pay the reasonable costs of the apprehension and prosecution of any person who is charged— A.D. 1926.

of certain proceedings. [1844, s. 59; 1865 (U.C.), s. 9; 1866 (Am.), s. 15; 1867, s. 23.]

- 5 (a) with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable; or
- (b) with wilfully neglecting or disobeying the rules, orders and regulations of the Minister; or
- 10 (c) with any offence or misbehaviour in a workhouse or asylum; or
- (d) with absconding or escaping from or leaving a workhouse or asylum; or
- (e) with refusing or wilfully neglecting to perform a prescribed task of work; or
- 15 (f) with neglect or disobedience of the reasonable and lawful orders given for the purposes of the administration of the laws relating to the relief of the poor; or
- 20 (g) with obstructing or assaulting any officer engaged in the administration of the laws for the relief of the poor; or
- 25 (h) with fraudulently obtaining, stealing, embezzling, wasting, injuring, or wilfully misapplying any property applicable to or connected with the relief of the poor; or
- (i) with any offence directly affecting the administration of the laws for the relief of the poor,

and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any person.

(2) Subject to the approval of the Minister, every such board shall pay the costs (so far as not recovered from any other source) of all legal proceedings taken by any person whom the board have authorised or directed to institute legal proceedings, and, in the case of a board of management of a school district or an asylum board, may, having regard to the circumstances of the case and subject to the approval of the Minister, charge such expenses either to the common fund of the district or

A.D. 1926. on any one or more of the poor law unions comprised therein.

- Recovery of penalties and forfeitures.
- 236.** Where under this Act any forfeiture is imposed, or any sum is made recoverable in the manner in which forfeitures under this Act are recoverable, the following provisions shall apply:—
- [1834, s. 101.] (1) The Minister or a secretary of the Ministry of Health, or any justice to whom complaint is made in writing, may summon the person complained against to appear before a court of summary jurisdiction: 10
- [1834, s. 90.] (2) The leaving of any such summons at the usual or last-known place of abode of the person to whom the summons is directed shall be deemed to be a good and sufficient service of the summons: 15
- [1834, s. 101.] (3) On any such summons the court may hear and determine the matter of complaint, and on proof of the offence, convict the defendant and adjudge him to pay the forfeiture incurred: 20
- [1849 (Am.), s. 10.] (4) Where a judgment is given against a defendant, the court shall order the defendant to pay the costs: 20
- [1834, s. 99.] (5) Any forfeiture so adjudged to be paid, together with any costs awarded against the defendant, may be levied by distress and sale of the goods of the defendant under a warrant signed by any two justices constituting the court or any two justices of the same jurisdiction, and the surplus (if any) after deducting the forfeiture and the costs, including the costs of distress, shall be returned upon demand to the owner of the goods: 30
- (6) If the forfeiture is not paid forthwith after conviction, it shall be lawful for such justices as aforesaid to order the defendant to be detained in custody until the return of the warrant of distress, unless the defendant gives security, by recognizance or otherwise, to the satisfaction of the justices, for his appearance on the day appointed for the return of the warrant, not being more than seven days from the taking of the security: 40

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- (7) If on the return of the warrant of distress it appears that no sufficient distress can be had thereon, any such justices as aforesaid may, by warrant under their hands, cause the defendant to be committed to prison for a term not exceeding three months, unless the forfeiture and all reasonable costs have before the expiration of the time been paid :
- (8) Except where otherwise expressly provided by this Act, all forfeitures so levied as aforesaid shall be paid to the board of guardians of the poor law union where the offence was committed :
- (9) Without prejudice to any other right of appeal, any person aggrieved by an order or conviction under this section shall, if the sum awarded by way of forfeiture exceeds five pounds, be entitled to appeal to a court of quarter sessions to be held for the county or place in which the order was made or conviction took place, within four months after the cause of complaint arose, or if the court is held before the expiration of one month after the cause of complaint arose, to the next following quarter sessions.
- 25 **237.** Where a poor law union extends into several distinct jurisdictions, every matter, act, charge or complaint by which the board of guardians thereof are affected, or in which they have any interest, shall for the purpose of jurisdiction be deemed to arise or exist equally throughout the union.

Jurisdiction
of justices
in unions.
[1867 (Am.),
s. 27.]

Unions under Local Acts.

- 238.**—(1) This Act shall apply to any poor law union constituted under any local Act and the board of guardians thereof, subject to the following provisions :
- (a) Where the board are elected for districts (whether called by that name or not) the provisions of Part I. of this Act with respect to the election of guardians shall apply as if each of the districts were a parish :

Application
to unions
under local
Acts.
[1894 (L.G.),
s. 60 (4), (6).]

40 Provided that nothing in Part I. of this Act shall alter the constitution of the corporation of

- A.D. 1926. — the guardians of the poor within the City of Oxford, or shall extend to the election or qualification of members thereof, except such of those members as are elected by local government electors : 5
- [1844, s. 64 ; 1894 (L.G.), s. 60 (4).] (b) The board of guardians of every such union shall hold a meeting at least once in every fortnight, and in all matters concerning the relief of the poor shall act as a board at a meeting, and not individually : 10
- [1844, s. 42.] (c) The chairman of the board of guardians shall not ex officio be a member of the board of management of any school district in which the poor law union may be comprised : 10
- [1834, s. 27.] (d) Section seventy-three of this Act shall not apply : 15
- [1834, ss. 22 & 42.] (e) No rules, orders or regulations shall be made under the local Act until they have been submitted to and approved and confirmed by the Minister, and the Minister shall have power to alter or rescind any rules, orders or regulations made under a local Act : 20
- [1844, s. 64 ; 1867 (Met.), s. 78.] (f) Where the relief of the poor was before the ninth day of August, eighteen hundred and forty-four, administered in any parish not within London by a board of guardians, and the parish according to the last census for the time being contains a population of more than twenty thousand, it shall not be lawful for the Minister without the consent in writing of two-thirds at least of the guardians to declare the parish to be united with any other parish for the purposes of the administration of the relief of the poor. 25
30
- [1865 (U.C.), s. 15.] (2) Subject as aforesaid, this Act shall apply to every poor law union constituted under a local Act and the board of guardians thereof in like manner as to other poor law unions and boards of guardians; and in particular, the provisions of this Act as to the payment of expenses of boards of guardians and the raising of money necessary for that purpose shall apply to every such board. 35
40

239.—(1) The Minister may, on such application as is hereinafter mentioned, after holding an inquiry, by order repeal in whole or in part or alter any local Act relating to the relief of the poor:

A.D. 1926.
—
Power to amend local Acts by provisional order.
[1867 (Am.), s. 2; 1868, s. 3; 1879 (P.L.), s. 9.]

5 Provided that the order shall be provisional only, and shall have no effect unless and until confirmed by Parliament, and the Minister shall take all necessary steps for obtaining confirmation by Parliament of the order.

10 (2) An application for the purposes of this section shall be—

(a) an application, made by the board of guardians to whom the local Act relates, which has been agreed to by a majority at two successive meetings of the guardians, signed by the chairman of the second of those meetings, and forwarded by him to the Minister; or

(b) an application by any managers, commissioners or other persons having powers and duties under the local Act.

General.

240. Where the consent of a majority of the guardians of a poor law union or of the managers of a school district is required, it shall be deemed a sufficient compliance with the requirement if a resolution giving consent is passed at a meeting of the board of guardians or board of management, of which meeting, and of the business to be transacted thereat, not less than fourteen days' notice has been given to each guardian or manager.

Mode of giving consents.
[1882 (D.P.), s. 12.]

241.—(1) Any contract entered into by or on behalf of any board of guardians, being a contract relating to the relief of the poor, or for any other purpose relating to or connected with the general management of the poor, which is not made and entered into in conformity with the rules, orders or regulations made by the Minister in force at the time the contract was entered into, or otherwise sanctioned by the Minister, shall be voidable, or, if the Minister so directs, shall be void.

Invalidity of contracts not conformable to rules of Minister.
[1834, s. 49.]

(2) All payments made in pursuance of any contract after the Minister has declared the contract to be void,

A.D. 1926. shall be disallowed in the accounts of the board of guardians or officer by whom the payments have been made.

Exemption from stamp duty. [1834, s. 86.] **242.** No mortgage, bond, instrument or any assignment thereof, given by way of security in pursuance of the rules, orders or regulations made by the Minister, and conformable thereto, nor any contract or agreement made or entered into in pursuance of such rules, orders or regulations, and conformable thereto, nor any other instrument made in pursuance of this Act, shall be charged or chargeable with any stamp duty.

Saving for certain temporary Acts. **243.** Nothing in this Act shall affect the operation of the Local Government (Emergency Provisions) Act, 1916, or of the Local Authorities (Financial Provisions) Act, 1921, or the Acts amending and extending that Act; and those Acts, so long as they continue in force, shall have effect as if for references therein to any enactment repealed by this Act there were substituted a reference to the corresponding provision of this Act.

Interpretation. **244.**—(1) In this Act, unless the context otherwise requires—

- the expression “burial ground” includes a churchyard and any public burial ground or cemetery some part of which is consecrated;
- [1871 (Dis.), s. 3.] the expression “casual poor person” means any destitute wayfarer or wanderer applying for or receiving relief;
- [1871 (Dis.), s. 3.] the expression “casual ward” means any ward, building or premises set apart or provided for the reception and relief of casual poor persons;
- the expression “certified school” means a school certified under this Act or any Act repealed by this Act;
- [1894(L.G.), s. 30.] the expression “county” includes a county borough, and the expression “county council” includes a county borough council;
- the expression “general rate” in relation to a borough or urban district includes, until a general rate is levied in the district, the poor rate or other rate with which the poor rate has been consolidated;

- the expression "licensed minister" or "minister" means and includes every person in holy orders, and every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law; A.D. 1926. [1844, s. 71.]
- 5
- the expression "London" means the administrative county of London;
- the expression "local Act" includes a personal Act and any provisional order confirmed by an Act and the Act confirming the order; [1894 (L.G.), s. 75.]
- 10
- the expression "lying-in hospital" means a hospital, house or place which was licensed in accordance with the provisions of the Lying-in Hospitals Act, 1773, or which would but for the provisions of the Midwives and Maternity Homes Act, 1926, have been required to be so licensed;
- 15
- the expression "net annual value" in relation to London, and elsewhere until the first new valuation list under the Rating and Valuation Act, 1925, comes into force, means rateable value;
- 20
- the expression "officer" includes any clergyman, schoolmaster, duly qualified medical practitioner, treasurer, master or matron of a workhouse, or any other person who shall be employed in any poor law union in carrying this Act into execution; [1834, s. 109.]
- 25
- the expression "poor person" includes any poor or indigent person applying for or receiving relief; [1834, s. 109.]
- 30
- the expression "United Kingdom" means Great Britain and Northern Ireland;
- the expression "workhouse" includes any house in which poor persons are lodged and maintained, or any house or building purchased, erected, hired or used by a board of guardians for the reception, employment, classification or relief of poor persons.
- 35

(2) References in this Act to rules, orders and regulations made by the Minister include references to rules, orders and regulations made by the Local Government Board and the predecessors of that Board.

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A.D. 1926.
—
Repeals.

245.—(1) The enactments mentioned in the Eleventh Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule :

Provided that—

- (a) nothing in this repeal shall affect any appointment, appeal, agreement, resolution, certificate, rule, order, or regulation made, notice or relief given, or proceedings taken or instrument issued under any enactment hereby repealed, but any such appointment, appeal, agreement, resolution, certificate, rule, order or regulation, notice, relief, proceedings or instrument shall have effect as if made, given, taken or issued under the corresponding provision of this Act and may be amended, varied, repealed, revoked, or enforced accordingly ; 5 10 15
- (b) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act ; 20
- (c) nothing in this repeal shall affect any election of a guardian or appointment of any officer made under or by virtue of any enactment so repealed, but any such guardian or officer shall continue in office and shall be deemed to have been elected or appointed under this Act. 25

(2) Where by virtue of section twenty-six of the Poor Law Act, 1834, any workhouse belonging to a parish has become a workhouse for the common use of the poor law union in which the parish is comprised, and by virtue of any order made in respect thereof any compensation, whether by way of rent or otherwise, is at the commencement of this Act payable to the parish, the compensation shall continue payable but shall be liable to variation by order of the Minister notwithstanding any such repeal as aforesaid. 30 35

(3) Any workhouse or other establishment provided under any enactment repealed by this Act shall for the purposes of this Act be treated as a workhouse or establishment provided under this Act. 40

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. A.D. 1926. —

5 **246.**—(1) This Act may be cited as the Poor Law Act, 1926. Short title, commencement and extent.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-seven.

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

10

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SCHEDULES.

[1849 (Am.),
s. 19; 1894
(L.G.), s. 59
(1) and (2)].

FIRST SCHEDULE.

RULES AS TO MEETINGS AND PROCEEDINGS OF BOARDS
OF GUARDIANS.

1. Every board of guardians shall from time to time make 5 regulations with respect to the summoning, notice, place, management and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

2. No business shall be transacted at any such meeting 10 unless at least one-third of the full number of members be present thereat:

Provided that in no case shall a larger quorum than seven members be required.

3. The chairman shall preside at all meetings at which he 15 is present.

4. If the chairman and the vice-chairman (if any) are absent from any meeting at the time appointed for holding the same the members present shall appoint one of their number to act as chairman thereat. 20

5. The names of the members present, as well as those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

6. Every question at a meeting shall be decided by a majority of votes of the members present and voting on that 25 question.

7. In case of an equal division of votes the chairman shall have a second or casting vote.

8. The proceedings of a board of guardians shall not be invalidated by any vacancy or vacancies among their members, 30 or by any defect in the election of such board, or in the election or selection or qualification of any members thereof.

9. The annual meeting of a board of guardians shall be held as soon as may be convenient after the fourteenth of April in each year.

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1ST SCH.
—cont.

SECOND SCHEDULE.

5 PROVISIONS APPLICABLE TO BOARDS OF MANAGEMENT OF SCHOOL DISTRICTS AND TO ASYLUM BOARDS. [1842, ss. 8-13; 1867, s. 13.]

1. Any question as to the right of a person to act as a manager may be determined by order of the Minister.

10 2. If any candidate tenders to the presiding chairman at a meeting of the board of guardians for the election of managers, his refusal in writing to serve as a manager, the election as regards that person shall not be proceeded with.

15 3. If at an election by a board of guardians no manager is elected, the managers elected by that board at the previous election may continue to act.

4. The Minister may accept the resignation of any manager for any cause which the Minister may deem reasonable.

20 5. In the event of an omission to elect or a casual vacancy occurring by death, resignation or disqualification, the Minister may order a new election.

6. The proceedings of a board shall not be invalidated by any vacancy or vacancies among the managers, or by any defect in the election of the board, or in the election or qualification of any of the managers.

25 THIRD SCHEDULE.

[1903, 1st Schedule.]

SECTION 62 OF THE LOCAL GOVERNMENT ACT, 1888, AS MODIFIED.

30 62.—(1) Any boards of guardians or other authorities affected by any alteration of areas or authorities under this Act may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses (so far as affected by the alteration) of the parties to the agreement, and the agreement may provide for the transfer or retention of

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3RD SCH.
—cont.

any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Minister. 5

Where any board of guardians or the board of management of a school district or an asylum board are interested, any agreement for the joint use of any property shall be subject to the approval of the Minister. 10

(2) In default of an agreement as to any matter requiring adjustment, such adjustment may be made or determined by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Minister. 15

(3) An arbitrator appointed under this Act shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator may state a special case, and notwithstanding anything in the said Acts, shall determine the amount of the costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily. 20 25

(4) Any award or order made by any arbitrator under this Act may provide for any matter for which an agreement might have provided.

(5) Any sum required to be paid for the purpose of adjustment, or of any award or order made by an arbitrator under this Act, may be paid out of any fund which in pursuance of this Act would be or might be available for defraying the like expenditure or out of such other special fund as the board of guardians or other authority, with the approval of the Minister, may direct. 30 35

(6) Where any board of guardians or the board of management of a school district or an asylum board are interested, the payment of any capital sum by the board shall be a purpose for which they may borrow under this Act, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Minister sanctions. 40

(7) Any capital sum paid to any such board or other authority for the purpose of any adjustment, or in pursuance of any order or award of an arbitrator under this Act, shall be treated as capital, and applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be applied. 45

(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment under this Act that a separate rate should be levied in part only of a rating area or parish, the agreement or award may authorise the levying of
5 a special rate or an additional item of the general rate over the part of the rating area or parish.

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3RD SCH.
—cont.

(9) Any boards of guardians or other authorities shall have power to dispose of any property in the manner provided for by any agreement or award under this Act, without any authority
10 or direction from the Minister, except as expressly provided in this section.

(10) For the purpose of giving effect to any adjustment, the Minister may alter any certificate given by him under the Local Government Act, 1888, as respects the sums payable by
15 county or county borough councils to boards of guardians.

FOURTH SCHEDULE.

PROVISIONS APPLICABLE ON THE DISSOLUTION OF A BOARD OF GUARDIANS OR BOARD OF MANAGEMENT.

1.—(1) Where at the dissolution of the board any stock is
20 standing in the books of any company in the name of the dissolved board, then, upon the request of the successors of the board and the production of a statutory declaration verifying the stock and the identity of the persons making the request, together with a certificate by the Minister verifying the
25 succession, the company shall enter the stock, as occasion requires, in the names of the persons specified in that behalf in the statutory declaration in like manner as if the stock had been transferred to them, and pay to those persons all dividends accrued and to accrue due thereon, and shall do all things
30 necessary for effecting the purposes of this paragraph.

[1904
(Prop.),
s. 2.]

(2) The statutory declaration required for the purposes of this paragraph may be made by the person specified in that behalf in the certificate of the Minister.

2. The successors of the board may make and enforce
35 all necessary contribution orders and precepts in like manner as the board could have done previous to the dissolution.

[1870 (Diss.),
s. 1.]

3.—(1) If at the expiration of the time when the successors
of the board can act there remains unpaid any instalment of a

[1870 (Diss.),
s. 7.]

A.D. 1926. loan contracted under the provisions of any Act by the dis-
 — dissolved board with respect to which no adjustment has been made
 4TH SCH. under this Act, every such instalment, and all interest on the
 —cont. loan, shall be charged against the same parishes and in the
 same proportions as they would have been had no dissolution 5
 taken effect; and the amount so charged on any parish shall,
 as and when it becomes due, be paid by the board of guardians
 of the poor law union or the board of management of the school
 or asylum district in which the parish is included.

(2) The parties to whom any such instalment or interest 10
 may be due shall have in all respects the same remedies for
 the recovery thereof against a board by whom the same is so
 payable as they had against the board who originally con-
 tracted the loan in respect of which the instalment or interest
 is payable. 15

[1870 (Diss.), s. 2.] 4. The successors of the board may retain the services
 of such of their officers as they consider requisite to enable
 them to complete the liquidation and discharge of the debts
 and liabilities, or may appoint others to assist them, at such
 remuneration and for such period as the Minister may approve. 20

[1870 (Diss.), s. 3.] 5. All legal proceedings commenced by or against a board
 of management or board of guardians prior to the dissolution
 of the board, may be continued by or against the successors
 of the board in the name of the board of management or board
 of guardians as the case may be, and any costs incurred by or 25
 adjudged against such successors, and not otherwise recoverable,
 shall be chargeable to the same fund as if the proceedings had
 been determined before the dissolution.

[1870 (Diss.), s. 6.] 6. The accounts of the last acting managers or guardians
 and of their officers shall be audited in like manner for the like 30
 purposes and with the like effect as if the dissolution had not
 taken place.

[1904 (Prop.) s. 3.] 7. The Minister may revoke, extend, or alter any order
 relating to the continuance in office of the successors of the
 board concerned, and may by a general or a particular order 35
 make such provision as he thinks expedient for the regulation
 of the proceedings of any persons so continued in office and for
 the authentication of any documents on their behalf by the
 signatures of any two or more of them, and as to the method
 in which any such persons may transfer any property vested in 40
 them, and otherwise for giving effect to the purposes of this
 Act, and any such order shall have effect as if enacted in this
 Act.

8. For the purposes of this Schedule—

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The expression "company" includes the Bank of England, and any company or person keeping books in which stock is registered;

4TH SCH.
—cont.

5 The expression "stock" includes any share, annuity, or other security.

FIFTH SCHEDULE.

[1792 ss.
1, 2, 9;
1816 (App.)
ss. 9, 10, 13;
1842 (App.)
s. 1.]

10 1. If the master dies during the term of the apprenticeship, the covenant inserted in the indenture of apprenticeship for the maintenance of the apprentice shall continue in force for three months after the death of the master and no longer, and during those three months the apprentice shall continue to live with and serve as an apprentice of the personal representatives of the master, or such other person as those personal representatives may appoint; and a provision to that effect shall be
15 inserted in every indenture of apprenticeship, and if not inserted, the indenture shall have effect as if such provision were so inserted.

20 2. Within three months after the death of the master, a court of summary jurisdiction having jurisdiction in the place where the master died may, on the application of the surviving spouse, son, daughter, brother or sister of the master, or of his personal representatives, by endorsement on the indenture
25 of apprenticeship, or by any other instrument in writing, order that the apprentice shall serve for the residue of the term of the apprenticeship as an apprentice of the person making the application :

Provided that that person lived with and formed part of the family of the master at the time of his death.

30 The person obtaining such an order shall declare his acceptance of the apprentice by subscribing his name to the order, and from the making of the order the personal representatives and the estate of the master so dying shall be released and discharged from any covenant contained in the
35 indenture and on the part of the master to be performed, and the person obtaining the order shall be the master of the apprentice, subject to the provisions of the indenture and this Schedule, in like manner as the original master.

40 3. The foregoing provisions of this Schedule with respect to the death of the original master shall apply in the case of the death of any subsequent master during the continuance of the term of apprenticeship.

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5TH SCH.
—cont.

4. If no such application as aforesaid is made within the said three months after the death of the master, or if the court to whom any such application as aforesaid is made do not think fit that the apprenticeship should be continued, the apprenticeship and the covenants contained in the indenture of apprenticeship shall terminate in like manner as they would have done at the expiration of the term of apprenticeship. 5

5. The foregoing provisions of this Schedule apply only where the apprentice was living with and as part of the family or in the actual employment of the original or any substituted master at the time of the death of such master. 10

6. Subject to the consent of two justices being obtained as required by this Act, the master may by endorsement on the indenture of apprenticeship, or by other instrument in writing, assign the apprentice to any person who is willing to take him for the residue of the term of apprenticeship, and the person to whom the apprentice is to be assigned shall at the same time, by endorsement on the counterpart of the indenture or by writing under his hand referring to the indenture of apprenticeship and the endorsement and consent aforesaid, declare his acceptance of the apprentice, and acknowledge himself to be bound by the covenants in the indenture on the part of the master to be performed. 15
20

SIXTH SCHEDULE.

FORM OF REGISTER OF APPRENTICES.

Num-ber.	Date of Indenture.	Name of Apprentice.	Sex.	Age.	Parents' Names.	Name of Persons to whom bound or assigned, as the case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignment Fee.

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[1802,
Sched.;
1844, s. 12.]

A.D. 1926.

FORM OF REGISTER OF SERVANTS.

6TH SCH.
—cont.
[1851 (App.)
Sched.]

Name of Child.	Age.	Date of hiring or taking as servant.	Name of Master or Mistress.	Trade or other description of Master or Mistress.	Residence of Master or Mistress.

5

[1869, s. 6;
1882, s. 14.]

SEVENTH SCHEDULE.

FORM OF MORTGAGE.

This mortgage made the _____ day of _____ in the year one thousand nine hundred and _____ witnesseth that in consideration of the sum of _____ lent to the guardians of the poor of the union [or parish] in the county of _____ [or to the board of management of the _____ district] under the provisions of the _____ [here state the Act authorising the loan], and in pursuance of and upon the authority of an order of the Minister of Health, bearing date the _____ day of _____ by [here set out the name and description of the lender], the receipt of which sum is testified by the memorandum at the foot hereof, signed by our treasurer, we, the said board do hereby charge the common fund of the said union [or the fund out of which our expenses are payable], [or we, the said board of management, do charge the common fund of the district] with the repayment of the said sum of _____ *by [here insert the number of yearly or half-yearly instalments of principal by which the loan is to be repaid] instalments to be paid on [here insert the day or days on which the instalments

A.D. 1926.

7TH SCH.
—cont.

are payable] the first instalment to be paid on the day of together with interest at the rate of pounds per cent. per annum payable on the day [or days] aforesaid in every year upon the principal for the time being unpaid according to the terms of this mortgage.*

Provided that nothing herein contained shall prevent the said from receiving the repayment of the whole or part of the aforesaid sum at any time before the day of payment of the last instalment if willing to do so.

In testimony whereof we, the board aforesaid, have hereunto affixed our common seal.

(L.S.) (L.S.) (L.S.)

Received this day of the above-mentioned sum of from the said A.B. treasurer of the union, [or of the parish of], [or of the said district board].

NOTE 1.—If the loan is repayable by equal instalments of principal and interest combined, substitute for the passage between the asterisks the following :—

by [here insert the number of yearly or half-yearly instalments of principal and interest by which the loan is to be repaid] instalments of the sum of pounds in respect of principal and interest of the sum so borrowed to be paid on the [here insert the day or days on which the instalments are payable], the first instalment to be paid on the day of

If the loan is repayable by means of a sinking fund, substitute for the passage between the asterisks the following :—

on [here insert the date on which the loan is to be repaid], together with interest at the rate of pounds per cent. per annum payable on [here insert days on which interest is payable] in each year until the said loan is repaid.

NOTE 2.—The Poor Law Act, 1926, limits the time within which debts may be paid by a board of guardians or the board of management of a school district and provides that where money is borrowed by any such board and is repayable by instalments, each instalment shall be paid not later than twelve months after the date when it falls due but not afterwards, unless the Minister of Health allows an extension of the time for the payment not exceeding six months. The Act also provides that the interest shall be payable within the like times as the principal.

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[1848,
Schedule.]

EIGHTH SCHEDULE.

FORMS OF CERTIFICATES.

1. *Against an Accounting Officer.*

I do hereby certify, that in the account of *A.B.*, the [set out
the name of the office] of the union [or of
the parish of], I have disallowed [or surcharged] 5
the sum of

As witness my hand, this day of
19 .

M.N., Auditor of the district, which comprises 1
the above-named union or parish.

2. *Against a person not an Accounting Officer.*

I do hereby certify, that in the accounts of the
union [or of the parish of] I have disallowed 1
the sum of £ as a payment illegally made out
of the funds of such union [or parish], and I find that *C.D.*, of
authorised the making of such illegal payment,
and I do hereby surcharge the said *C.D.* with the same.

As witness my hand this day of
19 . 2

M.N., Auditor of the district, which comprises
the above-named union or parish

[1876,
Schedule.]

NINTH SCHEDULE.

PRECEPT FOR A CONTRIBUTION FROM AN INN OF COURT.

To the masters of the bench of . 2
You are hereby required to pay to
of the , the treasurer of the board of guardians
of the union, on behalf of such
board, on the day of , the
sum of pounds shillings and 3
pence, as the contribution of the above-named Inn of Court,
such amount having been duly calculated according to the
provisions of the Poor Law Act, 1926, and to take the receipt

of the said treasurer indorsed upon this paper for the said sum A.D. 1926.
of

Given under our hands at a meeting of the board of guardians
of the said union held on the day of

—
9TH SCH.
—cont.

5

(Signed) X.Y., Presiding Chairman.

Countersignature of the Clerk
to the Board.

W.X. }
U.V. } Guardians.

10

Indorsement.

Received this day of 19
of the within-named masters of the bench the sum of
on behalf of the within-named board of guardians.

Treasurer of the Union.

15

TENTH SCHEDULE.

[1844,
Sched. C]

FORM OF CERTIFICATE OF CHARGEABILITY.

The Board of Guardians of Union [or Parish]
[or the board of management of the district] hereby
certify that on the day of 19 ,
20 A.B. [and his wife C.B.] [and his child D.B.] became charge-
able to the said Union [or Parish] [or district].

In testimony whereof the common seal of the said Board
was hereunto affixed at a meeting of the Board this
day of , 19 .

25

(L.S.)

(Signed) W.J., Presiding Chairman.

(Countersigned) C.D. [Acting] Clerk.

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ELEVENTH SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
43 Eliz. c. 2 -	The Poor Relief Act, 1601 -	Section one, except so far as it relates to the raising of rates. Sections three, four, six and seventeen. 5
14 Car. 2, c.12	The Poor Relief Act, 1662 -	The whole Act, except sections twenty-one, twenty-two and twenty-four. 10
3 Will. and Mary, c. 11 8 & 9 Will. 3, c. 30.	The Poor Relief Act, 1691 - An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.	The whole Act. 15 The whole Act. 20
5 Geo. 1, c. 8	The Poor Relief (Deserted Wives and Children) Act, 1718.	The whole Act. 20
9 Geo. 1, c. 7	The Poor Relief Act, 1722 -	The whole Act except section three. 25
31 Geo. 2, c. 11.	The Apprentices (Settlement) Act, 1757.	The whole Act. 25
9 Geo. 3, c. 37	The Poor Relief Act, 1769 -	The whole Act.
13 Geo. 3, c. 82.	The Lying-in Hospitals Act, 1773.	The whole Act except sections three, ten and eleven. 30
18 Geo. 3, c. 47.	The Parish Apprentices Act, 1778.	The whole Act.
30 Geo. 3, c. 49.	The Workhouses Act, 1790 -	The whole Act.
32 Geo. 3, c. 57.	The Parish Apprentices Act, 1792.	The whole Act. 35
35 Geo. 3, c. 101.	The Poor Removal Act, 1795 -	The whole Act.
36 Geo. 3. c. 10	The Poor Relief Act, 1795 -	The whole Act.
42 Geo. 3, c. 46.	The Parish Apprentices Act, 1802.	The whole Act. 40
49 Geo. 3, c. 124.	The Poor (Settlement and Removal) Act, 1809.	The whole Act.
50 Geo. 3, c. 47.	The Poor Rate Act, 1810 -	The whole Act. 45

Session and Chapter.	Short Title.	Extent of Repeal.	A.D. 1926. 11TH SCH. —cont.
54 Geo. 3, c. 170.	The Poor Relief Act, 1814 -	The whole Act, except sections eleven and twelve.	
5 55 Geo. 3, c. 137.	The Poor Relief Act, 1815 -	The whole Act.	
56 Geo. 3, c. 129.	The Workhouse Act, 1816	The whole Act.	
10 56 Geo. 3, c. 139.	The Parish Apprentices Act, 1816.	The whole Act.	
59 Geo. 3, c. 12.	The Poor Relief Act, 1819 -	Sections eleven to thirteen, twenty-four twenty-five and twenty-eight.	
15 5 Geo. 4, c. 83	The Vagrancy Act, 1824 - -	Section twenty.	
6 Geo. 4, c. 57	The Poor Relief (Settlement) Act, 1825.	The whole Act.	
1 Will. 4, c. 18	The Poor Relief (Settlement) Act, 1831.	The whole Act.	
20 1 & 2 Will. 4, c. 42.	The Poor Relief Act, 1831 -	The whole Act.	
1 & 2 Will. 4, c. 59.	The Crown Lands Allotments Act, 1831.	The whole Act.	
25 3 & 4 Will. 4, c. 63.	The Apprentices Act, 1833 -	The whole Act.	
4 & 5 Will. 4, c. 76.	The Poor Law Amendment Act, 1834.	The whole Act, except sections forty, eighty-five and one hundred and nine.	
30 5 & 6 Will. 4, c. 69.	The Union and Parish Property Act, 1835.	The whole Act, except section three so far as it relates to the disposal of parish property, and section nine.	
35 7 Will. 4 and 1 Vict. c. 50	The Union and Parish Property Act, 1837.	The whole Act.	
1 & 2 Vict. c. 25.	The Poor Relief (Loans) Act, 1838.	The whole Act.	
40 5 & 6 Vict. c. 7.	The Parish Apprentices Act, 1842.	The whole Act.	
5 & 6 Vict. c. 18.	The Parish Property and Parish Debts Act, 1842.	The whole Act, except sections two, three and nine.	
45 5 & 6 Vict. c. 57.	The Poor Law Amendment Act, 1842.	The whole Act, except section eighteen so far as it relates to the registration of births, deaths and marriages.	
50			

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11TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	The whole Act, except sections four, five, six, seven, eight, fourteen, fifteen, sixteen, twenty-two, sixty, sixty-one, sixty-two, sixty-three, seventy-four and seventy-five, and except section fifty-six so far as it relates to the registration of births and deaths. 5 10 15
9 & 10 Vict. c. 66.	The Poor Removal Act, 1846 -	The whole Act.
10 & 11 Vict. c. 109.	The Poor Law Board Act, 1847	The whole Act. 20
11 & 12 Vict. c. 31.	The Poor Law Procedure Act, 1848.	The whole Act.
11 & 12 Vict. c. 82.	The Poor Law (Schools) Act, 1848.	The whole Act. 25
11 & 12 Vict. c. 91.	The Poor Law Audit Act, 1848	The whole Act, except sections one, two, six, eleven and thirteen.
11 & 12 Vict. c. 110.	The Poor Law Amendment Act, 1848.	The whole Act, except sections seven and twelve. 30
11 & 12 Vict. c. 111.	The Poor Removal Act, 1848 -	The whole Act.
12 & 13 Vict. c. 13.	The Poor Relief Act, 1849 -	The whole Act. 35
12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	The whole Act, except sections three, six, fifteen, twenty-one and twenty-two. 40
13 & 14 Vict. c. 101.	The Poor Law Amendment Act, 1850.	The whole Act, except sections six, seven, eleven and twelve. 45
14 & 15 Vict. c. 11.	The Poor Law (Apprentices) Act, 1851.	The whole Act.
14 & 15 Vict. c. 105.	The Poor Law Amendment Act, 1851.	The whole Act, except sections nine, nineteen and twenty. 50

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 79.	The Poor (Burials) Act, 1855 -	The whole Act.
5 22 & 23 Vict. c. 49.	The Poor Law (Payment of Debts) Act, 1859.	The whole Act.
24 & 25 Vict. c. 55.	The Poor Removal Act, 1861 -	The whole Act.
25 & 26 Vict. c. 43.	The Poor Law (Certified Schools) Act, 1862.	The whole Act.
10 27 & 28 Vict. c. 105.	The Poor Removal Act, 1864 -	The whole Act.
27 & 28 Vict. c. 116.	The Metropolitan Houseless Poor Act, 1864.	The whole Act.
15 28 & 29 Vict. c. 34.	The Metropolitan Houseless Poor Act, 1865.	The whole Act.
28 & 29 Vict. c. 79.	The Union Chargeability Act, 1865.	The whole Act.
29 & 30 Vict. c. 113.	The Poor Law Amendment Act, 1866.	The whole Act, except sections ten, eleven, twelve, thirteen and eighteen.
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867	The whole Act, except so much of section twenty-four as relates to the registration of births and deaths.
30 30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	The whole Act, except sections seven, eight, ten, eleven, twenty-three and twenty-eight to thirty.
35 31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	The whole Act, except sections five, twenty-seven, twenty-eight to thirty-two, thirty-eight to forty, forty-five and forty-six.
40		
32 & 33 Vict. c. 45.	The Union Loans Act, 1869 -	The whole Act.
45 32 & 33 Vict. c. 63.	The Metropolitan Poor Amendment Act, 1869.	The whole Act, except section eight.
33 & 34 Vict. c. 2.	The Dissolved Boards of Management and Guardians Act, 1870.	The whole Act.
50 33 & 34 Vict. c. 18.	The Metropolitan Poor Amendment Act, 1870.	The whole Act.

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—cont.

Session and Chapter.	Short Title.	Extent of Repeal.	
33 & 34 Vict. c. 48.	The Pauper Conveyance (Expenses) Act, 1870.	The whole Act.	
34 & 35 Vict. c. 11.	The Poor Law Loans Act, 1871	The whole Act.	5
34 & 35 Vict. c. 15.	The Metropolitan Poor Act, 1871.	The whole Act.	
34 & 35 Vict. c. 108.	The Pauper Inmates Discharge and Regulation Act, 1871.	The whole Act.	10
35 & 36 Vict. c. 2.	The Poor Law Loans Act, 1872	The whole Act.	
38 & 39 Vict. c. 55.	The Public Health Act, 1875	So much of Part III. of the Fifth Schedule as re-enacts 35 & 36 Vict. c. 79. s. 48.	15
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	The whole Act, except sections one to nine, twenty-four, twenty-six, twenty-nine, thirty-one, thirty-seven, thirty-nine, forty-two and forty-five, and except section nineteen from the beginning of the section to the words "to the contrary notwithstanding," and except the first paragraph of section forty-four.	20 25 30 35
42 & 43 Vict. c. 12.	The Poor Law Amendment Act, 1879.	The whole Act.	
42 & 43 Vict. c. 19.	The Habitual Drunkards Act, 1879.	Section thirty-two.	40
42 & 43 Vict. c. 54.	The Poor Law Act, 1879	Sections eight, nine, ten, thirteen and fourteen.	
45 & 46 Vict. c. 36.	The Casual Poor Act, 1882	The whole Act.	45
45 & 46 Vict. c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	Sections eight, twelve, thirteen and fourteen.	

Session and Chapter.	Short Title.	Extent of Repeal.
5 45 & 46 Vict. c. 75.	The Married Women's Property Act, 1882.	Section twenty from the beginning of the section to the words "if she becomes chargeable to any union or parish," and section twenty-one.
10 46 & 47 Vict. c. 11.	The Poor Law Conferences Act, 1883.	The whole Act.
15 47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884.	Section eleven.
15 51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section fifty-eight.
20 52 & 53 Vict. c. 56.	The Poor Law Act, 1889 - -	The whole Act, except section eight.
20 56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Section twenty; subsection (3) of section twenty-four; section thirty; subsection (6) of section thirty-six; section forty-six so far as it relates to boards of guardians; section forty-eight so far as it relates to the election of boards of guardians; and so far as they relate to boards of guardians, subsections (1) and (2) of section fifty-nine, and sections sixty and sixty-one.
35 40 57 & 58 Vict. c. 25.	The Outdoor Relief Friendly Societies Act, 1894.	The whole Act.
45 59 & 60 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act so far as it relates to boards of guardians.
50 60 & 61 Vict. c. 29.	The Poor Law Act, 1897 - -	The whole Act.

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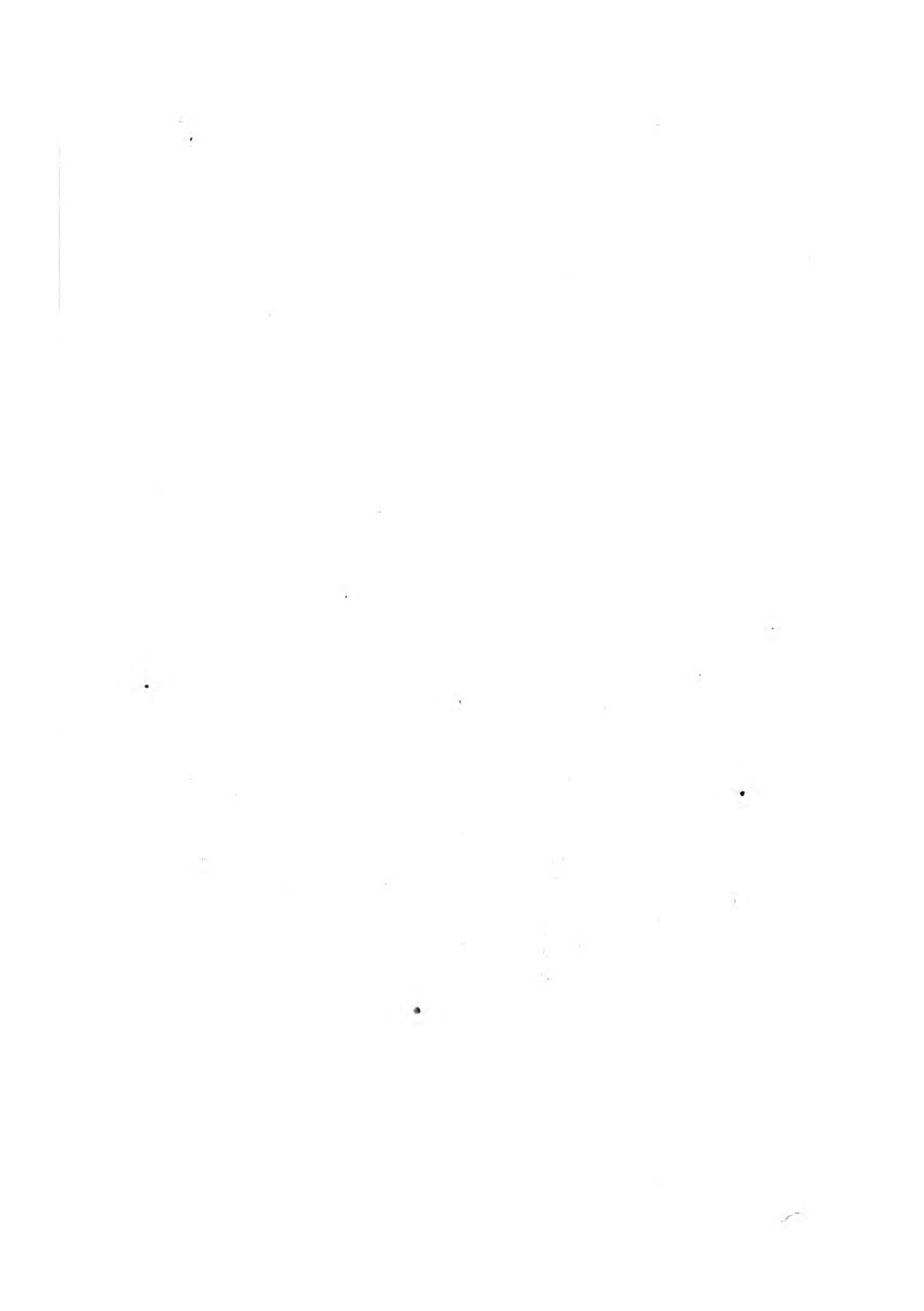
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—cont.

Session and Chapter.	Short Title.	Extent of Repeal.	
61 & 62 Vict. c. 19.	The Poor Law Unions Association (Expenses) Act, 1898.	The whole Act.	
61 & 62 Vict. c. 45.	The Metropolitan Poor Act, 1898.	The whole Act.	5
61 & 62 Vict. c. 60.	The Inebriates Act, 1898 -	Section twenty-two.	
62 & 63 Vict. c. 37.	The Poor Law Act, 1899 - -	The whole Act.	10
63 & 64 Vict. c. 16.	The District Councillors and Guardians (Term of Office) Act, 1900.	The whole Act so far as it relates to boards of guardians.	
3 Edw. 7. c. 19.	The Poor Law (Dissolution of School Districts and Adjustments) Act, 1903.	The whole Act.	15
4 Edw. 7. c. 20.	The Poor Law Authorities (Transfer of Property) Act, 1904.	The whole Act.	20
4 Edw. 7. c. 32.	The Outdoor Relief (Friendly Societies) Act, 1904.	The whole Act.	
7 Edw. 7. c. 14.	The Released Persons (Poor Law Relief) Act, 1907.	The whole Act.	
8 Edw. 7. c. 27.	The Married Women's Property Act, 1908.	The whole Act.	25
8 Edw. 7. c. 67.	The Children Act, 1908 - -	Sections thirty-six, eighty-nine and one hundred and twenty-six.	30
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	Section sixty-nine.	
12 & 13 Geo. 5. c. 51.	The Allotments Act, 1922 -	Subsection (4) of section twenty-one.	35
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	Subsection (1) of section one hundred and five.	



Poor Law. [H.L.]

A

B I L L

INTITLED

An Act to consolidate the enactments
relating to the Relief of the Poor in
England and Wales.

The Earl of Plymouth.

Ordered to be printed 17th November 1926.

LONDON:
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(171)

Post Office (Sites).

ARRANGEMENT OF CLAUSES.

Clause.

1. Incorporation of Lands Clauses Acts.
2. Power to acquire lands.
3. Compensation in case of recently altered buildings.
4. Correction of errors, &c.
5. Power to Postmaster-General to enter lands for purpose of surveying.
6. Power to erect buildings and form roads.
7. Stopping up street and extinction of rights of laying pipes and other easements.
8. Time for compulsory purchase.
9. As to taking parts of certain properties.
10. Land tax.
11. Sanction of Treasury required to purchase under this Act.
12. Short title.

SCHEDULE.

A

B I L L

INTITULED

An Act to enable His Majesty's Postmaster-General to acquire lands in Blackpool, Swansea and Doncaster for the public service, and for other purposes. A.D. 1926.

WHEREAS further accommodation for the purposes of the public service is required by the Postmaster-General in the county borough of Blackpool, the county borough of Swansea and the borough of Doncaster, and it is expedient that he be empowered to acquire certain lands and buildings in such county boroughs and borough respectively for the purposes aforesaid and to erect buildings on any lands so acquired :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans showing the respective lands to be acquired by the Postmaster-General for the purposes of the public service under the authority of this Act with books of reference containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of the lands which may be taken compulsorily under this Act have been deposited with the clerks of the peace for the several counties in which such lands are situated respectively, which plans and books of reference are in this Act respectively referred to as " the deposited plans " and " the deposited books of reference " :

A.D. 1926. 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 :—

5

Incorporation of Lands Clauses Acts. 9 & 10 Geo. 5. c. 57. **1.** The Lands Clauses Acts (which expression in this Act means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act, 1919) are, subject to the provisions of this Act, incorporated with this Act with the following exceptions and modifications viz. :—

- 8 & 9 Vict. c. 18. (a) The provisions relating to the sale of superfluous land and access to the special Act and section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate), shall not be incorporated with this Act : 15
- (b) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act and the Postmaster-General shall be deemed to be the promoter of the undertaking : 20
- (c) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster-General and shall be sufficient without the addition of the sureties in the said section mentioned : 25
- (d) At any time after notice to treat has been served the Postmaster-General may, after giving not less than fourteen days', or in the case of a dwelling-house not less than ninety days' notice to the owner, lessee or occupier of the land, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845 (which relate to entry on lands), but subject to the payment of the like compensation for the land of which possession is taken and interest thereon as would have been payable if those provisions had been complied with. 30 35 40

Power to acquire lands.

2.—(1) Subject to the provisions of this Act it shall be lawful for the Postmaster-General to purchase and acquire for the purposes of this Act all or any of the lands

shewn on the deposited plans and described in the deposited books of reference.

A.D. 1926.

(2) Any lands acquired by the Postmaster-General for the purposes of the public service under the authority of this Act shall be vested in and be held by him in his corporate capacity on behalf of His Majesty for the purpose of the post office.

3. In settling any question of disputed purchase money or compensation under this Act the official arbitrator settling the question shall not award any sum of money for or in respect of any improvement, alteration or building made or erected or any interest in the lands created after the twentieth day of November, nineteen hundred and twenty-five, if, in the opinion of the arbitrator, the improvement, alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings.

4. If any omission, misstatement or erroneous description is found to have been made of any lands or of any owners, lessees or occupiers of any lands shewn or intended to be shewn on the deposited plans or described in the deposited books of reference, the Postmaster-General may apply to two justices for the correction thereof after giving ten days' notice to the owners, lessees or occupiers of the lands affected by the proposed correction, and if it appears to the justices that such omission, misstatement or erroneous description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited as if the same had originally formed part of the deposited plans or deposited books of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof, and thereupon the deposited plans or deposited books of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Postmaster-General may enter on, purchase, take, hold and use the lands to which the certificate relates accordingly.

Correction of errors, &c.

5. It shall be lawful for the Postmaster-General and for his surveyors, officers and workmen at all reasonable times in the daytime to enter on any of the lands

Power to Postmaster-General to enter lands]

A.D. 1926. shewn on the deposited plans and described in the deposited books of reference for the purpose of surveying or valuing such lands on giving for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice in writing to the owners or occupiers thereof. 5

Power to erect buildings and form roads. 6.—(1) It shall be lawful for the Postmaster-General to pull down and remove all or any buildings or other works constructed on, in, under or over any lands shewn on the deposited plans and purchased by him, and on, in, under or over the property so purchased or on any other lands vested in him by virtue of this Act to construct buildings and other works for the purpose of the post office and to make such approaches, widenings and alterations of thoroughfares and do all such other things as in his opinion are necessary or expedient for the execution of any of the purposes of this Act. 10 15

(2) The Postmaster-General (with the consent of the Treasury) may enter into contracts and agreements with any local authority within the boroughs and places to which this Act relates with reference to the formation, diversion or alteration of streets and highways and with reference to a sale, lease or exchange of land for the purposes aforesaid and as to money payments in respect thereof. 20 25

Stopping up street and extinction of rights of laying pipes and other easements. 7. As soon as the Postmaster-General has acquired or purchased the property shown on the deposited plans relating to the County Borough of Blackpool he may stop up so much of the street or road known as Police Street in the said County Borough as extends between Edward Street and a point in Police Street twenty yards or thereabouts measured in a southerly direction along Police Street from the junction of Police Street with Upper Talbot Street, and the site of the said portion of Police Street shall thereupon be vested in the Postmaster-General and all rights of way over the said portion and all rights of laying down or of continuing any pipes, sewers, drains or electric wires or cables or other apparatus on, through or under the said portion shall by virtue of this Act be extinguished. 30 35 40

Time for compulsory purchase. 8. The limit of time for the compulsory purchase of lands under this Act shall be three years.

9. The Postmaster-General may in exercise of the powers of this Act take the parts of the several properties shewn on the deposited plans and described in the deposited books of reference under the numbers stated in the Schedule to this Act which lie within the limits of the property proposed to be acquired shewn on such plans or such parts thereof as the Postmaster-General may require without being required or compellable to purchase any greater part or the whole of any such property.

A.D. 1926.
—
As to taking parts of certain properties.

The provisions of this section shall be stated in every notice given by the Postmaster-General to sell and convey a part of any of the said properties.

10.—(1) Any land tax assessed on the first day of January, one thousand nine hundred and twenty-six, on any part of any of the lands shewn on the deposited plans and described in the deposited books of reference shall as from the date of the purchase or acquisition by the Postmaster-General of the lands on which it is assessed be deemed to have been redeemed at the price and in accordance with the conditions provided by the Finance Act, 1896, as amended by the Finance Act, 1921, and the Land Tax Acts therein defined, and from and after such date no sum shall be assessed or charged in respect of land tax on any part of such lands.

Land tax.

59 & 60
Vict. c. 28.

(2) The Commissioners of Inland Revenue shall grant a certificate of exoneration from assessment to land tax of any lands purchased or acquired by the Postmaster-General under this Act and that certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

11.—(1) No purchase shall be made by the Postmaster-General under the authority of this Act without the sanction of the Treasury.

Sanction of Treasury required to purchase under this Act.

(2) Any such sanction may be given either generally or in respect of any particular purchase contract or agreement and a vendor to or purchaser from or person contracting with the Postmaster-General shall not be bound or entitled to inquire whether such sanction has been given.

12. This Act may be cited as the Post Office (Sites) Act, 1926.

Short title.

A.D. 1926.

SCHEDULE.

Section 9. PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN BY THE POSTMASTER-GENERAL.

Area.	Number on deposited plan.	5
County Borough of Swansea	- - - 3 and 4.	
Borough of Doncaster	- - - 3	

Post Office (Sites).

A

B I L L

INTITULED

An Act to enable His Majesty's Postmaster-General to acquire lands in Blackpool, Swansea and Doncaster for the public service, and for other purposes.

(Brought from the Commons 23rd June 1926.)

Ordered to be printed 23rd June 1926.

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(109)

A

B I L L

INTITULED

An Act to amend the provisions of the Prisons (Scotland) Act, 1877, relating to the discontinuance of prisons, and the legalisation of police cells as places of detention. 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. Where, after the passing of this Act, any prison shall be discontinued by an order made by the Secretary of State under section thirty-nine of the Prisons (Scotland) Act, 1877, the provisions of section forty of the said Act shall not apply, and any prison so discontinued shall be sold or otherwise disposed of as the Secretary of State, with the consent of the Treasury, may direct. Disposal of discontinued prison.

2.—(1) Section thirty of the Prisons (Scotland) Act, 1877 (which relates to the legalising of police cells as places of detention), shall be amended by the substitution of the words "thirty days" for the words "fourteen days." Amendment of 40 & 41 Vict. c. 53. s. 30.

(2) For the purposes of the said section, the county council of Orkney and the county council of Zetland shall be deemed to be the police authorities of the said counties respectively (inclusive of any burghs situate therein except the burgh of Lerwick): Provided always

(198)



Clause 9.

BY THE LORD NEWTON.

Page 6, leave out clause 9 and insert as a new clause :

(“ . Notwithstanding the common law or any provision in any local or public Act all Government Departments, public bodies and local authorities possessing works from the chimneys of which smoke is emitted shall be subject to this Act.”)

**Public Health (Smoke
Abatement) Bill. [H.L.]**

MARSHALLED LIST OF
AMENDMENTS TO
BE MOVED IN COMMITTEE.

21st April 1926.

LONDON:
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(24 **)

Public Health (Smoke Abatement) Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of 38 & 39 Vict. c. 55, and 54 & 55 Vict. c. 76 in respect of smoke nuisances.
2. Power to prescribe standards.
3. Power to make orders extending the provisions of 6 Edw. 7. c. 14.
4. Power to make byelaws respecting new buildings.
5. Combination of local authorities for purposes of Act.
6. Powers of county councils.
7. Duty of local authorities to furnish information.
8. Saving as to steam vessels.
9. Application to Crown.
10. Short title, extent and commencement.

28
APR
1975

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the law relating to smoke nuisances and for other purposes connected therewith. 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 provisions of the Public Health Act, 1875, relating to smoke nuisances shall be amended as follows :—

Amendment
of 38 & 39
Vict. c. 55,
and 54 & 55
Vict. c. 76
in respect of
smoke
nuisances.

10 (a) For the purposes of section ninety-one of the Act a chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by that Act, notwithstanding that the smoke is not black smoke :

15 (b) For the purposes of sections ninety-one, ninety-two, and one hundred and two of the Act the expression " smoke " shall include soot, ash, grit, and gritty particles :

20 (c) Where the complaint upon which a summons is issued relates to a smoke nuisance, fifty pounds shall be substituted for five pounds as the maximum penalty which may be imposed under section ninety-six of the Act :

25

A D. 1926.

—

(d) Section ninety-eight of the Act in its application to an order relating to a smoke nuisance shall be read as if forty shillings and five pounds were substituted therein for ten shillings and twenty shillings respectively : 5

(e) Section three hundred and thirty-four of the Act shall have effect as if there were included amongst the processes specified in that section the processes of re-heating, annealing, hardening, forging, converting and carburising iron and other metals, and if the Minister of Health makes a Provisional Order to that effect, any other industrial process specified in the Order : 10

Provided that the Minister may by Provisional Order at any time after the expiration of five years from the passing of this Act exclude from the application of that section any processes specified in that section as amended by this paragraph so far as smoke nuisances are concerned. 15
20

(2) The provisions of the Public Health (London) Act, 1891, relating to smoke nuisances and smoke consumption shall be amended as follows :—

(a) For the purposes of section twenty-four of the Act a chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by that Act, notwithstanding that the smoke is not black smoke : 25
30

(b) For the purposes of sections twenty-three and twenty-four of the Act the expression " smoke " shall include soot, ash, grit, and gritty particles :

(c) Where a notice served under section four of the Act relates to a smoke nuisance, fifty pounds shall be substituted for ten pounds as the maximum penalty which may be imposed under subsection (4) of that section : 35

(d) Where a nuisance order made under section five of the Act relates to a smoke nuisance, subsection (9) of that section and subsection (3) of section six of the Act shall be read as if forty 40

shillings and five pounds were substituted therein for twenty shillings and forty shillings respectively : A.D. 1926.
—

(e) In subsection (2) of section twenty-three of the Act (which relates to penalties for non-consumption of their own smoke by furnaces) “twenty-five pounds” and “fifty pounds” shall be substituted for “five pounds” and “ten pounds” respectively.

(3) In any proceedings for sending forth smoke, other than black smoke, from a chimney in such a quantity as to be a nuisance, it shall be a defence for the person charged to show that he has used the best practicable means for preventing the nuisance, having regard to the cost and to local conditions and circumstances, and for the purposes of this subsection, the expression “best practicable means” has reference not only to the provision and efficient maintenance of adequate and proper plant for preventing the creation and emission of smoke, but also to the manner in which such plant is used.

(4) Where, in the opinion of any officer duly authorised by a local authority to act in that behalf, a smoke nuisance exists, he shall, within twenty-four hours after he has become aware thereof, notify the occupier of the premises on which the nuisance exists.

2.—(1) Any local authority may, and if so required by the Minister of Health, shall make byelaws regulating the emission of noxious smoke and where such byelaws are in force the emission of noxious smoke for such period as may be prescribed in the byelaws either from buildings generally to which the enactments relating to smoke nuisances apply or from such classes of those buildings as may be so prescribed shall, until the contrary is proved, be presumed to be a nuisance. Byelaws as to noxious smoke.

(2) In this section “noxious smoke” means smoke of such colour, density or content as the byelaws may specify.

(3) In the application of this section to London, the port sanitary authority of the port of London shall be the local authority within the district of that authority, but save as respects that district the London County Council shall be the local authority within the area of the county of London and the Common Council shall be the local authority within the City of London.

A.D. 1926.

—

(4) The provisions of the Public Health Acts, 1875 to 1925, and of the Public Health (London) Act, 1891, as the case may be, shall apply to the making, confirming and enforcing of any byelaws made under this section.

Power to make orders extending the provisions of 6 Edw. 7. c. 14.

3.—(1) The Minister of Health may, after a public inquiry and after consultation with any local authorities or other interests concerned, make orders—

- (a) extending the list of noxious or offensive gases mentioned in section twenty-seven of the Alkali, &c., Works Regulation Act, 1906; and
- (b) extending the list of works mentioned in the First Schedule to the said Act;

and any such order may prescribe the qualifications subject to which subsection (1) of section seven of the said Act shall apply in the case of any noxious or offensive gas, or in the case of any works, included in such order.

(2) Any order made under this Act shall be laid before both Houses of Parliament forthwith; and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it, praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new order.

(3) Where the Minister of Health is of opinion that any work is of such a character as is likely to cause the evolution of any noxious or offensive gas, he may, notwithstanding that the provisions of the Alkali, &c., Works Regulation Act, 1906, may not apply to that work, authorise an inspector appointed under that Act to enter and inspect such work, and the provisions of that Act relating to the powers of inspectors shall apply in respect of that work in the case of any inspector so authorised.

Power to make byelaws respecting new buildings. 57 & 58 Vict. c. cexiii.

4. The powers of an urban authority under section one hundred and fifty-seven of the Public Health Act, 1875, and of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, shall extend to the making of byelaws requiring the provision in new buildings other than private dwelling-houses of such arrangements for heating as are calculated to prevent or reduce the emission of smoke.

5 **5.** Two or more local authorities may combine to carry out their duties under section ninety-two of the Public Health Act, 1875, in respect of smoke nuisances, and for that purpose may concur in appointing a joint committee to which the provisions of section fifty-seven of the Local Government Act, 1894, shall apply.

A.D. 1926.

—
Combina-
tion of local
authorities
for purposes
of Act.

10 **6.**—(1) If a county council resolve that a local authority within the county have failed to carry out their duties under section ninety-two of the Public Health Act, 1875, in respect of smoke nuisances and make complaint thereof to the Minister of Health, or if a local authority after being required by the Minister so to do have failed to make such byelaws as are mentioned in this Act, the Minister may by order authorise the county council to carry out those duties either for a definite period or until the Minister otherwise directs.

Powers of
county
councils.

20 (2) The Minister shall in any case where he considers it expedient to do so cause an inquiry to be held as to the manner in which a local authority have carried out their duties under the said Act with respect to smoke nuisances, and if satisfied from the result of such inquiry that the authority have failed to carry out their duties adequately, he may by order authorise the county council to carry out those duties either for a definite period or until the Minister otherwise directs.

30 (3) Any expenses incurred by a county council in carrying out any such duties shall be deemed to be a debt from the local authority to the county council, and shall be defrayed as part of the expenses of the local authority in the execution of the Public Health Act, 1875.

35 **7.** Every local authority shall, on being required to do so by the Minister, furnish to the Minister such information as he may from time to time require as to their proceedings with regard to the abatement of smoke nuisances.

Duty of
local
authorities
to furnish
information.

8.—(1) Nothing in this Act shall apply to any ship or vessel, or affect the enactments in force at the commencement of this Act with respect to smoke nuisance and smoke consumption in any ship or vessel.

Saving as to
steam
vessels.

40 (2) For the purposes of this section “vessel” means any boat or other description of vessel used in navigation.

A.D. 1926.

—
Saving as to
steam
vessels.

9.—(1) Nothing in this Act shall apply to any ship or vessel, or affect the enactments in force at the commencement of this Act with respect to smoke nuisance and smoke consumption in any ship or vessel.

(2) For the purposes of this section “vessel” means any boat or other description of vessel used in navigation. 5

Application
to Crown.

10. If it appears to a local authority that a smoke nuisance exists on any premises within their district occupied for the public service of the Crown, they shall report the circumstances to the appropriate government department, and, if the Minister responsible for that department is satisfied after due inquiry that such a nuisance exists, he shall cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof. 10 15

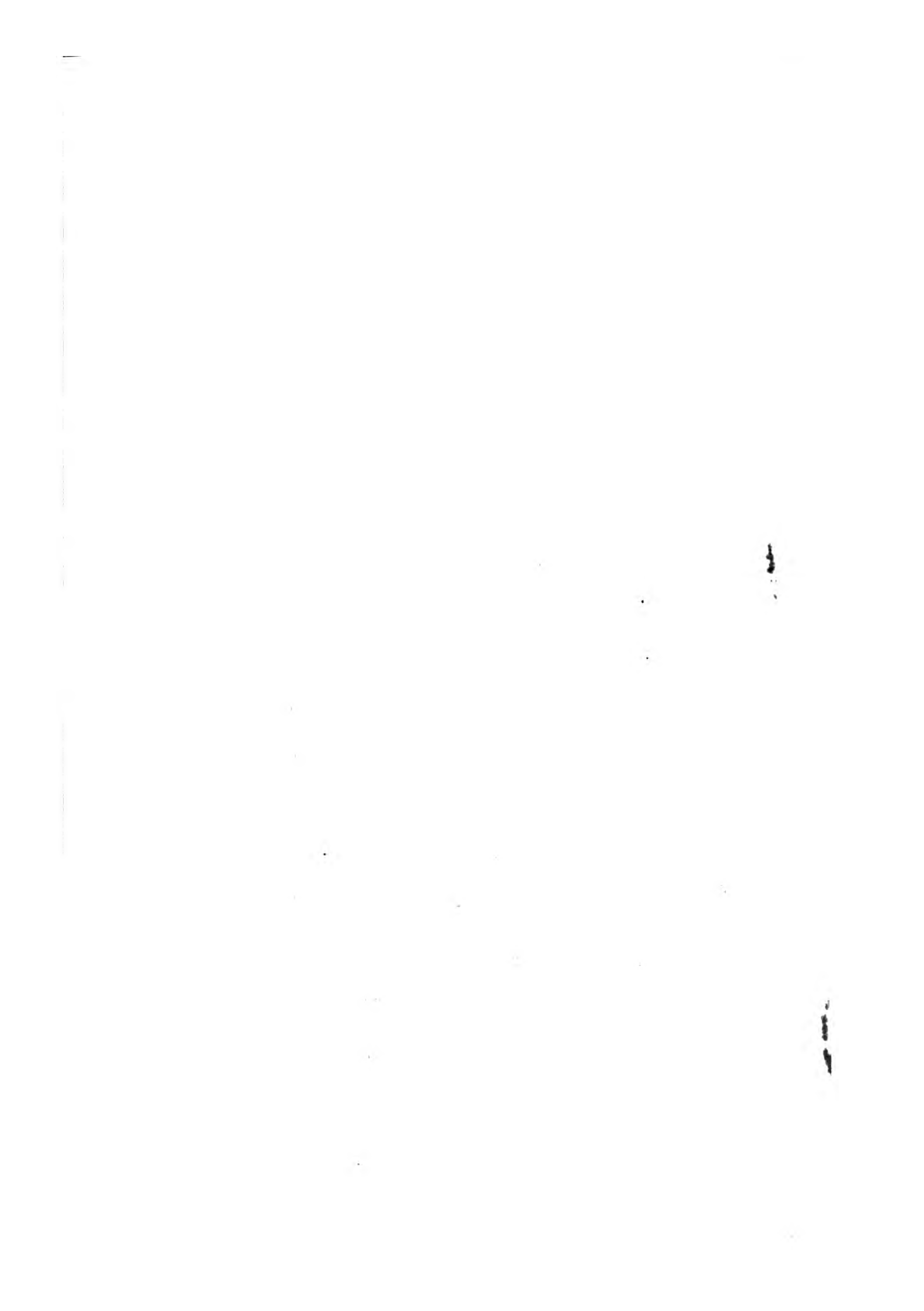
Short title,
extent and
commence-
ment.

11.—(1) This Act may be cited as the Public Health (Smoke Abatement) Act, 1926, and the Public Health Acts, 1875 to 1925, and this Act (except so far as it relates to London) may be cited together as the Public Health Acts, 1875 to 1926, and the Public Health (London) Act, 1891, the Public Health (London) Act, 1891, Amendment Act, 1893, and this Act so far as it relates to London, may be cited together as the Public Health (London) Acts, 1891 to 1926. 20

(2) Section three of this Act shall be construed as one with the Alkali, &c., Works Regulation Act, 1906, and the other provisions of this Act in their application to London shall be construed as one with the Public Health (London) Act, 1891, but save as aforesaid this Act shall be construed as one with the Public Health Acts, 1875 to 1925. 25 30

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

(4) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven. 35



**Public Health
(Smoke Abatement).**

[H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to amend the law relating
to smoke nuisances and for other
purposes connected therewith.

The Earl of Onslow.

Ordered to be printed 29th April 1926

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

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(61)

Public Health (Smoke Abatement) Bill. [H.L.]

COMMONS AMENDMENTS.

[*The references are to Bill (No. 61).*]

Clause 1.

Page 2.

Line 20, at end insert (“ An order made under this
“ subsection for including any process amongst
“ the processes specified in section three hundred
“ and thirty-four of the Act or for excluding any
“ process therefrom may contain conditions and
“ limitations subject to which the inclusion or
“ exclusion is to take effect.”)

Page 3.

Line 23, leave out from (“ shall ”) to the end of the
clause and add (“ as soon as practicable after he
“ has become aware thereof, notify the occupier
“ of the premises on which the nuisance exists, and,
“ if that notification was not in writing, shall,
“ within twenty-four hours after he has become
“ aware of the nuisance, confirm the notification
“ in writing.”)

Line 28, leave out from (“ of ”) to (“ for ”) in line 29
and insert (“ smoke of such colour, density, or
“ content as may be prescribed by the byelaws,
“ and where such byelaws are in force the emission
“ of smoke of the character so prescribed ”)

Lines 35 to 37, leave out subsection (2).

Clause 5.

Page 5.

Line 7, after (“ heating ”) insert (“ or cooking ”)

Line 22, after (“ may ”) insert (“ cause an inquiry
“ to be held, and, if satisfied from the result of
“ such inquiry that the local authority have
“ failed to carry out their duties adequately,
“ may ”)

Line 39, after (“ every ”) insert (“ county council
“ or other ”)

Clause 9.

Page 6.

Line 1, leave out from (“ ship ”) to end of clause and
insert (“ habitually used as a sea-going ship, or
“ affect the enactments in force at the commence-
“ ment of this Act with respect to smoke nuisance
“ and smoke consumption in any such ship ”)

Line 6, at end insert the following new clause :

Powers of
local autho-
rities to
conduct
researches.

(“ .—(1) A local authority may undertake or may
combine with other local authorities in undertaking
investigations and researches into problems relating to
atmospheric pollution and the abatement of smoke
nuisances, and may contribute towards the cost of
similar investigations and researches undertaken by
other bodies or persons.

(2) The Minister of Health [may, for the purposes
of this section, make rules prescribing restrictions or
conditions subject to which powers conferred by this
section may be exercised.”)

Line 25, leave out (“ three ”) and insert (“ four ”)

Line 31, at end insert (“ Provided that in the
“ application to London of such other provisions
“ of this Act as aforesaid the expression ‘ local
“ authority ’ shall mean the sanitary authority
“ within the meaning of the Public Health
“ (London) Act, 1891, save as otherwise in this
“ Act provided ”)

Line 35, leave out (“ January ”) and insert (“ July ”)

Public Health (Smoke Abatement) Bill. [H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 7th December 1926.

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(199)



**Public Health (Smoke Abatement)
Bill. [H.L.]**

AMENDMENT TO BE MOVED BY THE
LORD NEWTON TO ONE OF THE
COMMONS AMENDMENTS.

Commons Amendment.

Clause 9.

*Page 6, line 35, leave out ("January") and insert
("July")*

THE LORD NEWTON proposes to amend the
above amendment as follows:—

Leave out " ("July") and insert
("April")

(199 a)

Public Health (Smoke Abatement) Bill. [H.L.]

AMENDMENT TO BE MOVED
BY THE LORD NEWTON
TO ONE OF THE COMMONS
AMENDMENTS.

9th December 1926.

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(199 a)

Public Places (Order). [H.L.]

MEMORANDUM.

The objects of this Bill are :—

- (1) To repeal provisions in the existing law which refer to solicitation by common prostitutes, and other provisions which do not explicitly refer to solicitation but are sometimes used for dealing with such conduct;
- (2) To substitute a simple provision, which substantially covers the same ground as the existing law, but applies to all persons alike; and
- (3) To enact that proceedings shall only be taken on complaint by or on behalf of the party aggrieved.



A

B I L L

INTITULED

An Act to repeal certain laws relating to prostitutes, and to amend the law relating to order in streets and public places. 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) In section three of the Vagrancy Act, 1824, the following words are hereby repealed, namely, “every common prostitute wandering in the public streets or public highways or in any places of public resort and behaving in a riotous or indecent manner.” Repeals.

(2) In section fifty-four of the Metropolitan Police Act, 1839, paragraphs (11) and (13) are hereby repealed.

(3) In section twenty-eight of the Town Police Clauses Act, 1847, the following words are hereby repealed, namely, “every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution.”

(4) Any Acts or byelaws made thereunder so far as they incorporate the above or any similar provisions are hereby repealed.

2. Every person who, in any street or public place, wilfully causes annoyance to any person by words or behaviour, shall be liable to a penalty not exceeding forty shillings for each offence. Penalties.

- A.D. 1926. —
Provisions as to arrest. **3.** Any constable or other peace officer may arrest without warrant any person committing an offence against this Act, provided that no person shall be taken into custody for such offence except upon complaint by or on behalf of the party aggrieved. 5
- Definition. **4.** The expression “party aggrieved” in section three of this Act includes any resident or passenger.
- Short title and extent. **5.** This Act shall extend to England and Wales and may be cited as the Public Places (Order) Act, 1926.

Public Places (Order).
[H.L.]

A

B I L L

INTITLED

An Act to repeal certain laws relating to prostitutes, and to amend the law relating to order in streets and public places.

The Lord Balfour of Burleigh.

Ordered to be printed 16th November 1926.

LONDON:
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East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 1 d. Net.]

(169)

A

B I L L

INTITULED

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund. 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) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of thirty-five million pounds.

Grants for public works.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

2. This Act may be cited as the Public Works Loans Act, 1926. Short title.

Public Works Loans.

A

B I L L

INTITLED

An Act to grant money for the purpose
of certain local loans out of the
Local Loans Fund.

(Brought from the Commons 4th March 1926.)

Ordered to be printed 4th March 1926.

L O N D O N :

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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(15)



Rating (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Town and county councils to be rating authorities for parish and education rates.
2. Provisions as to parish rates.
3. Basis of levying poor and certain other rates.
4. Temporary borrowing powers to parish councils.
5. Provisions as to education rate.
6. Yearly contributions by town councils to education authorities to cease.
7. Balances in education rate account of parish councils.
8. Apportionment of expenses of district boards of control, &c.
9. Abolition of average rate.
10. County councils not to assess in police burghs.
11. Abolition of exemption from local rates in certain cases.
12. Rateable values of lands and heritages.
13. Provisions as to agricultural rates grant.
14. Provisions as to valuation roll.
15. Provision as to certificates of valuation.
16. Owners of certain subjects in counties may be charged with occupier's rates.
17. Rates on lands and heritages not usually let for less than a year but not occupied by same occupier for whole year.
18. Consolidation of rates.
19. Payment of rates by instalments.
20. Fractions of a penny of rates.

Clause.

21. Collection of rates levied by authorities other than rating authorities.
22. Demand notes for rates.
23. Amendment of s. 62 of 52 & 53 Vict. c. 50.
24. Cost of levying and collecting rates.
25. Consequential amendments of various Acts.
26. Amendment of s. 7 of 1 & 2 Geo. 5. c. 53.
27. Transfer of existing officers, &c.
28. Temporary provisions for protection of trustees of port and harbours of Greenock.
29. Interpretation.
30. Repeals.
31. Short title, commencement and extent.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the law with respect to rating in Scotland; and for purposes incidental thereto or connected therewith. 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. The parish rates and the education rate shall cease to be levied, collected and recovered by parish councils and, subject to and in accordance with the provisions of this Act, shall be levied, collected and recovered by the town council of the burgh and the county council of the county, as the case may be, and the town council and the county council shall be the rating authorities for the burgh and for the county respectively for the purposes of the parish rates and the education rate, but nothing in this Act shall affect the right of a parish council to recover rates levied by the council before the commencement of this Act.

Town and county councils to be rating authorities for parish and education rates.

2.—(1) Every parish council shall annually ascertain the amount required for the purposes of their powers and duties under the Acts of Parliament administered by them in the case of each of the parish rates applicable to the expenditure for those purposes, subject, in the case of the amount required by a parish council acting as a

Provisions as to parish rates.

A.D. 1926. district board of control, to the approval of the amount
— by the General Board of Control for Scotland, and where
a parish is within the areas of two or more rating author-
ities the parish council shall, so far as necessary for the
purposes of any of the said rates, apportion and allocate 5
the amount required among the rating authorities
according to the rateable valuations in the valuation
roll of their respective areas so far as within the parish,
except in the case of the first year after the commence- 10
ment of this Act in which case the apportionment shall
be according to the gross annual valuations in the valuation
roll; and the parish council shall annually, on or before
the fifteenth day of July, certify to the rating authority
the amount required to be provided by that authority
in the case of each parish rate. 15

(2) The rating authority shall, subject to any statutory
limit applicable and to the provisions of this Act, levy,
under the name of the rate appropriate in the case and
within the area to which it relates, a rate of such amount
as is necessary to meet the amount specified in the 20
certificate, and shall collect and recover the rate and,
from time to time as they collect it, and at such intervals
as the rating authority and the parish council may
agree and failing agreement as the Secretary of State,
after consultation with the Scottish Board of Health, 25
may determine, pay over to the parish council the
amount collected up to the amount specified in the
certificate, and so far as the amount specified in the
certificate has not been paid over by that time the
rating authority shall annually on the first day of May 30
pay over the balance to the parish council, notwith-
standing that it has not then been collected.

(3) With respect to each parish rate, any surplus
in the hands of the rating authority which may arise in
any one year shall be applied for the purposes of the 35
ensuing year and in like manner any deficiency which may
occur in any year shall be included in the rate for the
ensuing year.

(4) The exemption from payment of the rate for the
relief of the poor and of any other rate leviable by 40
reference to the persons liable for that rate possessed
and enjoyed by ministers in respect of their manses and
glebes shall cease.

3.—(1) The rate for the relief of the poor and all other rates leviable in like manner as that rate, whether leviable by parish councils or by any other authority, shall cease to be levied or recovered in accordance with the provisions of the Poor Law (Scotland) Act, 1845, and shall, subject to the provisions of this Act, be levied and recovered by the rating authority in like manner at the same time and under the like powers and provisions (including without prejudice to the said generality the power to grant remission or relief on the ground of poverty or inability to pay and the provision relating to appeals) as, but as separate rates from, the public health general assessment, but the limit, if any, applicable to that assessment shall not apply.

A.D. 1926.
—
Basis of
levying poor
and certain
other rates.
8 & 9 Vict.
c. 83.

(2) Where under the provisions of any local Act the public health general assessment is not exigible in respect of any lands and heritages, then notwithstanding anything in this section or in section five of this Act the rates to which those sections apply shall nevertheless be levied and recovered in respect of such lands and heritages in the same way and to the same effect as if the public health general assessment had been exigible in respect thereof.

4.—(1) If a parish council shall find it necessary at any time to make payments in connection with the current annual expenditure for any of the purposes of their powers and duties under the Acts of Parliament administered by them in anticipation of the appropriate rate it shall be competent for the parish council to borrow by way of temporary loan or overdraft on the security of the appropriate rate for the year then current, or with the consent of the Scottish Board of Health on the security of the appropriate rate for the year immediately following, such sum as the council may consider necessary for the purpose, and when any money has been so borrowed on the security of a rate for any year then, except for the purposes of and in accordance with the provisions of the Poor Law Emergency Provisions (Scotland) Act, 1921, it shall not be competent for the parish council to borrow in connection with current annual expenditure on the security of that rate for any other year until the money borrowed as aforesaid shall have been paid off.

Temporary
borrowing
powers to
parish
councils.

11 & 12
Geo. 5. c. 64.

A.D. 1926. — (2) Section eighty-nine of the Poor Law (Scotland) Act, 1845 (which empowers parish councils to borrow money on the security of assessments remaining due), shall cease to have effect.

Provisions
as to educa-
tion rate.

5.—(1) Every education authority shall annually ascertain the amount of the deficiency in the education fund of the education area and

(a) in the case of a scheduled burgh shall, on or before the fifteenth day of July, certify to the rating authority of the burgh the amount of such deficiency; and

(b) in the case of any other education area shall, subject to the proviso to section five of the Education (Scotland) Act, 1918, apportion and allocate the amount of such deficiency among the rating authorities whose areas or parts of whose areas are within the education area according to the rateable valuations in the valuation roll of their respective areas so far as within the education area, except in the case of the first year after the commencement of this Act in which case the apportionment shall be according to the gross annual valuations in the valuation roll, and shall, on or before the date aforesaid, certify to each rating authority the proportion of the deficiency apportioned and allocated to that authority.

8 & 9 Geo. 5.
c. 48.

(2) The rating authority shall, subject to the proviso to section five of the Education (Scotland) Act, 1918, and to the provisions of this Act, levy, under the name of the education rate and within the education area to which it relates so far as within the area of the rating authority, a rate of such amount as is necessary to meet the amount specified in the certificate, and shall collect and recover the rate and, from time to time as they collect it and at such intervals as the rating authority and the education authority may agree and failing agreement as the Secretary of State, after consultation with the Scottish Education Department, may determine, pay over to the education authority the amount collected up to the amount specified in the certificate, and so far as the amount specified in the certificate has not been paid over by that time the rating authority shall annually

on the first day of May pay over the balance to the education authority, notwithstanding that it has not then been collected.

A.D. 1926.

—

(3) The education rate shall, subject to the provisions of this Act, be levied and recovered by the rating authority in like manner, at the same time, and under the like powers and provisions (including without prejudice to the said generality the power to grant remission or relief on the ground of poverty or inability to pay and the provision relating to appeals) as, but as a separate rate from and without the limit, if any, applicable to the public health general assessment.

(4) The provisions of this section shall have effect as though they were included in section thirteen of the Education (Scotland) Act, 1918.

6. The liability of town councils of burghs to make yearly contributions to education authorities out of the common good of the burghs or from other funds under their charge under section forty-six of the Education (Scotland) Act, 1872, shall cease, but the income of any property or money vested in town councils or in the magistrates of burghs for behoof of the burgh schools or for the promotion of any branch of education in such schools or to increase the income of any teacher thereof shall continue to be paid to education authorities in accordance with the said section.

Yearly contributions by town councils to education authorities to cease. 35 & 36 Vict. c. 62.

7. Any surplus in the account of a parish council relating to the education rate shall be transferred to the credit of the account of the parish council relating to the poor rate and be applied towards meeting expenditure on the relief of the poor, and any deficiency in the account of a parish council relating to the education rate shall be defrayed in like manner as expenditure on relief of the poor.

Balances in education rate account of parish councils.

8.—(1) The apportionment of expenses of a district board of control under section fifty-four of the Lunacy (Scotland) Act, 1857, or under section sixty-two of the Prisons (Scotland) Act, 1877, upon the landward parts of counties and upon the burghs respectively within the district of such a board shall, except in the case of the first year after the commencement of this Act, be according to the rateable valuations in

Apportionment of expenses of district boards of control, &c. 20 & 21 Vict. c. 71. 40 & 41 Vict. c. 53.

A.D. 1926. — the valuation roll of the lands and heritages within such landward parts of counties and burghs respectively instead of according to the real rent or the total value of the said lands and heritages in terms of the Lands Valuation (Scotland) Act, 1854, and the sums apportioned as aforesaid and the sums apportioned in the case of the first year after the commencement of this Act under the provisions of the said Acts upon the landward parts of the counties and upon the burghs shall annually on or before the fifteenth day of July be certified to the rating authorities of the counties and the burghs respectively. 5 10

(2) The rating authority shall as they collect the rate applicable to the expenses of the district board, pay it over to the district board of control up to the amount specified in the certificate, or where the rate is also applicable to other expenses pay over to the district board up to the amount aforesaid as they collect the rate the proportion thereof applicable to the expenses of the district board, in either case at such times as the rating authority and the district board may agree and failing agreement as the Secretary of State, after consultation with the General Board of Control for Scotland may determine, and so far as the amount specified in the certificate has not been paid over by that time the rating authority shall annually on the first day of May pay over the balance to the district board, notwithstanding that it has not then been collected. 15 20 25

(3) Sections fifty-four and fifty-five of the Lunacy (Scotland) Act, 1857, and section sixty-two of the Prisons (Scotland) Act, 1877, shall have effect subject to the provisions of this section. 30

(4) For the purposes of this section a district board of control shall not include a parish council acting as a district board of control. 35

Abolition of average rate. 52 & 53 Vict. c. 50.

9. Subsection (4) of section twenty-seven of the Local Government (Scotland) Act, 1889 (which makes provision for payment by owners of the average rate and of a rate sufficient to provide for interest and repayment of certain moneys borrowed before the passing of that Act), shall cease to have effect, and the rates leviable by county councils shall be equally divided 40

between owners and occupiers in accordance with the provisions of subsection (2) of that section. A.D. 1926. —

10. A county council shall not levy under the provisions of the Local Government (Scotland) Act, 1889, or of any other public general Act, any rate within any police burgh which, for the purposes of the said Act of 1889 or of any other such Act, is held to be within the county, and the provisions of subsections (3) and (4) of section sixty and of section sixty-six of the said Act of 1889 relating to the contributions by royal and parliamentary burghs in aid of the expenditure therein mentioned shall apply to sums which, but for the provisions of this section, would have been leviable by the county council within the police burgh, subject to the following modifications :—

County councils not to assess in police burghs.

- (a) references to a royal or parliamentary burgh shall be construed as references to a police burgh; and
- (b) the amount of the contribution by a police burgh to a county council shall be paid out of the general improvement assessment or such other rate leviable by the town council of the police burgh for the purpose of any Act of Parliament administered by them and payable by owners and occupiers in equal proportions as the council may determine, but shall not be reckoned in any calculation as to the statutory limit of that assessment or rate.

11. Section one of the Rating Exemptions (Scotland) Act, 1874 (which contains provisions whereby churches and certain other lands and heritages are not liable to local rates), shall cease to have effect—

Abolition of exemption from local rates in certain cases.

- (a) as regards local rates payable by owners in the case of any church, chapel, meeting house, or premises exclusively appropriated to public religious worship in respect of which the owner receives rent therefor and does not himself occupy such church, chapel, meeting house, or premises; and

37 & 38 Vict. c. 20.

A.D. 1926. — (b) as regards local rates payable by both owners and occupiers in the case of ground exclusively appropriated as burial ground where such ground belongs to a local authority or to a company or persons selling the exclusive right of burial in lairs therein, or trading as cemetery owners for profit ; 5

55 & 56 Vict. c. 55. and section three hundred and seventy-three of the Burgh Police (Scotland) Act, 1892 (relating to exemptions and savings), shall have effect as if the provisions of this section had been in operation at the commencement of that Act. 10

Rateable values of lands and heritages. **12.**—(1) Subject to the provisions of subsection (2) of this section, and also subject to the provisions of subsection (7) of this section or of section forty-five of the Burgh Police (Scotland) Act, 1903, or the corresponding provisions of any local Act, the annual value of the lands and heritages set out in the first column of the First Schedule to this Act shall, for the purposes of all rates leviable under any public general Act except as otherwise specified in the said schedule, be held to be the gross annual value of the lands and heritages, after the deduction of an amount representing the percentage set out in the second column of the said schedule opposite to the lands and heritages to which it relates, and the provisions of any public general Act so far as inconsistent with the provisions of this subsection shall cease to have effect, but nothing herein contained shall be deemed to affect the provisions of section two hundred and thirty-three of the Burgh Police (Scotland) Act, 1892. 15 20 25 30

(2) The provisions of the foregoing subsection shall apply for the purposes of all rates (other than water rates) leviable under any local Act, and of all rates leviable under any public general Act with respect to which special provisions are made in any local Act, together with the provisions of the local Act subject to such modifications and adaptations of such local Act as may be prescribed with respect to any such rate by order made by the Secretary of State on the application of the authority by whom such rate is leviable or of any person interested : 35 40

A.D. 1926.

Provided that in any case in which partial relief from any such rate is given by the local Act, the order shall secure that in such case the relief from the rate under the provisions of this section and of the local
5 Act modified and adapted as aforesaid shall be as near as may be the same as that given by the local Act, and provided also that any relief from any such rate given by a local Act shall cease to the extent to which that relief corresponds to that given by section three hundred
10 and forty-seven of the Burgh Police (Scotland) Act, 1892, or which would have been given by that section if it had applied to underground works of an electricity undertaking, and no account shall be taken of that relief to the said extent for the purposes of the said order.

15 (3) Save as provided in subsections (1) and (2) of this section the annual value of all lands and heritages for the purposes of all rates (other than water rates leviable under a local Act) shall be the gross annual value thereof, subject to the provisions of subsection (7)
20 of this section or of section forty-five of the Burgh Police (Scotland) Act, 1903, or the corresponding provisions of any local Act.

(4) The Secretary of State may, on the application of an authority having power to levy a water rate
25 under a local Act, or of any person interested by order, direct that the provisions of subsection (1) of this section shall apply for the purposes of such water rate together with the provisions of the local Act subject to such modifications and adaptations thereof as may be
30 prescribed in the order, and such water rate shall be levied subject to the provisions of the order :

Provided that, in any case in which partial relief from such rate is given by such local Act, the order shall secure that in such case the relief from the rate
35 shall be as near as may be the same as that given by the local Act, but no account shall be taken of that relief to the extent to which it corresponds to that given by section three hundred and forty-seven of the Burgh Police (Scotland) Act, 1892, or which would have been
40 given by that section if it had applied to underground works of an electricity undertaking.

(5) Any authority or person making application for an order under this section shall give notice of such

- A.D. 1926. application once weekly for at least two successive weeks in a newspaper circulating in the district of the authority by whom the relative rate is leviable, and once in the Edinburgh Gazette on or before the date of the second notice in the said newspaper, and such notice shall contain an intimation that any person interested may lodge objections with respect to the proposed order with the Secretary of State within one month after the date of the first notice in the said newspaper. Where objections are so lodged with respect to any proposed order the authority or other person applying for the order and the authority or other person by whom the objections are lodged shall be entitled to make representation to the Secretary of State. 5
- (6) Any order made under this section shall be laid before both Houses of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or the making of a new order. 10 15 20
- (7) Save as otherwise provided in any local Act, if the amount of the annual value for the purposes of rates ascertained as aforesaid of any lands and heritages in a county includes a fraction of five shillings, the amount of the annual value shall be increased or reduced as the case may be to the nearest complete five shillings, or if the fraction is two shillings and sixpence the fraction shall be disregarded. 25 30
- (8) The provisions of any Act under which a rate is to be charged in equal proportions to owners and occupiers or to be equally divided between owners and occupiers or to be leviable from owners and occupiers in equal proportions shall be deemed to be complied with in the case of agricultural lands and heritages if an equal rate per pound is levied upon owners and occupiers. 35
- (9) Nothing in this section shall affect the total exemption from any rate of any lands and heritages. 40

Provisions
as to

13.—(1) Section eight of the Agricultural Rates Act, 1923 (in this section referred to as “the Act of

1923") shall cease to have effect and the deduction made in pursuance of the immediately preceding section and of the First Schedule to this Act from the gross annual value of agricultural lands and heritages shall
5 be treated for the purposes of the other provisions of the Agricultural Rates (Scotland) Acts, 1896 to 1923 (in this section referred to as "the Acts") as if it were the relief from rates for which provision is made by the said section eight.

A.D. 1926.
—
agricultural
rates grant.
13 & 14 Geo.
5. c. 39.

10 (2) The Acts shall have effect as if for the references therein to parish councils there were substituted references to town councils and county councils as respects parish and education rates and as if the rates leviable by county
15 of section ten of this Act would have been leviable by county councils within police burghs, and the expression "rating authorities" in the Acts shall be construed accordingly.

(3) For the purposes of section ten of the Act of
20 1923 (which relates to the ascertainment of the amount of the additional annual grant for Scotland and of payments to rating authorities), the owners' share of a rate shall be deemed to be one-half of the amount taken as raised by the rate except that in the case of a rate
25 which but for the provisions of section nine of this Act would have been payable wholly or to a partial extent by owners only, the share of one-half shall be increased by an amount representing the produce of one-half of the rate or that part of the rate, as the case may be,
30 which but for the said provisions would have been payable by owners only.

(4) The powers of the Secretary of State to make amendments or variations on certificates under sub-
35 section (4) of section two of the Agricultural Rates Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896 (in this section referred to as "the Act of 1896"), shall apply for the purposes of carrying into effect the provisions of this Act.

(5) In ascertaining the amount of the contribution
40 payable by a police burgh under subsection (4) of section sixty of the Local Government (Scotland) Act, 1889, for the first year after the commencement of this Act a

A.D. 1926. — county council shall take account of the sum payable to the council for that year by way of agricultural rates grant in respect of the rates which, but for the provisions of section ten of this Act would have been leviable by the county council within the police burgh. 5

(6) Every sum received by a rating authority by way of agricultural rates grant in respect of a parish rate or the education rate, or the lunacy rate, or any other rate so far as relating to the expenses of a district board of control, if levied for a period after the fifteenth day of May, nineteen hundred and twenty-eight, shall, notwithstanding that under section eleven of the Act of 1923 it is deemed to have been raised or to be raisable by the rate, instead of being appropriated in reduction of the total amount leviable by the rate as provided in said section eleven, be paid by the rating authority to the parish council or the education authority or the district board of control as the case may be, over and above the sum payable to the council, authority or board under a certificate, and the sum so paid to the council, authority or board in respect of a rate shall be applied by them in reduction of the expenditure in respect of which the rate is leviable. 10 15 20

(7) As from the sixteenth day of May, nineteen hundred and twenty-eight, a county council shall in determining the amount to be apportioned for the purpose of ascertaining the amounts payable by royal, parliamentary and police burghs, under subsection (4) of section sixty of the Local Government (Scotland) Act, 1889, take account of the sums payable to the county council by way of agricultural rates grant in respect of the rate levied by them so far as relating to the expenditure included in the amount to be apportioned and in respect of the rate, so far as relating to that expenditure, which but for the provisions of section ten of this Act would have been levied by them within police burghs. 25 30 35

(8) The expression "agricultural lands and heritages" in the Acts, shall have the same meaning as in this Act, and section one of the Act of 1896, so far as unrepealed, shall cease to have effect save for the purpose of construing any enactment in which that section is referred to. 40

14.—(1) Every valuation roll made up in accordance with the Lands Valuation (Scotland) Act, 1854, or section sixty of the Burgh Police (Scotland) Act, 1903, shall in addition to the other particulars required by the said Acts show the rateable value of the lands and heritages and the amount of any deduction from the gross annual value for the purpose of ascertaining the rateable value, and the provisions of the Lands Valuation (Scotland) Act, 1854 (including, without prejudice to the said generality, the provisions with respect to notices to persons whose property is valued and with respect to appeals) shall apply accordingly.

A.D. 1926.
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Provisions
as to valuation roll.
17 & 18 Vict.
c. 91.
3 Edw. 7.
c. 33.

(2) Lands and heritages, the gross annual value of which is also the rateable value, shall not be included in the same entry in a valuation roll as lands and heritages from the gross annual value of which a deduction is made in ascertaining the rateable value, nor shall any lands and heritages be included in the same entry therein as other lands and heritages unless the same rate of deduction is made from the gross annual value in ascertaining the rateable value in the case of each of the lands and heritages in the entry.

(3) Where for the purposes of any rate leviable under or in accordance with any local Act an apportionment is required of the total gross annual value of lands and heritages entered in a valuation roll under a single entry, the assessor under the Lands Valuation (Scotland) Act, 1854, may, and on the application of the authority by whom the rate is leviable or of any person interested shall, apportion the sum entered in the valuation roll in respect of the said lands and heritages so far as necessary for the purpose of levying the rate aforesaid, and the authority or any person aggrieved by the apportionment may, within fourteen days after such apportionment has been intimated to him, appeal to the sheriff, whose decision shall be final.

(4) Where for the purposes of this Act an amount required or the amount of a deficiency or the amount of expenses in respect of a year is to be allocated and apportioned between two or more rating authorities according to the rateable valuations or the gross annual valuations in the valuation roll of their respective areas so far as within the parish or the education area or other

A.D. 1926. — district, the valuation roll shall be the valuation roll for the preceding year with such adjustments on the basis of the roll for that year as may be necessary to take account of any alteration in boundaries of the area of any rating authority, to which effect has been or is being given in the valuation roll for the year current. The provisions of this subsection shall also apply for the purpose of the apportionment of the expenses of district boards of control in the case of the first year after the commencement of this Act, and for the purpose of ascertaining the amount of the contribution by a royal, parliamentary or police burgh under the provisions of subsection (4) of section sixty of the Local Government (Scotland) Act, 1889.

Provision as to certificates of valuation. **15.** Where any amount or sum is required under this Act to be apportioned or allocated among two or more rating authorities according to the rateable valuation of the respective areas of such authorities, the clerk of the town or county council by whom the valuation roll relating to any part of such areas is made up shall, so soon as the same shall have been authenticated under the Lands Valuation (Scotland) Act, 1854, or section sixty of the Burgh Police (Scotland) Act, 1903, give a certificate of the rateable valuation of such part to the clerk of any council, authority, or board by whom such apportionment or allocation as aforesaid requires to be made.

Owners of certain subjects in counties may be charged with occupier's rates. **16.** Without prejudice to the provisions of the House Letting and Rating (Scotland) Acts, 1911 and 1920, a county council or any other authority (not being the town council of a burgh) having statutory power to levy a rate may, if they think fit, levy upon the owners any occupiers' rate in respect of lands and heritages separately let for a shorter period than one year, but the county council or other authority shall allow to such owners a deduction from the occupiers' rates equal to two and one-half per centum thereof, and every such owner charged with and paying such occupiers' rates shall have relief against the occupiers of such lands and heritages for the full amount thereof without deduction corresponding to the period of occupancy and, so far as he fails to recover the amount payable by any such occupier, he shall be entitled to repayment from the county council or other authority upon lodging a claim on or before such date as may be fixed

by the council or other authority, without prejudice to the right of the council or other authority to make adjustments with such owner in respect of any sum subsequently recovered by him in respect of such occupiers' rates. A.D. 1926.
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17. Without prejudice to the provisions of the House Letting and Rating (Scotland) Acts, 1911 and 1920, when any lands and heritages in respect of which a rate might be imposed upon the occupier, not being lands and heritages usually let for any period shorter than one year, shall not be occupied by the same occupier for the whole year from the term of Whitsunday in any year till the term of Whitsunday in the year following, but shall be occupied for part of such year by a new occupier, the rating authority, or any other authority having statutory power to levy a rate, may, if they think fit, impose and levy on and from such new occupier who occupies the same for any part of such year, whether his name appears in the valuation roll or not, a proportion of such rate for that year corresponding to the period of his occupancy and in the case of a burgh the rating or other authority may, if they think fit, impose and levy on and from the owner of such lands and heritages the proportion of such rate, if any, corresponding to the period during which such lands and heritages were occupied during the said year by any other occupier, and every such owner charged with and paying such occupiers' rates shall have relief against such other occupier corresponding to the period of occupancy, and so far as he fails to recover the amount payable by such other occupier he shall be entitled to repayment from the rating or other authority upon lodging a claim on or before such date as may be fixed by the rating or other authority, without prejudice to the right of the rating or other authority to make adjustments with such owner in respect of any sum subsequently recovered by him in respect of such occupiers' rates.

Rates on lands and heritages not usually let for less than a year but not occupied by same occupier for whole year.

18.—(1) Where by virtue of any public general or local Act the rates leviable by a rating authority are levied as consolidated rates, by whatever name called, the parish rates and the education rate shall be levied and recovered by the rating authority as part of the consolidated rates in like manner as if the expenditure

Consolidation of rates.

A.D. 1926. to which those rates relate were expenditure subject
— to the control of the rating authority :

Provided that nothing in this subsection shall be construed as extending to parish and education rates any total or partial exemption from such consolidated rates 5 in the case of any lands and heritages.

(2) On passing a resolution to that effect, the town council of a burgh may, after fixing the amount per pound in respect of each of the rates leviable by them on the basis of rateable valuation of lands and heritages, 10 instead of levying such separate rates, levy within the burgh consolidated rates of an amount equal to the total amount of the aforesaid separate rates which consolidated rates shall be divided between owners and 15 occupiers in the same proportions as the total amount of the separate rates would have been divided between owners and occupiers had they been separately levied ;

Provided that—

(a) nothing herein contained shall be deemed to authorise the levying, as part of the con- 20 solidated rates, of a sum in respect of a separate rate in excess of the statutory limit applicable in the case of that rate ; and

(b) where any separate rate is leviable only within part of a burgh the consolidated rates levied 25 within a part of the burgh shall be in respect only of the rates leviable in that part ;

and the consolidated rates shall, subject to the provisions of this Act, be recovered in like manner and under the like powers and provisions (including without prejudice 30 to the said generality the power to grant remission or relief on the ground of poverty or inability to pay and the provision relating to appeals) as the public health general assessment. The town council may at any time 35 revoke any resolution under this subsection.

Payment of
rates by
instalments.

19.—(1) Notwithstanding anything to the contrary in any Act, a rating authority or any other authority having statutory power to levy a rate may, on passing a resolution to that effect, levy, collect or recover all or 40 any of the said rates by instalments not being more than four of such amounts, and to be paid on such dates as the rating or other authority shall fix and determine at

A.D. 1926.

the time of fixing or imposing such rates, and the demand note shall in addition to the other required particulars state the time appointed for the payment of each instalment and all powers, rights and remedies competent to the rating or other authority or to their officers for levying, collecting or recovering a rate shall apply to each of the instalments of the rate as if it were a separate rate :

Provided that—

10 (a) any person may elect to pay in one sum instead of by instalments and any person failing to make payment of the first instalment on or before the date fixed therefor shall forfeit the right to pay by instalments; and

15 (b) nothing herein contained shall limit the powers of a rating authority under the provisions of any local Act with respect to levying, collecting and recovering rates by instalments, and any such provisions of any
20 local Act shall apply to the rates which, under this Act, are levied by the rating authority.

(2) The rating or other authority may at any time revoke or vary any resolution under this section.

Fractions of a penny of rates.

25 **20.** In calculating and collecting the amount payable by a ratepayer in respect of rates levied by a rating authority, any fractional part of a penny less than one halfpenny shall not be reckoned as part of the amount of such rates and any fractional part of a penny
30 amounting to or exceeding a halfpenny shall be reckoned in the amount of such rates as a penny.

Collection of rates levied by authorities other than rating authorities.

21. Any rating authority and any other authority having statutory power to levy a rate within the area of the rating authority may make arrangements on such
35 terms and conditions as may be agreed for the collection by the rating authority of the rates levied by the other authority, and where such arrangements are in force the demand note issued by the rating authority in respect of rates levied by them may include as a separate item
40 the rate levied by the other authority.

22.—(1) Every demand note for rates issued by a rating authority (other than any demand note which may

Demand notes for rates.

A.D. 1926. — be issued in respect only of a second or later instalment of rates) shall contain information with respect to the following matters, that is to say—

- (a) the situation of the lands and heritages in respect of which the demand note is issued and such description thereof reasonably necessary for purposes of identification as may be prescribed; 5
 - (b) the gross annual value of the lands and heritages and the value thereof for the purposes of the rates in the demand note; 10
 - (c) where the rates are levied as consolidated rates the amount in the pound at which those rates are levied, and where the rates are not so levied the total amount in the pound of the rates in the demand note levied by the rating authority; 15
 - (d) The date on which the rates are payable;
 - (e) the period in respect of which the rates are levied;
 - (f) where the rates are levied as consolidated rates the amount in the pound representing each of the separate rates in respect of which the consolidated rates are levied, and where the rates are not so levied the amount in the pound of each of the rates in the demand note levied by the rating authority—showing separately the rates relating to expenditure of the rating authority and those relating to expenditure of each authority by or on account of which a certificate has been issued to the rating authority; and 20 25 30
 - (g) the amounts in the pound which are being levied by the rating authority for such of the principal services administered respectively by the rating authorities and the authorities by or on account of which certificates have been issued to the rating authority as may be prescribed. 35
- (2) The Secretary of State may by rules prescribe the forms of demand notes for rates and anything which by this section is to be prescribed. 40

23.—(1) The following subsection shall be substituted for subsection (4) of section sixty-two of the Local Government (Scotland) Act, 1889 (which makes provision with respect to the levying of rates), that is to

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5 say :—

“ (4) The county council may relieve in whole or in part any person from payment of any rate on the ground of poverty or inability to pay, but only on application by such person; but no lands or heritages shall be exempted from assessment on the ground that they are or have been during the period of assessment unoccupied and unfurnished except in respect of the amount payable by the occupier.”

Amendment of s. 62 of 52 & 53 Vict. c. 50.

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15 (2) Summary warrants for the recovery of rates by county councils shall, in addition and without prejudice to the other remedies competent thereunder, decern and ordain instant execution by arrestment, and subsection (5) of section sixty-two of the Local Government
20 (Scotland) Act, 1889, shall have effect accordingly.

24. The expenses incurred by a rating authority in levying, collecting, recovering, and, so far as necessary, paying over all rates levied and collected by them shall be defrayed—

Cost of levying and collecting rates.

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(a) in the case of a town council out of the general improvement assessment or such other rate leviable by the council for the purposes of any Act of Parliament administered by them and payable by owners and occupiers in equal proportions as the council may determine, but shall not be reckoned in any calculation as to the statutory limit of that assessment or rate; and

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(b) in the case of a county council out of the general purposes rate, but, notwithstanding anything in the Local Government (Scotland) Act, 1889, a police burgh shall not be liable to contribute towards any such expenses of a county council.

Consequential amendments of various Acts.

25.—(1) As from the sixteenth day of May, nineteen hundred and twenty-eight, the amounts of the respective contributions payable by royal, parliamentary, and police burghs under subsection (4) of section sixty of the Local Government (Scotland) Act, 1889, shall be ascertained

A.D. 1926. — on the basis of the rateable values of the properties within the respective burghs and within the county according to the valuation roll.

(2) Section sixty-six of the Local Government (Scotland) Act, 1889 (which relates to requisitions and payments of burgh contributions to county funds), whether for the purposes of that Act or of any other Act by which it is applied, shall have effect as if the fifteenth day of July were therein substituted for the month of October. The general meeting of a county council which is required by subsection (2) of section seventy-three of the Local Government (Scotland) Act, 1889, to be held in the month of October, and at which, under section seventy-one of the said Act, the annual budget of the county council is required to be submitted may, if the county council so determine, by passing a resolution to that effect at a meeting of which due notice shall be given, be held on such day before the month of October as the county council may from time to time determine, and the provisions of the said subsection and of the said section seventy-one shall have effect accordingly.

55 & 56 Vict. c. 51. (3) The sum of fifty thousand pounds which, under subsection (4) of section two of the Education and Local Taxation Account (Scotland) Act, 1892, is to be distributed among parish councils shall, instead of being applied to the relief of local rates as therein provided, be applied in reduction of the expenditure incurred by the parish councils respectively for the purposes of their powers and duties under the Acts administered by them in such manner as they may determine.

57 & 58 Vict. c. 58. (4) Section thirty-seven of the Local Government (Scotland) Act, 1894 (which relates to the local annual budget of parish councils), shall have effect as if the month of June were therein substituted for the month of July.

(5) The statutory powers of a rating authority to borrow temporarily in connection with current annual expenditure in anticipation of the rates applicable to such expenditure shall be deemed to include power to borrow for the purposes of meeting any sum, so far as uncollected, payable in accordance with the provisions of this Act to a parish council, education authority or district board of control under a certificate by or on account of that council, authority or board, and that upon the security of the rates leviable by the rating authority

for the purposes of Acts of Parliament administered by them and also, so far as uncollected at the time, the parish, education and lunacy rates which have been levied by them and any sum borrowed under the provisions of this subsection shall not be reckoned in any calculation as to the limit of the amount that may be borrowed under the foresaid statutory powers.

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26. The following subsection shall be substituted for subsection (3) of section seven of the House Letting and Rating (Scotland) Act, 1911, as respects occupiers' rates paid for a period after the commencement of this Act:—

Amendment
of s. 7 of
1 & 2 Geo. 5.
c. 53.

(3) Notwithstanding any payment by the owner of occupiers' assessments in respect of the occupancy of a small dwelling-house if for any period any small dwelling-house in respect of which such payment has been made was not let, or if in respect of any period the owner shall fail to recover the full amount of the rent or other consideration for any small dwelling-house in respect of which such payment has been made he shall upon lodging, on or before dates to be fixed by the respective assessing authorities (one of which dates shall be fixed not earlier than the first or later than the twentieth day of May in each year), with the clerk to any such authority, or with such other officer as such authority may appoint for the purpose—

(a) a claim for repayment which shall set forth—

(i) the period or periods during which the small dwelling-house was not let; and

(ii) the period or periods in respect of which though the house was let payment of the full amount of the rent or other consideration was not recovered by the owner and the amount actually recovered by him on account of such rent or other consideration; and

(b) a declaration to the effect that the amount actually recovered on account of the rent or other consideration for such period or periods has fallen short of the full amount payable by a specified amount;

A.D. 1926. — be entitled to repayment without any unnecessary delay from such authority of the proportionate amount of such assessments for the said period or periods during which the house was not let and of such part of the proportionate amount of such assessments for the said period or periods during which the house was let as corresponds to the unrecovered part of the total amount of rent or other consideration payable, without prejudice to the right of the authority to make adjustments with the owner in respect of any such rent or other consideration subsequently recovered by him. 5 10

Transfer of existing officers.

27.—(1) Any officer or servant who at the passing of this Act is employed by a parish council in full time employment either as collector of rates of the parish council or otherwise in the performance of the duties of the parish council relating to the collection of rates and who at the commencement of this Act is still so employed by the parish council, shall be transferred to and become an officer or servant of the rating authority or, where the parish is within the areas of two or more rating authorities, of such one of those rating authorities as the authorities after consultation with the parish council may agree; and if the rating authorities fail to agree with respect to any such officer or servant, that officer or servant shall be entitled to compensation,—any such officer or servant transferred as aforesaid being in this section referred to as a “transferred officer.” 15 20 25

(2) Subject as hereinafter provided, transferred officers shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing similar duties shall receive not less salaries or remuneration than they would have received or been entitled to if this Act had not passed : 30 35

Provided that

(i) where a transferred officer who, in respect of his service with a parish council has been subject to a superannuation scheme, is transferred under this section to a rating authority having no superannuation scheme to which he will be subject, nothing herein contained shall be deemed to require such rating authority to adopt a superannuation scheme 40

and such transferred officer, on ceasing to hold office under the parish council, shall, if he is not entitled to a superannuation allowance under the superannuation scheme of the parish council, be entitled to compensation in respect of loss of superannuation rights under the scheme for the period of his service prior to transfer to the rating authority so, however, that, if the rating authority subsequently adopt or institute a superannuation scheme, such officer shall not, for the purposes of that scheme, be entitled to have account taken of any period of service in respect of which he has received compensation under this proviso unless within six months of the scheme being so adopted or instituted he repays to the rating authority the sum paid as compensation under this proviso, without interest; and, on payment of such compensation by the rating authority, the parish council shall, out of their superannuation fund, pay to the rating authority the sum in respect of return of contributions with interest which would, under section ten of the Local Government and other Officers' Superannuation Act, 1922, have been payable to the officer if that section had applied in his case; and

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12 & 13
Geo. 5. c. 59.

- (ii) where a transferred officer who, in respect of his service with a parish council, had been subject to a superannuation scheme is transferred under this section to a rating authority having a superannuation scheme constituted under the provisions of a local Act, the parish council shall pay out of their superannuation fund to the rating authority the like sum and the transferred officer shall be entitled to the like rights under the superannuation scheme of the rating authority as if the rating authority had adopted the provisions of the Local Government and other Officers' Superannuation Act, 1922, and the provisions of subsection (1) of section eight of that Act were applicable in the case whether the transferred officer was a contributor or not.

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(3) The rating authority may distribute their business among transferred officers in such manner as the authority may think proper, and every transferred officer shall perform such duties in relation to that business as may be directed by the authority. 5

(4) A rating authority may abolish the office of any transferred officer whose office they may deem unnecessary, but such officer shall be entitled to compensation.

(5) If at any time within five years after the commencement of this Act any transferred officer is required by the rating authority to whose service he has been transferred to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform under the parish council, the officer may relinquish his office and thereupon shall be entitled to compensation. 10
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(6) Any transferred officer whose services are dispensed with, or whose salary is reduced by the rating authority within five years after the commencement of this Act because his services are not required or his duties are diminished, and not on the ground of misconduct, shall be entitled to compensation unless it is proved that the pecuniary loss suffered has not arisen in consequence of this Act. 20
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(7) Every officer or servant of a parish council (other than an officer or servant to whom subsection (1) of this section applies) and every officer or servant of a rating authority who, by virtue of this Act or anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of salary, fees or emoluments, shall be entitled to compensation. 30

(8) Compensation shall be payable to the officer or servant entitled thereto by the rating authority concerned, or where the parish of the parish council in whose service the officer or servant entitled to compensation was at the passing of this Act is in the area of two or more rating authorities, by the rating authority (in this subsection referred to as the "principal rating authority") the gross annual valuation of whose area so far as within the parish, according to the valuation roll for 35
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the year current at the passing of this Act, exceeds the gross annual valuation of the area of any other rating authority so far as within the parish, and each such other

A.D. 1926.

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5 authority shall repay to the principal rating authority their proportion of the sums paid by way of compensation, which proportion shall be calculated by reference to the gross annual valuations of the respective areas of the rating authorities so far as within the parish according to the said valuation roll. For the purposes

10 of this subsection—

(i) the rating authority concerned in the case of an officer or servant of a county council entitled to compensation in respect of his employment in connection with the collection of rates

15 leviable by the county council in a police burgh, shall be the town council of the police burgh; and

(ii) in the case of compensation payable to a transferred officer under proviso (i) to subsection (2)

20 of this section the rating authority to whom the officer is transferred shall be the principal rating authority whether or not the gross annual valuation of their area within the parish exceeds that of any other rating authority,

25 and in ascertaining the proportions of such compensation repayable to that authority by other rating authorities account shall be taken of the sum payable to that authority by the parish council under the said proviso.

(9) The provisions contained in the Second Schedule to this Act shall have effect with regard to the determination and payment of compensation under this Act to officers or servants entitled thereto.

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(10) If any question arises as to—

35 (a) the transfer of an officer or servant in consequence of the provisions of this section;

(b) the rating authority to whom application by an officer or servant for compensation is to be made; or

40 (c) the manner in which the expenses of a rating authority under this section and the Second Schedule to this Act are to be defrayed,

A.D. 1926. the Secretary of State may, on the application of the officer or servant or any rating authority, or parish council concerned determine the question.

Temporary provisions for protection of trustees of port and harbours of Greenock.

28. Until the fifteenth day of May, nineteen hundred and thirty-two, and notwithstanding anything in this Act contained, in the application of this Act to the port and harbours of Greenock the deduction of the percentage set out in the second column of the First Schedule to this Act shall be ten per centum higher than the deduction applicable to the class of lands and heritages referred to in paragraph (8) of the said Schedule. 5 10

Interpretation.

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

the expression “agricultural lands and heritages” means any lands and heritages used for agricultural or pastoral purposes only, or as market gardens, orchards, allotments or allotment gardens, but does not include woodlands or lands occupied together with a house as a park, garden, or pleasure-ground, or any land kept or preserved mainly or exclusively for sporting purposes; 15 20

the expression “agricultural rates grant” means any sum received by a rating authority in respect of a rate under subsection (3) of section four of the Agricultural Rates Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896, or subsection (1) of section two of the Local Taxation Account (Scotland) Act, 1898, or the Agricultural Rates Act, 1923; 25 30

the expressions “burgh” and “police burgh” have the respective meanings assigned to them in the Burgh Police (Scotland) Act, 1892;

the expression “county” means the county exclusive of any burgh; 35

the expression “compensation” means compensation under this Act;

the expression “education rate” means the rate leviable for the purposes of defraying the expenses of education authorities under the provisions of the Education (Scotland) Act, 1918, as amended by this Act: 40

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- 5 the expression "gross annual value" in relation to lands and heritages, means the yearly rent or value thereof as entered in the valuation roll in accordance with the provisions of the Lands Valuation (Scotland) Act, 1854 and the Acts (other than the section of this Act containing provisions as to the valuation roll) amending that Act, and the expression "gross annual valuation" shall be construed accordingly;
- 10 the expression "lunacy rate" means the rate levied under the Lunacy (Scotland) Act, 1857;
- 15 the expression "owner" in the case of a burgh has the meaning assigned to it in the Burgh Police (Scotland) Act, 1892, and in the case of a county has the meaning assigned to it in the Local Government (Scotland) Act, 1889;
- the expression "parish council" includes a parish council acting as a district board of control;
- 20 the expression "parish rates" means the rate for the relief of the poor and all other rates which by any Act of Parliament are declared to be leviable by a parish council, excluding the education rate;
- 25 the expression "rate" includes any rate, charge and assessment the proceeds of which are applicable to public local purposes and which is leviable on lands and heritages;
- 30 the expression "rateable value" means the annual value hereinafter specified, adjusted, if so required in the case of lands and heritages in a county in accordance with the provisions of subsection (7) of section twelve of this Act, or the corresponding provisions of any local Act, and in the case of lands and heritages in a
- 35 burgh in accordance with the provisions of section forty-five of the Burgh Police (Scotland) Act, 1903, or the corresponding provisions of any local Act—
- 40 (a) in the case of lands and heritages specified in the First Schedule to this Act the gross annual value after the deduction of an amount representing the percentage thereof set out in the second column of the said

A.D. 1926.

schedule opposite to the lands and heritages to which it relates; and

(b) in the case of lands and heritages (other than lands and heritages to which paragraph (a) hereof applies) the gross annual value, except that in the case of lands and heritages with respect to which there is total exemption from all rates the rateable value shall be treated as nil

and the expression "rateable valuation" shall be construed accordingly; except that for the purpose of any apportionment between rating authorities the rateable valuation of the area of a rating authority shall be ascertained as if the rateable value of agricultural lands and heritages therein were one-half of the gross annual value thereof;

the expression "rating authority" means in the case of a county, the county council and in the case of a burgh, the town council;

the expression "valuation roll" includes a supplementary valuation roll.

(2) Any reference in this Act to any statutory provision shall be construed as a reference to the statutory provision as amended or extended or applied by any subsequent Act, including this Act.

(3) Subject to the provisions of this Act, references in any Act or in any bond for borrowed money, or in any other document, to a rate leviable by a parish council shall be construed as references to the corresponding rate leviable by the rating authority as coming in place of the parish council under the provisions of this Act.

(4) Save as respects the education rate, nothing in this Act shall be construed as authorising any rate to be levied by a rating authority in any area outwith the parish or part of the parish, as the case may be, in which the rate would but for the provisions of this Act have been leviable by the parish council.

(5) Nothing in this Act shall be construed as requiring that under subsection (1) of section one of the Public Libraries (Scotland) Act, 1920, the accounts of the committee therein mentioned shall be audited,

otherwise than they would have been audited had this Act not passed, and the references in the said subsection to the rating authority shall be construed accordingly.

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30. The enactments mentioned in the Third Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Repeals.

31.—(1) This Act may be cited as the Rating (Scotland) Act, 1926.

Short title,
commence-
ment and
extent.

(2) This Act shall come into operation on the sixteenth day of May, nineteen hundred and twenty-seven.

(3) This Act shall apply to Scotland only.

A.D. 1926.

SCHEDULES.

Section 12.

FIRST SCHEDULE.

DEDUCTIONS FROM GROSS ANNUAL VALUE OF CERTAIN
CLASSES OF LANDS AND HERITAGES FOR THE
PURPOSES OF RATES. 5

<i>Class of Lands and Heritages.</i>	<i>Rate of Deduction.</i>	
1. Mines, minerals and quarries including any lands and heritages contiguous thereto used wholly or mainly for the purposes of the business of working the mines, minerals and quarries.	Five per cent.	16
2. Mills, manufactories, works or premises of a similar character used wholly or mainly for industrial purposes (other than those specified in paragraphs 3, 4, 5 and 11.	Six and one-quarter per cent.	15
3. Works wholly or mainly for the conversion of ore into pig iron and works in the occupation of the same person as the foresaid works and used in conjunction therewith, wholly or mainly, for the utilisation of by-products arising out of the manufacture of pig-iron.	Fifteen per cent.	20
4. Works used wholly or mainly for the manipulation of semi-finished steel or wrought iron products into tubes.	Fifteen per cent.	25
5. Works used wholly or mainly for the extraction of crude oil from shale, and works used wholly or mainly for the refining of crude oil.	Fifteen per cent.	30
6. Lands and heritages forming part of the undertaking of any local authority, body, or company supplying gas or water for public purposes or to members of the public and exclusively used in connection with such supply.	Twenty per cent.	35

	<i>Class of Lands and Heritages.</i>	<i>Rate of Deduction.</i>	<i>A.D. 1926.</i>
7.	Sewers, drains or sewerage works belonging to a local authority as local authority for the purposes of drainage or to any other authority having statutory power to levy a drainage rate.	Twenty per cent.	1st Sch. —cont.
5			
8.	Harbours, quays, wharves, docks, piers, ferries or canals (other than those valued as part of a railway undertaking) and any lands and heritages used wholly or mainly for the purposes thereof.	Twenty per cent.	
10			
9.	Lands and heritages belonging to or leased by a railway company and valued by the assessor of railways and canals as part of a railway undertaking.	Twenty-five per cent.	
15			
10.	Lands and heritages belonging to or leased by a tramway company or local authority, and valued by the assessor of railways and canals as part of the tramway undertaking of such company or authority.	Twenty-seven and one-half per cent.	
20			
11.	Works used wholly or mainly for the manufacture of steel ingots or wrought iron in conjunction with processes incidental to the manufacture of steel or wrought iron products or for the manipulation of semi-finished steel or wrought iron products into plates, sheets, sections, hoops, strips or bars.	Thirty per cent.	
25			
30			
12.	Lands and heritages forming part of the undertaking of any local authority, body or company supplying electricity for public purposes or to members of the public and exclusively used in connection with such supply.	Thirty per cent.	
35			
40			
13.	Agricultural lands and heritages—for the purposes of the owner's share of rates.	Twenty-five per cent.	
45			
14.	Agricultural lands and heritages, for the purposes of the occupier's share of rates.	Seventy-five per cent.	

A.D. 1926.

Section 27.

SECOND SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS OR SERVANTS ENTITLED THERETO.

1. The provisions of section one hundred and twenty of 5
the Local Government (Scotland) Act, 1889, shall apply to the
determination and payment of compensation to officers or
servants subject to the following and any other necessary
modifications:—

- (a) References to the county council and the Treasury 10
shall be construed as references to the rating authority
liable in payment to the officer or servant of compensa-
tion (in this Schedule referred to as the "com-
pensating authority") and the Secretary of State 15
respectively, and the reference to the convener or vice-
convener shall be construed in the case where the
compensating authority is the town council of a burgh
as a reference to the lord provost, provost or acting
chief magistrate of the burgh;
- (b) The reference to the Acts and rules relating to His 20
Majesty's Civil Service shall be construed as a reference
to the Acts and rules which were in operation at the
date of the passing of the Local Government (Scotland)
Act, 1889;
- (c) References to "the passing of this Act" shall, except 25
in the case of abolition or relinquishment of office, be
construed as references to the date when the loss arose,
and in the case of abolition or relinquishment of office,
as references to the date of such abolition or relin-
quishment; 30
- (d) A claim for compensation shall not be maintainable
unless it is intimated to the compensating authority
within two years of the date on which it is alleged to
have arisen.
- (e) Expenses incurred by a rating authority in pursuance 35
of section twenty-seven of this Act and of this Schedule
shall be defrayed in like manner as the expenses of
levying and collecting rates:
Provided that if any compensation is payable by way
of a capital sum the payment of that compensation 40
shall be a purpose for which the rating authority may
borrow upon the security of the assessment or rate
out of which the said expenses are to be defrayed,
and any sum so borrowed shall be repaid within a
period of five years from the date on which the sum 45
is borrowed.
- (f) Subsections (8) and (9) shall not apply.

2. In computing the time of service in any capacity of any officer or servant for the purpose of the award of compensation, the compensating authority shall take into account all the service in any capacity of that officer or servant under any parish council, town council or county council, whether he was appointed annually or otherwise :

A.D. 1926.

—
2ND SCH.

—cont.

Provided that if in pursuance of the power conferred by this Act an office is abolished by a rating authority, otherwise than at the expiration of a complete year of service of an officer or servant, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

3. The compensation payable to an officer or servant who immediately before the commencement of this Act held two or more offices under any parish, town or county council or councils and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

4. If any officer or servant was temporarily absent from his employment during the late war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the parish council, town council, or county council, as the case may be, such period of temporary absence shall be reckoned as service under the council in whose employment he was immediately before and after such temporary absence, and the amount of his salary, wages and emoluments during such temporary absence shall be deemed to be the amount which he would have received from the council during that period if he had remained in their actual service :

Provided that, in the case of an officer or servant who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during such extension shall be reckoned.

5. The compensating authority may, in their discretion and in consideration of the fact that any officer or servant was appointed to his office as a specially qualified person, or of the fact that he had prior to his appointment served as a deputy, assistant, or clerk to any officer not holding a temporary appointment, add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to His Majesty's Civil Service as applied by this Act.

A.D. 1926.
—
2ND SCH.
—cont.

6. The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act, or if the compensation is payable by way of a capital sum, two-thirds of the capital value of such annual pecuniary loss. 5

7. No officer or servant shall be entitled to receive both compensation for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Section 30.

THIRD SCHEDULE.

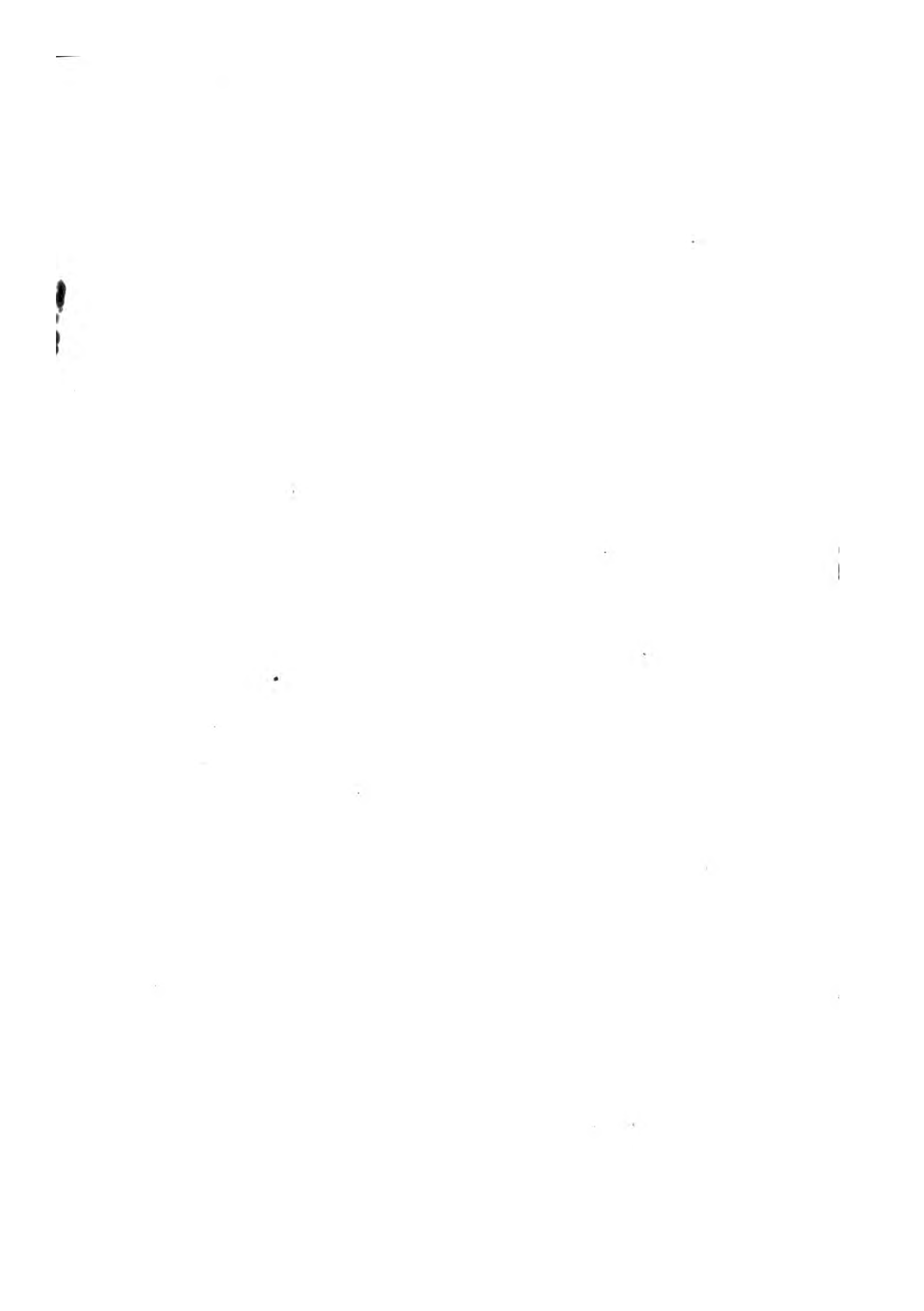
10

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of Repeal.	
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Sections thirty-four to forty-five inclusive, sections forty-nine, fifty-one, eighty-eight and eighty-nine.	15
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	In section twelve the words from "and as soon as such valuation roll has been authenticated as aforesaid" to "their respective parishes," and in section eighteen the words from "shall cause such amount" to "the current year within such parishes respectively or".	20 25
20 & 21 Vict. c. 71.	The Lunacy (Scotland) Act, 1857.	In section forty-one the words from the commencement of the section to "in terms of this Act; and" In section fifty-four the words "expenses of assessment, collection, and remittance, and," wherever these words occur. In section fifty-five the words "within eight months after notice by the commissioners aforesaid and in the manner directed by the said last-mentioned Act".	30 35 40

Session and Chapter.	Short title.	Extent of Repeal.	A.D. 1926.
5 35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	In section forty-six the words from "and the town council of every burgh shall" to "for the purpose of promoting higher instruction".	— 3 RD SCH. — <i>cont.</i>
10 48 & 49 Vict. c. 16.	The Registration Amendment (Scotland) Act, 1885.	In section eleven the words "or a collector of poor rates".	
15 52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	In subsection (2) of section twenty-seven the words "Subject to the provisions hereinafter contained". Subsection (4) of section twenty-seven and subsection (5) of section sixty.	
20 55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section two hundred and sixty-seven the words from "and provided also that" to the end of the section. Sections three hundred and forty-six and three hundred and forty-seven.	
25 57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	In subsection (1) of section twenty-seven the words "as ascertained for the purposes of the Poor Law (Scotland) Act, 1845". In subsection (1) of section thirty-eight the words "as ascertained for the purposes of the Poor Law (Scotland) Act, 1845," and the words "in terms of section eighty-nine of the said Act." Subsection (7) of section forty-four.	
30			
35			
40			
45			
50 59 & 60 Vict. c. 67.	The Agricultural Rates Congested Districts and Burgh Tax Relief (Scotland) Act, 1896.	Section one.	

A.D. 1926.	Session and Chapter.	Short title.	Extent of Repeal.
3RD SCH. —cont.	1 Edw. 7. c. 24.	The Burgh Sewerage, Drainage and Water Supply (Scotland) Act, 1901.	In section two the words from “ Provided also that for “ shops ” to “ in the manner “ provided in the principal “ Act ”. 5
	3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scot- land) Act, 1913.	In subsection (2) of section sixty-five the words “ and “ provided also that the con- “ sent of the Board shall 10 “ be required to any assess- “ ment levied by the parish “ council acting as a district “ board ”. 15
	8 & 9 Geo. 5. c. 48.	The Education (Scot- land) Act, 1918.	Subsections (2), (3) and (5) of section thirteen. The proviso to paragraph 5 and paragraph 6 of the Fourth Schedule. 20
	13 & 14 Geo. 5 c. 39.	The Agricultural Rates Act, 1923.	Sections eight and twelve.



Rating (Scotland).

A

B I L L

INTRODUCED

An Act to amend the law with respect to rating in Scotland; and for purposes incidental thereto or connected therewith.

(Brought from the Commons 26th November 1926.)

Ordered to be printed 26th November 1926.

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(182)

Rating (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL OF DONCASTER

(D. Buccleuch and Queensbury).

Clause 16, page 14, line 36, omit ("two and one half") and insert ("five").

First Schedule, page 31, line 41, omit ("Twenty-five") and insert ("Seventy-five").

line 41, leave out from ("13") to the end of the paragraph and insert:

("Agricultural lands and heritages for the purposes of the owners' share of rates—

" in a burgh - - Fifty per cent.
" in a county - - Twenty-five per cent.")

Rating (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL OF DONCASTER
(*D. Buccleuch and Queensbury*).

3rd December 1926.

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(182*a*)



Rating (Scotland) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT YOUNGER OF LECKIE.

Clause 26, page 22, line 11, at end, insert:—

(“ (2) Subsection (6) of section seven of the House Letting and Rating (Scotland) Act, 1911 (which relates to the deduction to cover cost of collection to be allowed to owners from occupiers’ rates levied and recovered from the owners) shall have effect as respects occupiers rates paid for a period after the commencement of this Act subject to the following amendments:—

- (a) The words ‘ In the City of Glasgow two pounds ‘ ten shillings per centum and elsewhere ’ and the words ‘ Except in the City of Glasgow ’ shall be omitted ; and
- (b) The words ‘ five pounds ’ shall be substituted for the words ‘ two pounds ten shillings ’ wherever they occur.”)

(182 b)

Rating (Scotland) Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT YOUNGER OF
LECKIE.

6th December 1926.

L O N D O N :
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(182b)

A

B I L L

INTITULED

An Act to remove the necessity of the re-election of Members of the House of Commons on acceptance of office. 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) In subsection (1) of section one of the Re-election of Ministers Act, 1919, the words “and if such acceptance has taken place within nine months after the issue of a proclamation summoning a new Parliament” shall be deleted and the said section shall, as from the passing of this Act, have effect as if the said words did not form part of the said section. Amendment of law as to necessity of re-election of Ministers

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

2. This Act may be cited as the Re-election of Ministers Act (1919) Amendment Act, 1926. Short title,



A.D. 1926.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Section fifty-two and Schedule H.	5
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Section fifty-one and Schedule H.	
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Section eleven and Schedule E.	10
48 & 49 Vict. c. 61.	The Secretary for Scotland Act, 1885.	In section three the words " in " Schedule H of the Repre- " sentation of the People " Act, 1867; in Schedule H " of the Representation of " the People (Scotland) Act, " 1868; in Schedule E of " the Representation of the " People (Ireland) Act, 1868; " and."	15 20
52 & 53 Vict. c. 30.	The Board of Agriculture Act, 1889.	In subsection (1) of section eight the words " and shall " be deemed to be an office " included in Schedule H of " the Representation of the " People Act, 1867; Sche- " dule H of the Representa- " tion of the People (Scot- " land) Act, 1868; and Sche- " dule E of the Representa- " tion of the People (Ireland) " Act, 1868."	25 30
62 & 63 Vict. c. 38.	The Board of Education Act, 1899.	In subsection (1) of section eight the words " in Sche- " dule H of the Representa- " tion of the People Act, " 1867; in Schedule H of the " Representation of the " People (Scotland) Act, " 1868; in Schedule E of " the Representation of the " People (Ireland) Act, 1868, " and."	35 40 45

A.D. 1926.

Session and Chapter.	Short Title.	Extent of Repeal.
5 10	6 & 7 Geo. 5. c. 65. The Ministry of Pensions Act, 1916.	In subsection (1) of section seven the words "in Schedule H of the Representation of the People Act, 1867; in Schedule H of the Representation of the People (Scotland) Act, 1868; in Schedule E of the Representation of the People (Ireland) Act, 1868; and."
15	6 & 7 Geo. 5. c. 68. The New Ministries and Secretaries Act, 1916.	Subsection (2) of section twelve.
20 25	9 & 10 Geo. 5. c. 2. The Re-election of Ministers Act, 1919.	In section one, subsection (1), the words "and if such acceptance has taken place within nine months after the issue of a proclamation summoning a new Parliament," and subsection (2). In section two the words "and the office of such Minister shall be deemed to be an office included in the above-mentioned Schedules."

Re-election of Ministers.

A B I L L

INTITULED

An Act to remove the necessity of the re-election of Members of the House of Commons on acceptance of office.

(Brought from the Commons 14th June 1926.)

Ordered to be printed 14th June 1926.

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(97)

Re-election of Ministers Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD BUCKMASTER.

Clause 1, page 1, line 11, leave out the first (" as "), and leave out (" the passing of this Act ") and insert (" and after the next general election ")

(97 a)

Re-election of Ministers Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BUCKMASTER.

24th June 1926.

LONDON:
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(97 a)



Re-election of Ministers Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT BERTIE OF THAME.

Clause 1, page 1, line 15, at end insert as a new subsection:—

“() This Act shall not apply in the case of a person appointed a Minister who has changed his party since he was last elected to Parliament.”)

(97 b)



Re-election of Ministers Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT BERTIE OF THAME.

2nd July 1926.

LONDON:
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(97b)

Re-election of Ministers Bill.

MARSHALLED LIST

OF

AMENDMENTS

TO BE MOVED IN COMMITTEE.

*[The Amendment marked * has not been previously
circulated.]*

Clause 1.

BY THE LORD BUCKMASTER.

Page 1, line 11, leave out the first ("as"), and leave out ("the passing of this Act") and insert ("and after the next general election")

BY THE VISCOUNT BERTIE OF THAME.

Page 1, line 15, at end insert as a new subsection:—
“() This Act shall not apply in the case of a person appointed a Minister who has changed his party since he was last elected to Parliament.”)

* THE LORD DARLING proposes to amend the above amendment as follows:

In line 2, leave out ("party"), and insert ("political principles")

(97**)



Re-election of Ministers Bill.

MARSHALLED LIST OF
AMENDMENTS TO

BE MOVED IN COMMITTEE.

*[[The Amendment marked * has not
been previously circulated.]*

5th July 1926.

LONDON:
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(97 **)

Roman Catholic Relief Bill.

MEMORANDUM.

This Bill leaves undisturbed the provisions of the Bill of Rights and the Act of Settlement which preserve the succession of the Crown in the Protestant line, does not enable a Roman Catholic to become Lord Chancellor, and does not entitle a Roman Catholic to present to a benefice of the Church of England, but repeals the following Acts or parts of Acts which impose disabilities on Roman Catholic citizens:—

- 3 & 4 *Edw. VI. Cap. 10* (1549) forbids books of Roman Catholic ritual “ever to be kept in this realm.”
- 1 *Eliz. Cap. 24* (1559) (*The Religious Houses Act, 1559*) characterises religious orders as “superstitious,” and therefore any disposition or trust for the benefit of such orders is liable to be declared void as for a “superstitious use.”
- 1 *Geo. I. St. 2, Cap. 50* (1715) characterises property given to any Abbey or Convent as given for a “popish or superstitious use,” and any such gift is liable therefore to be declared void.
- 31 *Geo. III., Cap. 32* (1791) (*The Roman Catholic Relief Act, 1791*): *Section 11* excludes from the benefit of the Act any priest who officiates in any place of worship with a bell and steeple or officiates at any funeral or exercises the rites of the Roman Catholic religion or wears the habits of his Order not within a Roman Catholic church or private house.

Section 17 provides that nothing in the Act shall make it lawful to establish a society of persons professing the Roman Catholic religion and that all uses, trusts and dispositions which would have been deemed superstitious and unlawful before the 24th of June 1791 shall continue to be so deemed.

10 *Geo. IV. Ch. 7* (1829) (*The Roman Catholic Relief Act, 1829*, generally known as "*The Catholic Emancipation Act*"): *Section 26* enacts that if any priest exercises any of the rites of the Roman Catholic religion or wears the habits of his Order save within the usual place of worship of the Roman Catholic religion or private house he shall forfeit 50*l.* for each such offence.

Section 28 provides that members of religious orders must register with the clerk of the peace of the county and forfeit 50*l.* for every month during which they remain in the United Kingdom without having so registered.

Section 29 provides that any member of a religious order coming into this realm is to be banished for the term of his natural life.

Section 30 permits any such persons being natural-born subjects to return to this Kingdom provided they register under section 28 above.

Section 31 enables the Secretary of State to grant licences to such persons to remain in the United Kingdom for not more than six months.

Section 32 provides for an annual return of such licences.

Section 33 provides that any such person admitting any other person to become a member of a religious order shall be guilty of a misdemeanour.

Section 34 provides that any person so admitted shall be sentenced to banishment for life.

Section 35 provides for the deportation of a banished person not departing within thirty days after sentence.

Section 36 provides that any person sentenced to be banished and found at large after the end of three months shall be transported for life.

2 & 3 *Will. IV. c. 115* (*The Roman Catholic Charities Act, 1832*): *Section 4* continues the provisions of the Roman Catholic Relief Act, 1829 (as above), respecting the suppression of the religious orders.

23 & 24 *Vict. c. 134* (*The Roman Catholic Charities Act, 1860*): *Section 7* continues the provisions of the Roman Catholic Relief Act, 1829 (as above), respecting the suppression of the religious orders.



A

B I L L

INTITULED

An Act to provide for the further relief of His Majesty's Roman Catholic subjects. 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. The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the said Schedule. Repeal of enactments.

10 2. Nothing herein contained shall affect in any manner whatsoever any power conferred by any Act of Parliament, or by any byelaw made pursuant to any Act of Parliament, upon any local authority in Great Britain to make regulations relating to, or otherwise to control, any meeting or procession in or through any street or other
15 public place whatsoever, or in or through any unfenced ground adjoining or abutting upon any such street or place, nor the power of any local authority conferred by any Act of Parliament to make byelaws relating to any such meeting or procession. Saving as to powers of local authorities.

20 3. Nothing in this Act nor the repeal of any enactments or parts thereof specified in the Schedule thereof shall in any way alter, add to, or abridge the law relating to services, acts, matters, or things performed or done in any church or chapel of the Savings relating to the Church of England and saving of rights of title.

A.D. 1926. — established Church of England or relating to clergy or ministers of the said established Church of England, or relating to any right of presentation to any benefice or other ecclesiastical living or office in the established Church of England. 5

Nothing herein contained shall adversely affect the title to properties which were vested in the Crown by the statute, 1 Eliz., cap. 24.

Short title. 4. This Act may be cited as the Roman Catholic Relief Act, 1926, and shall not apply to Northern 10 Ireland.

SCHEDULE.

A.D. 1926.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 3 & 4 Edw. 6. cap. 10.	- - - - -	The whole Act.
1 Eliz. cap. 24	- - - - -	The whole Act, except sections three, ten, twelve and sixteen.
10 1 Geo. 1. St. 2. cap. 50.	- - - - -	The whole Act.
31 Geo. 3. cap. 32.	The Roman Catholic Relief Act, 1791.	Sections eleven and seventeen.
15 10 Geo. 4. cap. 7.	The Roman Catholic Relief Act, 1829.	Section twenty-six, sections twenty-eight to thirty-six inclusive. The Schedule.
2 & 3 Will. 4. cap. 115.	The Roman Catholic Charities Act, 1832.	Section four.
20 23 & 24 Vict. cap. 134.	The Roman Catholic Charities Act, 1860.	Section seven.

Roman Catholic Relief.

A

B I L L

INTITULED

An Act to provide for the further relief
of His Majesty's Roman Catholic
subjects.

(Brought from the Commons 6th December 1926.)

Ordered to be printed 6th December 1926.

LONDON:
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East Harding Street, E. C. 4,
Printers to the King's most Excellent Majesty.

[*Price 2d. Net.*]]

(194)



Roman Catholic Relief Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT BERTIE OF THAME.

Clause 3, page 2, line 5, at end insert (" or authorise
" the carrying of the Host in procession through the
" streets")

(194 a)

Roman Catholic Relief Bill.

AMENDMENT
TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT BERTIE OF THAME.

13th December 1926.

LONDON
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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[Price 1d. Net.]

(194 a)

Sale of Food (Weights and Measures). [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Prohibition of giving of short weight, measure or number.
2. Statements as to weight or measure on pre-packed articles.
3. Misrepresentation.
4. Provisions applicable to the sale of certain articles of common consumption.
5. Provisions applicable to the sale of butchers' meat.
6. Provisions applicable to the sale of bread.
7. Provisions applicable to the sale of milk.
8. Savings.
9. Power of Board of Trade to make regulations.
10. Special provisions as to wholesale dealings in agricultural and horticultural produce.
11. Powers of inspection and entry.
12. Penalties.
13. Safeguards to traders.
14. Interpretation.
15. Short title, construction, commencement, repeal and extent.

SCHEDULES.



A

B I L L

INTITULED

An Act to provide for the better protection of the public in relation to the sale of food, including agricultural and horticultural produce. A.D. 1923.

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. A person shall not, in selling any article of food by weight, measure or number, deliver or cause to be delivered to the purchaser a less weight, measure or number, as the case may be, than is purported to be sold. Prohibition of giving of short weight, measure or number.

10 2. A statement as to the weight or measure of a pre-packed article of food shall be deemed to be a statement as to the net weight or measure thereof unless otherwise specified. Statements as to weight or measure on pre-packed articles.

15 3. A person shall not on or in connection with the sale of any article of food, or in exposing or offering any article of food for sale, make any misrepresentation either by word of mouth or otherwise, or commit any other act calculated to mislead the purchaser or prospective purchaser, as to the weight or measure of the
20 article, or, if any articles are being sold or offered for sale by number, as to the number of articles sold or offered for sale. Misrepresentation.

A.D. 1926.
—
Provisions
applicable
to the sale of
certain
articles of
common
consump-
tion.

4.—(1) A person shall not sell any article of any of the kinds of food set forth in the First Schedule to this Act otherwise than by net weight:

Provided that this subsection shall not apply to sales of any article in quantities of one hundred and twelve pounds or upwards where the article is corn within the meaning of the Corn Sales Act, 1921, or an article to which that Act applies in like manner as it applies to corn, and is not pre-packed. 5

(2) A person shall not sell or have in his possession for sale any pre-packed article of food of any of the kinds set forth in the First Schedule to this Act, unless— 10

(a) the article is made up for sale in quantities of two ounces, four ounces, eight ounces, twelve ounces, one pound or multiples of one pound, or, alternatively in the case of flour, in quantities of one pound and three quarters or three pounds and a half; and 15

(b) the wrapper or container bears thereon, or on a label securely attached thereto, a true statement in plain characters of the net weight of the article contained therein at the time of packing or of importation, whichever is the later: 20

Provided that in the case where the article is made up for sale on the premises where it is sold or kept for sale by a retailer and is made up in quantities of two ounces, four ounces, eight ounces, one pound, or a multiple of one pound, it shall not be necessary that such a statement as aforesaid should be borne on or attached to the wrapper or container. 25 30

(3) A person shall not sell by retail any article (not being a pre-packed article) of any of the kinds of food set forth in the First Schedule of this Act in quantities other than two ounces, four ounces, eight ounces, one pound, or multiples of one pound unless— 35

(a) the article is weighed in the presence of the purchaser and forthwith delivered to him; or

(b) the article is delivered to the purchaser accompanied by a legible statement of its net weight. 40

(4) It shall be lawful to print on any wrapper or container in which any pre-packed article is contained the net weight thereof notwithstanding anything in any other Act to the contrary. 54

(5) This section shall not apply in the case of any article which is proved to have been sold for export or to be intended to be so sold. A.D. 1926.

5 **5.**—(1) A person shall not sell by retail any butchers' meat otherwise than by net weight. Provisions applicable to the sale of butchers' meat.

(2) A person shall not deliver or cause to be delivered to a retail purchaser any butchers' meat, without a legible statement of its net weight, unless delivery is made to the purchaser on or at the premises of the seller immediately after the meat has been weighed in the presence of the purchaser. 10

6.—(1) A person shall not sell or offer for sale any bread otherwise than by net weight. Provisions applicable to the sale of bread.

(2) A person shall not sell or have in his possession for sale or delivery under a contract of sale any loaf of bread unless its net weight is one pound or an integral number of pounds: 15

Provided that this subsection shall not apply to loaves supplied under contract where the contract provides for the supply for consumption on the premises of the purchaser of not less than half a hundredweight of bread at a time, and for the weighing of the bread on delivery. 20

(3) The foregoing provisions of this section shall not apply to fancy bread or to loaves not exceeding twelve ounces in weight: 25

Provided that in Scotland the foregoing provisions shall apply to pan loaves, French loaves, and loaves of a similar character, with this modification, that any such loaf of the net weight of one-and-three-quarter pounds may be sold or delivered for sale if the weight is clearly marked either by an impression made in baking or on any printed band or wrapper surrounding or containing the loaf. 30

(4) Every person selling bread by retail, or having in his possession any bread for the purpose of sale by retail, shall provide and keep in some conspicuous part of his shop or premises, a correct weighing instrument of a pattern suitable for weighing bread, and shall, if so required by the purchaser, or by an inspector of weights and measures, weigh the bread in the presence of the person so requiring, or, if the person so requiring 35 40

A.D. 1926
—
Savings.

8. Nothing contained in the last four foregoing sections of this Act shall apply to the sale or offering for sale of any article of food for consumption on or at the premises of the seller, or to sales in petty amounts.

Power of
Board of
Trade to
make regu-
lations.

9.—(1) The Board of Trade, after consultation with the Minister of Agriculture and Fisheries and such trade interests as appear to them to be concerned, may make regulations for the purpose—

- (a) of making additions to or removals from or otherwise varying the list of articles set forth in the First Schedule to this Act; 10
- (b) of requiring any articles of food other than those required by this Act to be sold by weight or by measure, and of applying to any such articles any of the provisions of this Act, either without modification or subject to such modifications as may be specified in the regulations; 15
- (c) of requiring any pre-packed articles of food other than those mentioned in the First Schedule to this Act to be labelled with an indication of their weight or measure; 20
- (d) of prescribing the manner in which indications of weight or measure are to be marked on pre-packed articles required by or under this Act to be marked with such indications; 25

and where the First Schedule is varied by the regulations this Act shall have effect as if the Schedule as so varied was substituted for the Schedule contained in this Act.

(2) Regulations made under this section shall not come into force until they have been laid before each House of Parliament for a period of not less than six weeks during the Session of Parliament, and if either House of Parliament before the expiration of that period presents an address to His Majesty against the regulations or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of new regulations. 35

(3) Regulations under this section, if and so far as they relate to pre-packed articles, shall not come into force before the expiration of a period of six months after they are made. 40

A.D. 1926.

—

(2) Regulations made under this section shall not come into force until they have been laid before each House of Parliament for a period of not less than six weeks during the Session of Parliament, and if either
5 House of Parliament before the expiration of that period presents an address to His Majesty against the regulations or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of new regulations

10 (3) Regulations under this section, if and so far as they relate to pre-packed articles, shall not come into force before the expiration of a period of six months after they are made.

15 **10.** The Minister of Agriculture and Fisheries, after consultation with the Board of Trade and such trade interests as appear to him to be concerned, may make regulations for the purpose of prescribing units of sale, including the dimensions and materials of construction of standardised containers, to be used in
20 wholesale dealings in such agricultural and horticultural produce as may be specified in the regulations, and upon such regulations being made nothing in this Act or in the Weights and Measures Acts, 1878 to 1926, shall prevent such produce being dealt with wholesale in
25 such units or containers if such conditions as may be prescribed in the regulations are complied with, or constitute any such sale a sale by weight, measure or number unless it is so represented by the seller.

Special provisions as to wholesale dealings in agricultural and horticultural produce.

30 **11.**—(1) The power of inspection and of entry conferred upon inspectors of weights and measures by section forty-eight of the Weights and Measures Act, 1878, for the purposes therein specified shall extend to the inspection and weighing or measuring by any such
35 Inspector of any pre-packed articles of food for the purpose of ascertaining whether they comply with the requirements of this Act, and to the entry into any place in which the inspector has reasonable cause to believe that any such pre-packed articles intended for sale are situated.

Powers of inspection and entry.

40 (2) Where any person has in his possession for sale or delivery on sale any pre-packed article of food of any kind which is required by or under this Act to be sold by weight or measure, or any article of food in respect of which any representation of weight or measure

A.D. 1926. — delivered on retail sale, is broken open by or at the request of an inspector of weights and measures for the purpose of ascertaining the weight or measure of its contents and is found to comply with the requirements of this Act the retailer may if he so desires require the said inspector to purchase the article on behalf of the local authority. 5

Penalties. **12.**—(1) Any person who refuses to comply with a request made by an inspector of weights and measures under this Act, or in any other manner obstructs or hinders an inspector in the exercise of his duties under this Act, shall be liable on summary conviction to a fine not exceeding in the case of a first offence five pounds, and in the case of a second or subsequent offence ten pounds. 10
15

(2) Any person who fails to provide or keep a suitable weighing machine for weighing bread as required by this Act shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Any person who acts in contravention of any other provision of this Act for which no special penalty is provided shall be liable on summary conviction to a fine not exceeding in the case of a first offence five pounds, in the case of a second offence twenty pounds, and in the case of a third or subsequent offence fifty pounds. 20
25

Safeguards to traders. **13.**—(1) In any proceedings under this Act in respect of an alleged deficiency of weight or measure of any pre-packed article or of bread the court shall disregard any inconsiderable variation in the weight or measure of a single article, and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant, or in his possession for the purpose of sale or delivery, on the same occasion, and generally to all the circumstances of the case. 30
35

(2) In any proceedings under this Act in respect of an alleged deficiency of weight, or measure or number, if the defendant proves to the satisfaction of the Court that such deficiency was due to a *bona fide* mistake or accident in spite of all reasonable precautions being taken and all due diligence exercised by the said defendant to prevent the occurrence of such deficiency, or was due to the action of some person over whom the defendant 40

sale or delivery, on the same occasion, and generally to all the circumstances of the case. A.D. 1926.

(2) In any proceedings under this Act in respect of an alleged deficiency of weight or measure or number, 5 if the defendant proves to the satisfaction of the Court that such deficiency was due to a *bona fide* mistake or accident in spite of all reasonable precautions being taken and all due diligence exercised by the said defendant to prevent the occurrence of such deficiency, or was due 10 to the action of some person over whom the defendant had no control, the defendant shall be discharged from the prosecution.

(3) In any proceedings under this Act in respect of an alleged deficiency in the weight of any butchers' 15 meat delivered to a purchaser the defendant shall be discharged from the prosecution if he proves to the satisfaction of the court that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such 20 deficiency.

(4) The provisions of section twenty-five of the Sale of Food and Drugs Act, 1875, and of section twenty of the Sale of Food and Drugs Act, 1899, relating to 25 warranties, as set out with appropriate modifications in the Second Schedule to this Act, are hereby incorporated with this Act and shall apply to offences under this Act in respect of pre-packed articles of food, as they apply to proceedings for offences against the Sale of Food and Drugs Act, 1875 to 1907.

(5) Where an employer or principal is charged with an offence against this Act he shall be entitled on information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and, 35 if after the commission of the offence has been proved, the employer or principal proves to the satisfaction of the court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, 40 consent or connivance, the said other person shall be summarily convicted of the offence and the employer or principal shall be exempt from any penalty.

The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the 45 proceedings.

A.D. 1926. (6) A prosecution in respect of an offence by a retailer under this Act, other than an offence of obstructing or hindering an inspector in the exercise of his duties, shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed, nor unless within seven days after the alleged commission of the offence notice in writing of the date and nature of the alleged offence has been sent to the defendant. 5

Interpre- 14.—(1) For the purpose of this Act unless the 10
tation. context otherwise requires—

The expression “ purchaser ” includes any person acting on behalf of the purchaser ;

The expression “ pre-packed ” article means any article which is packed or made up in advance ready for retail sale in a wrapper or container, and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed, kept or stored for sale the article shall be deemed to be packed or made up in advance ready for retail sale unless the contrary is proved ; 15 20

The expression “ food ” has the same meaning as in the Sale of Food and Drugs Act, 1899, that is to say, it means and includes every article used for food or drink by man, and any article which ordinarily enters into or is used in the composition or preparation of human food ; and also includes flavouring matters and condiments, but does not include articles sold or offered for sale as seed potatoes or seeds in respect of which the requirements of the Seeds Act, 1920, are complied with ; 25 30

The expression “ butchers’ meat ” means beef, mutton, veal, lamb or pork, whether fresh chilled frozen or salted, and includes livers, but does not include heads, feet, hearts, lights, kidneys or sweetbreads, bacon, ham, pressed beef or any meat so treated as to be fit for human consumption without further preparation or cooking ; 35 40

The expression “ sale in petty amounts ” means sale by the single pennyworth, or less than the pennyworth, or sale in quantities purporting to be less than two ounces. 45

(2) For the purposes of this Act a person shall not be deemed to weigh or measure any article in the presence of the purchaser or an inspector of weights and measures, as the case may be, unless he causes the weighing or measuring appliance or appliances used for the purpose to be so placed, and so conducts the operation of weighing or measuring the article, as to permit the purchaser or inspector a clear and unobstructed view of the said appliance or appliances and of the said operation and of all the indications of weight or measure pertaining to such operation.

A.D. 1926.

(3) Any powers exercisable under this Act by an inspector of weights and measures may, in any case where the local authority so determines, be exercised by any other officer of the local authority appointed for the purpose; and in such case references in this Act to an inspector of weights and measures shall be construed as including such other officer as aforesaid.

(4) In the application of this Act to Scotland, references to the Board of Agriculture for Scotland shall be substituted for references to the Minister of Agriculture and Fisheries, and the expression "information" shall mean petition or complaint.

15.—(1) This Act may be cited as the Sale of Food (Weights and Measures) Act, 1926, and shall be construed as one with the Weights and Measures Acts, 1878 to 1926, and shall be included amongst the Acts which may be cited as the Weights and Measures Acts, 1878 to 1926.

Short title,
construc-
tion, com-
mencement,
repeal and
extent.

(2) This Act shall come into operation on the first day of October, nineteen hundred and twenty-six, except that the provisions of this Act so far as they relate to pre-packed articles other than tea shall not take effect until the expiration of such period, not being less than six months from that date, as the Board of Trade may by order determine, and different periods may be fixed by the Board in regard to different articles.

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

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

A.D. 1926.

SCHEDULES.

FIRST SCHEDULE.

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT.

Bacon.	Oatmeal.	Cocoa powder.	
Ham.	Rolled oats.	Chocolate powder.	5
Cheese.	Rice.	Dried beans.	
Butter.	Sago.	Dried peas.	
Lard.	Tapioca.	Dried currants.	
Suet.	Sugar.	Dried raisins.	
Margarine.	Tea.	Dried sultanas.	10
Flour.	Coffee.	Potatoes.	
Cornflour.	Cocoa.		

SECOND SCHEDULE.

PROVISIONS OF THE SALE OF FOOD AND DRUGS ACTS APPLIED. 15

(1) If in any proceedings under this Act in respect of any pre-packed article of food the defendant proves that he purchased the article in the wrapper or container in which he sold it or had it in his possession for the purposes of sale and with a written warranty of the net weight or measure or number of the article, and that he had no reason to believe, at the time when he sold it or had it in his possession for the purposes of sale, that the article or its wrapper or container did not comply with the provisions of this Act, he shall be entitled to be discharged from the prosecution. 20
25

(2) A warranty shall not be available as a defence to any proceedings under this Act unless the defendant has, within seven days after service of the summons, sent to the prosecutor a copy of such warranty with a written notice stating that he intends to rely on the warranty and specifying the name and 30

address of the person from whom he received it, and has also sent a like notice of his intention to such person.

A.D. 1926.

—
2ND SCH.
—cont.

5 (3) The person by whom such warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(4) A warranty given by a person resident outside Great Britain shall not be available as a defence to any proceeding under this Act.

10 (5) Where the defendant is a servant of the person to whom a warranty was given, he shall, subject to the provisions hereof, be entitled to rely on the defence hereby allowed in the same way as his employer or master would have been entitled to do if he had been the defendant, provided that the servant further
15 proves that he had no reason to believe that the pre-packed article did not comply with the provisions of this Act.

(6) Where the defendant in a prosecution under this Act has been discharged under the provisions of this schedule, any
20 proceedings for giving the warranty relied on by the defendant in such prosecution may be taken as well before a court having jurisdiction in the place where the contravention of this Act took place, as before a court having jurisdiction in the place where the warranty was given.

(7) Every person who, in respect of the weight measure or
25 number of any article of food sold by him as principal or agent, gives to the purchaser a false warranty in writing, shall be liable on summary conviction, for a first offence, to a fine not exceeding twenty pounds, for a second offence to a fine not exceeding fifty pounds, and for any subsequent offence to a fine not exceeding
30 one hundred pounds, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

(8) For the purposes of the foregoing provisions a statement
35 on any container or any wrapper, band or label affixed thereto or delivered therewith shall be deemed to be a written warranty.

A.D. 1926.
 —
 3RD SCH.
 —cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 9 Edw. 7. c. cxxix.	The Greenock Corporation Act, 1909.	Section three hundred and sixty-seven in so far as it relates to section four hundred and twenty-seven of the Burgh Police (Scotland) Act, 1892.
10 3 & 4 Geo. 5. c. lxxiv. 12 & 13 Geo. 5. c. 29.	The Edinburgh Corporation Act, 1913. The Sale of Tea Act, 1922.	Section eighty-five. The whole Act.

Sale of Food (Weights and Measures). [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to provide for the better protection of the public in relation to the sale of food, including agricultural and horticultural produce.

The Viscount Peel.

Ordered to be printed 28th July 1926.

L O N D O N :
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(147)

Sale of Food (Weights and Measures) Bill. [H.L.]

COMMONS AMENDMENTS.

[*The references are to Bill (No. 147).*]

Clause 4.

Page 2.

Leave out lines 4 to 9, and insert (“ except that, in
“ the case of articles specified in Part II. and
“ Part III. of that Schedule, where the article is
“ weighed for sale in a wrapper or container the
“ weight purported to be sold may include the
“ weight of the wrapper or container if the weight
“ of the wrapper or container does not exceed—

“ (a) in the case of an article specified in
“ Part II. of the Schedule, two-and-a-half
“ drams; and

“ (b) in the case of an article specified in Part III.
“ of the Schedule for a parcel not exceeding
“ three pounds in weight, four-and-a-half
“ drams, for a parcel exceeding three
“ pounds but not exceeding seven pounds
“ in weight, three-and-a-half drams, and
“ for a parcel exceeding seven pounds in
“ weight, three drams,

“ per pound of the article sold.”)

Line 14, leave out from the first (“ ounces ”) to
 (“ and ”) in line 18, and insert (“ or in multiples
 “ of two ounces up to a limit of eight ounces, in
 “ multiples of a quarter of a pound up to a limit
 “ of two pounds, in multiples of half a pound up
 “ to a limit of four pounds, or in multiples of one
 “ pound ”)

Clause 4.

Page 2.

Line 21, leave out from ("the") to the end of line 24 and insert ("minimum net weight of the article contained therein, or, in any case where the weight of the wrapper or container is permitted by the preceding subsection to be included in the weight purported to be sold, of the minimum weight of the article with its wrapper or container")

Line 31, at end insert as a new subsection :

("(3) Any such statement as aforesaid shall not be deemed to be untrue if it is shown that it was true at the time of packing or of importation, whichever was the later, and the original wrapper or container has remained intact.")

Line 32, leave out ("by retail")

Line 41, leave out ("net")

Line 44, leave out ("the net weight thereof") and insert ("a statement of weight")

Page 3.

Line 2, leave out ("export") and insert ("shipment to a place outside Great Britain")

Clause 5.

Page 3.

Line 4, leave out ("by retail")

Line 7, leave out ("retail")

Line 8, after ("weight") insert ("on which the purchase price is based")

Line 11, at end insert :

("Provided that where at the request of the purchaser the meat is boned, trimmed, or subjected to any other process involving loss of weight before delivery, and the bones or other material thus removed are not delivered with the meat, or where at the request of the purchaser delivery of the meat is deferred, such statement as afore-

Clause 5.

Page 3.

said shall include a statement of the net weight of the meat as sent out for delivery as well as the net weight on which the purchase price is based.”)

Line 27, leave out (“in Scotland”)

Line 29, after (“that”) insert (“in Scotland”)

Line 35, leave out (“by retail”)

Line 36, leave out (“by retail”)

Clause 7.

Page 4.

Line 7, leave out (“by retail”)

Clause 9.

Page 4.

Line 20, leave out (“trade”)

Line 40, at end insert (“and the manner of re-sealing
“ wrappers and containers broken open under this
“ Act”)

Page 5.

Leave out lines 1 to 9 and insert as a new subsection:

(“() Before any regulations other than regulations under paragraph (d) of subsection (1) of this section are made the draft of the proposed regulations shall be laid before both Houses of Parliament, and the regulations shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the regulations may be made in the form in which they have been so approved.

Regulations made under paragraph (d) of subsection (1) of this section shall be laid before both Houses of Parliament as soon as may be after they are made.”)

Line 10, after (“regulations”) insert (“made”)

Clause 10.

Page 5.

Leave out clause 10.

Clause 11.

Page 6.

Line 15, after (" Act ") insert (" then, where the
" wrapper or container can be re-sealed without
" injury to the contents, the inspector shall re-
" seal the wrapper or container with a label
" certifying that the weight or measure of the
" contents has been proved to be correct, and if
" the inspector does not so re-seal the wrapper
" or container ")

Line 17, at end insert as a new subsection :

(" () All weights, measures, weighing and measuring
appliances used by an inspector of weights and measures
in pursuance of this Act shall be made of such material,
and in such form, as may be approved by the Board of
Trade, and shall be verified and periodically reverified in
such manner as the Board of Trade may from time to
time direct.")

Clause 13.

Page 7.

Line 7, after (" accident ") insert (" or other causes
" beyond his control and ")

Line 14, leave out (" butchers' meat ") and insert
(" article of food ")

Line 32, after (" him ") insert (" and on giving not
" less than three days notice of his intention to
" the prosecution ")

Line 39, leave out (" knowledge, consent or con-
" nivance ") and insert (" consent, connivance or
" wilful default ")

Line 42, at end insert (" Provided that the prose-
" cution shall have in any such case the right to
" cross-examine the employer or principal if he
" gives evidence, and any witnesses called by him
" in support of his charge and to call rebutting
" evidence.")

Clause 13.

Page 8.

Line 8, leave out (" sent to ") and insert (" served
" on or sent by registered post to ")

Line 9, at end insert (" nor unless in the case of any
" alleged deficiency the person against whom the
" allegation is made has been given reasonable
" opportunity to check the weight, measure, or
" number of the article or articles in respect of
" which such allegation is made.

" (7) A prosecution under this Act shall not
" be instituted except by or on behalf of the
" Director of Public Prosecutions, a police autho-
" rity, or a local authority.")

Clause 14.

Page 9.

Line 12, leave out subsection (3) and insert :

(" () Any powers or duties conferred or imposed by
this Act on an inspector of weights and measures may,
in any case where the local authority so determine, be
exercised or performed by any other officer of the local
authority appointed by them to act on behalf of an
inspector of weights and measures for the purposes of
this Act, and all references in this Act to inspectors of
weights and measures shall be construed accordingly.")

Line 23, at end insert :

(" (b) nothing contained in section twenty-seven of
the Milk and Dairies (Scotland) Act, 1914,
shall be construed as limiting or affecting the
application of the provisions of the Second
Schedule to this Act to proceedings in respect
of pre-packed milk ;

(c) for any reference to the Director of Public
Prosecutions there shall be substituted a
reference to the Lord Advocate.")

After clause 14.

Page 9.

Line 23, at end insert as a new clause :

(" . This Act, except so far as it applies to pre- Application
packed articles of food, shall apply only to retail of Act.
dealings.")

Clause 15.

Page 9.

Line 31, leave out (" October ") and insert (" July "),
and leave out (" twenty-six ") and insert (" twenty-
" seven ")

First Schedule.

Page 10.

Leave out lines 4 to 12 and insert :

Tea.	Cocoa.
Coffee beans.	Cocoa powder.
Ground coffee, including chicory mixtures.	Chocolate powder. Potatoes.

PART II.

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT,
EXCEPT WHERE WEIGHED FOR SALE IN A WRAPPER
OR CONTAINER, AND THE WEIGHT OF THE WRAPPER
OR CONTAINER DOES NOT EXCEED TWO AND A
HALF DRAMS PER POUND OF THE ARTICLES SOLD.

Bacon.	Lard.
Ham.	Suet.
Butter.	Margarine.

PART III.

ARTICLES REQUIRED TO BE SOLD BY NET WEIGHT,
EXCEPT WHERE WEIGHED FOR SALE IN A WRAPPER
OR CONTAINER, AND THE WEIGHT OF THE WRAPPER
OR CONTAINER DOES NOT EXCEED THE SPECIFIED
NUMBER OF DRAMS PER POUND OF THE ARTICLE
SOLD.

Flour of wheat, rye, maize, pea or bean, including self-raising flour and cake flour.	Sago. Tapioca. Sugar. Dried beans. Dried peas. Dried currants. Dried raisins. Dried sultanas.
Cornflour.	
Oatmeal.	
Rolled oats.	
Rice.	

Second Schedule.

Page 10.

Line 20, leave out (" net ")

Page 11.

Line 9, at end insert (" unless the defendant proves
" that he had taken reasonable steps to ascertain,
" and did in fact believe in, the accuracy of the
" statement contained in the warranty ")

Line 35, after (" therewith ") insert (" or a statement
" contained in an invoice ")

Line 35, at end insert (" an invoice describing the
" weight or measure or number of the article shall
" be a sufficient warranty notwithstanding that it
" contains no words of express warranty or was
" delivered after the purchase of the article ")

Sale of Food (Weights and Measures) Bill.

[H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 14th December 1926.

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(214)

A

B I L L

INTITULED

An Act to transfer the powers of the Secretary for Scotland to one of His Majesty's Principal Secretaries of State, and to increase the number of Secretaries of State and Under Secretaries of State capable of sitting and voting in the Commons House of Parliament, and for purposes connected with 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,
5 as follows:—

1. — (1) On the first appointment after the passing of this Act of an additional Principal Secretary of State (if His Majesty is pleased to make such an appointment), all the powers and duties of the Secretary for Scotland shall, by virtue of this Act, become powers and duties of a Principal Secretary of State, and the office of Secretary for Scotland and the office of Parliamentary Under Secretary for Health for Scotland shall be abolished.

Transfer of powers and duties from Secretary for Scotland to Secretary of State.

15 (2) On the appointment of such an additional Secretary of State as aforesaid, all property which at the time of the appointment is vested in the Secretary for Scotland as such shall, by virtue of this Act, be transferred to and become vested in that additional Secretary
20 of State.

A.D. 1926.

—

(3) For the purpose of the construction of any Act of Parliament, judgment, decree, order, award, warrant, deed, contract, regulation, byelaw, or other document passed or made before the time at which the transfer under this Act of the powers and duties of and of property vested in the Secretary for Scotland to a Principal Secretary of State takes effect, references therein to the Secretary for Scotland and to the Parliamentary Under Secretary for Health for Scotland shall, as from the time of the said transfer, have effect as if they were respectively references to one of His Majesty's Principal Secretaries of State and to an Under Secretary to that Principal Secretary of State.

Transitory provisions.

2.—(1) Where anything in relation to the property, powers or duties transferred by this Act was commenced by or under the authority of the Secretary for Scotland before the time of the transfer aforesaid, that thing may be carried on and completed by or under the authority of a Secretary of State.

(2) Where at the time of the transfer aforesaid any legal proceeding is pending to which the Secretary for Scotland is a party and that proceeding has reference to any property, powers, or duties transferred by this Act, a Secretary of State shall be substituted in that proceeding for the Secretary for Scotland, and that proceeding shall not abate by reason of the substitution.

(3) All permanent secretaries, inspectors, clerks, or other officers employed under the Secretary for Scotland at the time of the transfer aforesaid shall hold their offices and places under the Secretary of State, and shall do so upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

Increase of number of Secretaries of State and Under Secretaries in the House of Commons.
21 & 22 Vict. c. 106.
27 & 28 Vict. c. 34.
7 & 8 Geo. 5. c. 51.

3. The number of Principal Secretaries of State and of Under Secretaries of State capable of sitting and voting in the Commons House of Parliament shall be increased to six, and accordingly section four of the Government of India Act, 1858, and section one of the House of Commons (Vacation of Seats) Act, 1864, as amended by section eleven of the Air Force (Constitution) Act, 1917, shall have effect as if the word "six" were substituted for the word "five" wherever that word occurs in those sections as so amended.



4.—(1) This Act may be cited as the Secretaries of State Act, 1926. A.D. 1926.

(2) The enactments mentioned in the Schedule to this Act shall, to the extent specified in the third column of that Schedule, be repealed as from the time of the transfer aforesaid. Short title and repeal.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
0 48 & 49 Vict. c. 61.	The Secretary for Scotland Act, 1885.	Section two from the beginning down to "pounds a year" and sections three and four.
5 9 & 10 Geo. 5. c. 20.	The Scottish Board of Health Act, 1919.	In subsection (1) of section three the words from the beginning of the subsection down to "this Act" and from "there shall be paid" to the end of the subsection.

Small Holdings and Allotments Bill.

MARSHALLED LIST OF
AMENDMENTS TO

BE MOVED IN COMMITTEE.

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

7th December 1926.

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(188 号)

Small Holdings and Allotments Bill.

ARRANGEMENT OF CLAUSES.

PART I.

SMALL HOLDINGS.

Provision of Small Holdings.

Clause.

1. Duties and powers of providing small holdings.
2. Power of Minister to contribute towards losses.
3. Power to sell to co-operative societies, &c.
4. Power to acquire land for small holdings.
5. Regulations as to purchase money and sale.
6. Conditions affecting small holdings.
7. Recovery of possession and disposal of small holdings.
8. Procedure as to ordering sale of small holdings.
9. Delegation of powers to councils of boroughs or urban or rural districts.
10. List to be kept by county council.
11. Registration of title of land purchased for small holdings.

Cottage Holdings.

12. Provision of cottage holdings.

Loans by County Councils to Persons purchasing Small Holdings.

13. Power of county council to advance money for purchase of small holdings.
14. Power of councils to make advances for the equipment of small holdings.

Construction.

15. Construction of Part I.

PART II.

MISCELLANEOUS AMENDMENTS OF THE SMALL
HOLDINGS AND ALLOTMENTS ACTS.

Clause.

16. Amendment of definition of "small holding."
17. Amendment of law as to the acquisition of land.
18. Provisions as to land compulsorily hired.
19. Power of tenant to purchase small holding held from a county council.
20. Power to sell land without consent of Minister in certain cases.
21. Minor amendments.

PART III.

GENERAL.

22. Repeals.
23. Short title and construction.

SCHEDULES.



A

B I L L

INTITULED

An Act to amend the Small Holdings and Allotments Acts, 1908 to 1919.

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:—

PART I.

SMALL HOLDINGS.

Provision of Small Holdings.

10 **1.** Where a county council are satisfied that there is a demand for small holdings in their county by persons who desire to buy or lease and will themselves cultivate the holdings and are able to cultivate them properly, it shall be the duty of the county council to provide small holdings if they are of opinion that they
15 can do so without incurring loss, and, subject to the provisions of this Part of this Act, it shall be lawful for them to do so notwithstanding that it appears to them that a loss may thereby be incurred.

Duties and powers of providing small holdings.

20 **2.**—(1) Where it appears to a county council that the provision of any small holdings will entail a loss, the council shall submit their proposals to the Minister of Agriculture and Fisheries (hereinafter referred to as the Minister), together with estimates in the prescribed form

Power of Minister to contribute towards losses.

A.D. 1926. — of the expenses (whether on capital or income account) in relation thereto likely to be incurred by the council and of the sums likely to be received by the council either by way of rent or purchase money or otherwise.

(2) If the Minister approves the proposals and estimates of the council, either without modifications or with such modifications as he may require, the Minister may, subject to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, he may determine, make, or undertake to make, contributions out of moneys provided by Parliament towards the losses likely to be incurred in carrying out the proposals to such an amount as may be specified in the approval; so, however, that the contribution in respect of any year shall not exceed seventy-five per cent. of the amount of loss shown in the approved estimates as likely to be incurred in that year :

Provided that the Minister in considering the estimates submitted to him shall satisfy himself that the estimates are made on the basis of the full fair rent being charged for each holding, and, in the case of any part of the land not being required for the provision of small holdings, of the best price that could reasonably be obtained therefore, if sold, being attributed thereto.

(3) Where the proposals, after having been approved by the Minister, are subsequently varied, then—

(a) if the variation is made by the county council without his consent, the Minister may, if he thinks fit, reduce the amount of his contribution ;

(b) if the variation is made with his consent, the Minister may, subject to the limitation hereinbefore mentioned, vary his contribution either by way of increase or decrease, according to the nature of the variation.

(4) The Minister may, subject to the approval of the Treasury, make regulations for carrying this section into effect :

Provided that every regulation so made shall be laid before both Houses of Parliament as soon as may be after it is made, and if an address is presented by either House within twenty-one days during which that House

has sat next after any regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation without prejudice to the validity of anything previously done thereunder. A.D. 1926.

5 (5) Where land has been acquired for the purposes of small holdings before the commencement of this Act, or where land is, after the commencement of this Act, acquired under this Part of this Act without the consent of the Minister, this section shall apply with
10 respect to such expenses only as are likely to be incurred in equipping the land and adapting it for small holdings.

(6) For the purposes of this Part of this Act, the expression "full fair rent" in relation to a small holding
15 means the rent which a tenant might reasonably be expected to pay for the holding if let as such and the landlord undertook to bear the cost of structural repairs.

3. A county council shall have power—

Power to sell to co-operative societies, &c.

20 (a) to sell or let one or more small holdings to a number of persons working on a co-operative system, provided such system is approved by the county council; and

25 (b) with the consent of the Minister, to sell or let one or more small holdings to any association formed for the purposes of creating or promoting the creation of small holdings, and so constituted that the division of profits amongst the members of the association is prohibited or restricted.

30 4. For the purpose of providing small holdings for persons who desire to buy or lease and will themselves cultivate the holdings and are able to cultivate them properly, a county council may purchase or take on lease land (whether situate within or without the
35 county) by agreement, or, if the council are unable to obtain by agreement and on reasonable terms suitable land for the purpose, may purchase or take on lease such land compulsorily in accordance with the provisions of the Small Holdings and Allotments Act, 1908 (herein-
40 after referred to as the principal Act) relating to the compulsory acquisition of land:

Power to acquire land for small holdings.

A.D. 1926.

Provided that the county council shall not acquire land for such purpose as aforesaid without the consent of the Minister unless the council are satisfied that the transaction will not involve any loss to the council, and where land is so acquired without the consent of the Minister, it shall not be lawful for the Minister to make or undertake to make any contribution under the foregoing provisions of this Act towards the cost of the acquisition of the land :

Provided also that the county council before acquiring any land outside the county shall consult with the council of the county in which the land is situated.

Regulations
as to purchase money
and sale.

5.—(1) Where a county council sell a small holding, the consideration (except where otherwise specifically provided in this Act) shall be a terminable annuity of an amount equal to the full fair rent of the holding for a period of sixty years, or, at the option of the purchaser, a terminable annuity for a period of less than sixty years of an equivalent capital value.

(2) The terminable annuity shall be payable by equal half-yearly instalments, the first instalment being payable on completion, and shall, so far as not paid on completion, be secured by a charge on the holding in favour of the council.

(3) The council may, if they think fit, postpone for a term not exceeding five years, the payment of all or any part of the terminable annuity, except so much as is payable on completion, in consideration of capital expenditure by the purchaser which in the opinion of the council increases the value of the holding, but shall do so on such terms as will in their opinion prevent them from incurring any loss or increased loss.

(4) A small holding may be sold subject to such rights of way or other rights as the council may consider necessary or expedient.

(5) Any question under this section as to what is the full fair rent of a small holding, or the amount of a terminable annuity, shall be determined by the county council.

Conditions
affecting
small holdings.

6.—(1) A small holding sold by a county council under this Act, shall for a term of forty years from the date of the sale, and thereafter so long as the holding

remains charged with the terminable annuity, be held subject to the following conditions:—

A.D. 1926.

- (a) Any periodical payments due in respect of the terminable annuity shall be duly made:
- 5 (b) The holding shall not be divided, sold, assigned, let, or sublet without the consent of the county council:
- 10 (c) The holding shall be cultivated by the owner or occupier as the case may be, in accordance with the rules of good husbandry as defined in the Agricultural Holdings Act, 1923, and shall not be used for any purpose other than agriculture:
- 15 (d) Not more than one dwelling-house shall be erected on the holding unless, in the opinion of the council, additional accommodation is required for the proper cultivation of the holding:
- 20 (e) Any dwelling-house erected on the holding shall comply with such requirements as the county council may impose for securing healthiness and freedom from overcrowding:
- 25 (f) Any dwelling-house or other building erected on the holding shall be kept in repair and insured against fire by the owner to the satisfaction of the county council, and the receipts for premiums produced when required by them:
- 30 (g) No dwelling-house or building on the holding shall be used for the sale of intoxicating liquors:
- (h) In the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, no dwelling-house shall be erected on the holding without the consent of the county council:

35 Provided that a county council may, if they think fit, subject, in the case of a holding in respect of which a contribution is payable by the Minister, to the consent of the Minister, as respects the whole or any part of the holding, either at the time of the sale or subsequently,
40 and either without consideration or for such consideration as they think fit, relax or dispense with any of the above conditions.

A.D. 1926. — The Minister may, in giving his consent to any such relaxation or dispensation, impose such terms as he thinks fit, including a requirement as to the consideration to be charged, and the application thereof in whole or in part in satisfaction of any contributions payable by him under this Part of this Act. 5

(2) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach (if it is capable of remedy), either take possession of the holding or order the sale of the holding without taking possession. 10

(3) If, on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and if default is made in so selling the holding, the council may either take possession of the holding or order the sale of the holding without taking possession. 15 20

(4) A small holding let by a county council shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the terminable annuity and to repairs and insurance against fire; and, if any such condition or any term of the letting is broken, the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy), determine the tenancy. 25

Recovery of possession and disposal of small holdings. 7.—(1) Where a county council take possession of a small holding under the last foregoing section, all the estate, right, interest, and claim of the owner in or to the small holding shall, subject as in this section mentioned, vest in and become the property of the county council, and the county council may either retain the small holding under their own management or sell or otherwise dispose of it as they think expedient. 30 35

(2) Where a county council take possession of a small holding as aforesaid they shall, save as hereinafter mentioned, pay to the owner either— 40

(a) such sum as may be agreed upon; or

(b) a sum equal to the value of the interest in the small holding at the disposal of the county

council, after deducting therefrom the amount at which the annuity charged on the holding may be redeemed under the Law of Property Act, 1925, together with any arrears of such annuity then due; and the said value, in the absence of a sale and in default of agreement, shall be settled by an arbitrator appointed under the Agricultural Holdings Act, 1923.

A.D. 1926.

5

(3) The sum so paid to the owner if not paid within three months after the date of taking possession shall carry interest at the rate of five per centum per annum from the date of taking possession.

(4) All costs of or incidental to the taking possession, sale, or other disposal of the small holding (including the costs of the arbitration, if any) incurred by the county council before the amount payable to the owner has been settled either by agreement or arbitration, shall be deducted from the amount otherwise payable to the owner.

(5) Where the county council are entitled under this Act to take possession of a small holding, possession may be recovered (whatever may be the value of the holding) by or on behalf of the county council either under sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888, or under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, and in either case may be recovered as if the county council were the landlord and the owner of the holding were the tenant.

(6) In the event of the value of the holding, ascertained in accordance with the provisions of this section, being less than the amount at which the annuity charged on the holding may be redeemed together with any arrears of such annuity due from the owner, the council may recover from the owner summarily as a civil debt the amount of the deficiency.

8.—(1) Where a county council order the sale of a small holding without taking possession, they shall cause it to be put up for sale by auction, and out of the proceeds of sale retain a sum equal to the amount for which the terminable annuity (if any) charged on the holding may be redeemed, unless the holding is sold subject to the terminable annuity, together with any arrears of the

Procedure as to ordering sale of small holdings.

A.D. 1926. — annuity which may be then due and all costs, charges and expenses properly incurred by them in or about the sale of the holding, and pay over the balance (if any) to the owner.

(2) If the county council are unable to sell the holding for such sum as will allow the payment out of the proceeds of sale of such amounts as aforesaid, they may take possession of the holding in manner provided by the last foregoing section, but shall not be liable to pay any sum to the owner, and may recover from the owner summarily as a civil debt the amount of the deficiency.

(3) Any sale by a county council under this section may be made either subject to the charge in respect of terminable annuity or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall, where the land is sold as a small holding, apply in like manner as if the sale were the first sale of the holding.

Delegation
of powers to
councils of
boroughs or
urban or
rural dis-
tricts.

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

Provided that the arrangements shall not authorise the exercise on behalf of the county council by any other council of the powers of submitting to the Minister proposals and estimates for the purpose of obtaining contributions under this Act.

List to be
kept by
county
council.

10. A county council shall keep a list of the owners and occupiers of small holdings sold or let by them, and a map or plan showing the size, boundaries and situation of each small holding so sold or let.

11. Where a county council have purchased land for small holdings they shall apply to be registered as proprietors thereof under the Land Registration Act, 1925.

Registration of title of land purchased for small holdings.

5

Cottage Holdings.

12.—(1) The power of providing small holdings for persons who desire to buy them conferred by this Part of this Act shall include power of providing cottage holdings, that is to say, holdings comprising a dwelling-house together with not less than forty perches and not more than three acres of agricultural land which can be cultivated by the occupier of the dwelling-house and his family; and all the provisions of the Small Holdings and Allotments Acts, 1908 to 1919, and of this Act, with respect to small holdings, other than those relating to the letting of holdings, shall apply to cottage holdings as if the expression "small holding" included a cottage holding:

Provision of cottage holdings.

Provided that—

20 (a) the power of providing cottage holdings shall not be exercisable by the council of a county borough:

25 (b) a county council shall not sell a cottage holding unless they are satisfied that the person to whom it is to be sold is a bona fide agricultural labourer or a person employed in a rural industry within or adjacent to their county, and that he has the intention, knowledge, and capital to cultivate satisfactorily the land forming part of the cottage holding.

30 (2) For the purposes of this section the expression "rural industry" means an industry carried on in or adjacent to a village being an industry ancillary to the industry of agriculture or horticulture for the time being approved by the Minister.

Loans by County Councils to Persons purchasing Small Holdings.

40 13.—(1) Where a person being desirous of purchasing a small holding which he is able to cultivate properly has agreed with the owner for the purchase

Power of county council to advance

A.D. 1926.
—
money for
purchase of
small hold-
ings.

thereof, the county council of the county in which the holding or any part of it is situate may, if they think fit, advance to the purchaser on the security of the holding an amount not exceeding nine-tenths of the value of the holding as ascertained to the satisfaction 5
of the county council repayable by a terminable annuity for a period not exceeding sixty years.

(2) The provisions of this Act with respect to the terminable annuity secured by a charge on a small holding sold by a county council, and with respect to 10
any small holding so sold, shall apply to a terminable annuity charged and a holding purchased under this section, as if the advance was the purchase money.

(3) No advance shall be made by a county council under this section unless they are satisfied that the title 15
to the holding is good, that the sale is made in good faith, and that the price is reasonable.

(4) Where the person desirous of effecting the purchase is a person for whom a cottage holding could be provided by the county council this section shall 20
apply as if references therein to small holdings included references to cottage holdings.

Power of
councils to
make ad-
vances for
equipment
of small
holdings.

14.—(1) A county council may—

- (a) subject to the provisions hereinafter contained, advance money to owners of small holdings 25
provided by the council under the principal Act as amended by this Act for the purpose of constructing, altering, or adapting or undertaking to construct, alter, or adapt houses and farm buildings on such small 30
holdings; and
- (b) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1913, 35
of any advances made by the society to any of its members, being the owners of small holdings provided by the council as afore-
said, for the purpose of enabling them to construct, alter or adapt houses or farm 40
buildings on such small holdings, and the interest on such advances.

A.D. 1926.

(2) The county council before granting such assistance shall satisfy themselves that the houses or farm buildings in respect of which assistance is to be given will, when the construction, alteration or adaptation is completed, in the case of houses, be in all respects fit for human habitation, and in the case of houses and farm buildings be in all respects suitable and necessary for the requirements of the small holdings.

(3) Any such advance as aforesaid shall be subject to the following conditions:—

(a) The advance with interest thereon shall be secured by mortgage, and the advance shall not exceed ninety per cent. of the value of the interest of the mortgagor in the property, and 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 is made not being complied with the balance for the time being unpaid shall become repayable on demand by the council;

(b) The advance may be made by instalments from time to time as the construction, alteration or adaptation of the house or farm building progresses, so, however, that the total of the advance does not at any time before the completion of the construction, alteration or adaptation exceed fifty per cent. of the value of the work done up to that time on the construction, alteration or adaptation of the house or farm building, or on works incidental thereto; and

(c) The advance shall not be made except after a valuation duly made on behalf of the council.

(4) The making of advances and the fulfilling of guarantees under this section (except a guarantee of interest) shall be purposes for which a council may borrow under section fifty-two of the principal Act.

Construction.

15. This Part of this Act shall have effect as if it were substituted for Part I. of the principal Act:

Construction of Part I.

A.D. 1926. — Provided that nothing in this Act shall affect the terms and conditions on which a small holding purchased or leased before the commencement of this Act is held.

PART II.

MISCELLANEOUS AMENDMENTS OF THE SMALL HOLDINGS AND ALLOTMENTS ACTS. 5

Amendment of definition of "small holding." 16. In the definition of "small holding" contained in section sixty-one of the principal Act, for the words "fifty pounds," there shall be substituted the words "one hundred pounds." 10

Amendment of law as to the acquisition of land. 17.—(1) The provisions of the Lands Clauses Acts incorporated with the principal Act by section thirty-eight thereof for the purpose of the purchase of land by agreement under that Act shall not include section eighty-two of the Lands Clauses Consolidation Act, 1845, relating to the costs of conveyances. 15

(2) Where one or more objections to an order for the compulsory acquisition of land under Part I. of the First Schedule to the principal Act have been presented and not withdrawn, the Minister may dispense with the holding of a public inquiry and may confirm the order without holding such an inquiry in any case where he is of opinion that the objection or all the objections presented relate exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred under the said Schedule, and the Minister may for that purpose require any objector to state in writing the grounds of his objection. 25

(3) For removing doubts as to the effect of the Acquisition of Land (Assessment of Compensation) Act, 1919, it is hereby declared:— 30

(a) that the said Act does not apply to the determination of a dispute as to the amount of compensation payable on the withdrawal of a notice to treat under subsection (8) of section thirty-nine of the principal Act; 35

(b) that the said Act has not affected the power of the Minister under paragraphs (5) and (6) of Part I. of the First Schedule to the principal Act to give directions with respect to the 40

hearing of counsel or expert witnesses and of fixing scales of costs, and that any directions so given and scales so fixed apply to arbitrations before an official arbitrator both when assessing the compensation in the case of the compulsory purchase of land and when assessing the rent or other compensation to be paid in the case of the compulsory hiring of land.

A.D. 1926.

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18.—(1) Where a council in pursuance of the powers conferred by section forty-four of the principal Act have given notice to the landlord of land compulsorily hired by them to renew the tenancy, it shall be lawful for the council to withdraw the notice at any time not less than three months before the expiration of the tenancy if it appears to the council that the rent assessed in pursuance of the said section is such as will involve loss to the council, but in any such case the landlord shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to renew and of the notice to withdraw, such compensation to be determined in like manner as the compensation for withdrawal of notice to treat under subsection (8) of section thirty-nine of the principal Act.

Provisions as to land compulsorily hired.

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(2) A notice to resume possession of the whole or part of land hired by a council compulsorily for small holdings or allotments given under section forty-six of the principal Act shall not be valid if given before it has been shown to the satisfaction of the Minister that the land, possession of which is proposed to be resumed, is required for such a purpose as is mentioned in that section, and where an applicant has failed to satisfy the Minister that any land is required for such a purpose, any further application to the Minister with a view to the resumption of possession of the same land or any part of it for the same purpose shall not be entertained if made within two years after the previous application.

40

19.—(1) Subsection (3) of section eleven of the Land Settlement (Facilities) Act, 1919 (which enables the tenant of a holding provided by a county council on land purchased by the council to purchase the holding) shall apply only in the case of a tenant in occupation of a small holding at the commencement of this Act; and

Power of tenant to purchase small holding held from a county council.

A.D. 1926. — nothing in this Act or in any repeal effected thereby shall affect the terms on which such a tenant is so entitled to purchase his holding.

(2) In the case of a tenant of a small holding whose occupation thereof commences after the commencement of this Act, it shall be lawful for the county council to sell the small holding to him, subject to the provisions of this Act relating to the sale of small holdings. 5

Power to sell land without consent of Minister in certain cases.

20.—(1) Notwithstanding anything in section twelve of the Land Settlement (Facilities) Act, 1919, it shall not be necessary for a county council to obtain the consent of the Minister to the sale of any land where the land forms part of land which they have acquired under Part I. of this Act without such consent. 10

(2) Section thirteen of the Land Settlement (Facilities) Act, 1919, shall not exempt any county council from obtaining the consent of the Minister in any case where such consent is required by this Act. 15

Minor amendments.

21. The amendments specified in the second column of the First Schedule to this Act (which relate to minor details) shall be made in the provisions of the Small Holdings and Allotments Acts, 1908 to 1919, specified in the first column of that schedule. 20

PART III.

GENERAL.

25

Repeals.

22.—(1) The enactments mentioned in the Second Schedule to this Act (including those relating to the Small Holdings Commissioners) are hereby repealed to the extent specified in the third column of that schedule.

(2) Any references in any other Act to the Small Holdings Commissioners shall be construed as references to such officers of the Ministry of Agriculture and Fisheries as the Minister may appoint for the purpose. 30

Short title and construction.

23.—(1) This Act may be cited as the Small Holdings and Allotments Act, 1926, and the Small Holdings and Allotments Acts, 1908 to 1919, and this Act, may be cited together as the Small Holdings and Allotments Acts, 1908 to 1926. 35

(2) This Act shall be construed as one with the principal Act. 40

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

MINOR AMENDMENTS.

5	Enactment to be amended.	Amendment.
	<u>The Small Holdings and Allotments Act, 1908—</u>	
10	Section 49, subsection (2).	At end, add the following words :— “ The council may also let to the “ society accommodation for “ the storage or sale of goods.”
15	Section 50 - -	After the words “ Every county council,” at the beginning of the section, there shall be inserted the words “ other than the London County Council.”
20	Second Schedule -	At the end of Part II. there shall be inserted :— “ (18) Provision of permanent “ sheep-dipping accommodation. “ (19) In the case of arable “ land, the removal of bracken, “ gorse, tree roots, boulders, “ and other like obstructions to “ cultivation.”
25	<u>The Land Settlement (Facilities) Act, 1919—</u>	
30	Section 7 - -	After the words “ fee farm rent ” there shall be inserted the words “ or terminable rentcharge,” and after the words “ the rent ” there shall be inserted the words “ or rentcharge.”
35	Section 11 - -	In subsection (3) the words “ six months ” shall be substituted for the words “ one month.”
	Section 16 - -	In subsection (2) for the words “ fifty pounds ” there shall be substituted the words “ one hundred pounds.”
0	Section 16 - -	In subsection (3) the words “ the Board or ” in both places where they occur, and the words “ as the case may be,” shall be omitted.
	Section 18 - -	The whole section shall be omitted.

A.D. 1926.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	<p>Sections one to twenty-two inclusive. 5</p> <p>In subsection (8) of section thirty-nine the proviso.</p> <p>Subsection (2) of section forty-six. 10</p> <p>Section fifty-five.</p> <p>Section fifty-six.</p> <p>In subsection (1) of section fifty-seven the words "and the " Small Holdings Commission- 15 "ers" and "other."</p> <p>Subsection (2) of section fifty-eight.</p> <p>In section fifty-nine the words "and of the proceedings of 20 " the Commissioners."</p>
9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act, 1919.	<p>Section one.</p> <p>Section ten.</p> <p>In subsection (1) of section eleven the words "be sold or 25 " let by the council at the " best price or sum that can " reasonably be obtained " and " and subsections (2), (5), (6) and (7) of the same section. 30</p> <p>In subsection (3) of section sixteen the words "the Board " or " in both places where they occur and the words "as " the case may be." 35</p> <p>Section eighteen.</p> <p>Section twenty.</p> <p>Section twenty-six.</p>

**Small Holdings and
Allotments.**

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Small Holdings
and Allotments Acts, 1908 to 1919.

(Brought from the Commons 30th November 1926.)

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:
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;
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East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.

[Price 4d. Net.]

(203)



Small Holdings and Allotments Bill.

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD STRACHIE.

Clause 2, page 2, line 39, leave out from ("made") to end of line 4 on page 3 and insert ("shall be laid before Parliament as soon as may be after it is made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before them, presents an address to His Majesty praying that the regulation or any part of it may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.")

(203 a)

Small Holdings and Allotments Bill.

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD STRACHIE.

8th December 1926.

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

To be purchased directly from
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East Harding Street, E.C. 4,
Printers to the King's most Excellent Majesty.
[Price 1d. Net.]

(203 a)



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law relating to solicitors. 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) No solicitor shall in connection with his
practice as a solicitor without the written permission of
the Society employ or remunerate any person who to the
knowledge of such solicitor is struck off the roll of
10 solicitors or is suspended from practising as a solicitor.

Employ-
ment of
persons
struck off
the roll or
suspended.

(2) Any such permission may be given for such
period and upon and subject to such terms and conditions
as the Society may think fit.

(3) Any solicitor dissatisfied with a decision of the
15 Society under this section may appeal to the Master of
the Rolls, who may affirm the decision or may give such
permission as aforesaid for such a period and upon and
subject to such terms and conditions as he may think
fit.

20 (4) If any solicitor shall act contrary to the pro-
visions of this section or to the terms and conditions upon
or subject to which any permission has been given
thereunder an application may be made under the
25 Solicitors Act, 1919, to the committee constituted under
the Solicitors Act, 1888, as amended by the said Act of
1919, and the committee may deal with such solicitor in

A.D. 1926. — accordance with their powers under those Acts, and those Acts shall apply accordingly.

(5) This Act shall not apply in the case of a person who has been struck off the roll of solicitors at his own request.

5

Penalty for failure to disclose.

2.—(1) Any person who, whilst he is struck off the roll of solicitors or suspended from practising as a solicitor, seeks or accepts employment by a solicitor in connection with his practice without previously informing him that he has been struck off the roll or suspended from practice shall, on summary conviction, be liable for each offence to a fine not exceeding ten pounds.

10

(2) Notwithstanding anything in the Summary Jurisdiction Acts proceedings under this section may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced except by or with the consent of the Society.

15

Interpretation, short title and extent.

3.—(1) In this Act “the Society” means the Law Society, and anything authorised to be done by the Society under this Act may be done by the Council of the Society on their behalf.

20

(2) This Act may be cited as the Solicitors Act, 1926, and the Solicitors Acts, 1839 to 1922, and this Act may be cited together as the Solicitors Acts, 1839 to 1926.

25

(3) The provisions of this Act shall extend only to England and Wales.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the law relating to
solicitors.

The Lord Darling.

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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(179)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Stornoway Harbour. 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 Stornoway Harbour Order Confirmation Act 1926. Short title.



A.D. 1926.

SCHEDULE.

STORNOWAY HARBOUR ORDER.

Provisional Order for the incorporation of the Stornoway Pier and Harbour Commission and for the improvement maintenance and management of the pier and 5 harbour of Stornoway in the Island of Lewis and County of Ross and Cromarty and for other purposes.

WHEREAS by the Stornoway Harbour Order 1865 confirmed by the Pier and Harbour Orders Confirmation Act 1865 (No. 3) the Stornoway Pier and Harbour Commission were incorporated as a body corporate with perpetual succession and a common seal for the purposes but subject to the restrictions of a feu-charter dated the ninth day of August eighteen hundred and sixty-four and recorded in the particular register of sasines for Inverness &c. the first day of October eighteen hundred and sixty-four scheduled to the said Stornoway Harbour Order 1865 and certain powers and jurisdiction were conferred upon the said body corporate: 15

And whereas by the Stornoway Harbour Order 1881 confirmed by the Pier and Harbour Orders Confirmation Act 1881 the said Order of 1865 was amended and certain portions thereof were repealed and certain further powers and duties were conferred and imposed upon the said Commission: 20 25

And whereas by the Stornoway Harbour Order 1892 confirmed by the Pier and Harbour Orders Confirmation (No. 3) Act 1892 the constitution of the said Commission was altered and further powers for constructing works acquiring property and rating were conferred: 30

And whereas the said Commission have erected the works authorised and have maintained and administered the pier and harbour with all rights powers privileges and accessories pertaining thereto:

And whereas certain additional properties described 35 in the Second Schedule to this Order and lying outwith

the limits of the harbour and undertaking as defined in the Stornoway Harbour Orders 1865 1881 and 1892 have been acquired by the said Commission by gift from the Right Honourable William Hesketh First Viscount
5 Leverhulme :

A.D. 1926.
—

And whereas it is expedient that the constitution of the said Commission should be further altered that certain new works improvements and deepening of the said harbour should now be undertaken and that the
10 limits of the harbour undertaking and of the powers and jurisdiction of the Commission should be more fully defined and that the title of the Commission to the said additional properties should be confirmed and its powers thereanent defined :

15 And whereas for the said purposes it is expedient that the Stornoway Harbour Orders 1865 1881 and 1892 and the Acts of Parliament confirming the same so far as referring to the said Orders should be repealed and the provisions therein contained so far as presently and in
20 future applicable should be consolidated with the other powers privileges jurisdiction and rights now to be defined and that the said Commission as altered should be reincorporated :

And whereas plans and sections showing the lines
25 situations and levels of the several works authorised by this Order and the lands required or which may be acquired for the purposes or under the powers of this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners
30 and lessees and of the occupiers of those lands were duly deposited with the sheriff-clerk and such plans and sections are respectively referred to in this Order as the deposited plans and sections :

And whereas the purposes aforesaid cannot be
35 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
40 of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as the Stornoway **Short title.**
Harbour Order 1926.

A.D. 1926.
—
Date of
commence-
ment of
Order.
Incorporation
of Acts.

2. This Order shall come into force and have effect as from the date of the passing of the Act confirming it which date is hereinafter referred to as the commencement of this Order.

3.—(1) The following enactments so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order namely :—

The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement.

The Commissioners Clauses Act 1847 (except sections 16 to 35 both inclusive and sections 40 42 43 46 and 54).

The Harbours Docks and Piers Clauses Act 1847 except sections 12 13 and 16 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a tide and weather gauge) and except sections 25 and 26.

For the purposes of such incorporation the expression “special Act” in the said Acts respectively shall be construed to mean this Order and the expression “undertakers” shall mean the Commissioners.

(2) The following expressions wherever used in the Harbours Docks and Piers Clauses Act 1847 shall in reference to this Order have the following respective meanings (that is to say) :—

The expression “harbour dock or pier” means and includes the harbour as hereinafter defined and all future additions thereto and extensions thereof;

The expressions “packet boat” and “Post Office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908; and

The expression “Post Office bag of letters” means a mail bag as defined by the said Act of 1908:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this

Order shall extend to exempt from rates or duties regulation or control any such vessel as aforesaid if such vessel also conveys passengers or goods for hire. A.D. 1926.

- 5 4. In this Order unless there is something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and Interpretation.
- 10 “ The Commissioners ” means the members of the Stornoway Pier and Harbour Commission appointed as provided by this Order and from time to time acting;
- 15 “ The existing Commissioners ” means the Commissioners acting under the Orders of 1865 1881 and 1892;
- 20 “ The sheriff ” means the sheriff of Ross Cromarty and Sutherland and includes his substitutes;
- 20 “ The sheriff-clerk ” means the sheriff-clerk of the county of Ross and Cromarty;
- 25 “ The town council ” means the provost magistrates and councillors of the burgh of Stornoway;
- 25 “ The Orders of 1865 1881 and 1892 ” mean the Stornoway Harbour Order 1865 the Stornoway Harbour Order 1881 and the Stornoway Harbour Order 1892;
- 30 “ The deposited plans ” and “ the deposited sections ” mean respectively the plans and sections deposited in relation to the application for this Order with the sheriff-clerk;
- 30 “ The harbour ” means the harbour of Stornoway;
- 35 “ Vessel ” includes any ship lighter keel barge boat wherry raft and craft of every class and description however propelled and seaplanes hydroplanes and similar craft;
- 35 “ Goods ” includes all animals wares merchandise commodities and articles of every description;
- (185) A 3

- A.D. 1926. — “ Gifted properties ” means the properties acquired by the existing Commissioners by gift from the Right Honourable William Hesketh First Viscount Leverhulme and described in the Second Schedule to this Order. 5
- Repeal. 5. The following Orders are hereby repealed (1) the Stornoway Harbour Order 1865 (2) the Stornoway Harbour Order 1881 and (3) the Stornoway Harbour Order 1892 as also the Confirmation Acts aforesaid in so far as these Acts confirm the said Orders or any of them but no farther. 10
- Confirmation of Charter of 1864. 6. The feu-charter granted by Sir James Matheson of Achany and The Lews Baronet Member of Parliament for the combined counties of Ross and Cromarty in favour of himself and others as Commissioners as therein mentioned dated ninth August and recorded in the particular register of sasines for Inverness &c. first October both in the year eighteen hundred and sixty-four which feu-charter is set forth in the First Schedule to this Order shall remain in force and continue to have full effect except in so far as the same is altered or modified in or is at variance with the provisions of this Order which provisions shall in all cases of variance be regulative. 20
- Under-takers. 7. The undertakers for the carrying of this Order into execution are the existing Commissioners until the date of the appointment of the last of the Commissioners to be appointed under and in virtue of the provisions thereanent in this Order contained and thereafter the Commissioners so appointed. 25 30
- Existing Commissioners to hold office till new Commissioners elected. 8. The existing Commissioners shall continue to hold office and to exercise all the powers and duties of Commissioners under and in virtue of the provisions of this Order until the Commissioners to be appointed under and in virtue of the provisions of this Order shall have been appointed. 35
- Incorporation of Commissioners. 9. The Commissioners shall be and are for the purposes of this Order incorporated by the name of the Stornoway Pier and Harbour Commission and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold lease sell or dispose of lands and other property. 40

10. The number of Commissioners to be appointed under and in virtue of this Order and the manner of their appointment shall be as follows :—

A.D. 1926.
—
Constitu-
tion of Com-
mission.

(1) The number of Commissioners shall be ten :

(2) The said Commission shall in all time to come consist and be composed of the following members videlicet :—

(First) The superior of the burgh of Stornoway or in case of the superiority of the said burgh being at any time vested in a body of trustees then one of their number to be appointed by them or the chamberlain of the superior or superiors duly nominated by him or them in writing ;

(Second) Three Commissioners to be annually chosen at some time during the month of April by the town council the three members to be chosen being always so long as there are members of the town council who hold the qualification next mentioned feuars within the said burgh and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll) and resident in or near Stornoway or householders within the burgh occupying houses of the annual rent or value of fifteen pounds evidenced as aforesaid and in case there shall not at any time when the said choice falls to be made exist such members of the town council or so many of such members as shall suffice for the said choice as aforesaid, then the said three Commissioners or such lesser number as shall suffice for the said choice shall be elected by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the register of parliamentary electors for the time) such three Commissioners so elected being always feuars and each of them owners of property within the burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid) and resident in or near Stornoway and this at a meeting

A.D. 1926.

of the parliamentary electors within the burgh of Stornoway to be called by the chairman for the time being of the Commissioners or in his absence by any three Commissioners by a printed or written notice to be posted 5 in at least six public places in the burgh of Stornoway fourteen days previous to the day of election or on such notice as may be prescribed by any rules to be framed by the Commissioners for regulating the calling of 10 such meetings with the view to the election of members full power to make such rules being hereby specially conferred on the Commissioners;

(Third) Two Commissioners to be annually 15 nominated on or before the first Monday of the month of May by the superior or superiors of Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value 20 of ten pounds or upwards or householders occupying houses within the burgh of the annual value or rent of fifteen pounds to be evidenced as aforesaid;

(Fourth) One Commissioner to be annually 25 nominated by the sheriff for the time from among the feuars owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or from among persons within 30 the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid) or from among the householders of the said burgh occupying houses of the value of fifteen pounds or upwards (to be evidenced 35 as aforesaid).

The first appointment of Commissioners falling to be made after the commencement of this Order shall be made before the expiry of two months from the commencement 40 of this Order and for this purpose the provisions of the second third and fourth heads of this subsection in respect of the annual choice of three Commissioners by the town

council or the election thereof by voters within the burgh of Stornoway and in respect of the annual nomination of two Commissioners by the superior or superiors shall be modified accordingly;

A.D. 1926.
—

(Fifth) Three Commissioners to be elected in manner following :—

(a) Within two months from the commencement of this Order a meeting of persons paying harbour dues or rates to the amount hereinafter mentioned shall be held in Stornoway for the first election of the said Commissioners at a place and time to be advertised by the clerk to the existing Commissioners fourteen days at least before the day of meeting by hand-bills posted in Stornoway;

(b) Thereafter annual meetings of the said persons for the election of the said Commissioners shall be held in Stornoway during the month of April at a place and on a day appointed by the Commissioners the place and time of meeting being advertised by the clerk to the Commissioners fourteen days at least before the day of meeting;

(c) All persons of lawful age and not subject to any legal incapacity who shall be certified as after mentioned to have paid to the Commissioners during the financial year ended on the eleventh day of November immediately preceding the sum of two pounds or upwards for harbour dues or rates shall have a voice and vote at any such meeting and such persons being so assembled shall elect a preses and clerk. The collector of harbour dues and rates or his clerk shall be in attendance with a register which he shall annually prepare of persons qualified to vote as aforesaid and the entry of the name of any person attending such meeting in the register as a person qualified to vote shall be sufficient and conclusive certification of his right to do so. Provided always

A.D. 1926.
—

that any person whose name may be omitted by inadvertence from the said register shall on production to the preses and clerk after their election of authentic receipts showing that harbour dues or 5 rates to the amount aforesaid have been paid during the said period have a voice and vote at the said meeting Mercantile and other companies or firms and trustees tutors and curators may by mandate ap- 10 point one of their officers partners or number to vote on their behalf;

(d) Every person qualified as aforesaid shall be entitled to one vote and no more for each of the seats on the Commission 15 and in case of an equality of votes the preses shall be entitled to a casting vote as well as a deliberative vote and a certificate of the election signed by the preses shall be transmitted forthwith to the clerk to the 20 existing Commissioners or the Commissioners (as the case may be) and shall be conclusive evidence of the persons thereby appearing to have been elected having been 25 elected;

(e) The Commissioners elected as aforesaid shall hold office until the first Monday in May of the year following the election and shall then cease to hold office in favour of the persons elected in the month of 30 April preceding but all such Commissioners shall be eligible for re-election in successive years;

(f) The following persons and no others shall be qualified for election as Com- 35 missioners aforesaid under the (Fifth) paragraph of this subsection viz. Feuars or householders within the burgh of Stornoway each of them owners or occupiers of property therein of the annual value of 40 fifteen pounds or upwards (as evidenced by the valuation roll) and resident within the burgh of Stornoway :

A.D. 1926.

- 5 (3) The Commissioners shall elect their own chairman annually and shall have power in his absence to appoint a temporary chairman for any meeting and the chairman so elected or appointed shall have a casting vote as well as a deliberative vote :
- 10 (4) Proceedings of the Commissioners shall not be invalidated by reason of any vacancy in their body or of the non-appointment of or of any defect in the qualification or appointment of a Commissioner.

TRANSFER ACQUISITION OF HARBOUR ESTATES LANDS
BUILDINGS &C.

15 11. On and after the date of the appointment of the last of the Commissioners to be appointed under and in virtue of the provisions thereanent in this Order contained all the estate and interests of the existing Commissioners in the pier and harbour of Stornoway and in the quays piers works roads and conveniences
20 connected therewith and all plant cranes mooring-posts and weighing-machines within the existing harbour or appertaining thereto and including the existing harbour office and the whole rights title and interests of the existing Commissioners therein and the gifted properties
25 held by the existing Commissioners together with the existing Commissioners' whole rights title and interests therein shall be and the same are hereby transferred to and vested in the Commissioners and their right and title to the said gifted properties shall be and is hereby
30 confirmed and may be lawfully held used and enforced by them for the purposes and according to the provisions of this Order and from and after the date of transfer aforesaid the existing Commissioners shall cease to have any further responsibility for or in connection with the
35 existing pier and harbour or the said properties.

12. For the purposes of this Order the Commissioners may from time to time by agreement enter on take and use all or any part of the lands shown upon the deposited plan as intended to be taken for the purpose of the works
40 authorised by this Order.

Power to
take lands
by agree-
ment.

A.D. 1926.

Power to
take patent
slip.

13. The Commissioners shall have power by purchase or otherwise to take over and to hold or own the patent slip lying to the east of the No. 3 pier.

Lands for
extra-
ordinary
purposes.

14. The Commissioners may (in addition to all other powers) by agreement acquire and hold for extra- 5
ordinary purposes any lands not exceeding in the whole
twenty acres but nothing in this Order contained shall
exempt the Commissioners from any proceedings for
nuisances caused or permitted by them on lands acquired
by them under the powers conferred by this section. 10

Power to
grant servi-
tudes &c.
by agree-
ment.

15. Persons empowered by the Lands Clauses Acts to sell or convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Commissioners any servitude right or privilege (not being a servitude of water) required for the 15
purposes of this Order in over or affecting any such lands
and the provisions of the said Acts with respect to lands
feu-duties and rentcharges so far as the same are applic-
able in this behalf shall extend and apply to such
grants and to such servitudes rights and privileges 20
respectively.

Power to
dispose of
or demolish
properties.

16. The Commissioners shall have power to sell the whole or any part of the gifted properties to borrow any sum or sums on the security of the same and to grant 25
bonds or other securities heritable or moveable therefor
with interest and under the usual penalties and to bind
themselves in repayment but only out of the proceeds of
the said properties with power of sale and all other usual
and necessary clauses to repair or rebuild the same to
dispose the same by way of security or to demolish 30
the same for any improvement scheme and that without
any consideration but in the event of a sale or disposal
otherwise any moneys or surplus moneys arising from
such shall be entered in the accounts as capital of the
undertaking Any moneys borrowed in terms of this 35
section shall only be applied for the purposes of the said
properties or for the purposes of this Order to which
capital is properly applicable.

Power to
lease.

17.—(1) The Commissioners may with the previous 40
consent in writing of and upon such terms conditions
and restrictions and for such period as may be sanctioned
by the Minister of Transport lease to any company

corporation or person (a) the entire undertaking of the Commissioners or any part thereof including the gifted properties or (b) the rates and other charges authorised to be taken by this Order. A.D. 1926.
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5 (2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Commissioners by this Order which the Com-
10 missioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

15 (3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport.

(4) The Commissioners shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Ministry of Transport
20 and shall as from the expiration of that month be liable to a penalty not exceeding five pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

25 (5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Commissioners from their obligation to keep and render accounts and as from the date of any lease made under
30 this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Commissioners and all moneys received by the Commissioners under or in
35 respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

LIMITS.

18.—(1) The limits of the harbour shall for the Limits of
40 purposes of this Order comprise extend to and include harbour.

A.D. 1926. — the bay of Stornoway and shall be deemed to extend along the shore thereof from Holm Point on the east to Arnish Point on the west and seawards to an imaginary straight line drawn from Holm Point on the east side to Arnish Point on the west side of the said bay of Stornoway and all accesses buildings works lands and conveniences and property rights powers and privileges at present appertaining thereto and the piers works quays wharves warehouses and lands connected therewith and all lands above high-water mark acquired or held by the existing Commissioners and also all approaches roads works accommodation and conveniences connected therewith and all additions to and improvements in the harbour from time to time lawfully made by the Commissioners.

(2) A map or plan showing the limits of the harbour having been signed in quadruplicate by Messrs. Henderson and Nicol C.E. Aberdeen and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the sheriff-clerk, and another copy thereof shall be deposited at the office of the clerk to the Commissioners.

Limits of
this Order.

19. The limits of this Order shall extend to the limits of the harbour as hereinbefore defined and to the gifted properties but the powers to exact rates in virtue of this Order shall extend only to the limits of the harbour as hereinbefore defined.

WORKS AND POWERS.

Power to
construct
works.

20. Subject to the provisions of this Order and subject also to such alterations if any in the plans and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Commissioners may on the lands and in the lines and situation and according to the levels shown on the said plans and sections so far as the same are shown thereon make and maintain the works authorised by this Order

and maintain the works existing at the commencement of this Order. A.D. 1926.

21. The works authorised by this Order are the following :— Description of works.

- 5 (1) A solid breastwork (Work No. 1) commencing at a point on the face of Cromwell Street Quay 80 feet or thereabouts north of the junction of North Beach Quay and Cromwell Street Quay extending in a southerly direction along the face of Cromwell Street Quay to the junction of North Beach Quay and Cromwell Street Quay for a distance of 80 feet or thereabouts thence in a westerly direction along the face of North Beach Quay for a distance of 200 feet or thereabouts and terminating at a point on the face of North Beach Quay 280 feet or thereabouts from the point of commencement :
- 10
- 15
- 20 (2) A wharf of open structure (Work No. 2) commencing at a point 6 feet or thereabouts due west of the northern extremity of Esplanade Quay and extending in a southerly direction parallel to the face of Esplanade Quay and terminating at a point 420 feet or thereabouts from the point of commencement :
- 25
- 30 (3) The deepening (Work No. 3) of a portion of the Inner Harbour and a portion of the entrance to the Inner Harbour to a depth of 8 feet or thereabouts below the level of low water of ordinary spring tides commencing at a point on the sea bed of the Inner Harbour 90 feet or thereabouts south-west of the northern extremity of Cromwell Street Quay and extending in a southerly westerly and southerly direction and terminating at a point on the sea bed in the entrance to the Inner Harbour 170 feet or thereabouts due west from Esplanade Quay 1565 feet or thereabouts from the point of commencement.
- 35

22. In constructing the works by this Order authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown Power to deviate.

40

[A.D. 1926. — on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding ten feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. 5

Subsidiary works.

23. The Commissioners may in connection with the works authorised by this Order construct and provide all proper embankments jetties landing-stages roads approaches mooring buoys beacon lights lamps gates sewers drains pipes and other similar works and conveniences. 10

Comple-
mentary
powers &c.

24.—(1) Subject to the provisions of this Order the Commissioners may maintain restore reconstruct alter improve enlarge and extend the harbour and may in connection with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties weirs bridges slips wharves beaches for hauling boats buoys moorings cranes lights beacons roads sewers drains watercourses gas and water pipes electric light and power and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may construct and carry out such works as may be necessary for reclaiming or filling in any portion of the foreshore within the limits of this Order and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the piers quays and other harbour works of the Commissioners and lands connected therewith and may provide motive power for tramways and may acquire or construct and maintain all warehouses offices sheds weighing-machines cranes and other plant or buildings which may be necessary or convenient in connection with their duties or works. 15 20 25 30

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until it has been inspected and certified by the Ministry of Transport to be fit for that use. 35

(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed maintained and used as to prevent any 40

interference with telegraphic communication by means of any telegraphic lines belonging to or used by the Postmaster-General. A.D. 1926.

(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity Supply Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

25.—(1) The Commissioners may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour or to any part thereof for vessels using the same. Power to dredge.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit. Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the harbour revenue under this Order is to be applied.

(4) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of this Order the removal or sale of any sand mud or other material by the Commissioners or their licensees otherwise than to the extent hereinbefore mentioned:

Provided that the powers of the Commissioners under this section shall be exerciseable subject to the provisions of the section of this Act of which the marginal note is "Saving rights of Crown" and in particular and without prejudice to that general limitation that any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Commissioners to the Commissioners of Crown

A.D. 1926. — Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Commissioners under this section or in respect of any place below high-water mark upon which materials may be deposited as 5 may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

Power to
construct
warehouses
stores &c.

26. The Commissioners may construct and maintain and may furnish manage and equip warehouses sheds stores fishing platforms auctioneers' stances pavilions 10 waiting refreshment reading and other rooms automatic machines bicycle stands bandstands shops waterclosets urinals lavatories baths and sanitary and other conveniences and they may also construct and maintain and make such reasonable charges as they think fit for the 15 use of and admission to floating swimming baths.

Powers to
cease in
certain
events.

27.—(1) If within two years from the commencement of this Order the works referred to in the section of this Order whereof the marginal note is "Description of works" are not substantially commenced the power given 20 by this Order for executing these works or otherwise in relation thereto shall cease unless the time for commencement be extended by special direction of the Ministry of Transport which extension the said Ministry is hereby authorised to grant. 25

(2) If the said works after having been substantially commenced are virtually suspended for twelve consecutive months the power given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of the works as are then completed unless 30 those powers are by special direction of the Ministry of Transport continued and directed to remain in force for any period not exceeding ten years from the date of the passing of the Act confirming this Order.

(3) In either of the above cases a certificate from 35 the Ministry of Transport to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate. 40

Period for
completion
of works.

28. If the works referred to in the section of this Order whereof the marginal note is "Description of

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works” are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Commissioners for making and completing the same
5 respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

29. Every person who wilfully obstructs any person acting under the authority of the Commissioners in
10 setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys the works or part thereof shall for each offence be liable to a
15 penalty not exceeding five pounds. Penalty for obstructing works.

30.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring
20 tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. Works below high-water mark to be subject to approval of Board of Trade.

25 (2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the
30 site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

31.—(1) The Commissioners shall at or near such
35 part of the works by this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night
40 from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation Lights on works during construction.

A.D. 1926. — as the Board of Trade shall from time to time require or approve.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding 5 twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent
lights on
works.

32.—(1) After the completion of the works by this Order authorised the Commissioners shall at the outer 10 extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses 15 shall from time to time direct.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding 20 twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of
works by
Board of
Trade.

33. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the 25 Commissioners under the powers of this Order which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Commissioners shall defray the expense of the 30 survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

34.—(1) Where any work constructed by the Com- 35 missioners under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall 40 into decay the Board of Trade may by notice in writing

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either require the Commissioners at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Commissioners they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

35.—(1) In case of injury to or destruction or decay of the works by this Order authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commissioners shall lay down such buoys exhibit such lights or take other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken.

Provision
against
danger to
navigation.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

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JURISDICTION.

Authority
and juris-
diction of
Commis-
sioners and
harbour
master.

36. The limits within which the Commissioners shall have authority and exercise jurisdiction over vessels shipping goods shipped or to be shipped traffic control and over all things and persons within the limits of the powers in this Order confirmed or conferred and within which the powers of the harbour-master shall be exercised shall comprise the pier and harbour the new works and all properties owned possessed or leased by the Commissioners in connection with the harbour undertaking but excluding from the powers of the harbour-master the gifted properties.

SUPPLEMENTAL PROVISIONS AS TO MANAGEMENT
BYELAWS &C.

Meters and
weighers.

37. The Commissioners or their harbour-master shall have the appointment of meters and weighers within the limits of the harbour and the limits of jurisdiction hereinbefore defined.

Byelaws.

38.—(1) The byelaws which may from time to time be made by the Commissioners in exercise of the power in that behalf conferred on them by section 83 of the Harbours Docks and Piers Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Ministry of Transport and that allowance and confirmation shall be sufficient for all purposes.

RATES.

Power to
levy rates.

39. The Commissioners may subject and according to the provisions of this Order demand receive and recover for the use of the piers and harbour and conveniences connected therewith and in respect of the services persons and things described in the Third Schedule annexed to this Order any sums not exceeding the several rates specified in that schedule.

Rates for
ballast.

40. The Commissioners may take such reasonable rates as they think proper for the supply and removal of ballast for the accommodation of vessels.

41. The Commissioners may demand and recover such reasonable rates or other consideration as they may fix for the use of any warehouses sheds buildings weighing-machines cranes works fences and conveniences belonging to or provided by them or in respect of any service rendered by them for which rates are not specially fixed in the Third Schedule to this Order.

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Rates for
warehouses.

42. The Commissioners may confer vary or extinguish exemptions from and enter into compositions with any person with respect to the payment of the rates authorised by this Order but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Power to
vary or
compromise.

43.—(1) If at any time it is represented in writing to the Minister of Transport (in this section referred to as "the Minister")—

Revision of
dues or
rates.

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose or

(b) by the Harbour Commissioners

that under the circumstances then existing all or any of the dues or rates authorised in pursuance of this Order should be revised the Minister may if he thinks fit make an order revising all or any of such dues or rates as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) No application may be made under this section for a general revision of the dues or rates for the time being authorised under this Order within twelve months after the date of an order made by the Minister for a general revision thereof and no application may be made for a revision of any particular dues or rates within twelve months after the date of an order made by the

A.D. 1926. Minister for a general revision or of any previous application for a revision of the particular dues or rates in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were a person to be appointed for the purpose by an order of the Minister after consultation with a Secretary of State under section 2 of the said Act of 1874 provided that any inquiry shall be held in such place in Scotland as the Minister may determine to be most convenient; and

(c) as if in section 4 of the said Act of 1874 the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the president or of one of the secretaries of the Board.”

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the person holding an inquiry for the purposes of this section may call for such documents and accounts as he may consider relevant and may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Master of fishing vessel to report take of fish.

44.—(1) The master owner or agent of every vessel which has taken a cargo of fish shall on the arrival of the vessel within the limits of the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof and the owner master or agent shall be responsible for the payment of the dues.

(2) If the master owner or agent of a vessel fails to comply with this section he shall be liable to a penalty not exceeding ten pounds.

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Harbour
master may
prevent
sailing.

45. The harbour-master may prevent the removal or sailing from the limits of the harbour of any vessel in respect of which or the goods imported or exported therein any rates are payable until evidence has been
5 produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master owner or agent of the vessel has given in his account of the take or cargo of fish required by this Order.

10 46. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duty and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress
15 of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain fish-
ing vessels
under stress
exempt
from rates.

47. All persons going to or returning from any lifeboat or using any apparatus for saving life and being
20 persons either belonging to the crew of the lifeboat or the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress
25 shall at all times have free ingress passage and egress to or along and on and from the harbour without payment.

Exemption
of lifeboat
crews.

FINANCE.

48. The Commissioners may borrow at interest such
30 money as may be required for the purposes of this Order not exceeding in the whole the sum of seventy thousand pounds on the security of the rates authorised by this Order or of the lands buildings and other heritable properties comprised within the limits of this
35 Order or any of them or they may accept and take from any bank or banking company credit for any amount not exceeding on the whole the sum of seventy thousand pounds on a cash account to be opened and kept in the name of the Commissioners according to
40 the usage of bankers in Scotland but so that the whole sum owed by the Commissioners on such cash account

Power to
borrow.

A.D. 1926. — and for other money borrowed for the time being and unpaid shall not exceed on the whole the sum of seventy thousand pounds exclusive of interest and the Commissioners may grant bonds and assignations of the said subjects in security of the repayment of the sum 5 or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and transfers thereof may be in the form contained in Schedules B. and C. annexed 10 to the Burgh Harbours (Scotland) Act 1853 which powers of borrowing are in supplement of and not in derogation to the powers given to the Commissioners contained in the section of this Order whereof the marginal note is "Power to dispose of or demolish 15 properties.

Period for repayment of borrowed moneys. 49. The Commissioners shall pay off the whole of the moneys borrowed under this Order within forty years after the dates when those moneys are respectively borrowed (which period is in this Order referred to as 20 "the prescribed period").

Re-borrowing. 50. All money borrowed by the Commissioners under this Order and repaid otherwise than by instalments or by means of a sinking fund or out of the price of lands sold may be from time to time re-borrowed 25 by the Commissioners but so that the original loan shall be repaid within the prescribed period.

Substitution in debts of new Commissioners. 51. As from the date of the transfer of the harbour properties &c. as defined in the section of this Order whereof the marginal note is "Transfer acquisition 30 &c." the Commissioners shall be substituted in room and place of the existing Commissioners as debtors and shall assume full liability as such Commissioners for (1) the sum of six thousand five hundred pounds being the balance due under a mortgage granted by the existing 35 Commissioners in favour of the Public Works Loan Commissioners dated thirty-first July eighteen hundred and ninety-three (2) the sum of four hundred pounds sixteen shillings and ninepence due to the National Bank 40 of Scotland Limited in respect of an overdraft of that amount and (3) all other sums of money or obligations at present due and prestable from the existing Commissioners.

52. The Commissioners shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them. A.D. 1926.
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Mode of re-payment of borrowed money.
53. Except as provided in the section of this Order whereof the marginal note is "Power to dispose of or demolish properties" all money borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable and not otherwise. Application of borrowed money.
- 54.—(1) The bondholders of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their bonds by the appointment of a judicial factor reserving to the bondholders referred to in the section of this Order whereof the marginal note is "Power to dispose of or demolish properties" their whole powers and remedies under their respective securities. Enforcement of bonds.
- (2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the bondholders by whom the application for a judicial factor is made shall not be less than one-tenth part of the whole amount outstanding at the time of the application for the said appointment.
- (3) In sections 86 and 87 of the Commissioners Clauses Act 1847 incorporated with this Order the expression "Commissioners" shall mean the Commissioners appointed under and in virtue of this Order and the expression "receiver" shall mean judicial factor.
- 55.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either— Sinking fund.
- (a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed

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A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

- (b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding 5 three and a half per centum per annum or such other rate as a Secretary of State may from time to time allow will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is 10 formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in 15 repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture 20 stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Commissioners the Commissioners being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund 25 the interest on the investments of the fund may be applied by the Commissioners towards the equal annual payments to the fund.

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the 30 discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would 35 have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which 40 would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Commissioners.

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(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the
5 annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be
10 paid by the Commissioners in addition to the payments provided for by this Order.

(7) If it appears to the Secretary of State or to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in
15 accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it
20 shall be the duty of the Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Commissioners desire to accelerate the repayment of any loan they may increase the amounts
25 payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund)
30 will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may with the consent of the Secretary of State reduce the payments to be made
35 to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time
40 together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be sufficient to repay the loan in respect of which it is formed within the prescribed

A.D. 1926. period the Commissioners may with the consent of the Secretary of State discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Commissioners may determine. 5

Annual
return to
Secretary of
State with
respect to
sinking
fund.

56. The treasurer of the Commissioners shall within six months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary of State a return in such form as may be prescribed by the Secretary of State and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary of State as a debt to the Crown is recoverable If it appear to the Secretary of State by any such return or otherwise that the Commissioners have failed to pay any instalment or to set apart any sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or to have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary of State may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree by either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose. 10
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Formation
of contin-
gency fund.

57. The Commissioners may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of ten thousand

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pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the works appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities upon which trust moneys may be invested (other than securities of the harbour undertaking) until required for any of the purposes aforesaid.

58. The revenue received from rates or otherwise under this Order shall be applied for the purposes and in the order following and not otherwise :—

- (1) In paying the costs of and connected with the preparation and making of this Order :
- (2) In paying any feu-duties or rates payable in respect of any land or property if any belonging to or leased by the Commissioners in connection with the harbour and in paying the expenses properly chargeable to revenue of the maintenance repair management and regulation of the harbour and of the gifted properties and of carrying into effect any powers given by this Order including the cost of borrowing money under this Order :
- (3) In paying year by year the interest on money borrowed under this Order :
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order :
- (5) In making such payments (if any) as the Commissioners think fit into a contingency fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Commissioners in the improvement of the harbour undertaking.

59.—(1) The Commissioners shall within two months after the date to which their annual accounts are made up send a copy of the same to the Ministry of Transport.

Accounts.

A.D. 1926. — (2) The Commissioners shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section. 5

(3) The accounts shall be made up to the end of the eleventh day of November in each year.

LIFE-SAVING APPARATUS.

Life-saving apparatus may be attached to harbour. 60. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour works. 15

Lifebuoy to be kept. 61. The Commissioners shall at all times keep at reasonable distances along the piers and quays of the harbour and in accordance with any requirements which may be made by the Board of Trade a sufficient number of lifebuoy and lines in good order and fit and ready for use. If the Commissioners fail to comply with the foregoing provision they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 20 25

MISCELLANEOUS.

Removal of stranded or sunk vessels. 62.—(1) Whenever any vessel is stranded or sunk in the harbour or in or near any approach thereto from the sea or is laid by in the harbour or neglected as unfit for sea service the Commissioners may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its approaches therefrom. 30

(2) The Commissioners may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels or effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject 35 40

A.D. 1926.

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to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto :

10 Provided that the Commissioners shall before selling any such cargo goods chattels or effects as aforesaid pay all duties or levies which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties
15 or levies so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Commissioners for the aforesaid expenses the Commissioners may recover the deficiency or in
20 case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter to be payable in respect of the deficiency from the person who at the time of the sinking or stranding of the vessel was the registered owner thereof or from the executors or
25 administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount
30 demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbiter to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbiter appointed by the Board
35 of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbiter and he shall award and order how those costs are to be
40 borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

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(5) The powers given to the Commissioners under subsection (1) of this section shall not be exercised if the registered owner of the vessel stranded or sunk shall within twenty-four hours after the vessel shall have been stranded or sunk take such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and shall thenceforth continuously and diligently and to the satisfaction of the harbour-master prosecute and do all such works and things as may in the opinion of the harbour-master be necessary and proper for the raising and removal of the vessel as speedily as possible. 5 10

Saving for receiver of wreck.

63. Nothing in this Order shall have effect so as to prejudice any powers or duties of the Receiver of Wreck under Part IX. of the Merchant Shipping Act 1894. 15

Recovery of penalties.

64. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed to be a special Act. 20

For the benefit of Government departments.

65. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially mentioned in these sections. 25

Jurisdiction of magistrates.

66. The jurisdiction of the magistrates of the burgh of Stornoway within the said burgh shall extend to and include the limits of the harbour. 30

Crown rights.

67. 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 Commissioners 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 35 40

Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. A.D. 1926. —

68. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" 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 Commissioners authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both 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 incorporated in this Order and as if the Commission were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mineowners or royalty owners as the case may be so that any compensation payable by the Commissioners to or for the benefit of His Majesty as the mineowner or royalty owner or payable to the Commissioners by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be. Crown
minerals;

69. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Commissioners. Costs;

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

KNOW ALL MEN by these presents that I Sir James Matheson of Achany and the Lews Baronet Member of Parliament for the combined counties of Ross and Cromarty heritable proprietor of

A.D. 1926. the barony of the Lews including the burgh of barony of Stornoway and of the shores of the bay of Stornoway :

Considering that whereas there is a pier or quay at Stornoway called the Old Pier or Big Quay belonging to me which was in or about the the year eighteen hundred and seventeen rebuilt by subscription and that the feuars of Stornoway are desirous to have an influential voice in the management of the said Old Pier or Big Quay and in the application of the dues collected thereat :

And whereas I am willing not only to meet their wishes in these respects by having the property and management of the said Old Pier or Big Quay effectually vested in a commission to be to a large extent chosen by the municipal authorities of the burgh of Stornoway or the feuars or parliamentary electors within the said burgh in the way and manner after mentioned which has been approved by a committee of the said feuars but also and to the satisfaction and with the approval of the said committee further with the view of and for the purpose of conferring on the said commission the means of improving and extending the harbour accommodation generally to vest in the said commission in addition to the said Old Pier or Big Quay a portion of ground and shore at the east side of the said Old Pier or Big Quay and contiguous thereto and also a large portion of ground and shore contiguous to the south side of the said Old Pier or Big Quay and extending southward therefrom to and including the Old Castle Steamers quay booking office and storehouse :

Therefore and in consideration of the feu duties for the ground and of the annual sum hereinafter termed an additional feu duty as restricted interest on a sum of eight hundred and fifty pounds sterling or thereby expended by me on the steamers quay and others hereinafter conveyed and which lastmentioned annual sum of additional feu duty is to be redeemable as after declared at sixteen and two thirds of a year's purchase—

WIT YE ME to have sold alienated and in feu farm disposed as I by these presents sell alienate and in feu farm dispo from me my heirs and successors to and in favour (First) of myself and of Donald Munro my chamberlain (as chamberlain but while and so long as he holds that office only and who shall only be competent to act as a commissioner in my absence) (Second) to and in favour of Kenneth Smith feuar and merchant Norman McIver feuar and shipowner and John Morrison feuar and merchant all residing in Stornoway three commissioners elected by the commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two (Third) to and in favour of Donald Mackenzie and Daniel McAlister both feuars and shipowners in Stornoway two commissioners nominated and appointed by me and (Fourth) to

and in favour of Kenneth Mackenzie householder and bank agent
residing in Stornoway the commissioner appointed by the sheriff
of the county under the power to that effect conferred by me
(with concurrence of the said committee) upon him being the
5 seven persons who are to constitute for the current year the
commission for managing the piers quays and harbour of Storno-
way as after mentioned and to be hereafter called " The Stornoway
Pier and Harbour Commission " and to my successors superiors
10 of the said burgh for the time and to the chamberlain or factor
of the superior for the time (but only to act in absence of the
superior) and to the successors of the said several other persons
before named to be appointed or to become members of said
commission hereafter and to the said Stornoway Pier and Harbour
15 commission itself with perpetual succession so soon as the said
commission shall be incorporated :

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First All and whole the vacant or lately vacant space or
piece of shore ground at Stornoway lying to the east of the said
pier or Big Quay and between the same and the pier to the east
20 of said ground and opposite to the northern portion of the feu
on the south side of North Beach Street that belonged to the
late Daniel Lewis Mackenzie and northwards as far as in a line
with the northern boundary or face of the said Old Pier or Big
Quay so that the pier or quay to be formed or lately formed by
filling up said vacant or lately vacant space or piece of shore
25 ground will adjoin or does now adjoin the said pier and will be
or now is in a line with said northern boundary or face of said
Old Pier or Big Quay and which vacant or lately vacant space
or piece of shore ground is bounded as follows, viz. On the west
30 by the said Old Pier or Big Quay along which it extends ninety-
seven feet measuring from the north-east corner of said Old Pier
or Big Quay southwards to a point in North Beach Street fifty-
one feet distant in a straight line drawn in a westerly direction
from the east front of the house belonging to me next adjoining
35 the said Old Pier or Big Quay and presently occupied as a hotel
and stores and forty-three feet six inches distant in a straight
line drawn southwards from the north boundary of the said feu
on the south side of North Beach Street that belonged to the
late Daniel Lewis Mackenzie on the south by a straight line
40 extending eastwards from the point last-mentioned fifty feet
six inches to a point forty feet six inches distant from the northern
boundary of the said feu on the south side of North Beach Street
on the east to the extent of seventy three feet by the said pier
opposite to the eastern portion of the said feu on the south side of
North Beach Street and to the extent of twenty-seven feet
45 farther north by the shore ground belonging to me but upon
which there is to be or has been built a prolongation of said pier
last mentioned so that the said vacant or lately vacant space or
piece of ground hereby disposed will ultimately be or now is

A.D. 1926; wholly bounded on the east by the pier last mentioned as the same is to be or now is extended and on the north by the shore ground belonging to me.

Second All and whole the pier and quay at Stornoway called the Old Pier or Big Quay lying immediately to the west of the vacant or lately vacant space or piece of shore ground last above described and above disposed and north of the house and stores belonging to me next adjoining the said Old Pier or Big Quay measuring on the east eighty-six feet along the vacant or lately vacant space or piece of shore ground on the south fifty-one feet from the said vacant or lately vacant space or piece of shore ground to the north-east corner of the said house and stores belonging to me next adjoining the said Old Pier or Big Quay and eighty-eight feet along the north wall of the fore-said house and stores and from the north-west corner of said house and stores eighty-five feet westwards or seawards and on the west and north by the sea.

Third All and whole the ground and shore at Stornoway to the south of the said Old Pier or Big Quay and extending therefrom southwards and lying to the west of a double straight line delineated in red ink and extending from the point marked A upon a plan of the said subjects appended and signed by me as relative hereto and extending to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said subjects thence in a straight line in a south-easterly direction to a point marked C on said plan forty feet distant from the point marked B and thence in a direction a little more easterly to a point marked D on said plan forty-one feet distant from the point marked C where the present building used as a steamer's store and booking office adjoin the landing slip thence in a straight line nearly south to a point one hundred and eighty-eight feet distant from the point D marked E on said plan and from the said point E the shore and ground hereby conveyed is bounded on the south by a straight line to the point eighty feet distant marked F on said plan and on the west from the said point F by a straight line in a line with the west face of the present steamer's quay and one hundred and forty-five feet distant therefrom to a point marked G on said plan with the foreshore or solum seawards or to the west of the present steamer's quay and line marked B C and A and which ground includes the Old Castle Steamers quay and storehouse and booking office.

All the said three subjects lying within the town, burgh and parish of Stornoway barony of the Lews and county of Ross declaring that the said three subjects above disposed are so disposed and that the foresaid descriptions thereof respectively are to be read and construed with reference to the delineation

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thereof shown by the double line in red ink on the plan of that part of Stornoway before mentioned hereto subjoined and signed by me as relative hereto and no otherwise with all right possessed by me to embank and appropriate the same for harbour purposes
5 and to levy and exact harbour dues and rates at the said piers and quays and at all other piers and quays formed or to be formed and to become vested in the said Stornoway Pier and Harbour Commission in virtue of these presents or of the powers to acquire further therein contained with all my right title and interest
10 thereto and therein present and future direct and contingent excepting and reserving always for the purpose of being used for proper access and roadways or streets to be kept up and maintained and managed as such in the same way as other roads and streets within burgh the spaces specially described in the
15 fourth condition of these presents hereinafter written and further reserving to me and to Thomas Reid feuar in Stornoway and to our respective successors after written special right of access as in said condition expressed as also excepting always from the said subjects all mines of gold and silver in terms of the exception
20 in my crown grant of the barony of the Lews and hereby expressly declaring that the several subjects above described are disposed for the purposes and with the powers and under and subject to the whole conditions provisions declarations and obligations hereinafter written all and every one whereof my disponees
25 before named forming the present Stornoway Pier and Harbour Commission by acceptance hereof for themselves and their successors forming the Stornoway Pier and Harbour Commission for the time and the Stornoway Pier and Harbour Commission itself in all time to come shall by acceptance hereof be expressly
30 held as a Commission to have adopted and become bound as a Commission to fulfil in every particular and which purposes conditions powers provisions declarations and obligations are as follows :—

5 First The said subjects shall be held by my said disponees as the persons constituting for the current year a commission or board to be called "The Stornoway Pier and Harbour Commission" as after provided and by their successors appointed as after mentioned forming
0 the Stornoway Pier and Harbour Commission for the time for the purposes of managing the said piers quays and harbour now existing and all extensions or enlargements that may be made by them on the subjects hereby conveyed or any other piers and quays that
5 they may acquire in virtue of the powers hereinafter conferred and for the purposes of improving and extending the accommodation for trading shipping and fisheries and with power to levy such dues thereat as they may legally be entitled or may be authorised to exact and

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with power to appoint committees of their own number and to appoint clerks collectors harbour masters pier keepers and all other officers necessary for the proper management of the said piers quays and harbour and to make and enforce all such rules and regulations for the management of said piers quays and harbour and the use thereof as they may be legally entitled or may be authorised to make and enforce and with full power if they so think fit to take all steps under the existing or any future General Pier and Harbour Acts for enabling them to take advantage thereof in all respects and with power if they find it necessary to apply for a special Act of Parliament for the better management and improvement of the said piers quays and harbour Provided always that in the latter event the said Act shall be applied for with my consent or with the consent of the superior for the time and that such special Act shall be carried through by my agent or the agent of the superior for the time all parties interested getting an opportunity of being heard for their interests in the usual manner and generally with power to do all and whatsoever I could have legally done had I not granted these presents except in so far as their powers are qualified or limited by the terms hereof :

Second The parties before named other than myself and my chamberlain shall hold office until the first Tuesday of the month of May eighteen hundred and sixty-five that is they shall cease to hold office at the end of the first Monday of May and their successors appointed in their place shall enter on office upon the first Tuesday of May eighteen hundred and sixty-five and in like manner the Commissioners named and appointed in their place shall hold office for one year from the said first Tuesday of the month of May in the year of their appointment to the end of the first Monday in the same month in the following year and so forth in all time to come that is the said six Commissioners to be appointed annually shall hold office for one year and no longer it being nevertheless hereby declared that any or all of such Commissioners may be annually re-elected or re-appointed as often as the parties entitled to elect them may think fit :

Third The said Commission shall in all time to come consist and be composed of seven acting members videlicet :—

(First) Of the superior of the burgh of Stornoway and his chamberlain for the time the one in the absence of the other declaring that the superior for

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the time and his chamberlain shall be permanent Commissioners but the one only to be capable of acting in the absence of the other and the superior of Stornoway or his chamberlain for the time shall when present be chairman of the Commission with an original or individual and also in case of an equality of votes with a casting vote;

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(Second) Of three Commissioners to be annually chosen at some time during the month of April by the Commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two or other general or local Act under which municipal elections shall from time to time fall to be made and shall be made from among the said Municipal Commissioners themselves the three members to be chosen being always feuars within said burgh and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll of the county or for the district of the Lews for the time) and resident in or near Stornoway and in case there shall not at any time exist such statutory Commissioners for municipal purposes then the said three members of the Stornoway Pier and Harbour Commission shall be chosen by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the roll of parliamentary electors for the time) such three Commissioners so elected being always feuars and each of them owners of property within the burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid) and resident in or near Stornoway and this at a meeting of the parliamentary electors within the burgh of Stornoway to be called by the chairman of the Stornoway Pier and Harbour Commission or in his absence by any three members of said Commission by a printed or written notice to be posted in at least six public places in the town of Stornoway fourteen days previous to the day of election or on such notice as may be prescribed by any byelaws or rules to be framed by the Stornoway Pier and Harbour Commission for regulating the calling of such meetings with the view to the election of members full power to make such byelaws and regulations being hereby specially conferred on the said Commission;

(Third) Of two Commissioners to be annually nominated on or before the first Monday of the

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month of May by me or the superior of Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or qualified to vote in the election for members of Parliament (to be evidenced as aforesaid); 5

(Fourth) Of one Commissioner to be annually nominated by the sheriff of the county for the time from among the feuars owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid) or from among the householders of the said burgh occupying houses of the value of ten pounds or upwards (to be evidenced as aforesaid). 10 15

Fourth The said Stornoway Pier and Harbour Commission shall be bound in case the site of the Old Castle included in the subjects third above disposed shall be built over but if I or my foresaids so require only to denote the central part of said Old Castle as now existing by preserving a proper and marked portion of the same or in my option by a proper pillar or designating mark being placed so as to denote the site of such central part and subject to the approval of me and my successors the said site may be further denoted by a flagstaff or signal post placed on the portion preserved or on the pillar or designating mark substituted therefor and the said Stornoway Pier and Harbour Commission shall be bound to leave at all times between the portion of the Old Pier or Big Quay above disposed to be occupied for proper pier or quay purposes or for curing ground and the houses or buildings belonging to me ex adverso a sufficient space of not less than twenty-five feet for the free and convenient access of the public and others requiring and using such access and when the proposed extension of pier or quay and new steamers quay is formed there shall be at all times left by the said Stornoway Pier and Harbour Commission between the portion of such extended pier or quay to be used for proper pier or quay purposes or for curing purposes or curing ground and the houses and yards presently belonging to me and the said Thomas Reid ex adverso of said extended pier or quay a free space next adjacent to the said houses on the west of not less than twenty-five feet in breadth measuring from the north-west corner of the house and stores belonging to me next adjoining the aforesaid Old Pier or Big Quay to the south-west corner of the property belonging to the said Thomas Reid and from this last-mentioned south-west corner of Thomas Reid's 20 25 30 35 40 45

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property a free space of not less than twenty-five feet to the west of the same straight line prolonged southwards to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard
5 and forty feet distant from the south-west corner of said property all for the purpose of affording free and convenient access and roadway or street for the use of the public and others to and from the piers and quays erected and to be erected as aforesaid declaring that the right to use the said spaces for roadways or
10 streets is hereby reserved as fully and completely as if the solum thereof had not with reference to the better carrying out of the objects of these presents been conveyed by me to the said Harbour Commission and that the said spaces are not to be held either as regards surface or solum any part of the subjects for which
15 feu duty is payable by the said Harbour and Pier Commission reserving always to me and the said Thomas Reid and our respective successors and our and their tenants occupying the aforesaid houses and yards ex adverso of the said extended pier or quay a free space and convenient access to and from
20 the said houses and yards and the sea front of said extended pier or quay but without prejudice to the said Stornoway Pier and Harbour Commission to exact and levy from me and the said Thomas Reid and our respective successors and our and their tenants in the said houses and yards using the said pier
25 erected or to be erected on the said vacant or lately vacant space to the east of the Old Pier or Big Quay the said Old Pier or Big Quay and the Steamers Quay and also the piers or quays to be formed ex adverso on the west of their said properties in Esplanade Row when but not until such last-mentioned piers
30 or quays are formed such dues for the use thereof as they may legally exact and levy from others using the same.

Fifth. It is hereby provided and declared that the said Stornoway Pier and Harbour Commission shall not and by acceptance of these presents they bind and oblige themselves
15 that they shall not erect or form upon the piers or quays hereby disposed or on the piers or quays to be formed on the portions of ground and shores hereby disposed or on the piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired by the said Commission any sheds storehouses
0 or other erections whatever whether of a temporary or permanent nature and whether of stone or of brick iron or wood or other material nor to project any stages gangways or platforms from said piers or quays into the sea in any direction except with the express consent in writing of me or the superior for the time
5 and subject to such conditions as to removal or otherwise as I or the superior for the time may see fit to impose in the event of our giving such consents as conditions thereof And it is hereby further provided and the said Stornoway Pier and Harbour Commission by acceptance hereof expressly consent and agree

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that in case the said Commission shall in breach of their aforesaid undertaking make erections of any sort on the piers or quays hereby disposed or those to be formed by them on the ground or shore hereby ceded or piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired or shall 5 project stages gangways or platforms therefrom into the sea without the written consent of me or of the superior for the time or in case of any failure on their part to observe or fulfil any conditions subject to which consent to make erections may have been given by me or the superior for the time then and in any 10 of these cases it shall be lawful to me or the superior for the time at our own hands and without any proceeding at law or judicial warrant to remove all such erections whether the same be of a permanent or temporary character and whether of wood or any more enduring material and all stages gangways or 15 platforms projected from the said piers or quays into the sea and the said Stornoway Pier and Harbour Commission by acceptance hereof oblige themselves to pay to me or to the superior for the time the costs incurred by us in obtaining the removal of all erections made by them without written consent or maintained 20 contrary to the conditions on which such consent may have been given including the cost of any judicial proceedings that may be resorted to by me or the superior for the time in order to obtain such removal should we see fit ob majorem cautelam to adopt such. 25

Sixth When the proposed extension and improvement at the Steamers Pier and Old Castle are effected the said Stornoway Pier and Harbour Commission shall as soon thereafter as they conveniently can remove the present storehouse at the Steamers Quay and shall thereupon be bound to erect a new storehouse 30 in a position suited to the altered circumstances of the quay and the position character and elevation of such new store or warehouse to be erected as aforesaid shall always be subject to my approval or to the approval of the superior for the time And there shall be reserved and set apart for the free use of 35 myself and the superior for the time in the storehouse or warehouse to be erected instead of the existing storehouse at the Steamers Quay an apartment of not less than twenty feet in length and twelve feet in breadth of which I and the superior for the time shall have exclusive possession and be entitled to 40 keep at all times locked and in the meantime I retain right to take the free use of the existing storehouse in so far as necessary for my proper accommodation.

Seventh Providing and declaring as it is hereby provided and declared that these presents are granted with and under 45 the burden of the current agreement between the Messrs. Hutcheson & Co. Glasgow and me (which the Stornoway Pier and Harbour Commission shall be bound to recognise and give

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effect to) by which they are secured the use as for one year from the term of Whitsunday eighteen hundred and sixty-three of the said store at the Steamers Quay and a preferable right to the use and accommodation of that quay for their steam-
5 boats and the loading and unloading with all proper use of the adjuncts and free access thereto as also the said Stornoway Pier and Harbour Commission become bound by acceptance thereof that aye and until proper and better accommodation for steam boat traffic is substituted for the present and capable
10 of being used in place thereof the Messrs. Hutcheson shall have a preferable right to be afforded the accommodation they presently enjoy upon fair and reasonable terms and in case of difference of opinion the payments to be made by them for such interim accommodation being to be determined by me.

15 Eighth In the event of failure in any year of me or of the superior for the time or of the municipal commissioners or parliamentary electors or of the sheriff to nominate Commissioners or a Commissioner or in the event of any member of the said Stornoway Pier and Harbour Commission dying resigning or
20 becoming disqualified or incapable of acting or refusing to act the other members of the said Commission shall have power to name one or more Commissioners to fill such vacancies for the year and three members of the said Commission shall be a quorum and the acts of such quorum shall always be valid and
25 effectual.

Ninth The Stornoway Pier and Harbour Commission shall meet annually on the first Tuesday of May and shall have power to adjourn their meetings from time to time as they may think
30 fit due notice of such adjournments being always given by the clerk to all members not present at the meetings at which the adjournments are made and the superior or chamberlain as chairman shall be entitled to call a meeting of the Commissioners whenever they may deem it necessary and shall at all times be bound on a requisition to that effect signed by two members
35 of the Commission to convene meetings of the Commission and in case of the refusal of the chairman to call a meeting when so required or in case of the absence from the island of the superior and chamberlain a meeting may be called by any three members of the Commission on a notice of fourteen days such
40 notice always setting forth the object of and business requiring to be transacted at such meeting.

Tenth At the first meeting or at any subsequent meeting or meetings as may be found convenient the said Commission
• shall frame rules and regulations for the conduct of the business
45 of the Commission and general management of the piers quays harbours works and harbour vested in them in so far consistent with the several pier and harbour statutes and in case of any difference of opinion in regard thereto the same shall be referred

A.D. 1926. to two law agents in Edinburgh the one to be named by the
— superior and the other to be named by members differing in the
opinion from him.

Eleventh The said Stornoway Pier and Harbour Commis-
sion shall keep a full and distinct register of their proceedings 5
and distinct accounts of all revenue received by them for and in
respect of the use of the piers quays harbours warehouses and
grounds hereby transferred to them or which may be hereafter
acquired by them and for and in respect of any erections to be
hereafter made by them on the ground and shore above conveyed 10
and of any erections and any ground hereafter acquired by them
as in extension of pier and harbour accommodation and to that
end and without prejudice to the general power before given
to them and obligation by these presents placed on them to
appoint all officers necessary for properly carrying out the objects 15
of the Commission the said Stornoway Pier and Harbour Com-
mission shall be bound at their first meeting or if then not con-
venient at a meeting to be held not later than three months
thereafter to appoint a competent person to be clerk and the
same or other competent person may be treasurer and collector 20
to the Commission with suitable remuneration and it is hereby
(without prejudice to the power of the said Commission to confer
on the said officials other duties and more exactly to define their
duties) declared that it shall be the duty of the clerk to attend
all meetings of Commission and of committees of Commission 25
and to take and frame proper minutes of the proceedings at such
meetings and if required to frame reports of committees and when
the same have been confirmed to engross them in a register to
be kept of the minutes and proceedings of the Commission as also
to record in the said register all other writings necessary or 30
calculated fully and distinctly to show and preserve evidence
of the whole actings and transactions of the Commission and it
shall be the duty of the clerk to conduct the correspondence of
the Commission and duly to file and preserve all letters received
on the business of the Commission and duly to record in letter 35
books to be kept for that purpose all letters written by him on
the business of the Commission alike those written under the
direct authority of the Commissioners as letters written by
him in the ordinary conduct of its business and which letter
books shall for ease of reference be duly indexed by the clerk 40
and it shall be the duty of the treasurer to keep an exact account
of all sums in the shape of revenue received by him on behalf of
the Commission and to pay the whole thereof from time to time
into a bank account to be kept in the name of the Commission
to be termed "revenue account" and to be operated upon by 45
cheques signed by the chairman and treasurer under authority
therefor to be given by the Commission and an exact account of
all payments made by him on behalf of the Commission and as
out of the revenue bank account and which payments shall not

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be made by him out of revenue directly received but from money to be from time to time specially drawn from the said bank account by the Commission and placed in his hands for the purpose of such payments and the treasurer shall in like manner keep an
5 account of all moneys received by him as from loans or otherwise towards the extension and improvement of the pier quay and harbour accommodation which shall be paid wholly into a separate bank account to be kept in name of the Commission to be termed
10 "improvement account" and to be operated upon as in the case of the other account and he shall keep a distinct account of all payments made by him out of said moneys to be drawn and placed in his hands for that purpose and the treasurer shall
15 at the first meeting of Commission that may be held not sooner than one month after the term of Martinmas yearly make and exhibit to the Commission a distinct account of revenue or income and expenditure thereout for the year terminating at such term and showing the sources from which the various items of revenue
20 are derived and the several objects to which the expenditure thereout has been applied and the excess of the one over the other and in like manner he shall at the same time make out and exhibit along with the said account of revenue another
25 account of loans (if any such have been received) showing the amounts and from whence derived and the several objects for which any payments thereout have been made and which several accounts the Commission shall themselves or by others examine and on being satisfied that the same are in all respects correctly stated and duly vouched they shall docket the same as accurate and approved and they shall be engrossed by the clerk in the
30 register of proceedings before directed to be kept by the clerk to the Commission as aforesaid declaring however hereby that although separate bank accounts as for revenue and as for loans for improvements are to be kept yet it is not therefore meant that the said Commission shall not have full power to apply money derived from revenue to the improvement and extension
35 of the pier quay and harbour accommodation but the said Commission shall on the contrary have full power to draw out of the revenue account and pay into the improvement account to be employed towards improvements and extension of the pier quay and harbour accommodation such sums as from time to time the
40 said Commission may think right and to apply the same accordingly.

Twelfth The Stornoway Pier and Harbour Commission shall in so far as not already done immediately fill up and form into a pier or quay according to a plan to be approved by them or by the provisional committee after mentioned the vacant or
45 lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie being the piece of shore ground first

A.D. 1926. above conveyed the cost of such operations being in so far as not
— falling to be borne by others defrayed out of the fund after
mentioned.

Thirteenth The Stornoway Pier and Harbour Commission shall with as little delay as may be take the necessary steps under 5
the several pier and harbour statutes or otherwise in their discretion for incorporating the said Commission and for obtaining power to enable them to levy such dues and rates as may be necessary for executing such works as may be deemed expedient and generally to obtain themselves as an incorporated body 10
vested with such powers as may be proper to enable them to improve and extend the pier quay and harbour accommodation at Stornoway by obtaining the consent of the Board of Trade or other competent authority to extend the same seaward over the shore between the Old Pier or Big Quay and the Old Castle 15
including therein the present pier called the Steamers Pier with the view and for the purpose and to the effect of providing enlarged space for the accommodation of shipping traders fish curers and fishermen and also proper and permanent pier quay and harbour accommodation for steam vessels and also for raising 20
funds for the purposes agreed on by means of loans from the Public Works Commissioners or otherwise hereby declaring that I or the superior for the time shall be bound upon the said Commission becoming incorporated to grant all or any deeds deemed necessary for fully and completely vesting the Commission as a 25
corporation in the subjects hereby disposed but in conformity always with these presents and my rights under the same.

Fourteenth Providing and declaring as it is hereby expressly provided and declared that in case the said Stornoway Pier and Harbour Commission shall not have raised or at least secured 30
the obtaining of the funds (not less than two thousand five hundred pounds sterling) necessary to enable them to provide better accommodation within the space of three years from their first meeting then and in that case the subjects first and third above conveyed shall (in my option to be declared in a writing 35
to be addressed to the said Commission and delivered at the usual place of meeting of the said Commission to the said Commission or to their clerk) revert to me and my heirs and successors and shall from the expiry of that period cease to belong to the Stornoway Pier and Harbour Commission and this present deed 40
in so far as regards the subjects first and third above conveyed and all relative conditions shall become void and the said Stornoway Pier and Harbour Commission shall be bound to grant to me a reconveyance of the said subjects and a discharge of all claims any way competent to them in relation thereto under these 45
presents and I shall be entitled failing their so doing to pursue declarators of extinction of rights denuding &c. or other apt action before the court of session in which it shall be sufficient

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to call the persons appointed members of said Stornoway Pier
and Harbour Commission last before the date of raising said
action for establishing my right to the said subjects and denuding
the said Commission thereof with conclusions for having the
5 said subjects disburdened of all claim at the instance of the said
Stornoway Pier and Harbour Commission and for the recording
of the decree to be pronounced in the register of sasines as for
my reinvestiture in the said subjects and for publication in case I
or the superior for the time may prefer that course to compelling
10 the said Commission by action to reconvey and such decree
when recorded in the register of sasines shall have all the effect
of a recorded conveyance of the subjects first and third above
disponed and form a complete reinvestiture of the superior
therein and a full discharge thereof from all and every claim at
15 the instance of the said Commissioners who shall from the date
of any reconveyance by them or decree obtained by the superior
under this provision be freed and relieved of the feu duties of
fifteen shillings and ten pounds and additional feu duty of thirty
pounds hereby stipulated to be paid for the said subjects first
20 and third above disponed respectively excepting always any
arrears for former years and the proportions for the period between
the date of reconveyance or the decree and the term of Whit-
sunday preceding all which shall remain entire to the superior
and capable of exaction by him from the said Commission.

25 Fifteenth The amount of rents and dues formerly collected
at and for the Old Pier or Big Quay presently deposited in
the National Bank of Scotland at Stornoway and amount-
ing as at twenty-third February eighteen hundred and sixty-
three to the sum of two hundred and fifty-nine pounds nine
30 shillings and fivepence besides interest at the rates allowed by
the bank from the first day of November eighteen hundred and
sixty-two with the bank interest that shall have since accrued
thereon shall be transferred to the name of the Stornoway Pier
and Harbour Commission and shall be at their disposal for the
35 objects of the Commission and the bank account therefor shall
be operated on by cheques signed by the superior or chamberlain
as chairman of the Commission and by the person appointed
and acting as clerk or treasurer of said Commission under and
in terms of authority by the said Commission from time to time
40 given to sign such cheques and the sum now in bank as aforesaid
shall be primarily applied to defraying the costs on both sides
of taking out of court an action of declarator at my instance
presently pending in the court of session against the said Kenneth
Smith and certain other parties at Stornoway and extracting
45 the decree therein and the costs on both sides of these presents
and of recording the same and thereby or otherwise duly vesting
my disponees in the said subjects and in the second place in
defraying the cost of filling up the vacant or lately vacant space
or piece of shore-ground between the Old Pier or Big Quay and

A.D. 1926. — the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie under the obligation to do so above placed on my disponees.

Sixteenth To facilitate the raising of the funds that may 5
be necessary for the improvement and extension of the piers
quays and harbour I hereby agree that if requisite I will postpone
the sum of thirty pounds of additional feu duty in respect of the
subjects third above disposed being the proportion of additional
feu duty fixed upon as a yearly return as in place of restricted 10
interest on the outlay made by me on the subject third above
disposed to the payment of the annual sum which it may become
necessary for the Commission to pay in respect of the money to
be borrowed by them for such improvement and extension it
being however hereby stipulated that in case the revenue of the 15
piers quays and harbour shall be insufficient to meet the cost of
management the ground feu duties of fifteen shillings three
pounds and ten pounds the annual payment to the Public Works
Loan Commissioners or other parties advancing money for the
improvement or extension of the piers quays and harbour on 20
the security thereof and the said sum of thirty pounds of additional
feu duty then the last-mentioned sum of thirty pounds of additional
feu duty shall only be postponed until funds become available
for its payment when it shall be paid with interest.

Seventeenth In respect that it was not found convenient 25
to form the said Stornoway Pier and Harbour Commission by the
execution of these presents at an earlier period And whereas
the said Kenneth Smith Norman MacIver John Morrison and the
said Donald Munro my chamberlain have been acting as a pro-
visional committee with the view of filling up the vacant or 30
lately vacant space or piece of shore ground between the Old
Pier or Big Quay and the pier opposite to the eastern portion
of the feu on the south side of North Beach Street that belonged
to the late Daniel Lewis Mackenzie regulating the portions of the
same and of the said Old Pier or Big Quay to be let for herring 35
curing purposes appointing a harbour master and otherwise
performing certain of the duties hereby devolved upon the
Stornoway Pier and Harbour Commission the said Commission
shall adopt recognise and give effect in all respects to the actings
of the said provisional committee and shall relieve the said 40
committee of all outlays made and obligations undertaken by
them in their actings as a provisional committee on their duly
accounting for all sums received by them for and in respect of the
said Old Pier or Big Quay or other of the subjects above disposed
and dues leviable thereat. 45

Eighteenth The whole foregoing purposes powers conditions
provisions declarations and obligations with this eighteenth
provision itself and the tenendas and reddendo clauses after

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written with the clause allowing partial redemption of the said additional feu duty of thirty pounds in place of restricted interest on outlay (unless such redemption has been made or until it be fully made) shall be made real burdens on the subjects above
5 conveyed respectively by the recording of these presents or of a notarial instrument containing the said purposes powers conditions provisions declarations obligations and clauses in the general or particular register of sasines within three months from the date hereof and the said purposes powers conditions provisions declarations obligations and clauses shall be repeated or
10 competently referred to in all future deeds transmitting or vesting the said subjects all under the pain of nullity in case of the non due recording of these presents or of a notarial instrument in the requisite form and containing as aforesaid or of the omission
15 from future deeds of transmission or investiture of the said purposes powers conditions provisions declarations obligations and clauses or competent and equivalent references thereto but declaring as it is hereby specially provided and declared that any alteration on or addition to the conditions and provisions
20 herein contained which may be made by the Board of Trade or other competent authority under the application to be made for power and authority to such Commission or that may be made by Parliament shall be held to be part and parcel of these presents and shall control and limit or extend as the case may be the
25 terms and conditions hereof and the rights hereby granted or intended to be granted in the same way as if such alterations and additions had been herein engrossed without prejudice to and always reserving entire my rights as superior and payments due to me under these presents as such superior.

30 With entry to the said subjects as at the term of Whitsunday 1864 To be holden the said several subjects above disposed by the said present members of the Stornoway Pier and Harbour Commission above named and their successors forming the said Commission for the time and by the said Stornoway Pier and
35 Harbour Commission itself of and under me and my successors as superiors of the same in feu farm fee and heritage for ever.

Giving therefor yearly the said Stornoway Pier and Harbour Commission to me and my aforesaid as follows videlicet for the subjects first above disposed the sum of fifteen shillings sterling
40 of feu duty for the subjects second above disposed the sum of three pounds sterling of feu duty and for the subjects third above disposed the sum of ten pounds sterling of feu duty as for the ground thereof and the farther sum of thirty pounds sterling of additional feu duty as in the place of restricted interest on the
45 sum of eight hundred and fifty pounds sterling or thereby expended by me upon the said subject third above disposed (redeemable the said additional feu duty of thirty pounds as after mentioned) beginning the first payment of said feu duties of

A.D. 1926. fifteen shillings three pounds and ten pounds and the said
 — additional feu duty of thirty pounds at the term of Whitsunday
 1865 as for the year preceding and so forth at Whitsunday
 yearly in all time thereafter with interest at the rate of five
 per cent. per annum of each year's feu duty from the time 5
 the same falls due till payment and doubling the said sums
 of fifteen shillings three pounds and ten pounds every twenty-
 fifth year as a composition in place of entry hereby specially
 declaring that the security for the said several sums of feu
 duty amounting in all to forty-three pounds fifteen shillings 10
 sterling (including therein the annual return or additional feu
 duty of thirty pounds as in place of restricted interest on outlay
 redeemable as after mentioned) shall equally extend over all the
 three subjects above conveyed and I and the superior for the
 time shall be entitled to proceed against all or any of the said 15
 subjects for the recovery of the whole feu duties and additional
 feu duty stipulated for as aforesaid and to enter into possession
 thereof and of the rents and dues leviabie therefrom just and
 sicklike as if the said three subjects had been disposed as one
 and as if the said several feu duties and additional feu duty had 20
 been stated as a cumulo feu duty payable for the said several
 subjects as one but declaring also that in the right to the said
 subjects first and third above disposed reverting to me or the
 superior for the time under and in terms of the fourteenth condi-
 tion of these presents then and in that case the feu duties of 25
 fifteen shillings ten pounds and the said additional feu duty of
 thirty pounds if the said last-mentioned feu duty shall be then
 unredeemed or to the extent to which it shall be then unredeemed
 shall cease and determine as in said condition stipulated but
 providing and declaring as it is hereby expressly provided and 30
 declared that it shall be in the power and option of the said
 Stornoway Pier and Harbour Commission to redeem the said
 additional feu duty of thirty pounds stipulated for as in place
 of restricted interest on outlay at sixteen years and two thirds
 of a year's purchase of the same that is to say to redeem the 35
 whole annual payment of thirty pounds by payments at any
 term of Whitsunday of a sum of five hundred pounds or to
 redeem the same gradually by payments at any term of Whit-
 sunday of not less than a sum of one hundred pounds at a time
 in which case for each one hundred pounds paid to me or my 40
 successors as in redemption of said feu duty of thirty pounds
 one fifth thereof or six pounds yearly shall be extinguished
 and on payment of the said sum of five hundred pounds I shall
 be bound to grant and record but at the expense of the Stornoway
 Pier and Harbour Commission only a discharge and renunciation 45
 of the said sum of thirty pounds of additional feu duty and on
 payment of each sum of one hundred pounds I shall be bound
 to grant and record but at the expense of the said Stornoway
 Pier and Harbour Commission only a discharge and renunciation

of six pounds or one fifth of said feu duty of thirty pounds sterling. A.D. 1926.

And I assign the writs but to the effect only of maintaining and defending the above-named members of the Stornoway Pier and Harbour Commission and their successors forming the said Stornoway Pier and Harbour Commission and the said Stornoway Pier and Harbour Commission itself in the right of the lands and others hereby disposed and for that purpose I oblige myself and my foresaids to make the same forthcoming to the said Stornoway Pier and Harbour Commission at their expense on all necessary occasions on a receipt and obligation to re-deliver the same within a reasonable time and under a suitable penalty and I assign the rents dues and rates proper to the subjects hereby disposed and I oblige myself to free and relieve the said Stornoway Pier and Harbour Commission of all feu duties casualties and public burdens due at and previous to entry and I grant warrandice of the said subjects and of the rents and dues leviable therefrom but as regards the shore to the extent only to which in law I have right to use the same under my grant thereof from the Crown or otherwise and as regards the rents and dues to the extent only to which I have right to exact and levy the same and I consent to registration hereof for preservation and also to registration in the general or particular register of sasines as for investiture and publication.

In witness whereof I have subscribed these presents written on this and the twenty-nine preceding pages of stamped vellum by Thomas Gilbert clerk to Messrs. Cheyne and Stuart writers to the Signet Edinburgh (the word "Scotland" having been previously interlined to read as the sixth word of the nineteenth line of page second the words "to a point" to read as the tenth eleventh and twelfth words of the twenty-third line of page fifth the words "the revenue of" to read as the fifth sixth and seventh words of the thirty-second line of page twenty-fourth and the word "duly" as the seventh word of the thirtieth line of page twenty-fifth and the word "same" having on the fourteenth line of page twenty-first been previously partly written on an erasure also the word "time" having been previously interlined to read as the seventh word of the fourth line of page twenty-fourth and the word "harbour" on the thirty-first line of page first having been previously deleted) at Lews Castle Stornoway the ninth day of August eighteen hundred and sixty-four years before these witnesses William Edward Martin my butler and Thomas Mackay my piper both residing at Lews Castle.

(Signed) JAMES MATHESON.

(Signed) W. E. MARTIN Witness.

(Signed) T. MCKAY Witness.

Registered in the particular register of sasines for Inverness &c. the first day of October eighteen hundred and sixty-four.

A.D. 1926.

THE SECOND SCHEDULE.

LIST OF PROPERTIES in or near the town of Stornoway
in the parish of Stornoway and county of Ross
and Cromarty gifted by Viscount Leverhulme to the
Stornoway Pier and Harbour Commission. 5

1. The subjects with the buildings thereon now known as 33 to 37 South Beach Street Stornoway comprising (First) That area or piece of ground extending to 897 square yards or thereby bounded on the south-west by South Beach Street and on the south by James Street together with the buildings thereon being the subjects described in the first place (first) in the feu charter by the Lewis and Harris Welfare and Development Company Limited with consent of the said Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the twenty-fourth day of January and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the ninth day of May both in the year nineteen hundred and twenty-four and (second) That area or piece of ground extending to 780 $\frac{1}{2}$ square yards or thereby bounded on the south by James Street and on the west by the area or piece of ground first above described together with the buildings thereon being the subjects described in the first place (Second) in the said feu charter. 10
15
20

2. That area or piece of ground containing 792 square yards or thereby in the town of Stornoway together with the buildings thereon now known as 3 Newton Street bounded on the south by Newton Street and on the north by Kipper Road together with the buildings thereon being the subjects described in the second place in the said feu charter. 25

3. That area or piece of ground in the town of Stornoway containing 569 $\frac{3}{4}$ square yards bounded on the south-west by Inaclete South Beach Street along which it extends 40 feet together with the buildings thereon now known as 20 Newton Street situated at Inaclete of Stornoway being the subjects described in the third place in the said feu charter. 30

4. That area or piece of ground at Newton in the town of Stornoway containing 2,523 square yards 5 square feet or thereby with the buildings thereon now known as 43 Newton Street bounded on the north by Seaview Terrace and on the west by the foreshore being the subjects described in the fourth place in the said feu charter. 35
40

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5. That area or piece of ground containing 127 square yards or thereby situated at Imarsligach in the town of Stornoway together with the buildings thereon now known as 41 South Beach Street being the subjects described in the fifth place in the said feu charter.

6. That area or piece of ground in the town of Stornoway together with the buildings thereon now known as 40 South Beach Street bounded on the south by the road leading along Imarsligach and extending along the same 31 feet being the subjects described in the sixth place in the said feu charter.

7. That piece of land in the town of Stornoway containing 482 square yards or thereby together with the buildings thereon now known as 7 South Beach Street 4 Castle Street and 19 Point Street being the subjects described in the seventh place in the said feu charter.

8. That area or piece of ground in the town of Stornoway containing 632·90 square yards or thereby together with the buildings thereon known as 4 South Beach Street 1 3 and 5 Quay Lane and 5 to 11 Point Street being the subjects described in the eighth place in the said feu charter.

9. That area or piece of ground in the town of Stornoway containing 836·33 square yards together with the buildings thereon known as Esplanade Road 3 and 5 Point Street 2 to 8 Quay Lane and 1 to 3 South Beach Street being the subjects described in the ninth place in the said feu charter.

10. The subjects known as 2 to 5 North Beach Street 10 to 16 Quay Street 2 to 4 Point Street and Esplanade Road Stornoway comprising (first) that lot or piece of land in the Town of Stornoway containing 985 square ells or thereby bounded by Point Street on the south together with the buildings thereon being the subjects described in the tenth place (first) in the said feu charter and (second) that lot or piece of land in the town of Stornoway on the point of Stornoway commonly called Custom House or Point Lot bounded in front by the lane called the Custom House Lane together with the buildings thereon and the stone stair on the north boundary containing 5 square yards 7 feet 5 inches or thereby being the subjects described in the tenth place (second) in the said feu charter.

11. (First) That lot or piece of ground in the town of Stornoway comprising 860 square ells or thereby together with the buildings thereon now known as 13 14 15 and 16 North Beach Street and 24 and 26 Point Street bounded on the front by the North Beach extending to 31 ells being the subjects described in the eleventh place (first) in the said feu charter and (second) that lot or piece of land in the town of Stornoway together with the buildings thereon now known as 12 North Beach Street

A.D. 1926. 13 to 19 Castle Street and 12 to 16 Point Street bounded in front
 — by the North Beach extending to 15½ ells being the subjects
 described in the eleventh place (second) in the said feu charter
 but excepting from said subjects the piece of ground and others
 disposed by Alexander Clark with consent of Miss Margaret 5
 Macpherson to the Stornoway Pier and Harbour Commission
 conform to disposition dated twenty-eighth day of February
 and the fifteenth day of May and recorded in the Division of the
 General Register of Sasines applicable to the county of Ross and
 Cromarty the twenty-eighth day of September all in the year 10
 eighteen hundred and ninety-one.

12. That area or piece of ground containing 594 square yards
 or thereby situated in Inaclete of Stornoway together with the
 buildings thereon now known as 19 Newton Street bounded on
 the south by Inaclete Street (now called Newton Street) along 15
 which it extends 41 feet being the subjects described in the
 twelfth place in the said feu charter.

13. That area or piece of ground extending to 2,141.32 square
 yards or thereby in the burgh of Stornoway together with the
 buildings thereon bounded on the south-west by the South 20
 Beach Quay along which it extends 103 feet 4 inches or thereby
 all as delineated and coloured red on the sketch or plan annexed
 and signed as relative to disposition by Samuel Albany Newall
 in favour of the Lewis and Harris Welfare and Development
 Company Limited dated the twenty-ninth day of August and 25
 recorded in the division of the general register of sasines appli-
 cable to the county of Ross and Cromarty on the fourteenth day
 of September both in the year nineteen hundred and twenty-
 three Together with the permanent servitude right of foot
 passage therein specified being the subjects particularly described 30
 in the disposition by Lewis and Harris Welfare and Development
 Company Limited with consent of Viscount Leverhulme in
 favour of the Stornoway Pier and Harbour Commission dated
 the fourth day of February and recorded in the division of the
 general register of sasines applicable to the county of Ross and 35
 Cromarty on the ninth day of May both in the year nineteen
 hundred and twenty-four.

14. (First) That area or piece of ground at the seashore on
 that part of the Island of Lewis near Stornoway called Inaclete
 Point extending to 1 acre 2 roods and 10 poles or thereby Imperial 40
 measure bounded on the south by the sea along which it extends
 206 feet 4 inches or thereby together with the whole buildings
 and erections thereon and (second) that area or piece of ground
 at the seashore on that part of the Island of Lewis near Stornoway
 called Inaclete Point extending to 7 acres 1,938 square yards or 45
 thereby with the buildings thereon bounded on the north by
 Seaview Terrace along which it extends 566 feet 9 inches or
 thereby as the said last mentioned area or piece of ground is

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delineated and coloured red on the plan annexed and docketed and signed as relative to the disposition immediately after-mentioned the subjects first and second herein described being the subjects particularly described in the first and second places
5 in the disposition by Lewis and Harris Welfare and Development Company Limited with consent of Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the seventh day of March and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty
10 on the ninth day of May both in the year nineteen hundred and twenty-four.

15 That piece of land in the town of Stornoway bounded on the south by the south beach of Stornoway along which it extends 47 feet 9 inches with the buildings thereon being the subjects described in the disposition by Mrs. Donaldina Murray or Macleod and another as trustees of the late Murdo Macleod with consent of Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the twenty-sixth and
20 of the general register of sasines applicable to the county of Ross and Cromarty on the third day of December all in the year nineteen hundred and twenty-three.

THE THIRD SCHEDULE.

I.—RATES ON VESSELS (OTHER THAN VESSELS ENGAGED IN
25 HERRING OR WHITE FISHING) ENTERING OR USING THE HARBOUR
TO LOAD OR UNLOAD.

	£	s.	d.
For every vessel loading cargo for foreign port per registered ton - - - - -	0	0	8
30 For every vessel discharging cargo from foreign port per registered ton - - - - -	0	0	8
For every vessel loading cargo for any port within Great Britain Ireland Isle of Man and Channel Islands per registered ton - - - - -	0	0	4
35 For every vessel discharging cargo from any port within Great Britain Ireland Isle of Man and Channel Islands per registered ton - - - - -	0	0	4
For every vessel laid up for wintering per month per registered ton (and in proportion for a shorter or 40 longer period) - - - - -	0	0	2

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— For every loaded vessel which shall use any quay or landing place without discharging or loading per registered ton per fortnight (and in the same proportion per ton for every fortnight or part of a fortnight after the first fortnight) - - - - -	0	0	2 5
For every vessel light or in ballast and departing in ballast using any of the quays or landing places per registered ton - - - - -	0	0	2
For every boat or undecked or unregistered vessel using any quay or landing place loading cargo - - -	0	2	0 10
For every boat or undecked or unregistered vessel using any quay or landing place discharging cargo - -	0	2	0
For every vessel including yachts or pleasure vessels coaling per registered ton - - - - -	0	0	4 15
For every vessel discharging cargo or loading cargo for any part of Lewis per registered ton - - -	0	0	2
For every vessel which may be moored within a line from the Old Castle to Ard Point or Aird-a-Chelirich for repairs—			20
For six days or any shorter period per registered ton	0	0	2
For any longer period than six days per registered ton - - - - -	0	0	4

II.—RATES FOR VESSELS ENGAGED IN HERRING
OR WHITE FISHING.

			25
For every vessel or boat engaged in herring fishing at the Lews in any of the following fishing seasons, as a composition in full rates for such vessel or boat for the period of any such fishing season payable in advance viz. :			30
From 1st May to 31st July - - - - -	2	0	0
From 1st August to 31st December - - - - -	2	0	0
From 1st January to 30th April - - - - -	2	0	0
For every vessel or boat engaged in herring fishing as aforesaid for which the said composition shall not have been paid in any fishing season to be defined as above mentioned on each occasion of such vessel or boat entering the harbour in such season - -	0	5	0 35
For every herring fishing vessel or boat not engaged in herring fishing as aforesaid entering the harbour and discharging herrings on each occasion of such vessel so entering the harbour - - - - -	0	5	0 40

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For every vessel or boat engaged in the white fishery
and entering the harbour on each occasion of so
entering—

5	If not exceeding the burden of thirty tons - - -	0	2	6
	If exceeding the burden of thirty tons per regis- tered ton - - - - -	0	0	2

	For every herring vessel or boat wintering or laying up alongside a quay per month - - - - -	0	5	0
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10 III.—RATES ON ANIMALS AND GOODS SHIPPED OR UNSHIPED
WITHIN THE LIMITS OF THE HARBOUR.

Description of Goods.		Weight or Measure.	Rates.		
			£	s.	d.
15	Acids in carboys - - - - -	per ton	0	3	9
	Aerated and mineral waters in bottle - - - - -	per gross	0	1	6
	Alkali - - - - -	per ton	0	3	9
	Alkali black - - - - -	per ton	0	2	3
	Alum - - - - -	per ton	0	2	3
20	Ammonia water - - - - -	per ton	0	1	6
	Animals live viz. :				
	Asses and mules - - - - -	each	0	0	6
	Bulls cows and oxen - - - - -	each	0	1	0
	Calves - - - - -	each	0	0	2
25	Dogs and foxes - - - - -	each	0	1	0
	Ferrets and rabbits - - - - -	each	0	0	2
	Horses - - - - -	each	0	2	0
	Poultry - - - - -	each	0	0	2
	Sheep lambs swine pigs and goats - - - - -	each	0	0	2
30	Animal carbon charcoal - - - - -	per ton	0	1	6
	Apples and pears - - - - -	per ton	0	5	0
	Ashes pot or pearl - - - - -	per ton	0	3	0
	Ashes weed - - - - -	per ton	0	1	6
	Asphalte or bitumen - - - - -	per ton	0	1	6
35	Bacon - - - - -	per ton	0	3	9
	Ballast - - - - -	per ton	0	0	1½
	Barilla - - - - -	per ton	0	2	3
	Bark - - - - -	per ton	0	2	6
	Barley dust - - - - -	per ton	0	1	6
40	Barrels empty herring - - - - -	each	0	0	0¾
	Barytes - - - - -	per ton	0	2	3
	Beef fresh or salted - - - - -	per ton	0	3	9
	Beer - - - - -	per 56 gallons	0	1	6
	Beer bottled - - - - -	per ton	0	3	9
45	Beer spruce or black - - - - -	per 3 gallons	0	0	0¾
	Bicycles - - - - -	each	0	0	6

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Biscuits - - - - -	per ton	0	3	9
Bleaching salts and powder - - - - -	per ton	0	2	3 5
Blood of cattle - - - - -	per ton	0	1	6
Blubber - - - - -	per 252 gal- lons	0	9	9
Boats—viz. :				
12 to 14 feet keel - - - - -	each	0	3	9 10
14 to 16 " - - - - -	each	0	4	6
16 to 18 " - - - - -	each	0	5	3
18 to 20 " - - - - -	each	0	6	0
20 and above - - - - -	each	0	7	6
Cobles, viz. :				
12 to 14 feet long - - - - -	each	0	3	0 15
14 to 16 " - - - - -	each	0	3	9
16 to 18 " - - - - -	each	0	4	6
18 to 20 " - - - - -	each	0	5	3
Bones of cattle bone ash and bone meal - - - - -	per ton	0	2	3 20
Bones of cattle ground exported - - - - -	per ton or per 48 bushels	0	0	9
Books - - - - -	per ton	0	5	3
Bottles - - - - -	per ton	0	3	9
Bottles cullet - - - - -	per ton	0	0	9 25
Boxes empty salmon - - - - -	each	0	0	1½
Bran pollard and sharps - - - - -	per ton	0	1	6
Brass - - - - -	per ton	0	3	0
Bricks common fire-clay and bath - - - - -	per ton	0	0	6
Brimstone - - - - -	per ton	0	2	6 30
Butter - - - - -	per ton	0	3	9
Carbide of calcium - - - - -	per ton	0	1	6
Calamine or zinc ore - - - - -	per ton	0	1	6
Candles - - - - -	per ton	0	3	0
Carpets rugs and upholstery articles - - - - -	per ton	0	3	9 35
Carriages with springs including motor cars viz. :				
Under 5 cwt. - - - - -	each	0	3	9
5 cwt. and under 7½ cwt. - - - - -	each	0	7	6
7½ cwt. and under 10 cwt. - - - - -	each	0	10	0 40
10 cwt. and above - - - - -	each	0	15	0
Carrots - - - - -	per ton	0	1	6
Carts and waggons with or without springs	per ton	0	3	9
Casks boxes and kits empty - - - - -	per ton	0	3	9
Cement - - - - -	per ton	0	1	10 45
Chalk - - - - -	per ton	0	0	9
Charcoal and charcoal blacking - - - - -	per ton	0	3	0
Cheese - - - - -	per ton	0	5	0
Chimney tops or cans (clay) 2¾ feet high - - - - -	each	0	0	0¾
China - - - - -	per ton	0	5	0 50

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Description of Goods.		Weight or Measure.	Rates.		
			£	s.	d.
	Chrome ore - - - - -	per ton	0	1	6
5	Cinders - - - - -	per ton	0	1	1½
	Clay viz. :				
	China or stone - - - - -	per ton	0	1	1½
	Fire and loam - - - - -	per ton	0	0	9
	Pipe - - - - -	per ton	0	1	6
10	Clocks - - - - -	per ton	0	3	9
	Clothiery - - - - -	per ton	0	3	9
	Clover seeds - - - - -	per ton	0	1	6
	Coal dust - - - - -	per ton	0	0	4½
	Coals - - - - -	per ton	0	0	4½
15	Coffee - - - - -	per ton	0	3	9
	Coir yarn - - - - -	per ton	0	2	6
	Coke - - - - -	per ton	0	0	4½
	Confections - - - - -	per ton	0	3	9
	Copper viz. :				
20	Bars rod sheets and nails - - - - -	per ton	0	3	9
	Utensils for distilleries and other pur- poses - - - - -	per ton	0	3	9
	Old - - - - -	per ton	0	3	9
	Ore - - - - -	per ton	0	1	6
25	Copperas - - - - -	per ton	0	2	6
	Coprolites - - - - -	per ton	0	1	1½
	Cordage - - - - -	per ton	0	3	9
	Corks and corkwood - - - - -	per ton	0	5	0
	Corn viz. :				
30	Barley - - - - -	per ton	0	2	6
	Barley hulled - - - - -	per ton	0	2	6
	Bear - - - - -	per ton	0	2	6
	Beans - - - - -	per ton	0	2	6
	Maize - - - - -	per ton	0	2	6
35	Malt - - - - -	per ton	0	2	6
	Oats - - - - -	per ton	0	2	6
	Peas - - - - -	per ton	0	2	6
	Rye - - - - -	per ton	0	2	6
	Tares - - - - -	per ton	0	1	6
40	Wheat - - - - -	per ton	0	2	6
	Cotton seed - - - - -	per ton	0	1	6
	Cotton wool - - - - -	per ton	0	3	6
	Cotton wool manufactured - - - - -	per ton	0	3	9
	Cracklings - - - - -	per ton	0	5	0
5	Crystal - - - - -	per ton	0	3	9
	Cutch - - - - -	per ton	0	2	6
	Drain pipes under 3 inches diameter - - - - -	per 1000	0	0	9
	Drain pipes of other sizes - - - - -	per ton	0	1	6
	Drain pipe collars - - - - -	per 1000	0	0	4½
0	Drugs - - - - -	per ton	0	3	9

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Description of Goods.	Weight or Measure.	Rates.
		£ s. d.
Dung - - - - -	per ton	0 0 7½
Dyes - - - - -	per ton	0 2 6 5
Earthenware - - - - -	per ton	0 3 9
Earthenware pipes glazed - - - - -	per ton	0 1 6
Eggs - - - - -	per ton	0 3 9
Esparto grass - - - - -	per ton	0 1 6
Feathers - - - - -	per ton	0 3 9 10
Felt - - - - -	per ton	0 2 6
Fire-clay retorts flue covers quarls vent linings and manufactures of fire clay not otherwise enumerated - - - - -	per ton	0 1 0
Fish viz. :		15
Cod dried - - - - -	per ton	0 1 6
Cod pickled - - - - -	per ton	0 2 6
Haddocks dried or smoked - - - - -	per ton	0 2 6
Herrings exported - - - - -	per 26¾ gal- lons	0 0 3 20
Herrings fresh landed - - - - -	per cran	0 0 3
Herrings cured red smoked or kippered	per ton	0 2 6
Herrings caught as bait and landed at the harbour to be exempt from dues except during the regular herring fishery season - - - - -	per ton	0 2 6 25
Mussels - - - - -	per ton	0 1 6
Saithe - - - - -	per ton	0 0 9
Salmon iced or pickled - - - - -	per ton	0 3 9
Whelks - - - - -	per ton	0 2 6 30
White fish dried - - - - -	per ton	0 1 6
White fish salted - - - - -	per ton	0 2 6
Fresh—not otherwise enumerated - - - - -	per £1 value	0 0 3
Shell—not otherwise enumerated - - - - -	per ton	0 1 3
Fish garbage - - - - -	per ton	0 0 10 35
Flax - - - - -	per ton	0 1 6
Flax codilla - - - - -	per ton	0 2 3
Flax codilla manufactured - - - - -	per ton	0 3 9
Flint for potters - - - - -	per ton	0 0 9
Flour - - - - -	per ton	0 1 6 40
Fruits dried - - - - -	per ton	0 3 9
Fruit not otherwise enumerated - - - - -	per ton	0 3 9
Furniture - - - - -	per ton	0 3 9
Gambia - - - - -	per ton	0 2 6
Game - - - - -	per brace	0 0 1½ 45
Gelatine of scrows - - - - -	per ton	0 3 0
Ginger - - - - -	per ton	0 3 4½
Glass window and plate - - - - -	per ton	0 3 9

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Description of Goods.		Weight or Measure.	Rates.		
			£	s.	d.
	Grease - - - - -	per ton	0	3	0
5	Guano - - - - -	per ton	0	0	9
	Gunpowder dynamite and other explosives	per ton	0	9	0
	Gypsum ground - - - - -	per ton	0	1	6
	Gypsum unground - - - - -	per ton	0	0	9
	Haberdashery - - - - -	per ton	0	3	9
10	Hair dry wet and plaster - - - - -	per ton	0	3	9
	Hams - - - - -	per ton	0	3	9
	Hardware - - - - -	per ton	0	2	6
	Hats - - - - -	per ton	0	3	9
	Hay - - - - -	per ton	0	0	9
15	Heading - - - - -	per 1000	0	0	3
	Hemp - - - - -	per ton	0	2	6
	Hides and skin raw and undressed - - - - -	per ton	0	2	6
	Hoofs - - - - -	per ton	0	3	0
	Hoops wooden - - - - -	per 1000	0	0	7½
20	Hops - - - - -	per ton	0	3	9
	Horns imported - - - - -	per ton	0	3	9
	Horns exported - - - - -	per ton	0	1	6
	Horn tips sloughs shavings and waste - - - - -	per ton	0	1	6
	Husbandry implements viz. :				
25	Harrows - - - - -	per pair	0	0	4½
	Ploughs - - - - -	each	0	0	9
	Wheelbarrows - - - - -	each	0	0	6
	Other implements - - - - -	per ton	0	3	9
	Ice - - - - -	per ton	0	1	6
30	Iron viz. :				
	Bar bolt angle rod plate sheet hoop nails and wire - - - - -	per ton	0	1	2
	Forged ironwork and machinery - - - - -	per ton	0	1	6
35	Grates stoves and tinned work pots and other hollow cast-iron work - - - - -	per ton	0	3	9
	Old - - - - -	per ton	0	0	9
	Ore - - - - -	per ton	0	0	3
	Pig - - - - -	per ton	0	0	9
	Rust - - - - -	per ton	0	1	6
40	Steam boilers whole or in pieces - - - - -	per ton	0	3	0
	All other castings - - - - -	per ton	0	3	0
	Juice Spanish and Italian - - - - -	per ton	0	3	4
	Jute - - - - -	per ton	0	2	6
	Kelp - - - - -	per ton	0	1	6
45	Lard - - - - -	per ton	0	3	9
	Launches steam or motor up to 18 feet - - - - -	each	0	3	0
	Launches steam or motor over 18 feet - - - - -	each	0	5	0

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Lead and lead ore - - - - -	per ton	0	2	6
Leather - - - - -	per ton	0	3	9
Lemons - - - - -	per ton	0	3	0
Lime - - - - -	per two bushels	0	0	1
Lime sulphate of - - - - -	per ton	0	1	6
Linen yarn - - - - -	per ton	0	3	9
Linseed - - - - -	per ton	0	1	6
Locust beans whole or ground - - - - -	per ton	0	1	6
Lucifer matches - - - - -	per ton	0	3	9
Madder ground - - - - -	per ton	0	3	9
Madder root - - - - -	per ton	0	3	9
Margarine - - - - -	per ton	0	2	6
Manganese - - - - -	per ton	0	2	3
Mangold wurzel - - - - -	per ton	0	0	9
Manures manufactured (import) - - - - -	per ton	0	0	9
Do. do. (export) - - - - -	per ton	0	0	9
Mats cargo and dunnage - - - - -	per 100	0	1	1½
Meal viz. oatmeal peasemeal and maizemeal	per ton	0	1	6
Medicines - - - - -	per ton	0	3	9
Milk - - - - -	per tin of 10 gallons	0	0	2
Mill waste - - - - -	per ton	0	1	6
Molasses and treacle - - - - -	per ton	0	1	3
Musical instruments - - - - -	per ton	0	5	0
Nutmegs - - - - -	per ton	0	3	9
Nuts - - - - -	per ton	0	3	9
Oakum - - - - -	per ton	0	1	3
Ochre - - - - -	per ton	0	1	6
Oil medicinal - - - - -	per ton	0	3	9
Oil—whale and seal - - - - -	per 252 gallons	0	11	3
Pitch - - - - -	per ton	0	1	3
Paraffin and herring oil - - - - -	per 252 gallons	0	1	6
Oil not otherwise enumerated - - - - -	per ton	0	2	6
Oilcake - - - - -	per ton	0	1	3
Onions - - - - -	per ton	0	2	6
Oranges - - - - -	per ton	0	3	9
Pails and buckets wood or iron - - - - -	per dozen	0	0	2
Paints - - - - -	per ton	0	2	6
Paper - - - - -	per ton	0	3	9
Paper shavings - - - - -	per ton	0	1	6
Passenger's luggage not exceeding 5 cwts. - - - - -	-	Free		
Passenger's luggage exceeding 5 cwts. - - - - -	per ton	0	5	0

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Description of Goods.	Weight or Measure.	Rates.
Paste or mill boards - - - - -	per ton	£ s. d. 0 3 9
5 Pearl-harding - - - - -	per ton	0 2 3
Peats - - - - -	per ton	0 0 2
Pepper - - - - -	per ton	0 3 4
Pewter - - - - -	per ton	0 3 0
Pimento - - - - -	per ton	0 3 4
0 Phosphates unmanufactured - - - - -	per ton	0 1 6
Pipes tobacco - - - - -	per ton	0 3 9
Pitch - - - - -	per ton	0 1 3
Plants and trees and shrubs - - - - -	per ton	0 3 9
Plaster of Paris - - - - -	per ton	0 1 6
5 Pork fresh or salted - - - - -	per ton	0 3 9
Porter - - - - -	per 50 gallons	0 1 6
Porter in bottles - - - - -	per ton	0 3 9
Potatoes - - - - -	per ton	0 1 3
) Preserved fish - - - - -	per ton	0 2 6
Preserved provisions - - - - -	per ton	0 3 9
Pyrites - - - - -	per ton	0 0 9
Pyrites burnt or spent - - - - -	per ton	0 0 4½
Rags - - - - -	per ton	0 1 3
) Rails composite or steel or iron - - - - -	per ton	0 2 6
Rapeseed and rufenseed - - - - -	per ton	0 1 6
Rice - - - - -	per ton	0 1 6
Rosin - - - - -	per ton	0 1 3
Ryegrass seeds - - - - -	per ton	0 1 6
) Ropes, old - - - - -	per ton	0 1 6
Ropes, wire - - - - -	per ton	0 3 9
Saddlery articles - - - - -	per ton	0 3 9
Sago - - - - -	per ton	0 1 3
Sailcloth - - - - -	per ton	0 3 9
Saltpetre, refined - - - - -	per ton	0 3 0
Salt rock or white - - - - -	per ton	0 0 4½
And for each barrel containing salt in addition - - - - -	- - - - -	0 0 0¼
Salts glauber and Epsom - - - - -	per ton	0 3 0
Salts muriates nitrates sulphates saltpetre and other salts not otherwise enu- merated - - - - -	per ton	0 2 3
Sand - - - - -	per ton	0 0 1½
Sawdust and wood chips - - - - -	per ton	0 1 6
Scrows of hides viz. :—		
Dry - - - - -	per ton	0 3 0
Wet - - - - -	per ton	0 1 6
Scythes - - - - -	per ton	0 3 9
Seeds not otherwise enumerated - - - - -	per ton	0 3 0
Shakes of casks pipe or puncheon - - - - -	each	0 0 3

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Sheffield and Birmingham wares - -	per ton -	0	2	6
Shumach - - - - -	per ton -	0	3	9
Seal skins - - - - -	per score -	0	0	6
Sheep dip - - - - -	per ton -	0	3	9
Sids or oak husks - - - - -	per ton -	0	0	9
Silk mercery - - - - -	per ton -	0	3	9
Slates - - - - -	per 1000 -	0	0	9
Slate slabs - - - - -	per ton -	0	2	6
Smalts and ultramarine (chemical dyes) -	per ton -	0	3	9
Snuff - - - - -	per ton -	0	15	0
Soap - - - - -	per ton -	0	1	3
Soda and soda ash - - - - -	per ton -	0	1	3
Soot - - - - -	per ton -	0	0	9
Spades and shovels - - - - -	per dozen -	0	0	2
Spirits - - - - -	per 56 gallons -	0	4	6
Spirits motor - - - - -	per case of 8 gallons -	0	0	2
Starch - - - - -	per ton -	0	1	3
Stationery - - - - -	per ton -	0	5	3
Steel - - - - -	per ton -	0	2	6
Stones, viz. :				
Flagstones - - - - -	per ton -	0	0	4 $\frac{1}{2}$
Freestone building - - - - -	per ton -	0	0	4 $\frac{1}{2}$
Granite carriageway - - - - -	per ton -	0	0	3
Granite polished - - - - -	per ton -	0	2	3
Kerb pavement and building - - - - -	per ton -	0	0	1 $\frac{1}{2}$
Marble stones - - - - -	per ton -	0	2	6
Millstones grindstones and scythe stones	per ton -	0	2	3
Ridge stones - - - - -	per 100 lineal feet	0	2	3
Road metal - - - - -	per ton -	0	0	1 $\frac{1}{2}$
Rubble and chips - - - - -	per ton -	0	0	1 $\frac{1}{2}$
Not otherwise enumerated	per ton -	0	1	6
Stoneware - - - - -	per ton -	0	3	9
Straw - - - - -	per ton -	0	0	9
Stucco - - - - -	per ton -	0	1	6
Sugar - - - - -	per ton -	0	1	3
Tallow - - - - -	per ton -	0	0	9
Tanners' waste - - - - -	per ton -	0	0	9
Tar - - - - -	per barrel of 31 $\frac{1}{2}$ gallons	0	0	3
Tea - - - - -	per chest of 90 lb.	0	0	6
Terra alba - - - - -	per ton -	0	1	6
Thread, pack and twine - - - - -	per ton -	0	3	9
Tiles - - - - -	per 1000 -	0	0	9
Tin - - - - -	per ton -	0	3	9
Tinplates - - - - -	per ton -	0	3	9

A.D. 1926.

Description of Goods.		Weight or Measure.	Rates.
			£ s. d.
	Tobacco - - - - -	per ton -	0 15 0
5	Tow - - - - -	per ton -	0 0 7½
	Toys - - - - -	per ton -	0 3 9
	Turnips - - - - -	per ton -	0 0 9
	Tweeds - - - - -	per ton -	0 2 6
	Umber - - - - -	per ton -	0 1 6
0	Varnish - - - - -	per ton -	0 3 9
	Venison - - - - -	per carcase -	0 3 0
	Vinegar - - - - -	per ton -	0 2 6
	Vitriol - - - - -	per ton -	0 3 9
	Wax paraffin - - - - -	per ton -	0 0 9
5	Whalebone or whalefins (import) - - - - -	per ton -	3 0 0
	Whalebone or whalefins (export) - - - - -	per ton -	0 3 9
	Wheels, carriage or cart - - - - -	per pair -	0 0 9
	Whitening - - - - -	per ton -	0 0 7½
	Wine in casks or in bottles - - - - -	per ton -	0 15 0
0	Wood, viz. :		
	Cartwheel spokes and felloes - - - - -	per 40 pieces	0 0 4½
	Deal ends 3 inches thick and under 4 feet in length and firewood - - - - -	per 50 cubic feet -	0 0 4½
5	Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided - - - - -	per 50 cubic feet -	0 0 9
	Fir deals planks and boards or battens	per 50 cubic feet	0 0 9
0	Handspokes - - - - -	per dozen -	0 0 3
	Herring and kipper boxwood - - - - -	per ton -	0 1 3
	Lathwood sawn - - - - -	per 1000 su- perficial feet	0 0 9
5	Lathwood in billets - - - - -	per 50 cubic feet -	0 0 9
	Masts and spars - - - - -	per 50 cubic feet	0 0 9
	Oars - - - - -	per dozen -	0 0 3
)	Pitprops not exceeding 6 inches in average diameter - - - - -	per 50 cubic feet -	0 0 9
	Railway sleepers - - - - -	per 50 cubic feet -	0 0 9
;	Rickers under 30 feet in length and under 4 inches diameter - - - - -	per dozen -	0 0 1½
	Treenails - - - - -	per 1000 li- neal feet -	0 0 4½

A.D. 1926.

Description of Goods.	Weight or Measure.	Rates.			
		£	s.	d.	
Wood &c.—cont.					
Wainscot - - - - -	per 50 cubic feet	0	1	9½	5
Wedges - - - - -	per 1000 pieces	0	1	6	
Wood by weight viz. :					
Barwood boxwood Brazilwood cam-wood ebony fustic lignum vitæ log-wood Nicaragua wood redwood Sassafras &c. - - - - -	per ton	0	3	0	10
Mahogany - - - - -	per 40 feet or ton	0	3	0	15
Wood staves viz. :					
American pipe - - - - -	per 1000	0	11	3	
Do. single hogshead - - - - -	per 1200	0	4	6	
Do. single barrel - - - - -	per 1200	0	2	3	
Do. hogshead billets - - - - -	per 1200	0	7	6	20
Do. barrel billets - - - - -	per 1200	0	6	0	
Baltic and Hamburgh pipe - - - - -	per 1200	1	2	6	
Baltic and Hamburgh hogshead - - - - -	per 1200	0	15	0	
Baltic and Hamburgh best barrel - - - - -	per 1200	0	7	6	
Baltic and Hamburgh inferior quality - - - - -	per 1200	0	1	3	25
British barrel - - - - -	per 1200	0	2	3	
British barrel of fir - - - - -	per 1000 lineal feet	0	0	10½	
Herring barrel staves - - - - -	per 1000	0	0	6	
Herring barrel billets - - - - -	per 50 cubic feet	0	0	9	30
Wood manufactured viz. :					
Doors windows and other framed goods for building purposes - - - - -	per 50 cubic feet.	0	2	6	35
Wood pulp sawdust or shavings - - - - -	per ton	0	1	6	
Wool sheep's unmanufactured - - - - -	per ton	0	2	6	
Wool sheep's manufactured - - - - -	per ton	0	3	9	
Wool sheep's yarn - - - - -	per ton	0	3	9	
Yeast - - - - -	per ton	0	3	0	40
Zinc - - - - -	per ton	0	3	9	
For all articles not specified in this part of the Schedule sums may be charged equal to the rates payable in respect of goods specified therein which are nearly as may be of like nature package and quantity but otherwise at - - - - -					
	per ton	0	3	9	45

In charging the rates on goods the gross weight or measurement shall be taken (Fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny). A.D. 1926.
—

5 All goods landed from any vessel for purposes of lightening or repair and re-shipped in the same or another vessel in the original packages, and without being transferred from the lander shall only be charged rates on landing.

Exemptions from above mentioned rates.

10 1. All vessels mooring or using the anchorage ground within the limits of the harbour for refuge or waiting a wind, and all yachts and pleasure vessels, except when at wharves or quays and all open boats other than the boats above specified.

15 2. Goods articles effects materials matters and things landed or loaded at the shores of any part of the west side of the Bay of Stornoway between the River Creed and the Water of Bayhead.

3. All returned empty boxes barrels sacks and packages.

20 4. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the fishing season.

5. Dogs used by servants in charge of live stock.

IV.—RATES FOR THE USE OF SHEDS CRANES AND WEIGHING MACHINES.

1. *Sheds.*

25 For each ton or 40 cubic feet of goods which shall remain in any shed or on the pier for a period not exceeding three days the sum of fourpence half penny and the sum of twopence per ton for each day during which such goods shall remain after three days.

2. *Cranes.*

		<i>s. d.</i>		
	All goods or packages not exceeding 1 ton	-	-	0 4½
	Exceeding 1 ton and not exceeding 2 tons	-	-	0 6
	„ 2 tons	„	3 tons	- - - 0 9
5	„ 3 tons	„	4 tons	- - - 1 0
	„ 4 tons	„	5 tons	- - - 1 3
	„ 5 tons	„	6 tons	- - - 1 6
	„ 6 tons	„	7 tons	- - - 1 9

A.D. 1926.							<i>s.</i>	<i>d.</i>
—	Exceeding 7 tons and not exceeding 8 tons	.	.	.	.	.	2	0
	„ 8 tons „ 9 tons	.	.	.	.	.	2	6
	„ 9 tons „ 10 tons	.	.	.	.	.	3	0
	„ 10 tons	.	.	.	.	.	4	0 5

3. Weighing Machines.

For goods weighed one penny half penny for each ton or part of a ton.

Stornoway Harbour 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 Stornoway Harbour.

(Brought from the Commons 30th November 1926.)

Ordered to be printed 30th November 1926.

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(185)

A

B I L L

INTITULED

An Act to amend the law with respect to the salaries and pensions of persons hereafter appointed to be judges of the Supreme Court of Judicature of Northern Ireland, and with respect to certain matters connected with that Court.

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) Section eighteen of the Supreme Court of Judicature (Ireland) Act, 1877 (which determines the salaries payable to judges of the Supreme Court of Judicature of Northern Ireland) shall, as respects judges appointed after the commencement of this Act, have effect as if for the salaries mentioned in that section there were substituted as the salaries which shall be paid to such judges, including in each case any pension to which the judge may be entitled in respect of any public office previously filled by him, the following salaries respectively:—

Salaries and pensions of future judges.
40 & 41 Vict. c. 57.

To the Lord Chief Justice of Northern Ireland, four thousand five hundred pounds a year :

To each ordinary judge of the Court of Appeal in Northern Ireland, three thousand five hundred pounds a year :

(184)

*Supreme Court of [16 & 17 GEO. 5.]
Judicature of Northern Ireland.*

A.D. 1926. To each of the other judges of the High Court of Justice in Northern Ireland, three thousand pounds a year.

(2) The pension which may be granted under section nineteen of the Supreme Court of Judicature (Ireland) Act, 1877, to an ordinary judge of the Court of Appeal in Northern Ireland appointed after the commencement of this Act shall, instead of being of the amount provided by that section, be of an amount equal to two-thirds of his salary. 10

Power to direct trial without jury in matters requiring prolonged examination of documents, &c.

2. Notwithstanding anything in any Act the Supreme Court of Judicature of Northern Ireland, or any division or judge thereof, may direct the trial without a jury of any cause, matter, or issue (not being a criminal cause or matter or an issue arising in criminal proceedings) requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the court or judge, conveniently be made with a jury. 15

Explanation of powers of Parliament of Northern Ireland to legislate with respect to jurors and juries. 10 & 11 Geo. 5. c. 67.

3. The reservation by section forty-seven of the Government of Ireland Act, 1920, of matters relating to the Supreme Court of Northern Ireland shall not be construed as precluding the Parliament of Northern Ireland from having power, subject to the other provisions of that Act, to make laws in respect of the following matters in relation to jurors and juries in that Court, namely, the preparation and revision of jury lists, and the qualification, selection, summoning and attendance of jurors. 20 25

Short title.

4. This Act may be cited as the Supreme Court of Judicature of Northern Ireland Act, 1926. 30



Supreme Court of Judicature of Northern Ireland.

A

B I L L

INTITULED

An Act to amend the law with respect to the salaries and pensions of persons hereafter appointed to be judges of the Supreme Court of Judicature of Northern Ireland, and with respect to certain matters connected with that Court.

(Brought from the Commons 30th November 1926.)

Ordered to be printed 30th November 1926.

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(184)

[16 GEO. 5.] *Trade Disputes Act, 1906*
(Repeal). [H.L.]

A

B I L L

INTITULED

An Act to repeal the Trade Disputes Act, 1906. 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. The Trade Disputes Act, 1906, is hereby repealed. Repeal of
6 Edw. 7. c. 47.
2. This Act may be cited as the Trade Disputes Short title.
Act, 1906 (Repeal) Act, 1926.



**TRADE DISPUTES
Act, 1906 (Repeal).
[H.L.]**

A

B I L L

INTITLED

An Act to repeal the Trade Disputes
Act, 1906.

The Lord Banbury of Southam.

Ordered to be printed 4th May 1926.

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(62)

A
B I L L

INTITULED

An Act to amend the Trade Facilities Acts, 1921 to 1925, by increasing the maximum limit of the loans in respect of which guarantees may be given under those Acts and by extending the period within which such guarantees may be given, and to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1924. 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 maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act, 1921, as amended by any other enactment, shall be increased from seventy million pounds to seventy-five million pounds. Increase of amount of loans which may be guaranteed under 11 & 12 Geo. 5. c. 65, and extension of period for giving guarantees.

(2) The period within which guarantees may be given under the said section one (which period as now limited will expire on the thirty-first day of March, nineteen hundred and twenty-six) shall be extended by one year.

A.D. 1926.
—
Extension of periods during which guarantees may be given and remain in force under Overseas Trade Acts, 1920 to 1924.

2. The period within which new guarantees may be given under the Overseas Trade Acts, 1920 to 1924, and the period during which guarantees given under the said Acts (including renewed guarantees) may remain in force, shall be extended by three years so as to expire on the eighth day of September, nineteen hundred and twenty-nine, and the eighth day of September, nineteen hundred and thirty-three, respectively. 5

Short title.

3. This Act may be cited as the Trade Facilities Act, 1926, and the Trade Facilities Acts, 1921 to 1925, and section one of this Act may be cited together as the Trade Facilities Acts, 1921 to 1926, and the Overseas Trade Acts, 1920 to 1924, and section two of this Act may be cited together as the Overseas Trade Acts, 1920 to 1926. 10 15

Trade Facilities.

A

B I L L

INTITULED

An Act to amend the Trade Facilities Acts, 1921 to 1925, by increasing the maximum limit of the loans in respect of which guarantees may be given under those Acts and by extending the period within which such guarantees may be given, and to extend the periods during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1924.

(Brought from the Commons 18th March 1926.)

Ordered to be printed 18th March 1926.

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(28)



A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Transport under the Tramways Act 1870 relating to Leicester Corporation Tramways. A.D. 1926.

WHEREAS the Minister of Transport has made the Provisional Order set out in the schedule to this Act under the authority of the Tramways Act 1870 : 33 & 34 Vict.
c. 78.

And whereas a Provisional Order made by the Minister of Transport under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is requisite that the said Provisional Order should be confirmed by Act of Parliament :

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

1. This Act may be cited as the Tramways Provisional Order Act 1926. Short title.

2. The Order set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirma-
tion of
Order in
schedule.

A.D. 1926.

SCHEDULE.

LEICESTER CORPORATION.

Order authorising the Corporation of Leicester to construct additional Tramways in the City of Leicester and for other purposes.

Short title.

1. This Order may be cited as the Leicester Corporation Tramways Order 1926.

Incorporation of Lands Clauses Act and Tramways Act 1870.

2. The provisions of the Lands Clauses Act (except with respect to the purchase and taking of land otherwise than by agreement and with respect to the entry upon lands by the Promoters of the tramway undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order (except so far as is otherwise expressly provided by this Order or unless the context otherwise requires) the same respective meanings.

And in this Order—

The expressions “the Act of 1902” and “the Act of 1913” mean respectively the Leicester Corporation Act 1902 and the Leicester Corporation Act 1913;

The expression “the tramways” means the tramways and deviation of tramway and other works by this Order authorised;

The expression “the Corporation tramways” has the meaning assigned thereto by the Act of 1913;

The expression “the tramway undertaking” means the tramway undertaking of the Promoters for the time being authorised;

The expression “the city” means the city of Leicester.

Promoters.

4. The mayor aldermen and citizens of the city acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”



A.D. 1926.

—
Construction
of tramways.

5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Ministry of Transport for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways and deviation of tramway hereinafter described with all necessary and proper rails plates sleepers channels tubes cables mains wires and electric lines junctions turntables turnouts crossings passing-places poles posts conduits section boxes tramway plant machinery apparatus appliances works and conveniences connected therewith or as may be necessary or proper therefor and for connecting and using the same with and as part of the Corporation tramways.

The tramways and deviation of tramway will be wholly situated within the city and are as follows:—

A deviation of the northernmost track of the existing tramway of the Promoters in Uppingham Road such deviation commencing at a point 2·8 chains or thereabouts west of the western side of Coleman Road and terminating at a point 1·44 chains or thereabouts east of the eastern side of Coleman Road.

A Tramway No. 1 (2 furlongs 4·54 chains or thereabouts in length) commencing in Uppingham Road by a junction with the existing tramway in that road at a point 0·36 chain or thereabouts west of the western side of Coleman Road passing thence into and along Coleman Road to a point 1·55 chains or thereabouts southward of the southern side of the bridge carrying the London and North Eastern Railway over Coleman Road and thence on to and along certain land acquired or to be acquired by the Promoters for the widening of Coleman Road on the western side thereof and terminating on that land at a point 0·5 chain or thereabouts westward of the centre of Coleman Road and 0·14 chain or thereabouts northward of the fence forming the northern boundary of Green Lane.

The said Tramway No. 1 will be single line throughout except (a) between the point of commencement thereof and a point in Coleman Road 1·3 chains or thereabouts southward of an imaginary line drawn across the northern end of Coleman Road in continuation of the frontage line of the buildings on the southern side of Uppingham Road and (b) between points respectively 6·77 chains and 9·04 chains southward of the said imaginary line;

A Tramway No. 1A (single line 1·82 chains or thereabouts in length) to be constructed wholly on the land acquired or to be acquired by the Promoters as aforesaid commencing by a junction with Tramway No. 1 at a

A.D. 1926.

point 0·35 chain or thereabouts westward of the western side of Coleman Road and 1·96 chains or thereabouts northward of the fence forming the northern boundary of Green Lane and terminating at a point 0·11 chain or thereabouts westward of the western side of Coleman Road and 0·14 chain or thereabouts northwards of the said fence.

Gauge of tramways.

6. The tramways shall be constructed on a gauge of four feet eight and a half inches and the Promoters shall not run thereon carriages or trucks adapted for use upon railways.

As to overhang of carriages on the tramways.

7. So much of section 34 of the Tramways Act 1870 as limits the distance by which any carriages used on any tramway may extend beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways Provided that the Promoters shall not use on the tramways any car so constructed that the maximum overall width thereof exceeds seven feet and three inches or that the clearance between any two such cars passing at any point on the tramways shall be less than one foot and three inches.

Separate track not to form part of carriageway.

8.—(1) Where any part of the tramways is shown on the deposited plans as intended to be constructed on a track separate from the carriageway the provisions of sections 25 and 62 of the Tramways Act 1870 shall not apply thereto.

(2) The Promoters shall at all times provide adequate ways across such separate track to the satisfaction of the Minister of Transport and with his approval may vary the position and number of such ways as they may deem expedient or as may be required by him.

(3) If and when Coleman Road is widened to embrace the area upon which such separate track is to be constructed the provisions of sections 25 and 62 of the Tramways Act 1870 shall apply thereto and in that event the track shall be relaid if required by the Minister of Transport in such position in the carriageway as the Minister may approve.

(4) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1925 and under section 15 (Use of tramway posts by Postmaster-General) of the Act of 1913 and each such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

Tramways to form part of tramway undertaking.

9. Subject to the provisions of this Order the tramways shall for all purposes form part of the Corporation tramways and of the tramway undertaking.

Application of certain

10. The following sections of the Act of 1902 and of the Act of 1913 and section 13 (For protection of Post Office

telegraph lines) of the Leicester Corporation Tramways Order 1923 as amended by this Order shall extend and apply to the tramways and to the Promoters in respect thereof (that is to say):

A.D. 1926.
—
provisions
of Act of
1902 Act of
1913 and
Leicester
Corporation
Tramways
Order 1923.

Section.

Marginal Note.

5	Act of 1902 :—	
	15	Penalty for not maintaining rails and roads.
	19	Temporary tramway to be made where necessary.
	21	Corporation may reduce width of footway for constructing tramway.
10	24	Provisions as to motive power.
	25	Special provisions as to use of electrical power.
	27	Power to attach brackets &c. to buildings.
	28	Corporation may take up lines for purposes of constructing others.
15	32	Alteration of telegraph lines of Postmaster-General.
	39	Traffic upon tramways.
	40	Rates for passengers.
	41	Corporation not bound to carry goods.
	42	Provisions as to carriage of animals goods &c. in separate carriages.
20	43	Animals and goods.
	45	Payment of tolls.
	47	As to fares on Sundays or holidays.
	48	Cheap fares for labouring classes.
25	49	Periodical revision of rates and charges.
	50	Byelaws.
	51	Amendment of the Tramways Act 1870 as to byelaws by Corporation.
	52	Byelaws as to street traffic.
30	54	Recovery of penalties.
	Act of 1913 :—	
	6	Special provision as to construction of certain tramways.
	8	Inspection by Board of Trade.
	9	Tramways to be kept on level of surface of road.
35	10	As to rails of tramways.
	11	Further provisions as to construction of tramways.
	12	Passing places to be constructed where less than a certain width left between footway and tramway.
	14	As to erection of posts &c. on carriageway.
40	15	Use of tramway posts by Postmaster-General.

Provided that in construing the said sections for the purposes of such application—

- (a) References to the Minister of Transport shall be substituted for references to the Board of Trade;

- A.D. 1926. —
- (b) References to "the tramways" shall be construed as references to the tramways authorised by this Order;
 - (c) References to "this Act" shall be construed as references to this Order;
 - (d) References to "the Corporation" shall be construed as references to the Promoters: 5

Provided also that section 9 of the Act of 1913 shall not apply to any such part of the tramways as is referred to in the section of this Order of which the marginal note is "Separate track not to form part of carriageway" until Coleman Road is widened to embrace the area upon which such part of the tramways is constructed. 10

- For protec-
tion of Post-
master-
General.
11. Subsection (1) (d) of section 13 of the Leicester Corporation Tramways Order 1923 shall be read and have effect as if the words "generated or used by or supplied to the Promoters" were inserted in that subsection in substitution for the words "generated by the Promoters." 15

- Lands.
12. The Promoters may—
- (a) subject to the sanction of the Minister of Health and under such conditions as he may prescribe from time to time appropriate and use for the purposes of the tramways but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estate; 20 25
 - (b) by agreement from time to time purchase and acquire for the purposes of the tramways such lands as they may require Provided that they shall not at any time hold for such purposes under the provisions of this Order more than two acres of land. 30

- Agreements
with London
and North
Eastern
Railway
Company.
13. The Promoters and the London and North Eastern Railway Company may enter into and carry into effect agreements and arrangements with respect to the construction of the Tramway No. 1 authorised by this Order under the bridge carrying the London and North Eastern Railway over Coleman Road and to the strengthening alteration or underpinning of the said bridge in connection with such construction or the lowering of the level of the said road. 35

- As to
definition of
local rate.
14. The term "local rate" where used in section 20 of the Tramways Act 1870 as incorporated with this Order shall be deemed to mean the district fund and the general district rate of the city and the Promoters may include in any mortgage of the local rate made under the said section all the revenues of the Promoters from time to time arising from the lands undertakings and other property for the time being of the Promoters and the rates and moneys leviable by or on the precept of the Promoters. 40 45

15. The widening of the carriageway or footway of any street under or for the purposes of this Order and the lowering of the level of Coleman Road between points respectively 2·65 chains or thereabouts northward of the northern side of the bridge carrying the London and North Eastern Railway over Coleman Road and 2·18 chains or thereabouts southward of the southern side of the said bridge and the construction of sewers drains and other works in connection with such lowering of level and the strengthening underpinning or other alteration of the said bridge shall for the purposes of section 20 of the Tramways Act 1870 as incorporated with this Order be deemed to be purposes of this Order and shall be deemed to be included in the expression "tramway purposes" where used in section 108 (Application of revenue) of the Act of 1902.
16. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed apply and have effect :—
- (1) If and when the Promoters desire that a widening should be made of Coleman Road under the bridge carrying the railway of the company over that road the Promoters shall at their own expense construct the necessary lengthening of the said bridge :
 - (2) The lowering of the level of Coleman Road and the works connected therewith referred to in this Order so far as they may affect the bridge carrying the railway of the company over Coleman Road shall be executed to the reasonable satisfaction of the engineer of the company and so as not to interfere in any way with the foundations of the said bridge except with the consent of the said engineer.
17. The Promoters shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramway undertaking.

A.D. 1926.

—
Certain works to be deemed purposes of this Order.

For protection of London and North Eastern Railway Company.

Accounts to be furnished to Minister of Transport.

Tramways Provisional Order.

A

B I L L

INTITULLED

An Act to confirm a Provisional Order made by the Minister of Transport under the Tramways Act 1870 relating to Leicester Corporation Tramways.

(Brought from the Commons 5th July 1926.)

Ordered to be printed 5th July 1926.

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(122)

A

B I L L

INTITULED

An Act to extend the periods of operation of section one and subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924, and of subsection (1) of section five of the Unemployment Insurance Act, 1925.	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.—The following provisions of the Acts relating to unemployment insurance, that is to say:—

- | | | |
|----|--|--|
| 10 | (a) Section one of the Unemployment Insurance (No. 2) Act, 1924 (which provides that until the thirtieth day of June, nineteen hundred and twenty-six, insured contributors are to have certain rights in respect of the receipt of unemployment benefit); and | Extension of operation of s. 1 and s. 3 (2) of Unemployment Insurance (No. 2) Act, 1924, and s. 5 (1) of Unemployment Insurance Act, 1925. |
| 15 | (b) Subsection (2) of section three of the said Act (which as amended by section two of the Unemployment Insurance Act, 1925, provides that during the period between the commencement of the Unemployment Insurance (No. 2) Act, 1924, and the thirtieth day of June, nineteen hundred and twenty-seven, a person is to be entitled to receive benefit if the Minister thinks fit so to direct notwithstanding that the | 14 & 15
Geo. 5. c. 30.
15 & 16
Geo. 5. c. 69. |

A.D. 1926.

first statutory condition may not have been fulfilled in his case); and

- (c) Subsection (1) of section five of the Unemployment Insurance Act, 1925 (which provides that it shall not be necessary for the Minister at 5 any time before the first day of July, nineteen hundred and twenty-six, to require any association to make for the purposes of proviso (a) to subsection (1) of section seventeen of the Unemployment Insurance Act, 1920, any greater 10 provision for unemployment benefit than would have been required to be made for those purposes under that Act as originally enacted)

10 & 11
Geo. 5. c. 30.

shall have effect as if for the said thirtieth day of June, nineteen hundred and twenty-six, thirtieth day of June, 15 nineteen hundred and twenty-seven, and first day of July, nineteen hundred and twenty-six, respectively, there were substituted the day on which this Act expires.

Short title
and appli-
cation.

2.—(1) This Act may be cited as the Unemployment 20 Insurance Act, 1926, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1926.

(2) This Act shall, unless Parliament otherwise determines, expire on the thirty-first day of December, 25 nineteen hundred and twenty-seven.

(3) This Act does not apply to Northern Ireland.

Unemployment Insurance.

A

B I L L

INTRODUCED

An Act to extend the periods of operation of section one and subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924, and of subsection (1) of section five of the Unemployment Insurance Act, 1925.

(Brought from the Commons 8th June 1926.)

Ordered to be printed 8th June 1926.

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East Harding Street, E. C. 4,
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(93)

A

B I L L

INTITULED



An Act to confirm and give effect to an agreement A.D. 1926.
made between the Treasury and the Ministry of
Finance for Northern Ireland with a view to
assimilating the burdens on the Exchequers of
the United Kingdom and Northern Ireland
with respect to unemployment insurance.

WHEREAS, with a view to assimilating the burdens
on the Exchequer of the United Kingdom and
the Exchequer of Northern Ireland, per head of popula-
tion, in respect of unemployment insurance, the Treasury
5 and the Ministry of Finance for Northern Ireland have
entered into the agreement set forth in the schedule to
this Act, and it is expedient that the said agreement
should be confirmed and that provision should be made
for the payment of such sums as may be payable out
10 of the Exchequer of the United Kingdom thereunder :

Be it therefore enacted by the King's most Excel-
lent 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
15 the same, as follows:—

1.—(1) The agreement set forth in the schedule to
this Act is hereby confirmed, and shall have effect as
if enacted in this Act. Confirma-
tion of
scheduled
agreement.

(2) Any sums certified by the Joint Exchequer
20 Board to be payable under the said agreement from the

A.D. 1926. Exchequer of the United Kingdom to the Exchequer
— of Northern Ireland shall be charged on and paid out
of the Consolidated Fund of the United Kingdom or
the growing produce thereof.

Short title,
commence-
ment and
duration.

2.—(1) This Act may be cited as the Unemploy- 5
ment Insurance (Northern Ireland Agreement) Act,
1926.

(2) This Act shall not come into operation unless
and until His Majesty, by Order in Council, declares
that a corresponding Act has been passed by the Parlia- 10
ment of Northern Ireland; and shall cease to be in force
if and when His Majesty, by Order in Council, declares
that such corresponding Act of the Parliament of
Northern Ireland has ceased to be in force.

SCHEDULE.

A.D. 1926.

**AGREEMENT MADE BETWEEN THE TREASURY AND
THE MINISTRY OF FINANCE FOR NORTHERN IRELAND
WITH A VIEW TO ASSIMILATING THE BURDENS ON
5 THE EXCHEQUER OF THE UNITED KINGDOM AND
ON THE EXCHEQUER OF NORTHERN IRELAND IN
RESPECT OF UNEMPLOYMENT INSURANCE.**

The Treasury and the Ministry of Finance for Northern
Ireland, with a view to assimilating the burdens on the Exchequer
10 of the United Kingdom and the Exchequer of Northern Ireland,
per head of populations, in respect of unemployment insurance,
have entered into the following agreement :

1. There shall in respect of each financial year be ascertained
the surplus or deficiency of the unemployment funds of Great
15 Britain and Northern Ireland, and the amount required to be paid
into the fund which is, as compared with the other fund, in the less
favourable position, in order to bring the funds into a state of
parity in respect of that year, on the basis of the insured
populations of Great Britain and Northern Ireland, respectively.

20 The fund which is in the less favourable position is
hereinafter referred to as " the poorer fund."

The payment required to be made into the poorer fund in
order to bring it into such a state of parity as aforesaid is
hereinafter referred to as " the equalisation payment."

15 The surplus or deficiency of an unemployment fund in
respect of any financial year shall be ascertained by comparing
the receipts of the fund on income account in that year,
excluding any sums paid into the fund during the year on
account of the equalisation payment under this agreement
0 or by way of advances from the Exchequer, with the expendi-
ture from the fund on income account in the year, including
the amount paid for that year by way of interest on advances
from the Exchequer made to that fund in that or any pre-
vious year and for the time being outstanding, but excluding
5 any sums paid by way of repayment of advances from the
Exchequer.

2. If as respects any year there is paid into the poorer fund
by way of grant from the Exchequer of the country to which
that fund belongs, in addition to any other contributions payable

A.D. 1926. — into that fund from that Exchequer, an amount equal to the equalisation payment, there shall be paid into that Exchequer from the Exchequer of the other country, a contribution calculated in manner hereinafter appearing.

3. The contribution from one Exchequer to the other in 5
respect of a financial year shall be a sum equal to three-fourths
of such sum as may be required to equalise per head of the
population of the respective countries the payments from the
Exchequers of the respective countries into their respective
unemployment funds in respect of that year (excluding any 10
payments on account of advances from those Exchequers to
their respective unemployment funds but including, in the
case of the country to which the poorer fund belongs, the
amount of the equalisation payment).

4. There may be paid from time to time from the Exchequer 15
of the country to which an unemployment fund belongs into that
fund sums on account of the equalisation payment which may
ultimately be found to be due to that fund, and where any such
payment on account is made from an Exchequer, there shall be
paid to that Exchequer from the Exchequer of the other country 20
on account of the contribution which may ultimately be found
to be due such sum as the Joint Exchequer Board may determine
to be proper.

5. If at any time the classes of persons insured, the rates 25
of contribution or the rates or conditions of benefit differ in
the two countries, there shall be made such adjustments in the
amount of the equalisation payment and the contribution from
one Exchequer to the other as the Joint Exchequer Board,
after consulting the Government Actuary, consider just.

6.—(1) If at any time the proportion of the receipts of an 30
unemployment fund which may be applied as an appropriation
in aid of moneys provided by Parliament for the purpose of
administrative expenses differs in the two countries, and by
reason thereof the proportion of the receipts so applied in one
country exceeds the amount which might have been so applied 35
if the proportions had been the same, the amount of such excess
shall, for the purpose of determining the surplus or deficiency
of that fund, not be treated as expenditure from that fund.

(2) The sums paid into an unemployment fund on account 40
of the equalisation payment under this agreement shall not be
treated as receipts of the fund in determining the amount which
may be paid as an appropriation in aid of moneys provided by
Parliament for the purpose of administrative expenses.

7. Any question arising under this agreement as to the 45
amount of any equalisation payment or of a contribution from
one Exchequer to the other, or otherwise, shall be determined
by the Joint Exchequer Board, whose decision shall be final.

8. For the purposes of this agreement in relation to any financial year— A.D. 1926.

- 5 (a) the populations of Great Britain and Northern Ireland respectively shall be deemed to be such as may be certified by the Registrar-General, after consultation with the Registrar-General for Scotland, and by the Registrar-General of Northern Ireland, respectively, to be in their opinion the population on the thirtieth day of June in that year;
- 10 (b) the expression "insured population" means the number of persons certified by the Minister of Labour and the Ministry of Labour for Northern Ireland, respectively, with the concurrence of the Government Actuary as being in their opinion the
- 15 number of persons insured under the enactments relating to unemployment insurance in Great Britain and Northern Ireland, respectively, on the thirtieth day of June in that year (excluding persons insured under any special scheme made under any of those
- 20 enactments).

9. This agreement shall not come into operation until confirmed by Acts of the Parliaments of the United Kingdom and Northern Ireland, but upon being so confirmed shall apply as from the first day of October, nineteen hundred and twenty-five, until the thirty-first day of March, nineteen hundred and thirty.

10. For the purposes of this agreement, the period from the first day of October, nineteen hundred and twenty-five, to the thirty-first day of March, nineteen hundred and twenty-six, shall be deemed to be a financial year; and in relation to that period the period from the first day of April to the thirtieth day of September, nineteen hundred and twenty-five, shall be deemed to be a previous year, and references in paragraphs (a) and (b) of Article 8 of this agreement to the thirtieth day of June in a year shall be construed as references to the thirtieth day of June nineteen hundred and twenty-five.

(Signed) H. M. POLLOCK.

(Signed) WINSTON S. CHURCHILL.

FREDERICK CHARLES

THOMSON.

40

10th February 1926.

Unemployment Insurance (Northern Ireland Agreement).

A

B I L L

INTITULED

An Act to confirm and give effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequers of the United Kingdom and Northern Ireland with respect to unemployment insurance.

(Brought from the Commons 18th March 1926.)

Ordered to be printed 18th March 1926.

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(29)

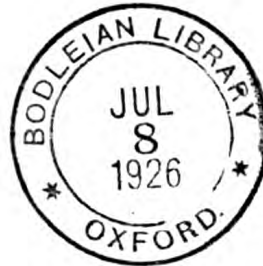
University of London Bill. [H.L.]

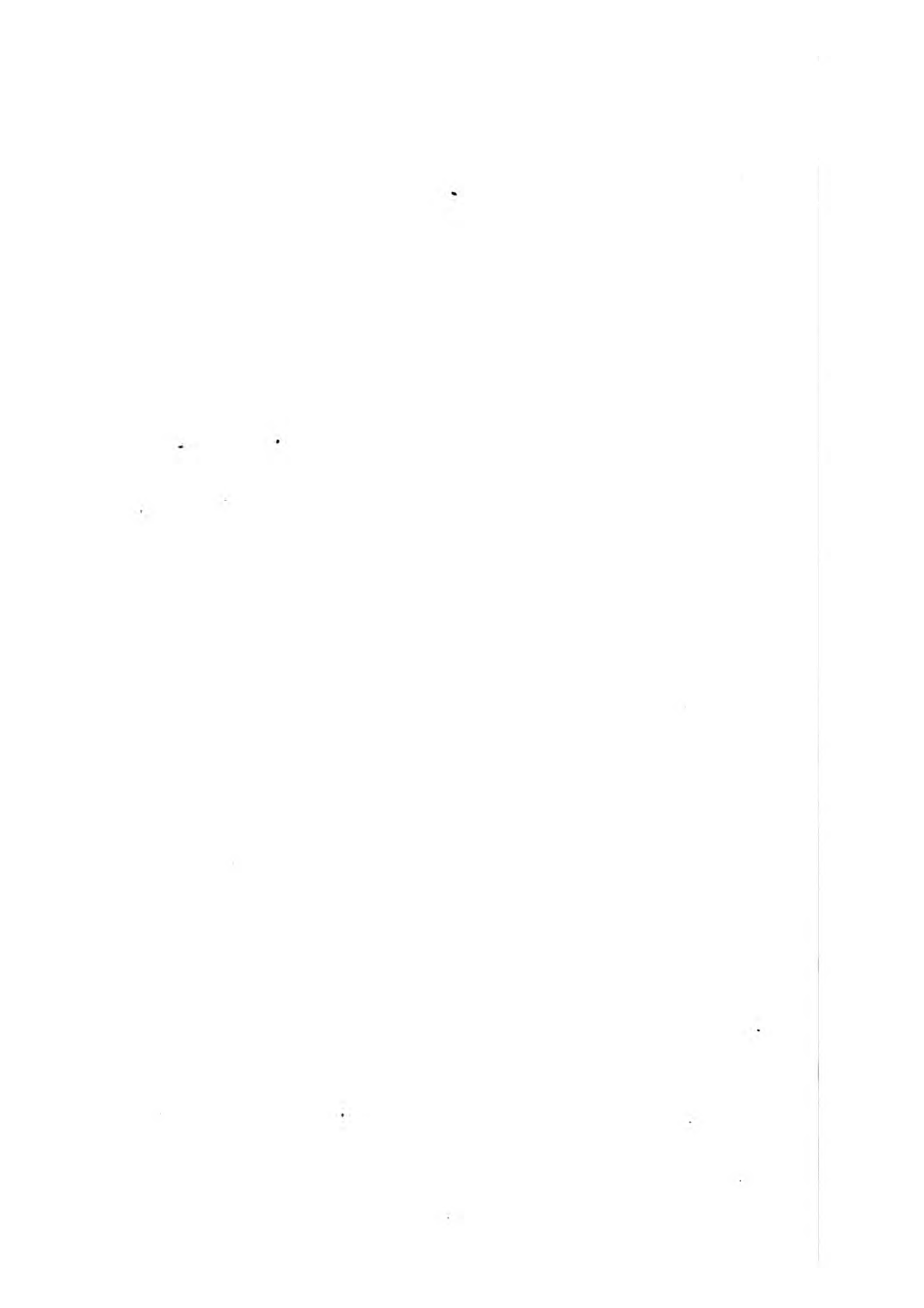
ARRANGEMENT OF CLAUSES.

Clause.

1. Appointment of Commissioners.
2. Expenses of Commission.
3. Duration and proceedings of Commissioners.
4. Powers and duties of Commissioners.
5. Approval and effect of statutes.
6. Power to amend and supplement statutes.
7. Provisions as to incorporation of colleges and schools in the University.
8. Short title and interpretation.

SCHEDULE.





A

B I L L

INTITULED

An Act to make further provision with respect to the University of London. A.D. 1926.

WHEREAS a Departmental Committee appointed by a Minute of the Board of Education dated the eighth day of October, nineteen hundred and twenty-four, to consider the Final Report of the Royal Commission on University Education in London dated the twenty-seventh day of March, nineteen hundred and thirteen, and, having regard to the present circumstances and after consultation with the persons and bodies concerned, to indicate what are the principal changes now most needed in the existing constitution of the University of London and on what basis a Statutory Commission should be set up to frame new statutes for the University, has in its Report (in this Act referred to as "the Report of the Committee") made recommendations with respect to the matters aforesaid and in particular has recommended that Statutory Commissioners should be appointed to make new statutes for the University in accordance with the recommendations in the said Report :

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

1.—(1) There shall be a body of Commissioners to be styled "The University of London Commissioners,"

Appoint-
ment of
Commis-
sioners.

A.D. 1926; consisting, in the first instance, of the following persons, namely :—

The Hon. Mr. Justice Tomlin, Master of Arts,
Bachelor of Civil Law ;

Sir Lewis Amherst Selby-Bigge, Bart., K.C.B., 5
Master of Arts ;

Sir Cyril Stephen Cobb, K.B.E., M.V.O., Master of
Arts, Bachelor of Civil Law, Member of Parlia-
ment ;

Sir Josiah Charles Stamp, K.B.E., Doctor of Science, 10
Fellow of the Royal Statistical Society ;

Sir Edwin Cooper Perry, Doctor of Medicine, Fellow
of the Royal College of Physicians ;

Alexander Dunlop Lindsay, Esquire, C.B.E., Master
of Arts, Honorary Doctor of Laws, Master of 15
Balliol College, Oxford ;

Bertha Surtees Philpotts, O.B.E., Doctor of Letters ;
and

Thomas Perry Nunn, Esquire, Doctor of Science,
Professor of Education in the University of 20
London.

(2) If and whenever a vacancy occurs among
the Commissioners, it shall be lawful for His Majesty
to appoint a person to fill the vacancy, but the name
of every person so appointed shall be laid before both 25
Houses of Parliament within ten days after the appoint-
ment, if Parliament be then sitting, or, if not, then
within ten days after the next sitting of Parliament.

(3) The Commissioners may, with the consent of the
Treasury as to number, employ such persons as they 30
may think necessary for the execution of their duties
under this Act.

Expenses of
Commission.

2. There shall be paid to any person employed by
the Commissioners such remuneration as the Treasury
may determine, and all expenses incurred by the Com- 35
missioners in the execution of this Act (including the
remuneration aforesaid) shall, up to an amount approved
by the Treasury, be paid out of moneys provided by
Parliament.

Duration
and pro-
ceedings of
Commis-
sioners.

3.—(1) Subject as hereinafter provided, the powers 40
of the Commissioners shall continue in force until the
end of the year nineteen hundred and twenty-seven
and no longer :

A.D. 1926.

Provided that His Majesty in Council may, on the application of the Commissioners, continue their powers for such further period as His Majesty may think fit, but not beyond the end of the year nineteen hundred 5 and twenty-eight.

(2) The Commissioner first named in this Act shall be the chairman of the Commissioners, and in case of his ceasing from any cause to be a Commissioner or of his absence from any meeting, the Commissioners present at 10 each meeting shall choose a chairman.

(3) The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

(4) In case of an equality of votes on a question at a 15 meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

(5) The Commissioners shall have a common seal which shall be judicially noticed.

(6) Any act of the Commissioners shall not be invalid 20 by reason only of any vacancy in their number, but if at any time and so long as the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

4.—(1) Subject to the provisions of this Act, the 25 Commissioners shall make statutes for the University of London (in this Act referred to as “the University”), in general accordance with the recommendations contained in the Report of the Committee, subject to any modifications which may appear to them to be expedient, 30 and, so far as may be necessary for giving effect to any of the said recommendations, the Commissioners may, subject as hereinafter provided, make statutes for any school of the University, or for any other college, school, or institution for the purpose of enabling it to become 5 a school of the University :

Powers and duties of Commissioners.

Provided that no statute, not being a statute for the University, shall be made under this Act for any school of the University, or for any other college, school, or institution, except with the consent of the governing 0 body thereof, and, in the case of a statute altering any trust, with the consent of the trustees or governing body of the trust.

A.D. 1926.

—

(2) The Commissioners shall, before adopting any final resolution for the making of a statute under this Act, take such steps as are in their opinion best adapted for facilitating the making of representations with respect to the proposed statute, and shall consider any 5 representations made to them by or on behalf of the Senate or Convocation or any fifty graduates of the University, or by or on behalf of any other bodies or persons appearing to the Commissioners to be directly affected by the proposed statute. 10

(3) The Commissioners shall have power to take such evidence as they may think necessary for the exercise of their powers and for the performance of their duties under this Act.

Approval
and effect of
statutes.

5.—(1) No statute or part of a statute made under 15 this Act shall have effect until it has been approved by His Majesty in Council, but every statute or part of a statute so approved shall, subject to the provisions of this Act, have effect notwithstanding anything in any Act of Parliament, charter, deed, or other instrument 20 whatsoever.

(2) The provisions contained in the Schedule to this Act shall have effect with respect to the submission of statutes made under this Act for the approval of His Majesty in Council and with respect to statutes so 25 submitted.

Power to
amend and
supplement
statutes.

6.—(1) Statutes made by the Commissioners shall make provision enabling the University to alter or supplement after the cesser of the powers of the Commissioners any statutes made by them or by any 3 other authority, except statutes made under this section and such other statutes, if any, as the Commissioners may consider ought not to be altered by the University.

(2) The provisions contained in this Act with respect to the making of statutes by the Commissioners 5 and to the proceedings to be taken after the making thereof in connection with statutes made by the Commissioners, and, subject as may be provided by any statutes made by the Commissioners, to the effect thereof after approval shall, with the necessary substitu- 4 tions, apply to the making of statutes by the University and to the proceedings to be taken in connection with

statutes made by the University, and, subject as aforesaid, A.D. 1926.
to the effect of, such statutes. —

7.—(1) No statute made under this Act shall alter the incorporation in the University of the colleges known respectively as University of London, University College, and University of London, King's College, or the vesting, disposition, or management of any emoluments, endowments, trusts, foundations, gifts, offices, or institutions in or connected with either of those colleges so far as those matters are or have been regulated respectively by or under the University College, London (Transfer) Act, 1905, or the King's College, London (Transfer) Act, 1908, and no such statute shall provide for the incorporation in the University of any school of the University or other college, school, or institution; but if at any time it is agreed between the University and the governing body of either of the first mentioned colleges that it is expedient that as respects that college any such alteration as aforesaid should be made, or if at any time it is agreed between the University and the governing body of any school of the University or other college, school or institution that it is expedient that provision should be made for the incorporation thereof in the University, then, in any such case, it shall be lawful for the University and the governing body jointly to make application to His Majesty in Council for a charter in that behalf, and any charter which His Majesty in Council is pleased to grant upon any such application shall have full effect notwithstanding anything in any Act of Parliament or in any previous charter, deed, or other instrument whatsoever.

Provisions
as to incor-
poration of
colleges and
schools in
the Uni-
versity.

(2) The provisions of the College Charter Act, 1871, shall apply with respect to any application for a charter made under this section as if it were an application for a charter for the foundation of a college or university.

(3) Notwithstanding anything in the foregoing provisions of this section statutes made under this Act may make such modifications in the said University College, London (Transfer) Act, 1905, and King's College, London (Transfer) Act, 1908, as may be necessary for adapting those Acts to any change made under this Act in the constitution or management of the University.

A.D. 1926.
—
Short title
and inter-
pretation.

8.—(1) This Act may be cited as the University of London Act, 1926.

(2) In this Act the expression “governing body” means in relation to the colleges known as University of London, University College, and University of London, 5 King’s College, the College Committee and the Delegacy of those colleges respectively.

SCHEDULE.

A.D. 1926.

PROVISIONS WITH RESPECT TO THE SUBMISSION OF
STATUTES FOR THE APPROVAL OF HIS MAJESTY
IN COUNCIL AND WITH RESPECT TO STATUTES SO
5 SUBMITTED.

1. The Commissioners within one month after making a
statute shall cause it to be submitted to His Majesty in Council,
and notice of it having been so submitted and of the place where
copies of it can be obtained shall be published in the London
10 Gazette (in this Act referred to as the gazetting of a statute),
and if after a statute has been so gazetted the powers of the
Commissioners under this Act cease to be in force, the cesser
of the powers of the Commissioners shall not affect the
subsequent proceedings under this Act respecting the statute.

15 2. At any time within eight weeks (exclusive of any
University vacation) after the gazetting of a statute the Senate
or Convocation of the University, or any other person or body
directly affected by the statute may petition His Majesty in
Council for disallowance of the statute or of any part thereof.

20 3.—(1) It shall be lawful for His Majesty in Council to refer
any statute petitioned against under this Act to a committee of
the Privy Council with a direction that the committee hear the
petitioner personally or by counsel and report specially to His
Majesty in Council on the matter of the petition.

25 (2) The costs of any such petition as aforesaid may be
regulated by the committee to which the petition is referred,
and any order of the committee respecting costs shall be
enforceable as if it were an order made in proceedings in the
Supreme Court.

30 4. Subject as hereinafter provided, every statute made
under this Act shall be laid before both Houses of Parliament as
soon as may be after the expiration of the time for petitioning
against it, or, in the case of a statute referred under this Act
to a committee of the Privy Council as soon as may be after the
35 report of the committee thereon, and if either House within
four weeks (exclusive of any period of prorogation) after a
statute has been laid before it presents an Address praying His
Majesty to withhold his approval from a statute or any part
thereof no further proceedings shall be taken on the statute or

A.D. 1926, on the part thereof to which the Address relates, but this provision shall be without prejudice to the making of a new statute :

Provided that if His Majesty, on the report of a committee of the Privy Council, declares his disapproval of any statute it shall not be necessary to lay that statute before Parliament, and if His Majesty so declares his disapproval of a part only of any statute, that part may be omitted from the statute as laid before Parliament.

5. His Majesty's approval or disapproval of any statute or of any part of a statute made under this Act may be declared by Order in Council, and any such disapproval shall be without prejudice to the making of a new statute.

University of London.
[H.L.]

A

B I L L

INTITULED

An Act to make further provision with respect to the University of London.

The Earl of Balfour.

Ordered to be printed 15th June 1926.

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(98)

University of London Bill. [H.L.]

COMMONS AMENDMENTS.

[The References are to Bill (No. 131).]

Clause 4.

Page 4.

Line 5, after (“ shall) insert (“ in particular ”)

Line 10, at end insert the following new subsection :

“() If representations with respect to any proposed statutes are made to the Commissioners by the governing body of any college, school or institution which is at the commencement of this Act a school of the University in the Faculty of Theology, objecting to any alteration which would be necessitated by the making of the statute in the constitution of the college, school or institution, or in respect of the appointment of teachers therein or the financial administration thereof, the proposed statute shall, unless the objection be withdrawn, be modified so as not to necessitate the alteration objected to.”)

Clause 6.

Page 4.

Lines 32 and 33, leave out lines 32 and 33.

Page 5.

Line 42, at end insert the following new clause :

“(. Whenever there occurs among the members of a council of the University a vacancy which is in accordance with statutes made under this Act to be filled

Provisions
as to
appoint-
ment by

(202)

[OVER

Crown of
members of
a council of
the Univer-
sity.

by a person appointed by the Crown the vacancy shall be filled by a person appointed by His Majesty in Council, and before any draft Order in Council is submitted to His Majesty for that purpose sufficient opportunity to submit recommendations in regard to the appointment shall be given to such persons or bodies representative of the University as may be designated in that behalf by statutes made under this Act.”)

University of London
Bill. [H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 8th December 1926.

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(202)

Weights and Measures (Amendment) Bill. [H.L.]

MEMORANDUM.

Owing to the terms in which the expression "measuring instrument" is defined by section thirty-five of the Weights and Measures Act, 1889, the provisions of the Weights and Measures Acts relating to measuring instruments do not extend to instruments for measurement by counting or (except in the case of instruments for measuring leather and patterns thereof) for the measuring of superficial area. This defect is remedied by clause 1 of the Bill.

Provision is made by the existing Acts for the control of weights, measures and weighing instruments used for trade, *e.g.*, by section twenty-nine of the Act of 1878 as extended by section one of the Act of 1889 penalties are imposed for the use of weights, measures and weighing instruments which have not been stamped as the Acts require, but there is no similar provision with respect to measuring instruments. Clause 2 of the Bill makes provision for bringing within the scope of the Acts such measuring instruments as the Board of Trade may specify by regulations which must be laid before Parliament.

Clause 3 of the Bill is necessary for the removal of doubts which have arisen whether the fees allowed under the Weights and Measures Acts and the Fees (Increase) Act, 1923, for the testing &c., of weighing or measuring apparatus may be charged where the apparatus submitted fails to pass the test.

The Weights and Measures (Leather Measurement) Act, 1919, is rendered unnecessary by the provisions of clauses 1 and 2 of the Bill and is, therefore, repealed by clause 4.

A

B I L L

INTITULED

An Act to amend the law with respect to measuring instruments, and with respect to the power to charge fees in connection with the testing of weighing and measuring apparatus. 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:—

10 1. The definition of "measuring instrument" contained in section thirty-five of the Weights and Measures Act, 1889, shall be extended so as to include any instrument for the measuring of superficial area, or for measurement by counting. Definition of measuring instrument. 52 & 53 Vict. c. 21.

15 2. The power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to apply to any such measuring instruments used for trade as are specified in the regulations any of the provisions, including penal provisions, of the Weights and Measures Acts, 1878 to 1904, with respect to weights, measures, or weighing instruments, and to make such consequential or supplemental provisions as appear necessary for giving full **20** effect to the regulations. Regulations as to measuring instruments. 4 Edw. 7. c. 28.

3.—(1) Any power conferred by the Weights and Measures Acts, 1878 to 1904, or the Fees (Increase) Act, 1923, on the Board of Trade, or on inspectors of weights and measures, to charge fees in respect of the testing, Power to charge fees in connection with testing, &c.,

A.D. 1926. examination, comparison or verification of any weighing or measuring apparatus shall include and be deemed always to have included power to charge fees in respect of the matters aforesaid whether or not the apparatus is found correct or is stamped. 5

of weighing
and measur-
ing ap-
paratus.
13 & 14
Geo. 5. c. 4.
4 Edw. 7.
c. 28.

(2) The power of His Majesty under section nine of the Weights and Measures Act, 1904, of specifying by Order in Council new fees to be paid in respect of the verification and stamping of weights, measures, and weighing and measuring instruments shall include and be deemed always to have included the power of specifying fees to be paid whether or not the weighing or measuring apparatus is found correct or is stamped. 10

(3) In this section the expression "weighing or measuring apparatus" includes weights, measures, weighing and measuring instruments, local standards and other standards. 15

Repeal of
9 & 10
Geo. 5. c. 29.

4. The Weights and Measures (Leather Measurement) Act, 1919, is hereby repealed:

Provided that any regulations made and any certificates given under the powers conferred by that Act shall continue in force and shall have effect as though made or given under the Weights and Measures Acts, 1878 to 1904 as amended by this Act.

Short title,
citation and
extent.

5.—(1) This Act may be cited as the Weights and Measures (Amendment) Act, 1926, and shall be construed as one with the Weights and Measures Acts, 1878 to 1904, and those Acts and this Act may be cited together as the Weights and Measures Acts, 1878 to 1926. 25

(2) This Act shall not apply to Northern Ireland. 30

**Wild Birds Protection
Bill. [H.L.]**

MARSHALLED LIST
OF AMENDMENTS TO BE
MOVED ON REPORT.

21st July 1926.

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(130***)

Wild Birds Protection. [H.L.]

[AS AMENDED ON REPORT.]

ARRANGEMENT OF CLAUSES.

General Protection of Birds.

Clause.

1. Prohibition of certain methods of taking birds and of taking of birds on Sunday.
2. Taking of birds for sale alive.
3. Liberation of imported birds.

Special Protection of certain Birds.

4. Classification of birds for purposes of Act.
5. Protection of birds according to categories.
6. Special provisions with respect to the lapwing.
7. Licences to kill and take birds, &c.
8. Register to be kept by taxidermists.
9. Creation of bird sanctuaries.

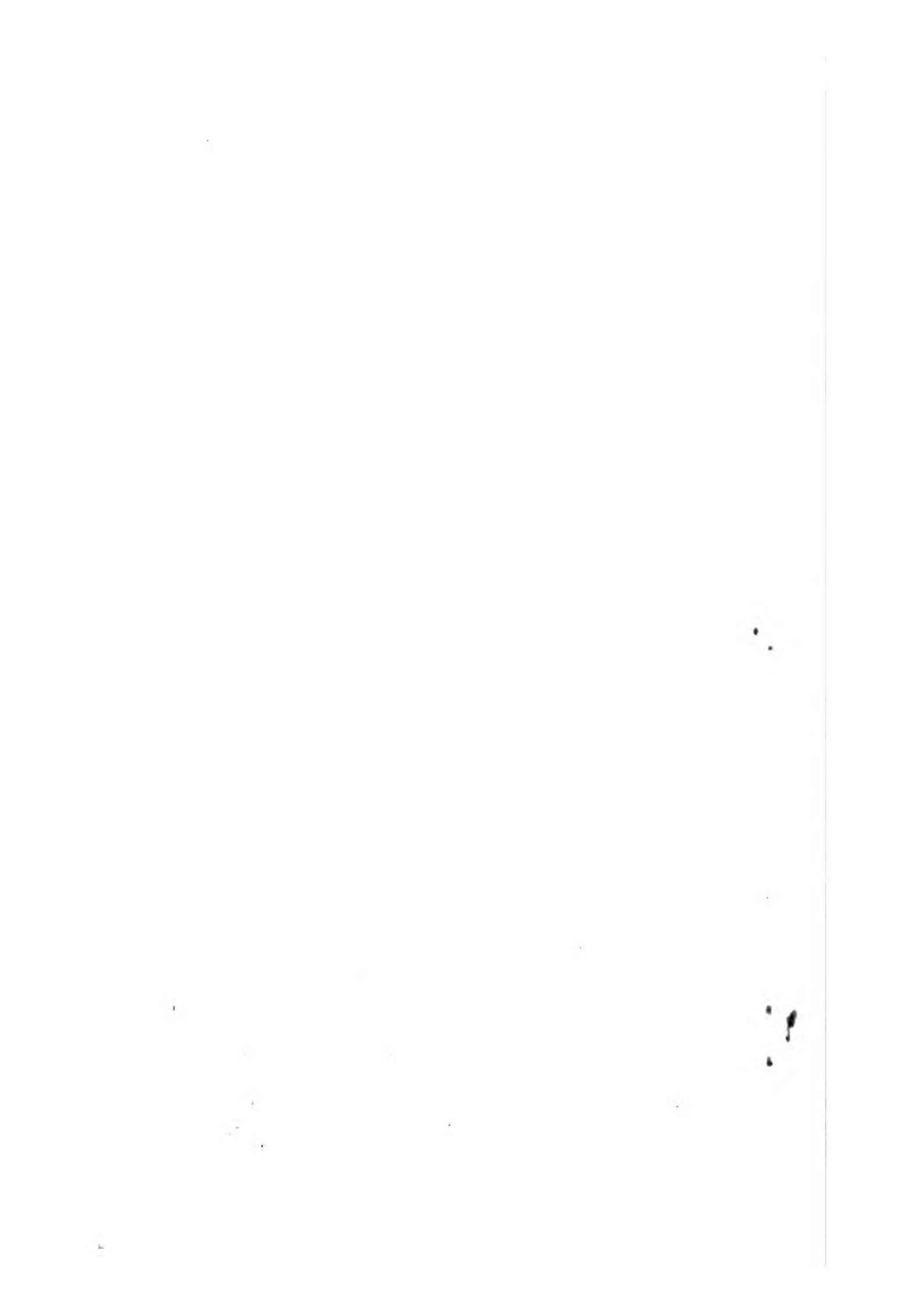
Offences, Penalties and Legal Proceedings.

10. Offences.
11. Penalties.
12. Legal proceedings.

Supplementary Provisions.

13. Wild Birds Advisory Committee.
14. Orders of Secretary of State.
15. Powers and duties of constables.
16. Duties and expenses of local authorities.
17. Definitions.
18. Application to Scotland.
19. Short title, extent, commencement and repeal.

SCHEDULES.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to repeal the enactments providing for the protection of Wild Birds and to substitute other provisions therefor. 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:—

General Protection of Birds.

1. It shall not be lawful for any person —

Prohibition
of certain
methods of
taking birds
and of taking
of birds on
Sunday.

- 10 (a) to affix, place or set on any pole, tree, or cairn of stones or earth, any spring, trap, gin or other similar instrument calculated to cause bodily injury to any bird coming in contact therewith; or
- 15 (b) knowingly to permit or suffer or cause any such instrument to be so affixed, placed, or set; or
- (c) to take or attempt to take any bird by means of a hook or other similar instrument; or
- 20 (d) to use for the purpose of killing or taking birds any mechanically propelled boat or any aircraft; or
- (e) to kill or take, or attempt to kill or take, any bird on Sunday, except for the purpose of protecting property, crops, game or fisheries from immediate damage.

A.D. 1926.
 Taking of
 birds for
 sale alive.

2.—(1) It shall not be lawful for any person to take any bird for the purpose of sale alive unless he holds a certificate granted under this section authorising him to do so :

Provided that no certificate granted under this section shall—

- (a) authorise the taking in any highway or public place, or on any common, of any bird for the purpose of sale alive ; or
- (b) be deemed to authorise the holder thereof to kill or take any bird in contravention of any of the provisions of this Act.

(2) A certificate authorising the taking of birds for the purpose of sale alive may be granted by the chief officer of police of the district in which the applicant for the certificate resides, and any such certificate shall remain in force until the first day of March next ensuing after it is granted, but may be renewed for a year, and so from time to time. Any certificate so granted shall be available only in the police district in which it is granted, but may be endorsed by the chief officer of police of any other police district so as to be available in that district.

(3) An application for a certificate or for the renewal or endorsement of a certificate granted under this section shall not be refused unless the applicant has been convicted of an offence which in the opinion of the chief officer of police renders him unfit to hold a licence.

(4) There shall be payable on the grant of a certificate under this section such fee not exceeding five shillings, or on the renewal or endorsement of a certificate not exceeding one shilling, as the Secretary of State may prescribe.

Liberation of
 imported
 birds.

3. It shall not be lawful for any person without the leave of the Secretary of State knowingly to liberate imported birds of any species.

Special Protection of certain Birds.

Classifica-
 tion of
 birds for
 purposes of
 Act.

4. Subject as hereinafter provided, for the purposes of this Act the birds specified in Part I. and in Part II. of the First Schedule to this Act are classified respectively as being in Category I. and in Category II., and all

other birds are classified as being in Category III.; and references in this Act to those Categories shall be construed accordingly: A.D. 1926.
—

5 Provided that the Secretary of State may, subject to the provisions of this Act relating to the making of orders, by order alter the classification of any bird from one category to another, and on the making of any such order this Act shall have effect accordingly.

10 **5.**—(1) Subject to the provisions of this Act, it shall not be lawful for any person— Protection
of birds
according to
categories.

(a) to kill, injure or take, or to attempt to kill or take, or to use any means for the purpose of killing or taking, any bird at a time when it is protected:

15 Provided that as respects any bird classified under this Act as being in Category III., the foregoing provision shall not apply to the owner or occupier of any land upon which any such bird is for the time being, or to any person belonging to his household or in his service, or authorised in writing signed by him to act on his behalf; or

20 (b) except in the ordinary course of farming or forestry operations to take or knowingly and wilfully to disturb any nest or egg at a time when it is protected; or

25 (c) to sell, or expose or offer for sale, or to have in his control or possession, any bird, or the skin or plumage or any part of any bird killed or taken, or any egg or nest taken, in contravention of this section:

30 (2) For the purposes of this section—

(a) birds classified under this Act as being in Category I. and the nests and eggs of such birds shall be deemed to be protected at all times; and

35 (b) birds classified under this Act as being in Category II. and the nests and eggs of such birds shall be deemed to be protected during the close season; and

A.D. 1926.

(c) birds classified under this Act as being in Category III. shall be deemed to be protected during the close season, but the nests and eggs of such birds shall not be deemed to be protected. 5

Special provisions with respect to the lapwing.

6. It shall not be lawful for any person—

(a) during any part of the close season after the fourteenth day of March to sell any lapwing for human consumption, or to have any lapwing in his possession for the purpose of sale for human consumption; or 10

(b) to sell for human consumption, or to have in his possession for the purpose of sale for human consumption, any egg of the lapwing.

Licences to kill and take birds, &c.

7.—(1) The Secretary of State shall, subject to the provisions of this Act, have power to grant a licence to any person exempting the holder of the licence from any of the provisions of this Act relating to the killing or taking of birds of any category, or to the taking or disturbing of the nests or eggs of birds of any category for any scientific purpose or for the purpose of the protection of property, crops or fisheries, or for any other special purpose approved by the Secretary of State. 20

(2) Any applicant for a licence under this section may be required to enter into a bond with or without sureties for the payment of a sum not exceeding fifty pounds in case any condition attached to the licence is infringed. 25

(3) A licence under this section may be granted for such areas, and subject to such conditions as may be specified in the licence. 30

(4) There shall be payable on the grant of a licence under this section such fee not exceeding one pound as the Secretary of State may prescribe.

(5) The Secretary of State shall furnish to the local authority for any area in respect of which or any part of which a licence under this section is operative, particulars with respect to the licence, and the local authority shall cause a list of such particulars to be kept at their principal office, and the list shall be open to inspection at all reasonable hours by any person on payment of a fee not exceeding one shilling. 35 40

any of the provisions of this Act relating to the killing or taking of birds of any category, or to the taking or disturbing of the nests or eggs of birds of any category for any scientific purpose or for the purpose of the
5 protection of property, crops or fisheries, or for any other special purpose approved by the Secretary of State. A.D. 1926.

(2) Any applicant for a licence under this section may be required to enter into a bond with or without sureties for the payment of a sum not exceeding fifty
10 pounds in case any condition attached to the licence is infringed.

(3) A licence under this section may be granted for such areas, and subject to such conditions as may be specified in the licence.

15 (4) There shall be payable on the grant of a licence under this section such fee not exceeding one pound as the Secretary of State may prescribe.

(5) The Secretary of State shall furnish to the local authority for any area in respect of which or any part of
20 which a licence under this section is operative, particulars with respect to the licence, and the local authority shall cause a list of such particulars to be kept at their principal office, and the list shall be open to inspection at all reasonable hours by any person on payment of a fee not
25 exceeding one shilling.

(6) A licence under this section may be signed either by the Secretary of State or by any person authorised by him in that behalf.

8.—(1) It shall be the duty of every person carrying
30 on business as a taxidermist, or otherwise as a dealer in stuffed birds, or the eggs of birds, to keep a register of all birds classified under this Act as being in Categories I. and II., and of the skins, eggs and nests of all such birds,
35 showing details in each case of the locality where they were taken and of the person from whom they were procured. Register to be kept by taxidermists.

(2) Every register kept in accordance with the requirements of this section shall be open to inspection at all reasonable times by any officer of police or any
40 person duly authorised by the local authority.

A.D. 1926. Category I, and on the making of any such order this Act shall in that district have effect accordingly :

Provided that no such order shall be made except with the consent of the owner and occupier of any land comprised in the district to which the order relates. 5

(2) Any order made under this section shall provide for the classification of any birds excepted by the order from classification in Category I. as respects the district to which the order relates.

(3) The provisions of this section shall be without prejudice to the generality of the provisions of this Act empowering the Secretary of State to alter the classification of any bird. 10

Offences, Penalties and Legal Proceedings.

Offences.

10.—Subject to the provisions of this Act any person who— 15

- (a) commits any act declared by this Act to be unlawful ; or
- (b) being a person in whose case a certificate or licence granted under this Act has been revoked or cancelled applies for a new certificate or licence and conceals the fact that his certificate or licence has been so revoked or cancelled ; or 20
- (c) during any period in which a certificate or licence granted under this Act to him is suspended, applies for a new certificate or licence and conceals the fact that his certificate or licence has been so suspended ; or 25
- (d) being a person carrying on business as a taxidermist or otherwise as a dealer in stuffed birds or the eggs of birds, fails to keep a register in pursuance of the provisions of this Act, or makes in any such register an entry which is false in any particular, or refuses to submit any such register for the inspection of any officer or person entitled under this Act to inspect it ; or 30
- (e) being the holder of a licence granted under this Act infringes any of the conditions attached to the licence ; 35

shall be guilty of an offence against this Act. 40

11.—(1) A person guilty of any offence against this Act shall be liable on summary conviction to a fine not exceeding five pounds, or in the case of a second or subsequent offence to a fine not exceeding ten pounds, or to imprisonment for a period not exceeding one month.

A.D. 1926.
Penalties.

(2) Where an offence under this Act is in respect of more than one bird which is classified under this Act as being in Category I. or in Category II., or in respect of more than one egg or nest of any such bird, the fines prescribed by this Act may be increased in proportion to the number of birds, eggs, or nests, in respect of which the offence was committed.

(3) In addition to any other penalty which a court has power to inflict for offences against this Act the court before which a person is convicted of any such offence shall order that any bird, nest, or egg, in respect of which the offence was committed shall be forfeited, and, if they think fit, deposited in a public museum, and may order that any gun or other instrument in respect of or by means of which the offence was committed shall be forfeited or otherwise dealt with as the court may direct, and may also order that any certificate or licence under this Act, held by the person convicted, shall be cancelled, or shall be suspended for such period as may be specified in the order, and where any certificate or licence under this Act has been so cancelled, or during any period when a certificate or licence is so suspended, no other certificate or licence granted under this Act to that person shall be valid.

(4) Upon the conviction of the holder of a licence granted under this Act for the offence of infringing any of the conditions attached to the licence the court shall, in addition to any other penalty which it has power to inflict, have power to enforce any bond entered into in accordance with the provisions of this Act as though it were a recognizance, and the Secretary of State shall have power to revoke the licence.

12.—(1) Where any person sells or has in his possession for purposes of sale any bird, or the plumage or skin or any part of any bird classified under this Act as being in Category I., or the nest or egg of any bird classified under this Act as being in Category I. or Category II., it shall be deemed to have been killed or taken as the case

Legal proceedings.

A.D. 1926. — may be in contravention of this Act, unless he satisfies the court before which any proceedings are taken in respect thereof, that it was not, or that he had reasonable grounds for believing that it was not so killed or taken.

(2) Where any person is found in possession of any 5
bird, or the plumage or skin or any part of any bird or
the nest or egg of any bird, and it appears to the court
before which any proceedings are taken in respect thereof
that there is reasonable ground for believing that the
bird, nest or egg was killed or taken at a time when it 10
was protected under this Act, the bird, nest or egg, as
the case may be, shall, unless the person against whom
the proceedings are taken satisfies the court that it was
not, or that he had reasonable grounds for believing that
it was not so killed or taken, be deemed to have been killed 15
or taken in contravention of this Act—

(a) in the case of a bird classified under this Act as
being in Category I., or the nest or egg of a bird
classified under this Act as being in Category I.
or Category II., if it is so found at any time: 20

(b) in the case of a bird classified under this Act
as being in Category II., if it is so found on
any day between the fifteenth day after the
beginning and the last day of the close season
for that bird, both days being included: 25

(c) in the case of a bird classified under this Act
as being in Category III., if it is so found during
the close season for that bird in the possession
of any person not being the owner or occupier
of the land on which the bird was killed or 30
taken or a person belonging to his household,
or in his service, or authorised in writing signed
by him to act on his behalf.

(3) In any proceedings under this Act, the doing of
any act which may be done under a certificate or licence 35
granted under this Act or by leave of the Secretary of
State shall be deemed to have been done under such
certificate or licence or by such leave, if the person who
did the act proves that he was the holder of a certificate
or licence issued under this Act or that he has obtained 40
the leave of the Secretary of State, as the case may be,
authorising the doing of the act in question, but not
otherwise.

A.D. 1926.

(4) All offences under this Act committed within the jurisdiction of the Admiralty shall be deemed to be offences of the same nature, and shall render the offender liable to the same punishments, as if they had been committed upon any land in Great Britain, and may be tried in any county or place in Great Britain in which the offender may be apprehended or be in custody or be summoned, in the same manner in all respects as if such offences had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas."

(5) Where any offence under this Act is committed in or upon any waters running between or forming the boundary between a county or place in England and a county or place in Scotland, the offence may be tried in either of such counties or places in the same manner in all respects as if it had been actually committed in that county or place.

20 *Supplemental Provisions.*

13.—(1) There shall be established a Wild Birds Advisory Committee consisting of such members as may be appointed by the Secretary of State. Wild birds advisory committee.

(2) The duties of the Committee shall be to advise the Secretary of State upon any questions which he may refer to the Committee in connection with the administration of this Act, or with projected schemes for the protection of wild birds, either in Great Britain or internationally.

14.—(1) Subject to the provisions of this Act, orders made under this Act by the Secretary of State may be so made as to apply generally or as respects any district specified in the order, but no order shall be made so as to apply only to a district except on the application of, or after consultation with, the local authority for every area within the district to which the order relates. Orders of Secretary of State.

(2) At least one month before making under this Act any order which is to apply generally, the Secretary of State shall cause notice of the proposal to make the order and of the purport thereof to be published in the

A.D. 1926. (2) At least one month before making under this Act any order which is to apply generally, the Secretary of State shall cause notice of the proposal to make the order and of the purport thereof to be published in the London Gazette and in such other manner as appears to him to be desirable, and shall consider any objections to the proposal made within such time as may be prescribed in the notice. 5

Powers and duties of constables. **15.**—(1) Section forty-three of the Diseases of Animals Act, 1894 (which relates to the duties and authorities of constables), shall as set out with modifications in the Second Schedule to this Act apply to this Act and to offences thereunder as if it were herein re-enacted. 10

(2) A constable shall, if he has reasonable cause to suspect that any contravention of the provisions of paragraphs (a), (b), (c) or (d) of section one of this Act is being or is about to be committed on any land or premises, have power to enter on the land or premises without the consent of the occupier. 15 20

Duties and expenses of local authorities. **16.**—(1) Every local authority shall cause to be kept exhibited in such manner and such consolidated form as the Secretary of State may direct, a summary of the provisions of this Act and of any orders affecting the area of the authority, at or in the immediate vicinity of all public elementary schools and police stations in the said area and at such other places as may appear to the local authority to be suitable with a view to bringing the contents thereof to the notice of the public, and shall also cause the said summary to be kept exhibited in any place which the Secretary of State may direct. 25 30

(2) Any expenses incurred by a local authority under 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 the council of a county borough out of the borough fund or borough rate. 35

Definitions. **17.** In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Bird” means any wild bird except grouse, part-ridges, pheasants, and black game ; 40

“Chief officer of police” has the meaning assigned to it by the Police Act, 1890, and with respect to the City of London means the Commissioner of the City Police; A.D. 1926.

5 “Close season” means in the case of the woodcock the period from the first day of February to the thirty-first day of August, both days being included, and in all other cases means
10 the period from the first day of March to the eleventh day of August, both days being included :

Provided that the Secretary of State may, subject to the provisions of this Act relating to the making of orders, by order extend, curtail,
15 or otherwise vary, the close season, either for all birds or for any birds specified in the order ;

“Common” includes any land subject to being enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green, and
20 any other land subject to any right of common ;

“Highway” includes any public bridge, road, lane, or footway, whether a thoroughfare or not ;

“Local authority” means the council of a county or county borough ;

25 “Police district” means any district for which there is a separate police force ;

“Public place” includes any public park, garden, or sea beach, and any ground to which the public for the time being have or are permitted
30 to have access, whether on payment or otherwise.

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

(a) there shall be substituted for references to—

35 “the Secretary of State,” a reference to “the Secretary for Scotland” ;

“the Wild Birds Advisory Committee,” a reference to “the Wild Birds Advisory Committee for Scotland” ;

40 “the Police Act, 1890,” a reference to “the Police (Scotland) Act, 1890” ;

A.D. 1926.

—

“the London Gazette,” a reference to “the
“Edinburgh Gazette”;

“a county borough,” a reference to “a burgh
“being a county of a city”;

“a borough fund or borough rate,” a reference 5
to “such rate leviable within the burgh as
“the town council may appoint”;

“a public elementary school” a reference to
“a public school”;

“a surety,” a reference to “a cautioner”; 10

“a recognizance,” a reference to “a bond of
caution”;

“an information,” a reference to “a complaint”:

(b) the expression “bird” shall not include the
ptarmigan : 15

(c) in the Island of St. Kilda this Act shall have
effect as if the St. Kilda wren were classified as
being in Category I, and as if the fulmar petrel
were classified as being in Category III.

Short title,
extent,
commence-
ment and
repeal.

19.—(1) This Act may be cited as the Wild Birds 20
Protection Act, 1926.

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

(3) This Act shall come into operation on the first
day of January, nineteen hundred and twenty-seven.

(4) The enactments referred to in the Third Schedule 25
to this Act are hereby repealed to the extent specified in
the third column of that schedule.

SCHEDULES.

A.D. 1926.

FIRST SCHEDULE.

Section 4.

CLASSIFICATION OF BIRDS.**PART I.****5 *Birds in Category I. (specially protected at all times).***

Avocet.	Hoopoe.
Bearded Titmouse.	Kentish Plover.
Bee-eater.	Kite.
Bittern (all species).	Norfolk Plover.
10 Black Redstart.	Owl (all species except Little Owl).
Black-winged Stilt.	Osprey.
Bustard.	Phalarope (both species).
Buzzard (all species, including Honey Buzzard).	Raven.
15 Chough.	Sand-Grouse.
Crested Titmouse.	Shrike (all species).
Dartford Warbler.	Spoonbill.
Eagle (all species).	Waxwing.
Falcon (all species).	Woodlark.
20 Golden Oriole.	Woodpecker (all species).
Harrier (all species).	
Hawk (all species except Kestrel and Sparrow Hawk).	

PART II.**25 *Birds in Category II. (specially protected during the close season).***

Black-tailed Godwit.	Lapwing.
Capercaillie.	Marsh Warbler.
Cirl Bunting.	Nightingale.
30 Crake (all species).	Pied Flycatcher.
Crossbill.	Quail.
Diver (Black-throated and Red-throated).	Rail (all species).
Dotterel.	Ruff and Reeve.
15 Wild Duck (all species).	Siskin.
Forked-tailed Petrel.	Skuas (all species).
Fulmar Petrel.	Snipe (all species).
Goldfinch.	Snow Bunting.
Grebe (all species except Dab-chick).	Swan (all species).
0 Greenshank.	Tern (all species).
Kingfisher.	Whimbrel.
	Wild Goose (all species).
	Woodcock.

A.D. 1926.

Section 15.

SECOND SCHEDULE.**PROVISIONS OF SECTION 43 OF THE DISEASES OF ANIMALS ACT, 1894, APPLIED WITH MODIFICATIONS.**

(1) The police force of each police area shall execute and enforce this Act and every order of the Secretary of State thereunder. 5

(2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may without warrant, stop, detain, and search him, and if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, detain, and examine any bird, nest, egg, gun, or other instrument, vehicle, boat, or thing to which the offence or suspected offence relates, and may seize and, pending prosecution, retain any such bird, nest or egg. 10 15

(3) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of his duty under this Act or under an order of the Secretary of State, the constable or officer may without warrant apprehend the offender. 20

(4) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose, and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section. 25 30

(5) The foregoing provisions respecting a constable extend and apply to any person called by a constable to his assistance.

(6) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon. 35

(7) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

THIRD SCHEDULE.

A.D. 1926.

Section 19.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 43 & 44 Vict. c. 35.	The Wild Birds Protection Act, 1880.	The whole Act.
44 & 45 Vict. c. 51.	The Wild Birds Protection Act, 1881.	The whole Act.
10 55 & 56 Vict. c. 55.	The Sand-Grouse Protection Act, 1888.	The whole Act.
57 & 58 Vict. c. 24.	The Wild Birds Protection Act, 1894.	The whole Act.
59 & 60 Vict. c. 56.	The Wild Birds Protection Act, 1896.	The whole Act.
15 2 Edw. 7. c. 6	The Wild Birds Protection Act, 1902.	The whole Act.
4 Edw. 7. c. 4	The Wild Birds Protection Act, 1904.	The whole Act.
4 Edw. 7. c. 10	The Wild Birds Protection (St. Kilda) Act, 1904.	The whole Act.
20 8 Edw. 7. c. 11	The Wild Birds Protection Act, 1908.	The whole Act.

Wild Birds Protection.
[H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to repeal the enactments providing for the protection of Wild Birds and to substitute other provisions therefor.

The Lord Desborough.

Ordered to be printed 22nd 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
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 4d. Net.]

(138)

A

B I L L

INTITULED

An Act to facilitate the use of wireless telegraphy by the blind. 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. Where a person satisfies the Postmaster-General that he is a blind person within the meaning of this Act a licence to establish, maintain, and work a wireless telegraph station for the purpose of receiving messages **only** may be granted to him by the Postmaster-General, subject to such terms, conditions, and restrictions as the Postmaster-General may think fit, but without payment of any fee.

Licences to blind persons for the purpose of receiving wireless messages.

2. For the purpose of this Act a blind person shall mean any person (not being resident in a public or charitable institution or in a school) who produces to the Postmaster-General a certificate issued by the council of the county or of the county borough in which he is ordinarily resident that he is registered as a blind person in the area of the county or county borough.

Definition.

3. This Act may be cited as the Wireless Telegraphy (*Blind Persons Facilities*) Act, 1926, and shall be construed as one with the Wireless Telegraphy Acts, 1904 to 1925, and those Acts and this Act may be cited together as the Wireless Telegraphy Acts, 1904 to 1926, and this Act may be cited with the Telegraph Acts, 1863 to 1925.

Short title and construction.

**Wireless Telegraphy
(Blind Persons
Facilities).**

A

B I L L

INTITLED

An Act to facilitate the use of wireless
telegraphy by the blind.

(Brought from the Commons 18th November 1926.)

Ordered to be printed 18th November 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased directly from
H.M. STATIONERY OFFICE at the following addresses:
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[*Price 1d. Net.*]]

(172)



Wireless Telegraphy (Blind Persons Facilities) Bill.

A M E N D M E N T S

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

BY

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

Clause 2, page 1, line 17, after (“ by ”) insert (“ or
“ under the authority of ”)
line 20, at end insert (“ The
“ expenses incurred by a council under this section shall
“ be defrayed in the case of a county council out of the
“ county fund as expenses for general county purposes
“ and in the case of a county borough council out of the
“ borough fund or borough rate.”)

(172 a)

**Wireless Telegraphy
(Blind Persons
Facilities) Bill.**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD MONK BRETTON.

25th November 1926.

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

To be purchased directly from
H. K. STATIONERY OFFICE at the following addresses :
Ainslie 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 1d. Net.*]

(172 a)

Wireless Telegraphy (Blind Persons Facilities) Bill.

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 W I G A N (*E. Crawford*).

Clause 2, page 1, line 20, at end insert (“ This
“ section shall apply to the City of London as if it were
“ a county borough and the Common Council were the
“ council of a county borough and the general rate were
“ the borough fund or rate.”)

(172 b)

**Wireless Telegraphy
(Blind Persons
Facilities) Bill.**

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD WIGAN (*E. Crawford*).

26th November 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

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(172b)

Wireless Telegraphy (Blind Persons Facilities) Bill.

MARSHALLED LIST

OF

AMENDMENTS

TO BE MOVED IN COMMITTEE.

[*The Amendment marked * has not been previously
circulated.*]

Clause 2.

BY THE LORD MONK BRETTON.

Page 1, line 17, after (“by”) insert (“or under the
“ authority of”)

line 20, at end insert (“The expenses
“ incurred by a council under this section shall be
“ defrayed in the case of a county council out of the
“ county fund as expenses for general county purposes
“ and in the case of a county borough council out of the
“ borough fund or borough rate.”)

BY THE LORD WIGAN (*E. Crawford*).

Page 1, line 20, at end insert (“This section shall
“ apply to the City of London as if it were a county
“ borough and the Common Council were the council of
“ a county borough and the general rate were the
“ borough fund or rate.”)

BY THE EARL OF LUCAN.

* Page 1, line 20, at end insert the following new
subsection :

(“ () In the application of this section to Scotland
“ ‘county borough’ has the same meaning as in the
“ Blind Persons Act, 1920.”)

(172 **)

Wireless Telegraphy [16 & 17 GEO. 5.]
(*Blind Persons Facilities*).

A.D. 1926. rate. This section shall apply to the City of London as if it were a county borough and the Common Council were the council of a county borough and the general rate were the borough fund or rate.

(2) In the application of this section to Scotland "county borough" has the same meaning as in the Blind Persons Act, 1920.

Short title
and con-
struction.

3. This Act may be cited as the Wireless Telegraphy (Blind Persons Facilities) Act, 1926, and shall be construed as one with the Wireless Telegraphy Acts, 1904 to 1925, and those Acts and this Act may be cited together as the Wireless Telegraphy Acts, 1904 to 1926, and this Act may be cited with the Telegraph Acts, 1863 to 1925.

**Wireless Telegraphy
(Blind Persons
Facilities).**

A

B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act to facilitate the use of wireless
telegraphy by the blind.

(*Brought from the Commons 18th November 1926.*)

Ordered to be printed 6th December 1926.

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

To be purchased directly from
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Printers to the King's most Excellent Majesty.

[*Price 1d. Net.*]

(195)

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to facilitate the use of wireless telegraphy
by the blind. 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. Where a person satisfies the Postmaster-General
that he is a blind person within the meaning of this
Act a licence to establish, maintain, and work a wireless
telegraph station for the purpose of receiving messages
) only may be granted to him by the Postmaster-General,
subject to such terms, conditions, and restrictions as the
Postmaster-General may think fit, but without payment
of any fee.

Licences to
blind per-
sons for the
purpose of
receiving
wireless
messages.

2.—(1) For the purpose of this Act a blind person
shall mean any person (not being resident in a public
or charitable institution or in a school) who produces
to the Postmaster-General a certificate issued by or
under the authority of the council of the county or
of the county borough in which he is ordinarily resident
that he is registered as a blind person in the area of the
county or county borough. The expenses incurred by a
council under this section shall be defrayed in the case
of a county council out of the county fund as expenses
for general county purposes and in the case of a county
borough council out of the borough fund or borough

Definition.

Wireless Telegraphy [16 & 17 GEO. 5.]
(*Blind Persons Facilities*).

A.D. 1926. rate. This section shall apply to the City of London as if it were a county borough and the Common Council were the council of a county borough and the general rate were the borough fund or rate.

(2) In the application of this section to Scotland "county borough" has the same meaning as in the Blind Persons Act, 1920, and the expenses incurred by a county or town council under this Act shall be defrayed in like manner as expenses under the said Act.

Short title and construction.

3. This Act may be cited as the Wireless Telegraphy (Blind Persons Facilities) Act, 1926, and shall be construed as one with the Wireless Telegraphy Acts, 1904 to 1925, and those Acts and this Act may be cited together as the Wireless Telegraphy Acts, 1904 to 1926, and this Act may be cited with the Telegraph Acts, 1863 to 1925.

**Wireless Telegraphy
(Blind Persons
Facilities).**

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to facilitate the use of wireless telegraphy by the blind.

(*Brought from the Commons 18th November 1926.*)

Ordered to be printed 10th December 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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[*Price 1d. Net.*]

205)

A

B I L L

INTITULED

An Act to amend subsection (2) of section eleven of the Workmen's Compensation Act, 1925. 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. In subsection (2) of section eleven of the Workmen's Compensation Act, 1925 (which relates to reviews of weekly payments to workmen who were at the date of the accident under twenty-one years of age) for the
10 words "and before the workman attains the age of " twenty-one years " there shall be substituted the words "and the application for the review is made " before or within six months after the workman attains " the age of twenty-one years." Amendment of 15 & 16 Geo. 5. c. 84. s. 11 (2).

2. This Act may be cited as the Workmen's Compensation Act, 1926, and the Workmen's Compensation Act, 1925, and this Act may be cited together as the Workmen's Compensation Acts, 1925 and 1926. Short title.

**WORKMEN'S
Compensation (No. 2).**

A

B I L L

INTITLED

An Act to amend subsection (2) of section eleven of the Workmen's Compensation Act, 1925.

(Brought from the Commons 22nd November 1926.)

Ordered to be printed 22nd November 1926.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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(174)

Wireless Telegraphy (Blind Persons Facilities) Bill.

A M E N D M E N T

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

B Y

T H E D U K E O F S U T H E R L A N D .

Clause 2, page 2, line 7, at end insert (“and the
“ expenses incurred by a county or town council under
“ this Act shall be defrayed in like manner as expenses
“ under the said Act.”)

(195 a)

Wireless Telegraphy
(Blind Persons
Facilities) Bill.

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE DUKE OF SUTHERLAND.

9th December 1926.

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

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(195 a)



