



Bodleian Libraries

UNIVERSITY OF OXFORD

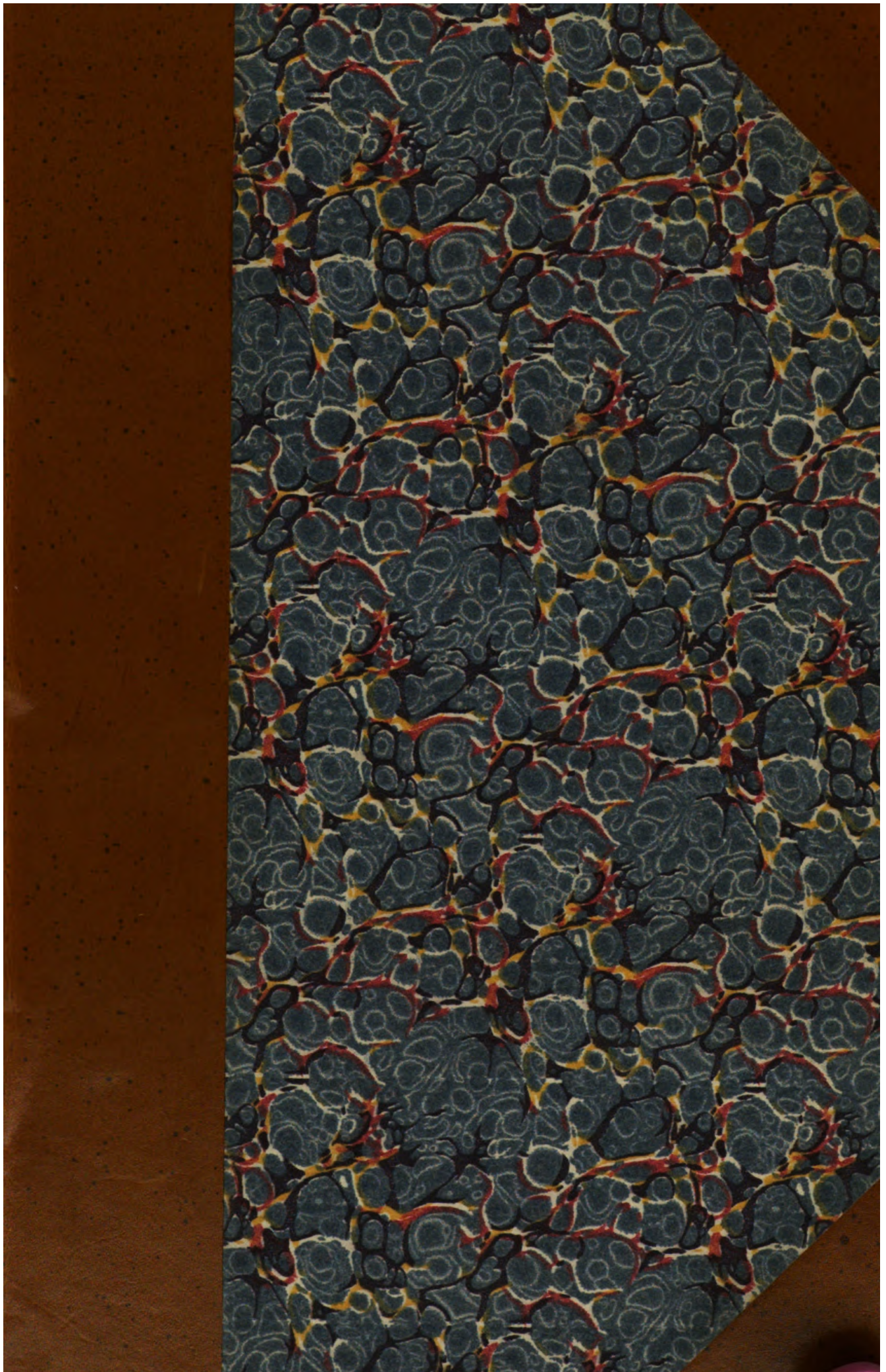
This book is part of the collection held by the Bodleian Libraries and scanned by Google, Inc. for the Google Books Library Project.

For more information see:

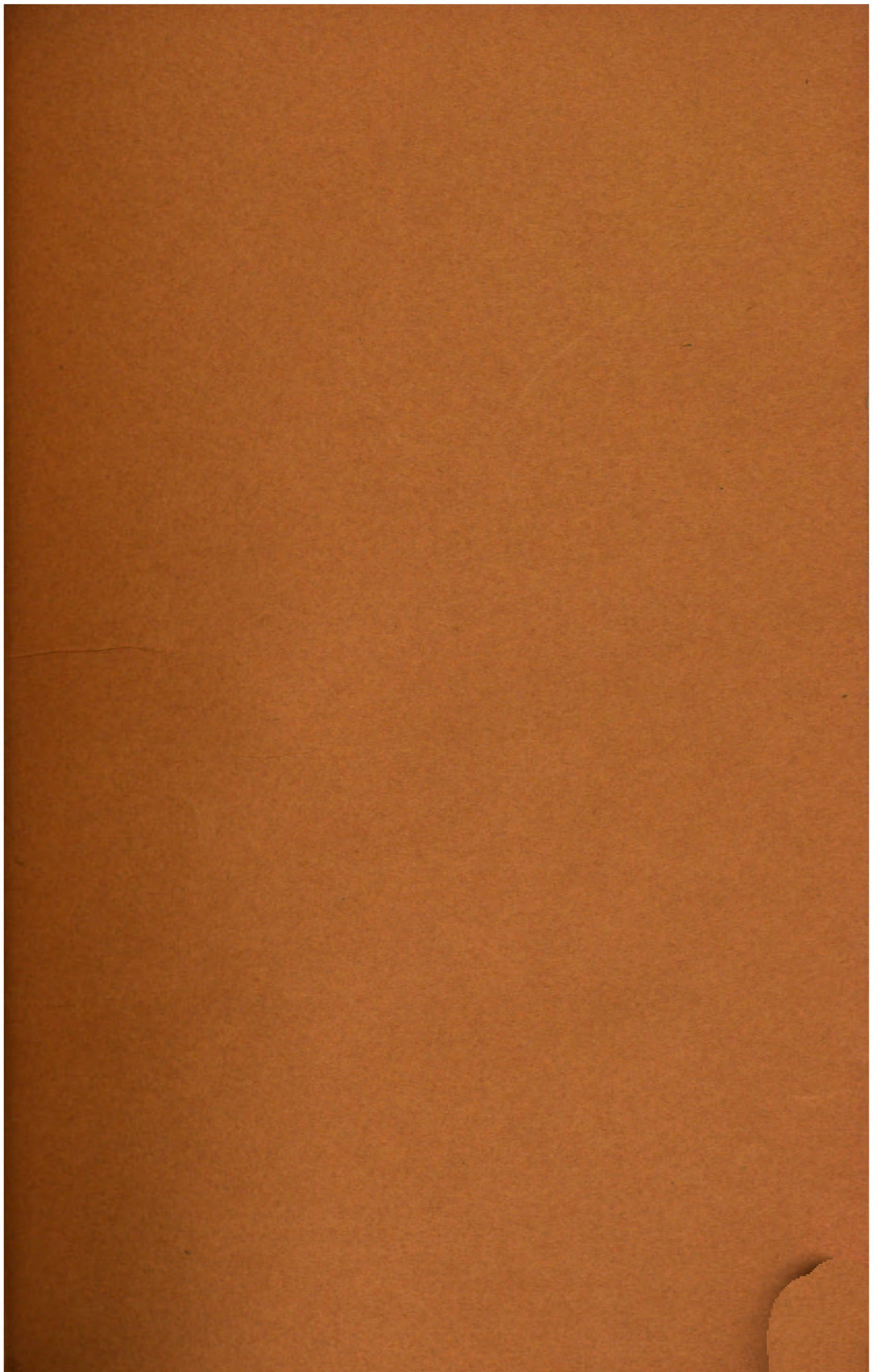
<http://www.bodleian.ox.ac.uk/dbooks>



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 2.0 UK: England & Wales (CC BY-NC-SA 2.0) licence.



Pp. Eng. Lords 1954/55
2







SESSIONAL PAPERS
PRINTED BY ORDER
OF
THE HOUSE OF LORDS
IN THE
Session 1954-55
(3 & 4 ELIZABETH II)
ARRANGED IN THREE VOLUMES

VOL. II

PUBLIC BILLS

Two Volumes

THE SUBJECTS ALPHABETICALLY ARRANGED

IMP - - - WIR

*(A List of Bills will be found in the General Table of Contents
prefixed to Vol. 1.)*

1954-55



A
B I L L

INTITULED

An Act to amend the law relating to the Board of Trustees of the Imperial War Museum, and to extend their powers of lending objects belonging to the Museum. A.D. 1955

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

5 **1.**—(1) For paragraph (1) of the Schedule to the Imperial War Museum Act, 1920 (which relates to the membership of the Board of Trustees of that Museum), there shall be substituted the paragraph set out in the Schedule to this Act. Constitution of Board of Trustees of Imperial War Museum.

(2) Her Majesty may from time to time by Order in Council 10 & 11 Geo. 5. c. 16.
10 make further provision with respect to the membership of the said Board, and vary the said paragraph (1) or any previous Order in Council made under this section.

(3) A draft of any Order in Council under this section shall be laid before each House of Parliament.

15 (4) This section shall come into force on the first day of January, nineteen hundred and fifty-six.

2.—(1) The said Board shall have power with the consent of the Treasury to lend any objects belonging to the Imperial War Museum— Power of lending.

20 (a) for public exhibition in the United Kingdom or elsewhere, or

(b) to any Government Department or other authority or institution in the United Kingdom or elsewhere.

(29)

- A.D. 1955 (2) The Board shall give special consideration to any application for a loan—
- (a) for public exhibition, or
 - (b) for display in any permanent headquarters or other establishment belonging to the armed forces of the Crown. 5
- (3) A loan under this section shall be made on such terms and subject to such conditions as the Board may think fit, and any loan made for display in a building for the furnishing of which the Minister of Works is responsible shall be effected through that Minister. 10
- (4) In the case of an object which has been given or bequeathed to the Museum, the powers conferred by this section shall not be exercisable—
- (a) until fifteen years have elapsed since the date of the gift or bequest, unless the donor or his personal representatives, or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers; or 15
 - (b) in any manner inconsistent with any condition attached to the gift or bequest unless either twenty-five years have elapsed since the said date, or the donor or his personal representatives, or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers in that manner. 20 25
- (5) Paragraph (e) of section two of the Imperial War Museum Act, 1920 (which confers powers of lending superseded by this section), is hereby repealed.

Short title
and citation.

3. This Act may be cited as the Imperial War Museum Act, 1955, and the Imperial War Museum Act, 1920, and this Act may be cited together as the Imperial War Museum Acts, 1920 and 1955. 30

SCHEDULE

A.D. 1955
Section 1.CONSTITUTION OF BOARD OF TRUSTEES OF
IMPERIAL WAR MUSEUM

(1) The Board shall consist of a President and twenty-five other members of whom one shall be the Director and Principal Librarian of the British Museum and the remainder shall be appointed as shown in the following Table:—

	Number of members appointed	Appointing authority
10	9	The Treasury
	1	The Admiralty
	1	The Secretary of State for War
	1	The Secretary of State for Air
	1	The Secretary of State for Commonwealth Relations
15	1	The Secretary of State for the Colonies
	1	The Minister of Education
	1	The Minister of Works
	1	The Government of Canada
20	1	The Government of Australia
	1	The Government of New Zealand
	1	The Government of the Union of South Africa.
	1	The Government of India
25	1	The Government of Pakistan
	1	The Government of Ceylon
	1	The Government of the Federation of Rhodesia and Nyasaland

Imperial War Museum

A

B I L L

INTITLED

An Act to amend the law relating to the Board of Trustees of the Imperial War Museum, and to extend their powers of lending objects belonging to the Museum.

Brought from the Commons 8th March 1955

Ordered to be printed 8th March 1955

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

(29)

38026

A

B I L L

INTITULED

An Act to provide for confirming resolutions of the Court of Tynwald with respect to customs duties in the Isle of Man and to authorise the Court of Tynwald to carry out any agreement made with the Government of the United Kingdom as to the payment into the Exchequer of any of the proceeds of those duties. A.D. 1955

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

- 5 1.—(1) If the Court of Tynwald in the Isle of Man— Confirmation
of Tynwald
resolutions.
- (a) pass any resolution concerning the duties of customs chargeable on goods removed or imported into the Isle of Man, and
- (b) further resolve that it is expedient that the resolution
- 10 should, if confirmed under this Act, take effect as part of the law concerning those duties,

the resolution shall, if confirmed by Her Majesty by Order in Council, thereafter have effect as if it were contained in an Act of Parliament.

- 15 (2) The references in section two of the Isle of Man (Customs) Act, 1887 (which relates to the provisional imposition of customs duties), to an Act of Parliament shall include references to a resolution confirmed under this Act, and the reference in paragraph (b) thereof to confirmation by Parliament shall be construed
- 20 accordingly.

- A.D. 1955 (3) A resolution confirmed under this Act may in particular—
- (a) impose, abolish or vary any duty of customs in the Isle of Man, and
 - (b) contain provisions having retrospective effect and provisions for the delegation of the powers exercisable by such a resolution. 5
- (4) An Order in Council under this Act shall be laid before Parliament.

Removal of certain restrictions on disposition of proceeds of customs duties. 29 & 30 Vict. c. 23.

2. Nothing in the Isle of Man Customs, Harbours and Public Purposes Act, 1866, shall be construed as preventing the Court of Tynwald in the Isle of Man from making such provision as may have been agreed with Her Majesty's Government in the United Kingdom for the payment into the Exchequer of the United Kingdom of any of the proceeds of duties of customs available for defraying expenditure in the Isle of Man. 15

Short title.

3. This Act may be cited as the Isle of Man (Customs) Act, 1955.

Isle of Man (Customs)

A

B I L L

INTITULED

An Act to provide for confirming resolutions of the Court of Tynwald with respect to customs duties in the Isle of Man and to authorise the Court of Tynwald to carry out any agreement made with the Government of the United Kingdom as to the payment into the Exchequer of any of the proceeds of those duties.

Brought from the Commons 30th March 1955

Ordered to be printed 30th March 1955

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 2d. net

(42)

(38119)

National Insurance Bill

MEMORANDUM

The main provisions of the Bill are summarised in the Memorandum (Cmd. 9338) presented with the Bill, and the financial provisions are explained in detail in the Government Actuary's Report (Cmd. 9332).

National Insurance Bill

ARRANGEMENT OF CLAUSES

Clause

1. Higher rates, etc., of contributions and benefit under Industrial Injuries Act.
2. Higher rates, etc., of contributions and benefit under National Insurance Act, 1946, and additional contributions from Exchequer.
3. Consequential amendments.
4. Supplementary provisions as to certain classes of persons.
5. Provisions as to appointed day.
6. Effect of awards made before, or in respect of the period beginning before, appointed or prescribed day.
7. Special transitional provisions as to maternity grant and home confinement grant.
8. Expenses.
9. Regulations.
10. Short title, construction, citation and extent.

SCHEDULES:

First Schedule—Table to be substituted in Part I of Second Schedule to Industrial Injuries Act.

Second Schedule—Amendments of Benefit Provisions of Industrial Injuries Act.

Third Schedule—Provisions to be substituted in First Schedule to National Insurance Act, 1946.

Contribution Rates.

Part I—Employed Persons.

Part II—Employers.

Part III—Self-Employed Persons.

Part IV—Non-Employed Persons.

Part V—Exchequer Supplement.

Fourth Schedule—Provisions to be substituted in Second Schedule to National Insurance Act, 1946.

Part I—Rates of Periodical Benefits and of Increases for Dependants.

Part II—Amount of Grants.

Fifth Schedule—Consequential Amendments of Industrial Injuries Act, National Insurance Act, 1946, National Insurance Act, 1951, and National Insurance Act, 1953.

A

B I L L

INTITULED

An Act to increase contributions and benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1953, and the National Insurance Acts, 1946 to 1953, and for purposes^{as} connected with the matters aforesaid. A.D. 1954

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

5 1.—(1) In Part I of the Second Schedule to the National Insurance (Industrial Injuries) Act, 1946 (hereafter in this Act referred to as “the Industrial Injuries Act”), the table of rates of contributions set out in the First Schedule to this Act shall be substituted, as from the appointed day, for the table of rates of contributions set out in the First Schedule to the Family Allowances and National Insurance Act, 1952. Higher rates,
etc., of
contributions
and benefit
under
Industrial
Injuries Act.

(2) The provisions of the Industrial Injuries Act specified in the first column of the Second Schedule to this Act (which relate to the rates and amounts of benefit described in the second column of that Schedule) shall be amended, as from the appointed day, by substituting for the words and figures set out in the third column of that Schedule the corresponding words and figures set out in the fourth column thereof.

A.D. 1954
Higher rates,
etc., of
contributions
and benefit
under National
Insurance
Act, 1946,
and additional
contributions
from
Exchequer.

2.—(1) In the First Schedule to the National Insurance Act, 1946, the provisions set out in the Third Schedule to this Act (which relate to weekly rates of contributions payable by insured persons and employers and the amounts of the Exchequer supplement) shall be substituted, as from the appointed day, for the provisions set out in the Third Schedule to the Family Allowances and National Insurance Act, 1952. 5

(2) In the National Insurance Act, 1946, the provisions set out in the Fourth Schedule to this Act (which relate to rates and amounts of benefit) shall be substituted, as from the appointed day, for the provisions set out in the Second Schedule to that Act as amended by the Family Allowances and National Insurance Act, 1952, and the National Insurance Act, 1953. 10

(3) The following contributions (additional to the Exchequer supplements) shall, in such manner and at such times as the Treasury may determine, be paid into the National Insurance Fund out of moneys provided by Parliament, namely— 15

(a) in respect of the period of five years beginning with the first day of April, nineteen hundred and fifty-five, such sums as the Treasury may determine not exceeding in all three hundred and twenty-five million pounds; 20

(b) in respect of any subsequent period, such sums as Parliament may hereafter determine.

Consequential
amendments.

3. The provisions of the Industrial Injuries Act, the National Insurance Act, 1946, the National Insurance Act, 1951, and the National Insurance Act, 1953, specified in the first column of the Fifth Schedule to this Act shall have effect, as from the appointed day, subject to the amendments specified in the second column of that Schedule, being amendments consequential on the amendments made by the preceding provisions of this Act. 25 30

Supplementary
provisions
as to certain
classes of
persons.

4.—(1) Without prejudice to the generality of any power to make regulations under the National Insurance Act, 1946, and to the construction as one with that Act of the provisions of this Act relating thereto—

(a) the power conferred by subsection (2) of section sixty-five of the National Insurance Act, 1946, to prescribe modifications of, and additions and exceptions to, the foregoing provisions of that Act, in relation to existing contributors and existing beneficiaries, shall include power to prescribe, in relation to them, modifications of, and additions and exceptions to, any provisions of 35 40

A.D. 1954

this Act relating to that Act, and such further modifications of, and additions and exceptions to, the foregoing provisions of the National Insurance Act, 1946, as may appear to the Minister to be necessary or expedient in consequence of any provision of this Act relating to that Act;

(b) the reference in subsection (2) of section seventy-one of the National Insurance Act, 1946 (which confers power to modify the foregoing sections of that Act in relation to any entrants who are over school leaving age on the appointed day within the meaning of that Act), to the foregoing sections of that Act shall include a reference to any provision of this Act relating to that Act;

(c) the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make provision by regulations for the modifying or winding up, in connection with the passing of that Act, of certain schemes shall include power to make such further provision therefor as appears to the authority by whom the power is exercisable to be necessary or expedient in consequence of any provision of this Act relating to that Act.

(2) Nothing in the provisions of this Act relating to retirement pensions shall be taken as affecting the provisions of section seventy-four of the National Insurance Act, 1946, relating to non-contributory pensions.

5.—(1) In this Act the expression “ the appointed day ” means, subject to the following provisions of this section, such day as the Minister may by order appoint, and different days may be appointed for different purposes of this Act or for the same purpose in relation to different cases or classes of case. Provisions as to appointed day.

(2) Any order under this section may, if the day thereby appointed is appointed for some only of the purposes of this Act or in relation only to some cases or classes of case, contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when this Act is to have a partial operation only and, in particular, provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions of this Act or any Act amended by this Act.

(3) The power to make orders under this section shall be exercisable by statutory instrument and shall include power to vary or revoke any order so made by a subsequent order.

A.D. 1954
Effect of
awards made
before, or
in respect
of the period
beginning
before,
appointed or
prescribed
day.

6.—(1) Except in such cases as may be prescribed by regulations made by the Minister, and subject to such conditions as may be so prescribed, where an award of any benefit under the Industrial Injuries Act, or the National Insurance Act, 1946, is in force on the day appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of this Act or any regulations made in consequence of this Act, the benefit shall, without any claim being made therefor, become payable, as from that day, at the higher weekly rate, and the award shall have effect accordingly. 5 10

(2) Where any such award as aforesaid—

(a) is made after a day has been appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate, or within a higher maximum weekly rate, by virtue of this Act or any regulations made in consequence of this Act; and 15

(b) is made before that day,

the award may provide for the benefit to be paid, as from that day, at the higher weekly rate or, as the case may be, at any weekly rate within the higher maximum rate. 20

(3) The powers to make regulations under the preceding provisions of this section shall be exercised separately in relation to the Industrial Injuries Act and the National Insurance Act, 1946.

(4) Any regulations made in consequence of this Act varying the scale of disablement gratuities prescribed under subsection (6) of section twelve of the Industrial Injuries Act may provide that the scale as varied shall only apply in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed. 25 30

Special
transitional
provisions as
to maternity
grant and
home
confinement
grant.

7. Nothing in this Act shall affect the amount—

(a) of a maternity grant or home confinement grant in respect of a confinement occurring before the appointed day; or 35

(b) subject to the provisions of this section, of any maternity grant to which a woman has become entitled before the appointed day by virtue of regulations made under subsection (4) of section fourteen of the National Insurance Act, 1946, as set out in the First Schedule to the National Insurance Act, 1953: 40

Provided that regulations made by the Minister may provide for increasing to ten pounds the amount of a maternity grant to which a woman has become entitled before the appointed day

(whether payment has already been made or not) if the confinement in question has not occurred before the appointed day and her pregnancy has not been otherwise terminated before that day. A.D. 1954

5 **8.** There shall be defrayed out of moneys provided by Parliament any increase in the sums payable out of moneys so provided under— Expenses.

(a) paragraph (b) of section two or subsection (1) of section sixty of the Industrial Injuries Act; or

10 (b) subsection (3) of section two of the National Insurance Act, 1946 (as amended by section one of the National Insurance Act, 1951), or subsection (1) of section thirty-eight of the National Insurance Act, 1946,

which is attributable to any provision made by this Act for increasing any rates or amounts of contributions or benefits under the Industrial Injuries Act or the National Insurance Act, 1946.

9. For the purposes—

Regulations.

(a) of any provision of the Industrial Injuries Act relating to regulations under the Industrial Injuries Act;

20 (b) of any provision of the National Insurance Act, 1946, relating to regulations under the National Insurance Act, 1946; and

(c) of the Statutory Instruments Act, 1946,

regulations under this Act relating to the Industrial Injuries Act shall be treated as regulations under the Industrial Injuries Act and regulations under this Act relating to the National Insurance Act, 1946, shall be treated as regulations under the National Insurance Act, 1946.

30 **10.—**(1) This Act may be cited as the National Insurance Act, 1954. Short title, construction, citation and extent.

(2) This Act—

35 (a) so far as it relates to the Industrial Injuries Act, shall be construed as one with that Act and may be cited together with the National Insurance (Industrial Injuries) Acts, 1946 to 1953, as the National Insurance (Industrial Injuries) Acts, 1946 to 1954; and

(b) so far as it relates to the National Insurance Act, 1946, shall be construed as one with that Act and may be cited together with the National Insurance Acts, 1946 to 1953, as the National Insurance Acts, 1946 to 1954.

40 (3) Without prejudice to the operation, in relation to any matters arising out of this Act, of any provision relating to Northern Ireland of the Industrial Injuries Act or the National Insurance Act, 1946, this Act shall not extend to Northern Ireland.

A.D. 1954

SCHEDULES

Section 1.

FIRST SCHEDULE

TABLE TO BE SUBSTITUTED IN PART I OF SECOND SCHEDULE TO
INDUSTRIAL INJURIES ACT

WEEKLY RATES OF CONTRIBUTIONS PAYABLE BY
INSURED PERSONS AND EMPLOYERS

5

Class of insured person to whom rate applies	Weekly rate of contribution		10
	By the insured person	By the employer	
Men over the age of eighteen ...	5d.	6d.	
Women over the age of eighteen ...	3d.	4d.	
Boys under the age of eighteen ...	3d.	3d.	
Girls under the age of eighteen ...	2d.	2d.	15

Section 1.

SECOND SCHEDULE

AMENDMENTS OF BENEFIT PROVISIONS OF INDUSTRIAL INJURIES ACT

(The references to the various provisions are, except in the case of section 14 (1), references to those provisions as amended by the Second Schedule to the Family Allowances and National Insurance 20 Act, 1952, and any other enactments specifically mentioned)

Provision of the 1946 Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount	
Section 11 (3)	Weekly rates of injury benefit— (a) for beneficiaries over 18 or with dependants, (b) for beneficiaries between 17 and 18 without dependants, (c) for beneficiaries under 17 without dependants.	fifty-five shillings	sixty-seven shillings and sixpence	25
		forty-one shillings and threepence	fifty shillings and eightpence	30
		twenty-seven shillings and sixpence	thirty-three shillings and ninepence	35
Section 12 (6)	Maximum amount of disablement gratuity for disablement of less than twenty per cent.	one hundred and eighty-five pounds	two hundred and twenty-five pounds	40

Provision of the 1946 Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
5	Third Schedule (applied by s. 12 (7))		
	Weekly rates of disablement pension for degrees of disablement of—		
	100 per cent. ...	55 shillings	67 shillings and 6 pence
10	90 per cent. ...	49 shillings and 6 pence	60 shillings and 9 pence
	80 per cent. ...	44 shillings	54 shillings
	70 per cent. ...	38 shillings and 6 pence	47 shillings and 3 pence
15	60 per cent. ...	33 shillings	40 shillings and 6 pence
	50 per cent. ...	27 shillings and 6 pence	33 shillings and 9 pence
	40 per cent. ...	22 shillings	27 shillings
20	30 per cent. ...	16 shillings and 6 pence	20 shillings and 3 pence
	20 per cent. ...	11 shillings	13 shillings and 6 pence
25	Section 13 (1)		
	Amounts by which weekly rates of disablement pension are increased on account of unemployability—		
30	(a) for beneficiaries over 18 or with dependants,	thirty-two shillings and sixpence	forty shillings
35	(b) for beneficiaries under 18 without dependants.	twenty shillings	twenty-three shillings
40	Section 14 (1) (as amended by s. 1 of National Insurance (Industrial Injuries) Act, 1948)	twenty shillings	twenty-seven shillings and sixpence
45	Section 15 (2)		
	Maximum amount of increase of weekly rate of disablement pension where constant attendance is needed—		
50	(a) in cases other than those of exceptionally severe disablement,	twenty-five shillings	thirty shillings
55	(b) in cases of exceptionally severe disablement.	fifty shillings	sixty shillings

A.D. 1954
2ND SCH.
—cont.

A.D. 1954
2ND SCH.
—cont.

Provision of the 1946 Act	Description of rates and amounts of benefit	Existing rate or amount	New rate or amount
Section 17 (1) (as amended by s. 3 of National Insurance Act, 1951)	Amount of increase of weekly rates of injury benefit or (in certain cases) disablement pension— (a) in respect of only, elder or eldest child, (b) in respect of each child other than the elder or eldest.	ten shillings and sixpence	eleven shillings and sixpence
		two shillings and sixpence	three shillings and sixpence
Section 18 (1)	Amount of increase of weekly rates of injury benefit or (in certain cases) disablement pension in respect of adult dependant.	twenty-one shillings and sixpence	twenty-five shillings
Section 19 (3)	Weekly rate of widow's pension payable in circumstances specified in the subsection.	thirty-seven shillings	forty-five shillings
Section 19 (4)	Maximum higher weekly rate of widow's pension payable for prescribed period after deceased's death.	forty-two shillings and sixpence	fifty-five shillings
Section 20 (2)	Weekly rate of widower's pension.	thirty-seven shillings	forty-five shillings
Section 21 (1) (as amended by section 3 of National Insurance Act, 1951)	Weekly rate of death benefit— (a) in respect of only, elder or eldest child, (b) in respect of each child other than the elder or eldest.	ten shillings and sixpence	eleven shillings and sixpence
		two shillings and sixpence	three shillings and sixpence

A.D. 1954
Section 2.

THIRD SCHEDULE

PROVISIONS TO BE SUBSTITUTED IN FIRST SCHEDULE TO NATIONAL
INSURANCE ACT, 1946

CONTRIBUTION RATES

5

PART I

EMPLOYED PERSONS

	Description of employed person	Weekly Rate of Contribution	
		s.	d.
10	Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)—		
	Earning remuneration at a weekly rate exceeding 30s.	6	4
15	Earning remuneration at a weekly rate of 30s. or less	3	8
	Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)—		
20	Earning remuneration at a weekly rate exceeding 30s.	5	3
	Earning remuneration at a weekly rate of 30s. or less	3	1
	Boys under the age of 18	3	8
	Girls under the age of 18	3	1

25 For the purpose of this Part and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of thirty shillings or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration does not exceed thirty shillings a week, and to be earning
30 remuneration at a weekly rate exceeding thirty shillings in any other case.

A.D. 1954
3RD SCH.
—cont.

PART II
EMPLOYERS

Description of employed person	Weekly Rate of Contribution		
	s.	d.	
Men over the age of 18—			
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person	5	6	5
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person	8	2	10
Women over the age of 18—			
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person	4	7	15
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person	6	9	
Boys under the age of 18	3	3	
Girls under the age of 18	2	8	20

For the purpose of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III
SELF-EMPLOYED PERSONS

25

Description of self-employed person	Weekly Rate of Contribution		
	s.	d.	
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)	8	5	30
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)	7	2	
Boys under the age of 18	4	10	35
Girls under the age of 18	4	3	

A.D. 1954
3RD SCH.
—cont.

PART IV
NON-EMPLOYED PERSONS

Description of non-employed person	Weekly Rate of Contribution	
	s.	d.
5 Men between the ages of 18 and 65	6	6
Women between the ages of 18 and 60	5	2
Boys under the age of 18	3	9
Girls under the age of 18	3	1

PART V

10

EXCHEQUER SUPPLEMENT

Description of person by or in respect of whom contribution is paid	Amount of Supplement			
	For contribution as employed person	For employer's contribution	For contribution as self-employed person	For contribution as non-employed person
15 Men over the age of 18	d. 11	d. 11	s. d. 2 6	s. d. 1 10
Women over the age of 18	9	9	2 2	1 6
Boys under the age of 18	6	6	1 5½	1 1
25 Girls under the age of 18	5	5	1 3	10½

A.D. 1954
Section 2.

FOURTH SCHEDULE

PROVISIONS TO BE SUBSTITUTED IN SECOND SCHEDULE TO NATIONAL
INSURANCE ACT, 1946

PART I

RATES OF PERIODICAL BENEFITS AND OF INCREASES FOR DEPENDANTS 5

Description of benefit	Weekly rate		Increase for only child or elder or eldest child (where payable)		Increase for each additional child (where payable)		Increase for adult dependant (where payable)		10
	s.	d.	s.	d.	s.	d.	s.	d.	
1. Unemployment benefit—									15
(a) in the case of a person over the age of eighteen, not being a married woman	40	0	11	6	3	6	25	0	
(b) in the case of a person under the age of eighteen, not being a married woman—									20
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant	40	0	11	6	3	6	25	0	25
(ii) during any other period	23	0	—		—		—		
(c) in the case of a married woman over the age of eighteen—									30
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband	40	0	11	6	3	6	25	0	35
(ii) during any other period	30	0	11	6	3	6	25	0	40
(d) in the case of a married woman under the age of eighteen—									
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband	40	0	11	6	3	6	25	0	45
									50
									55
	40	0	11	6	3	6	25	0	

A.D. 1954
4TH SCH.
—cont.

5	Description of benefit	Weekly rate	Increase for only child or elder or eldest child (where payable)	Increase for each additional child (where payable)	Increase for adult dependant (where payable)
		s. d.	s. d.	s. d.	s. d.
10	(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant				
15	(iii) during any other period	30 0	11 6	3 6	25 0
	2. Sickness benefit—	23 0	—	—	—
20	(a) in the case of a person over the age of eighteen, not being a married woman	40 0	11 6	3 6	25 0
	(b) in the case of a person under the age of eighteen, not being a married woman—				
25	(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant	40 0	11 6	3 6	25 0
30	(ii) during any other period	23 0	—	—	—
	(c) in the case of a married woman over the age of eighteen—				
35	(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband	40 0	11 6	3 6	25 0
40	(ii) during any other period	25 0	11 6	3 6	25 0
	(d) in the case of a married woman under the age of eight—				
45	(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband	40 0	11 6	3 6	25 0
50					
55					

A.D. 1954
4TH SCH.
—cont.

Description of benefit	Weekly rate		Increase for only child or elder or eldest child (where payable)		Increase for each additional child (where payable)		Increase for adult dependant (where payable)		5
	s.	d.	s.	d.	s.	d.	s.	d.	
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant									10
(iii) during any other period	25	0	11	6	3	6	25	0	15
3. Maternity allowance ...	40	0	11	6	3	6	25	0	
4. Widow's allowance	55	0	11	6	3	6	—	—	
5. Widowed mother's allowance	51	6	—	—	3	6	—	—	
6. Widow's pension	40	0	—	—	—	—	—	—	20
7. Guardian's allowance ...	18	0	—	—	—	—	—	—	
8. Retirement pension—									
(a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive	25	0	11	6	3	6	—	—	25
(b) in any other case	40	0	11	6	3	6	25	0	

Note.—The increases of maternity allowance specified in the third, fourth and fifth columns above apply only in so far as provided for by regulations under section eight of the National Insurance Act, 1953. 30

PART II

AMOUNT OF GRANTS

Description of Grant	Amount			
	£	s.	d.	
1. Maternity grant	10	0	0	35
2. Home confinement grant	4	0	0	
3. Death grant, where the person in respect of whose death the grant is paid was at his death—				
(a) under the age of three... ..	6	0	0	
(b) between the ages of three and six	10	0	0	40
(c) between the ages of six and eighteen	15	0	0	
(d) over the age of eighteen	20	0	0	

FIFTH SCHEDULE

A.D. 1954

Section 3.

CONSEQUENTIAL AMENDMENTS OF INDUSTRIAL INJURIES ACT, NATIONAL
INSURANCE ACT, 1946, NATIONAL INSURANCE ACT, 1951, AND
NATIONAL INSURANCE ACT, 1953

5	Amended Provision	Amendment
10	Industrial Injuries Act— Section 14	In subsection (3) (as set out in the Schedule to the National Insurance (Industrial Injuries) Act, 1948 and amended by the Fifth Schedule to the Family Allowances and National Insurance Act, 1952), for the words “ fifty-five shillings ” there shall be substituted the words “ sixty-seven shillings and sixpence ”.
15	Section 29	In paragraph (a) of subsection (1) (as amended by the National Insurance (Industrial Injuries) Act, 1948 and the said Fifth Schedule) for the words “ fifty-five shillings ” in both places where those words occur, there shall be substituted the words “ sixty-seven shillings and sixpence ”; for the words “ forty-one shillings and threepence ” there shall be substituted the words “ fifty shillings and eightpence ”; and for the words “ twenty-seven shillings and sixpence ” there shall be substituted the words “ thirty-three shillings and ninepence ”.
20	Section 30	In subsection (2) (as amended by the Schedule to the National Insurance Act, 1951 and the said Fifth Schedule) for the words “ ten shillings and sixpence ” there shall be substituted the words “ eleven shillings and sixpence ”.
25	Fourth Schedule	In paragraph 1 (as amended by the Schedule to the National Insurance Act, 1951, and the said Fifth Schedule), in sub-paragraph (1) for the words “ ten shillings and sixpence ” and the words “ two shillings and sixpence ” there shall be substituted respectively the words “ eleven shillings and sixpence ” and the words “ three shillings and sixpence ”, and in sub-paragraph (2) for the words “ ten shillings and sixpence ” there shall be substituted the words “ eleven shillings and sixpence ”.
30	National Insurance Act, 1946— Section 17	In subsection (3) (as set out in section two of the National Insurance Act, 1951 and amended by the said Fifth Schedule) for the words “ thirty-two shillings and sixpence ” there shall be substituted the words “ forty shillings ” and for the words “ forty-three shillings ” there shall be substituted the words “ fifty-one shillings and sixpence ”.
35	Section 23	In paragraph (b) of subsection (3) (as set out in the Schedule to the National Insurance Act, 1951 and amended by the said Fifth Schedule) for the words “ ten shillings and sixpence ” there shall be substituted the words “ eleven shillings and sixpence ”, and for the words “ two shillings and sixpence ” there shall be substituted the words “ three shillings and sixpence ”.
40	National Insurance Act, 1946— Section 17	
45		
50		
55		
60		

A.D. 1954
5TH SCH.
—cont.

Amended Provision	Amendment	
Section 26	In subsection (1) (as amended by the said Fifth Schedule) for the words "thirty-two shillings and sixpence" there shall be substituted the words "forty shillings".	5
National Insurance Act, 1951— Section 2	In subsection (2) for the words "two shillings and sixpence" there shall be substituted the words "three shillings and sixpence".	10
National Insurance Act, 1953— Section 1	Subsection (2) shall cease to have effect.	
Section 4	Subsection (2) shall cease to have effect.	
Section 6	Subsection (2) shall cease to have effect.	15
Section 8	In subsection (3) for the words "ten shillings and sixpence" there shall be substituted the words "eleven shillings and sixpence", for the words "two shillings and sixpence" there shall be substituted the words "three shillings and sixpence", and for the words "twenty-one shillings and sixpence" there shall be substituted the words "twenty-five shillings".	20
Second Schedule ...	Regulations under paragraph 8 may provide that, in such circumstances as may be specified in the regulations, the old provisions shall have effect as if the weekly rate of the maternity allowance provided for by the Second Schedule to the National Insurance Act, 1946, had been forty shillings instead of thirty-six shillings; and, in paragraph 10, for the words "thirty-two shillings and sixpence" there shall be substituted the words "forty shillings".	25 30

Table of Statutes referred to in this Act

Short title	Session and Chapter
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
National Insurance Act, 1951	14 & 15 Geo. 6. c. 34.
Family Allowances and National Insurance Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 29.
National Insurance Act, 1953	1 & 2 Eliz. 2. c. 29.

National Insurance

A

B I L L

INTITULED

An Act to increase contributions and benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1953, and the National Insurance Acts, 1946 to 1953, and for purposes connected with the matters aforesaid.

Brought from the Commons 15th December 1954

Ordered to be printed 15th December 1954

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 9d. net

(8)

(37826)

A
B I L L

INTITULED

An Act to increase the income limit by reference to which persons may be excepted from liability to pay contributions under the National Insurance Acts, 1946 to 1954; to increase the weekly rate of remuneration by reference to which the weekly rate of such contributions payable by certain employed persons and their employers respectively falls to be determined; and for purposes connected with the matters aforesaid. A.D. 1955

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

5 **1.**—(1) Subsection (1) of section five of the principal Act (which authorises the making of regulations providing, among other things, for excepting insured persons from liability to pay contributions when their income does not exceed one hundred and four pounds a year) shall be amended as from the appointed day
10 by substituting for the words “one hundred and four pounds” the words “one hundred and fifty-six pounds”.

Amendments
as to
exceptions
from liability
for
contributions.

(2) In subsection (2) of the said section five (which provides that such regulations as aforesaid shall not provide for excepting a person as aforesaid otherwise than on that person's own application), after the word “application” there shall be inserted
15 the words “but may provide for so excepting a person with effect from any date not earlier than thirteen weeks before the date on which his application was made”.

A.D. 1955
Amendments
as to weekly
rates of
contributions.

2.—(1) In Parts I and II of the First Schedule to the principal Act (which provides, among other things, that the weekly rate of contribution of an employed person aged eighteen years or more shall be higher or, as the case may be, lower, and the weekly rate of contribution of his employer shall be lower or, as the case may be, higher, according as the weekly rate of the remuneration earned by that employed person exceeds or, as the case may be, does not exceed thirty shillings) for the expressions “30s.” and “thirty shillings” wherever they occur there shall as from the appointed day, be substituted the expressions “60s.” and “sixty shillings” respectively. 5 10

(2) In the said Part I, for the words “does not exceed” there shall be substituted the words “neither exceeds nor is deemed in accordance with regulations made under subsection (5) of section seventy-eight of this Act to exceed”. 15

Meaning of
“principal
Act” and
“appointed
day”.
9 & 10 Geo. 6.
c. 67.

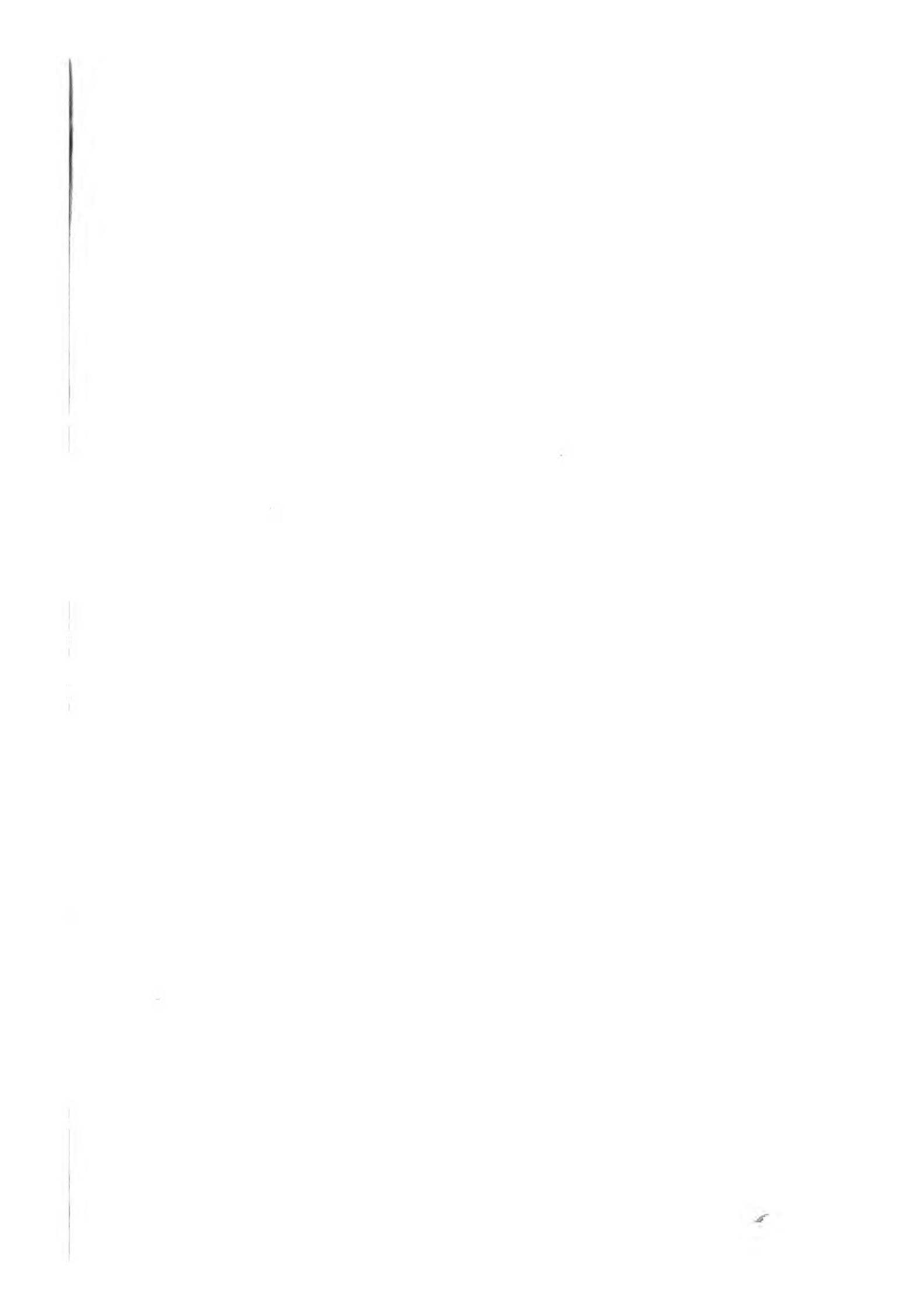
3. In this Act, the expression “the principal Act” means the National Insurance Act, 1946, as amended by any other statutory provision passed or made before the passing of this Act; and the expression “the appointed day” means such day as the Minister of Pensions and National Insurance may by order made by statutory instrument appoint. 20

Citation and
extent.

4.—(1) This Act may be cited as the National Insurance Act, 1955.

(2) This Act and the National Insurance Acts, 1946 to 1954, may be cited together as the National Insurance Acts, 1946 to 25 1955.

(3) Without prejudice to the operation in relation to any matters arising out of this Act of any provision of the National Insurance Act, 1946, relating to Northern Ireland, this Act shall not extend to Northern Ireland. 30



National Insurance (No. 2)

A

B I L L

INTITULED

An Act to increase the income limit by reference to which persons may be exempted from liability to pay contributions under the National Insurance Acts, 1946 to 1954; to increase the weekly rate of remuneration by reference to which the weekly rate of such contributions payable by certain employed persons and their employers respectively falls to be determined; and for purposes connected with the matters aforesaid.

Brought from the Commons 28th April 1955

Ordered to be printed 28th April 1955

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

(54)

(38226)

National Service Bill

EXPLANATORY MEMORANDUM

1. The object of the Bill is to extend to 36 years the present upper age-limit for liability to national service of certain men who are absent from Great Britain in the last year of their liability under the National Service Acts, 1948 to 1950. The present upper age-limit for liability is 26 years in the normal case and 30 years in the case of registered medical practitioners and dentists, both age limits being subject to extension by any period of postponement of call up on hardship grounds a person may have had.

2. The men affected are those who reach the present upper age-limit on or after 1st January, 1955, who were absent from Great Britain for not less than a total of 28 days in the last year of their liability under the National Service Acts, 1948 to 1950 and who were either liable to be called up immediately before reaching the upper age-limit or would have been so liable but for the fact that they were not then ordinarily resident in Great Britain. In the latter case, the man must have been ordinarily resident in Great Britain at some time after reaching the age of 17 years 8 months (the minimum age for compulsory registration under the National Service Act, 1948).

Men excluded from the Bill are those who, after attaining the present upper age-limit, become persons who are exempt from call up under the First Schedule to the National Service Act, 1948, or are nationals or citizens of, or domiciled in, Her Majesty's dominions outside Great Britain, or are already liable until the age of 36 because they have a liability under section 23 of the 1948 Act to complete interrupted service (Clause 1).

3. Where the Bill applies, the Minister of Labour and National Service may serve a written notice under section 8 of the 1948 Act upon the man concerned at any time up to his 36th birthday requiring him to submit himself to medical examination. Upon such a notice being served, the National Service Acts, 1948 to 1950 will apply to him as if the upper age-limit were 36, and notwithstanding that he may no longer be ordinarily resident in Great Britain. Where a man is summoned to medical examination, a document is to be sent with the notice explaining the effect of the Bill. (Clause 2).

A

B I L L

INTITULED

An Act to provide for extending the upper age-limit for liability to national service in the case of persons absent from Great Britain in the last year of their said liability, and for purposes connected with the matter aforesaid. A.D. 1955

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

- 5 1.—(1) Where a person has attained the upper age-limit for liability to national service, but had not attained it before the first day of January, nineteen hundred and fifty-five, and either— Application of Act.
- (a) he was immediately before he attained it subject to registration, or
- 10 (b) he was then not subject to registration by reason only of his not being ordinarily resident in Great Britain, but had previously been ordinarily resident therein at some time after attaining the age of seventeen years and eight months,
- 15 then if during the year ending with his attaining the said upper age-limit he was absent from Great Britain for a period of not less than twenty-eight days, or for periods which in the aggregate amounted to not less than twenty-eight days, this Act shall, subject as hereinafter provided, apply to him.
- 20 (2) This Act shall not apply—
- (a) to a person who since attaining the upper age-limit for liability to national service has become a person of any of the descriptions specified in the First Schedule to the principal Act (which specifies certain classes of persons not liable to be called up for service);
- 25

- A.D. 1955
- (b) to a person who, under the provisions of any Act in force in any part of Her Majesty's dominions outside Great Britain, is a national or citizen of that part within the meaning of that Act, or is domiciled in any such part of Her Majesty's dominions or in a British protectorate, a mandated territory, a trust territory or any other country or territory being a country or territory under Her Majesty's protection or suzerainty; 5
- (c) to a person liable to be called upon to serve by virtue of section twenty-three of the principal Act (which imposes a liability to complete interrupted service). 10

Power of Minister to extend upper age-limit of liability.

2.—(1) The Minister may cause a notice under section eight of the principal Act (which relates to medical examination) to be served on a person to whom this Act applies who has not attained the age of thirty-six years, notwithstanding his not being subject to registration; and if such a notice is served the principal Act shall thereafter apply in his case— 15

- (a) as if for references to the upper age-limit for liability to national service there were substituted references to the age of thirty-six years; 20
- (b) as if so much of that Act as makes it a condition of being liable to be called up for service that a person is ordinarily resident in Great Britain were omitted.

(2) A notice served by virtue of the last foregoing subsection shall be accompanied by a document stating that it is served by virtue of this Act and containing such information as appears to the Minister expedient for informing the person on whom it is served of the effect of this Act. 25

Expenses.

3. There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under section fifty-five of the principal Act. 30

Short title, citation, interpretation and extent.

4.—(1) This Act may be cited as the National Service Act, 1955, and the National Service Acts, 1948 to 1950, and this Act may be cited together as the National Service Acts, 1948 to 1955. 35

(2) In this Act—

“the Minister” means the Minister of Labour and National Service;

11 & 12 Geo. 6.
c. 64.

“the principal Act” means the National Service Act, 1948; 40

“the upper age-limit for liability to national service” means the age of twenty-six years, except that where under the provisions of the National Service Acts, 1948 to 1950,

relating to medical practitioners and dentists, or to postponement certificates, a later age is substituted for the age of twenty-six years the said expression means that later age; A.D. 1955

5 and other expressions used in the principal Act and this Act have the same meaning in this Act as they have in the principal Act, and in particular "Her Majesty's dominions" has the same meaning as if this Act had been passed immediately after the principal Act.

10 (3) Section fifty-eight of the principal Act (which enables that Act to be extended by Order in Council to the Isle of Man) shall apply in relation to this Act as it applies in relation to that Act.

National Service

A

B I L L

INTITLED

An Act to provide for extending the upper age-limit for liability to national service in the case of persons absent from Great Britain in the last year of their said liability, and for purposes connected with the matter aforesaid.

Brought from the Commons 23rd February 1955

Ordered to be printed 23rd February 1955

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

(21)

(37983)

New Towns Bill

EXPLANATORY MEMORANDUM

1. The New Towns Act, 1946 provided fifty million pounds, which amount was increased to one hundred million pounds by the New Towns Act, 1952, and to one hundred and fifty million pounds by the New Towns Act, 1953, for advances to development corporations in Great Britain out of sums issued from the Consolidated Fund, to enable them to defray expenditure properly chargeable to capital account, including the provision of working capital.

2. The Bill increases the aggregate amount of the advances which may be made by one hundred million pounds to a total of two hundred and fifty million pounds.

3. Expenditure amounting to one hundred and forty-three million pounds has now been approved, mainly for housing. It is expected that the total will reach one hundred and fifty million pounds shortly. By reason, however, of the fact that many schemes for which approval has been given will take some time to complete, the amount actually issued is only about one hundred and two million pounds.

4. At the present rate of progress of the New Towns programme, it is estimated that the increase in the amount for which the Bill provides will be sufficient to meet new commitments undertaken over a period of at least two years.

A
B I L L

INTITULED

An Act to increase the amount of the advances which may be made to development corporations under section twelve of the New Towns Act, 1946. A.D. 1955

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

5 **1.**—(1) In the proviso to subsection (1) of section twelve of the New Towns Act, 1946, as amended by the New Towns Act, 1952 and the New Towns Act, 1953 (which, as so amended, limits to one hundred and fifty million pounds the aggregate amount of the advances which may be made to development corporations under that subsection for defraying expenditure properly chargeable to capital account), for the words “one hundred and fifty million pounds” there shall be substituted the words “two hundred and fifty million pounds”. Advances to development corporations.
9 & 10 Geo. 6. c. 68.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 27.
1 & 2 Eliz. 2. c. 38.

(2) The New Towns Act, 1952 and the New Towns Act, 1953 are hereby repealed.

2. This Act may be cited as the New Towns Act, 1955, and the New Towns Act, 1946 and this Act may be cited together as the New Towns Acts, 1946 and 1955. Short title and citation.

New Towns

A

B I L L

INTITULED

An Act to increase the amount of the advances which may be made to development corporations under section twelve of the New Towns Act, 1946.

Brought from the Commons 26th January 1955

Ordered to be printed 26th January 1955

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

(11)

(17893)

Northern Ireland Bill

EXPLANATORY MEMORANDUM

This Bill deals with a number of miscellaneous matters relating to Northern Ireland.

Clause 1 makes fresh provision for the salary and expenses of the Governor of Northern Ireland. At present he receives a salary of £8,000 a year out of which the salaries and allowances of his personal staff are required to be paid. Under the clause he will receive, with effect from 1st April, 1954, a salary of £4,000 a year and an allowance not exceeding £10,000 a year (the exact amount of which will be determined from time to time by the Secretary of State with the concurrence of the Treasury) in respect of expenses, except expenses carried on the vote of the Minister of Works and except expenses to be defrayed by the Government of Northern Ireland, who have agreed to carry the cost of the Governor's office and office staff. The contribution of £2,000 a year at present paid by Northern Ireland towards the Governor's salary by deduction from the Northern Ireland residuary share of reserved taxes will cease to be payable after the 31st March, 1955.

Clause 2 transfers to the Court of Appeal in Northern Ireland the power of the High Court in Northern Ireland to hear and determine certain appeals by way of case stated from courts of summary jurisdiction and quarter session.

Clause 3 extends the powers of the Parliament of Northern Ireland to amend the law as to the devolution and distribution of estates of persons dying intestate, and in particular empowers that Parliament to deal with the rights of the Crown in default of heirs.

Clause 4 enables the Parliament of Northern Ireland to legislate for the publication of certain statutory rules made by authorities in Northern Ireland, and provides that such rules shall, unless and until other provision is made, be rules to which the Rules Publication Act (Northern Ireland), 1925, applies. The rules dealt with in this clause have hitherto been excluded both from the Northern Ireland series published under the Act of 1925 and from the United Kingdom series published under the Statutory Instruments Act, 1946.

Clause 5 makes it clear that the Parliament of Northern Ireland has power to legislate with regard to coroners and coroners' juries.

A

B I L L

INTITULED

An Act to make further provision as to the salary and expenses of the Governor of Northern Ireland; to transfer to the Court of Appeal in Northern Ireland jurisdiction in respect of certain appeals by way of case stated; to enlarge the legislative power of the Parliament of Northern Ireland in respect of the administration and distribution of estates of deceased persons, the printing and publication of statutory rules, and the appointment, removal, remuneration, jurisdiction and functions of coroners; and for purposes connected with the matters aforesaid. A.D. 1955

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

5 1.—(1) In lieu of the salary of eight thousand pounds payable under section three of the Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832, as amended by paragraph one of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922, there shall be paid to the Governor of Northern
10 Ireland in respect of the financial year ending on the thirty-first day of March, nineteen hundred and fifty-five and each subsequent financial year,—

Salary and expenses of Governor.

- (a) a salary at the rate of four thousand pounds per annum; and
- 15 (b) an allowance in respect of expenses (other than expenses defrayed out of moneys provided by Parliament for the service of the Minister of Works or by the Parliament of

A.D. 1955

Northern Ireland) of such amount, not exceeding ten thousand pounds in any year, as the Secretary of State may, with the concurrence of the Treasury, from time to time determine.

(2) The said salary and allowance shall be charged on the consolidated fund of the United Kingdom; and the deduction required by subsection (3) of section thirty-seven of the Government of Ireland Act, 1920, to be made towards the salary of the Governor from the Northern Ireland residuary share of reserved taxes shall not be made in respect of the financial year beginning on the first day of April, nineteen hundred and fifty-five or any subsequent financial year.

Transfer of certain appeals from Divisional Court to Court of Appeal.

2.—(1) The power of the High Court in Northern Ireland to hear and determine appeals by way of case stated—

(a) from a court of summary jurisdiction under the section substituted by section ten of the Criminal Justice Act (Northern Ireland), 1945, for section two of the Summary Jurisdiction Act, 1857;

(b) from quarter sessions under section ten of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860, or under that section as applied by any subsequent enactment,

is hereby transferred to the Court of Appeal in Northern Ireland; and accordingly any enactment relating to such appeals (including section five of the said Act of 1857) shall have effect as if for any reference therein to, or which has effect as a reference to, the said High Court there were substituted a reference to the said Court of Appeal.

(2) The foregoing provisions of this section shall not apply to any case stated and transmitted to the High Court of Northern Ireland before the commencement of this Act.

Legislative power in respect of intestates' estates.

3.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from including, in any enactment relating to the devolution and distribution of estates of deceased persons under the law of Northern Ireland, provisions—

(a) for abolishing or altering, in relation to estates of persons dying intestate after the commencement of the said enactment, any modes, rules or canons of descent or of devolution by special occupancy, or any right to dower or tenancy by the curtesy or other right of a surviving spouse in real or personal property as to which his or her spouse dies intestate;

(b) for abolishing escheat to the Crown or to a mesne lord for want of heirs, and for enabling the Crown, in default of persons entitled thereto under the law for the time being in force in Northern Ireland, to take as bona vacantia, and in lieu of any right to escheat, any real or personal property as to which a person dies intestate as aforesaid. A.D. 1955

(2) Any such enactment may amend or repeal any enactment passed before the commencement of this Act which relates to the administration of estates of deceased persons under the law of Northern Ireland, including the grant of representation thereto, so far as may be consequential upon provisions made by the first-mentioned enactment for purposes specified in paragraph (a) or paragraph (b) of the foregoing subsection, or otherwise for regulating the devolution and distribution of such estates, and shall bind the Crown to such extent as may be necessary to give effect to the provisions thereof.

4.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from extending the Rules Publication Act (Northern Ireland), 1925, or any enactment of that Parliament amending or re-enacting that Act, with or without modifications, to statutory rules to which this section applies; and except so far as may be otherwise provided by that Parliament, or by regulations made under the said Act of 1925, all such rules (other than rules made, confirmed or approved before the commencement of this Act) shall be deemed to be statutory rules to which that Act applies. Legislative power in respect of statutory rules.

(2) The statutory rules to which this section applies are orders, rules, regulations or other subordinate legislation (whether or not relating to matters in respect of which the Parliament of Northern Ireland has power to make laws) made, confirmed or approved by any of the authorities referred to in subsection (2) of section two of the said Act of 1925, in the exercise of powers conferred by any Act of the Parliament of the United Kingdom, whenever passed, including orders, rules, regulations or other subordinate legislation made, confirmed or approved as aforesaid at any time since the commencement of the Statutory Instruments Act, 1946.

5. The limitation imposed by paragraph (1) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown or the property of the Crown, shall not be taken to preclude that Parliament from enacting in relation Legislative power in respect of coroners.

A.D. 1955 to Northern Ireland any law regulating the appointment, removal, remuneration, jurisdiction or functions of coroners and coroners' juries.

Interpretation,
short title
and repeals.

6.—(1) In this Act “enactment” includes an enactment of the Parliament of Northern Ireland, and (without prejudice to any specific provision of this Act) references in this Act to any enactment are references thereto as amended or applied by or under any subsequent enactment. 5

(2) This Act may be cited as the Northern Ireland Act, 1955.

(3) The enactments described in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. 10

SCHEDULE
ENACTMENTS REPEALED

A.D. 1955
Section 6.

Session and Chapter	Short Title	Extent of Repeal
5	2 & 3 Will. 4. c. 116. The Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832.	The whole Act.
10	20 & 21 Vict. c. 43. The Summary Jurisdiction Act, 1857.	Sections eight and ten, so far as they extend to Northern Ireland.
10	23 & 24 Vict. c. 4. The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	Section twelve.
15	56 & 57 Vict. c. 66. The Rules Publication Act, 1893.	The whole Act, so far as unrepealed.
15	60 & 61 Vict. c. 17. The Supreme Court of Judicature (Ireland) Act, 1897.	In the Schedule, the words "Section 11 of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860 (23 & 24 Vict. c. 4)".
20	10 & 11 Geo. 5. c. 67. The Government of Ireland Act, 1920.	Subsection (3) of section thirty-seven, except in relation to the deduction thereby required to be made from the Northern Ireland residuary share of reserved taxes in the year ending on the thirty-first day of March, nineteen hundred and fifty-five.
25		
30	13 Geo. 5. Sess. 2. c. 2. The Irish Free State (Consequential Provisions) Act, 1922.	In the First Schedule, subparagraph (2) of paragraph one.
35	14 Geo. 6. c. 37 The Maintenance Orders Act, 1950.	In section twenty-nine, subsection (3).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832	2 & 3 Will. 4. c. 116.
Summary Jurisdiction Act, 1857	20 & 21 Vict. c. 43.
Annual Revision of Rateable Property (Ireland) Amendment Act, 1860	23 & 24 Vict. c. 4.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Irish Free State (Consequential Provisions) Act, 1922	13 Geo. 5. c. 2.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

Northern Ireland

A

B I L L

INTITULED

An Act to make further provision as to the salary and expenses of the Governor of Northern Ireland; to transfer to the Court of Appeal in Northern Ireland jurisdiction in respect of certain appeals by way of case stated; to enlarge the legislative power of the Parliament of Northern Ireland in respect of the administration and distribution of estates of deceased persons, the printing and publication of statutory rules, and the appointment, removal, remuneration, jurisdiction and functions of coroners; and for purposes connected with the matters aforesaid.

Brought from the Commons 1st March 1955

Ordered to be printed 1st March 1955

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

(26)

(37999)

Oil in Navigable Waters Bill [H.L.]

EXPLANATORY MEMORANDUM

The purpose of the Bill is to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and to provide other measures for the prevention of oil pollution. The Bill incorporates, with amendments, the main provisions of the Oil in Navigable Waters Act, 1922, which is repealed by the Bill.

The Convention lays down zones of the sea within which the discharge from ships of certain descriptions of oil will be prohibited and includes requirements with respect to equipment in ships and the provision in ports of facilities for the reception of oil residues.

Clause 1 makes it an offence for oil of certain descriptions to be discharged or allowed to escape from United Kingdom registered ships into prohibited sea areas.

Clause 2 and the Schedule designate the prohibited sea areas outside United Kingdom territorial waters. Different areas are designated for tankers and vessels other than tankers respectively; and in order to comply with the provisions of the 1954 Convention or of any subsequent Convention, or to afford protection for United Kingdom coasts, provision is made for the designation of other areas or the modification of the areas specified in the Schedule.

Clause 3 re-enacts, with amendments, the provisions of Section 1 of the Oil in Navigable Waters Act, 1922, and makes it an offence for oil of any description to be discharged or allowed to escape from vessels or places on land into United Kingdom waters.

Clause 4 sets out certain facts which may be proved as a defence in proceedings for offences under Clauses 1 and 3.

Clause 5 enables United Kingdom registered ships to be required to be fitted with equipment for the purpose of preventing or reducing discharges of oil into the sea.

Clause 6 prescribes penalties for offences under Clauses 1, 3 and 5.

Clause 7 enables regulations to be made requiring masters of vessels to keep records relating to operations in connection with oil.

Clause 8 deals with the provision of facilities in harbours for the reception of oil residues from ships. The Minister of Transport and Civil Aviation is empowered to direct a harbour authority to provide such facilities for vessels other than tankers.

Clause 9 re-enacts with amendments the provisions of Section 2 of the Oil in Navigable Waters Act, 1922, in relation to notification of the transfer of oil in a harbour at night.

Clause 10 requires discharges or escapes of oil into harbour waters in certain circumstances to be reported to the harbour authorities.

Clause 11 deals with the appointment and powers of inspectors for the purpose of reporting whether the requirements of the Bill have been complied with.

Clause 12 designates the persons and bodies who may take proceedings for offences.

Clause 13 re-enacts with amendments certain provisions of the Oil in Navigable Waters Act, 1922, as to the enforcement and application of fines.

Clause 14 enables regulations requiring the keeping of records and the fitting of equipment in United Kingdom registered vessels to be applied by Order in Council to other ships in United Kingdom waters.

Clause 15 gives power to exempt vessels or classes of vessels from the requirements of the Bill.

Clause 16 deals with the application of the Bill to the Crown.

Clause 17 provides for application of the Bill by Order in Council to the Isle of Man, the Channel Islands, colonies and dependencies.

Clause 18 makes provision for enforcement of provisions of the Convention of 1954, or of any subsequent Convention, regarding the production of records.

Clause 22 adapts the Bill in its application to Northern Ireland.

Clause 23 repeals the Oil in Navigable Waters Act, 1922, with a saving in relation to records of transfers of oil.

Clause 24 provides that the provisions of the Bill shall come into operation on such day as the Minister of Transport and Civil Aviation may appoint, and that different days may be appointed for the purposes of different provisions.

Oil in Navigable Waters Bill [H.L.]

ARRANGEMENT OF CLAUSES

Clause

1. Discharge of certain oils into prohibited sea areas.
2. Designation of prohibited sea areas.
3. Discharge of oil into United Kingdom waters.
4. Special defences under ss. 1 and 3.
5. Equipment in ships to prevent oil pollution.
6. Penalties for offences under ss. 1, 3 and 5.
7. Keeping of records of matters relating to oil.
8. Facilities in harbours for disposal of oil residues.
9. Restrictions on transfer of oil at night.
10. Duty to report discharges of oil into waters of harbours.
11. Powers of inspection.
12. Prosecutions.
13. Enforcement and application of fines.
14. General provisions as to application of Act.
15. Power of Minister to grant exemptions.
16. Application of Act to Crown.
17. Provisions as to Isle of Man, Channel Islands, colonies and dependencies.
18. Enforcement of Conventions relating to oil pollution.
19. General provisions as to Orders in Council, regulations and orders.
20. Financial provisions.
21. Interpretation.
22. Provisions as to Northern Ireland.
23. Repeal and savings.
24. Short title, extent and commencement.

SCHEDULE—Prohibited Sea Areas.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of navigable waters by oil. A.D. 1955

WHEREAS a Convention entitled "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

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

15 1.—(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing oil to which this section applies is discharged from such a ship into such a part of the sea with the consequence that the oil in the mixture fouls the surface of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section. Discharge of certain oils into prohibited sea areas.

A.D. 1954

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil, and

(b) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as “the Minister”), 5

and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area. 10

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea. 15

(4) In this Act “subsequent Convention” means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty’s Government in the United Kingdom. 20

Designation of prohibited sea areas.

2.—(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas in relation to tankers, and to vessels other than tankers, respectively. 25

(2) Subject to the following provisions of this section,—

(a) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers; 30

(b) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas in relation to tankers, in addition to the areas specified in Part I of that Schedule. 35 40

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule. 45

A.D. 1955

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas in relation to tankers, in addition to the areas specified in Part I of that Schedule.

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule.

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(a) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part I of the Schedule to this Act, as a prohibited sea area in relation to tankers;

(b) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part II of that Schedule, as a prohibited sea area in relation to vessels other than tankers.

(6) The powers conferred by paragraphs (a) and (b) of the last preceding subsection shall be exercisable either before or after the coming into operation of subsection (3) or (as the case may be) subsection (4) of this section; and any area designated by an order under paragraph (a) of the last preceding subsection before the coming into operation of subsection (3) of this section, or designated by an order under paragraph (b) of the last preceding subsection before the coming into operation of subsection (4) of this section, shall continue thereafter to be a prohibited sea area by virtue of the order, in so far as it is not a prohibited sea area by virtue of being included in Part III or (as the case may be) Part IV of the Schedule to this Act.

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area in relation to tankers, or to vessels other than tankers, any area of the sea, outside the territorial waters of the United

A.D. 1955 Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

Discharge
of oil into
United
Kingdom
waters.

3.—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

- (a) if the discharge is from a vessel, the owner or master of the vessel, or
- (b) if the discharge is from a place on land, the occupier of that place, or
- (c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say,—

- (a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and
- (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection “petroleum-spirit” has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act “place on land” includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and in relation to anything which this subsection applies “occupier” includes any person in charge thereof.

(5) In this Act—

“harbour authority” means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

“harbour in the United Kingdom” means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say,— A.D. 1955

5 (a) that it contains waters to which this section applies, and

(b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

10 In this subsection “enactment” includes a local enactment, and “charges” means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

15 4.—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life: Special defences under ss. 1 and 3.

20 Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

25 (2) Where a person is charged as mentioned in the preceding subsection, it shall also be a defence to prove—

30 (a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

35 (b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

40 (3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

45 (4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged

A.D. 1955 with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

- (a) that the oil was contained in an effluent produced by operations for the refining of oil;
- (b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and
- (c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

- (a) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities); or
- (b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

Equipment
in ships to
prevent oil
pollution.

5.—(1) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Minister may make regulations requiring British ships registered in the United Kingdom to be fitted with such equipment, and to comply with such other requirements, as may be prescribed.

A.D. 1955

(2) Without prejudice to the generality of the preceding subsection, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description—

- 5 (a) shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Minister;
- (b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at
10 such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made under this section, and,
15 in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Minister to carry out tests for the purposes of
20 any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations under this section which apply to that ship are contravened, the
25 owner or master of the ship shall be guilty of an offence under this section.

6. A person guilty of an offence under section one or section
three of this Act, or under the last preceding section, shall, on conviction on indictment, or on summary conviction, be liable
30 to a fine: Penalties for offences under ss. 1, 3 and 5.

Provided that an offence shall not by virtue of this section be punishable on summary conviction by a fine exceeding one thousand pounds.

7.—(1) The Minister may make regulations requiring masters
35 of British ships registered in the United Kingdom to keep records— Keeping of records of matters relating to oil.

- (a) of any occasion on which oil or a mixture containing oil is discharged from any such ship for the purpose of securing her safety, or of preventing damage to the ship or her cargo, or of saving life;
- 40 (b) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;

A.D. 1955

(c) of the carrying out, on board or in connection with any such ship, of such operations as may be prescribed, being operations relating to—

(i) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or 5

(ii) the separation of oil from water, or from other substances, in any mixture containing oil, or

(iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of 10 the matters specified in the preceding sub-paragraphs, or,

(iv) the disposal of any other oil residues.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while 15 they are within the seaward limits of the territorial waters of the United Kingdom.

In the case of vessels in respect of which requirements are imposed by the preceding subsection, any requirements imposed by virtue of this subsection shall be in addition to 20 those requirements.

(3) Any records required by virtue of regulations made under the last preceding subsection in the case of any vessel shall be kept by the master of the vessel:

Provided that in the case of a barge the records, in so far as 25 they relate to the transfer of oil to the barge, shall be kept by the person supplying the oil, and, in so far as they relate to the transfer of oil from the barge, shall be kept by the person to whom the oil is delivered.

(4) Where by any regulations made under this section any 30 records are required to be kept, the regulations may—

(a) prescribe the form in which the records are to be kept, and the nature of the entries to be made in them;

(b) require the person keeping the records to retain them for a prescribed period; 35

(c) require that person, at the end of the prescribed period, to transmit the records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of the records after their transmission to such a place or person; 40

and any regulations made under subsection (2) of this section may provide for any of the matters specified in paragraphs (b) to (d) of this subsection in relation to records kept under section three of the Oil in Navigable Waters Act, 1922 (which provides for the keeping of records such as are mentioned in subsection (2) 45 of this section).

(5) If any person fails to comply with any requirements imposed by or under this section, he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding six months, or both. A.D. 1955

(6) In any proceedings under this Act—

10 (a) any records kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in those records;

15 (b) any copy of an entry in such records, which is certified by the person by whom the records are required to be kept to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

20 (c) any document purporting to be records kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

25 8.—(1) In respect of every harbour in the United Kingdom, the powers of the harbour authority shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as “oil reception facilities”), and to make any necessary arrangements for disposing of oil residues discharged or deposited by vessels using those facilities. Facilities in harbours for disposal of oil residues.

30 (2) Any power of a harbour authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by a harbour authority shall be construed accordingly; and any such power shall also include power to 35 arrange for the provision of such facilities by any other person.

(3) A harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the 40 use thereof.

(4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, a harbour authority shall be open to all vessels using the harbour, on payment of any charges, and subject to compliance with 45 any conditions, imposed in accordance with the last preceding subsection.

A.D. 1955

(5) Where in the case of any harbour in the United Kingdom it appears to the Minister, after consultation with the harbour authority and with any organisation appearing to him to be representative of owners of British ships registered in the United Kingdom,—

(a) if the harbour has oil reception facilities, that those facilities are inadequate, or

(b) if the harbour has no such facilities, that the harbour has need of such facilities,

the Minister may direct the harbour authority to provide, or arrange for the provision of, such oil reception facilities as may be specified in the directions.

(6) Notwithstanding the provisions of subsection (4) of this section, a harbour authority providing oil reception facilities, or a person providing such facilities by arrangement with a harbour authority, shall not be obliged to make those facilities available for use by tankers, or for the reception of oil residues discharged for the purpose of enabling a vessel to undergo repairs; and the requirements of tankers, and the reception of oil residues discharged for the said purpose, shall be disregarded by the Minister in exercising his powers under the last preceding subsection.

(7) Nothing in this section shall be construed as requiring a harbour authority to allow untreated ballast water (that is to say, ballast water which contains oil and has not been subjected to a process for separating the oil from the water) to be discharged into any oil reception facilities provided by, or by arrangement with, the authority; and the Minister shall exercise his powers under subsection (5) of this section accordingly.

(8) Any harbour authority failing to comply with any directions given under subsection (5) of this section within the period specified in the directions, or within any extended period allowed by the Minister (whether before or after the end of the period so specified), shall be guilty of an offence, and liable on summary conviction to a fine not exceeding ten pounds for each day during which the default continues, from the day after the end of the period specified in the directions, or any extended period allowed by the Minister, as the case may be, until the last day before that on which the facilities are provided in accordance with the directions.

Restrictions
on transfer
of oil at
night.

9.—(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of a fire brigade.

(2) For the purposes of this section a general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried out at a place in the harbour within a period specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice: A.D. 1955

Provided that the period specified in such a notice shall not extend beyond the end of the period of twelve months beginning with the date on which the notice is given.

(3) Subject to the last preceding subsection, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) In the case of a harbour which has no harbour master, references in the two last preceding subsections to the harbour master shall be construed as references to the harbour authority.

(5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding fifty pounds.

10.—(1) If any oil or mixture containing oil—

- (a) is discharged from a vessel into the waters of a harbour in the United Kingdom for the purposes of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life, or
- (b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel, or by reason of leakage, or
- (c) is found to be escaping or to have escaped into any such waters from a place on land,

Duty to report discharges of oil into waters of harbours.

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master, stating, in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and, if he fails to do so, shall be guilty of an offence under this section:

Provided that if the harbour has no harbour master the report shall be made to the harbour authority.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

11.—(1) The Minister may appoint any person as an inspector to report to him— Powers of inspection.

- (a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so

A.D. 1955

imposed by the creation of offences under this Act) have been complied with;

- (b) what measures (other than measures made obligatory by regulations under section five of this Act) have been taken to prevent the escape of oil and mixtures containing oil; 5
- (c) whether the oil reception facilities provided in harbours are adequate;

and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment. 10

(2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Minister in every kind of case falling within that subsection.

(3) Section seven hundred and twenty-nine of the Merchant Shipping Act, 1894 (which relates to the powers of inspectors) 15 shall apply to persons appointed under subsection (1) of this section (including surveyors of ships in their capacity as such persons) as it applies to the inspectors referred to in that section, as if—

- (a) in paragraph (a) of subsection (1) of that section, the 20 reference to a ship were a reference to a vessel, and the reference to that Act were a reference to this Act and included a reference to any regulations made under this Act, and
- (b) any power under that section to inspect premises included 25 power to inspect any apparatus used for transferring oil.

(4) Any power of an inspector, under the said section seven hundred and twenty-nine as applied by the last preceding subsection, to inspect a vessel shall include power to test any equipment with which the vessel is required to be fitted in pursuance 30 of regulations under section five of this Act.

(5) Any power of an inspector, under the said section seven hundred and twenty-nine as so applied, to require the production of any records required to be kept in accordance with regulations under section seven of this Act, shall include power to copy 35 any entry in those records and require the person by whom the records are to be kept to certify the copy as a true copy of the entry; and in subsection (3) of the said section seven hundred and twenty-nine, as so applied, the reference to making a declaration shall be construed as a reference to the certification of such 40 a copy.

(6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour master, and any other person appointed by the 45

Minister under this subsection (either generally or in relation to a particular vessel), shall have power—

A.D. 1955

5 (a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;

10 (b) to require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the vessel;

(c) to copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

15 Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

20 (7) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of the last preceding subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

25 12.—(1) In respect of any of the following offences, that is to say,— Prosecutions.

30 (a) any offence under section three of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom,

(b) any offence under section seven of this Act relating to the keeping of records of the transfer of oil within such a harbour,

35 (c) any offence in relation to such a harbour under section nine or section ten of this Act, and

40 (d) any offence under the last preceding section in respect of failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section,

no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the harbour authority:

45 Provided that the Minister, or a person authorised by any general or special directions of the Minister, may bring proceedings for such an offence if the alleged offence is under section three of this Act and relates to the discharge of oil or a mixture containing oil from a vessel.

A.D. 1955 (2) In respect of any other offence alleged to have been committed under this Act, no proceedings shall be brought in England or Wales except by or with the consent of the Attorney General, or by the Minister or a person authorised by any general or special directions of the Minister. 5

(3) Where, immediately before the date which (apart from this subsection) would be the date of expiry of the time for bringing proceedings in a court of summary jurisdiction in respect of an offence alleged to have been committed under this Act, the person to be charged is outside the United Kingdom, the time for bringing 10 the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.

(4) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this sub- 15 section) be taken against a person at any place at which he is for the time being.

(5) In paragraph (c) of subsection (1) of section fifty-six of the Sea Fish Industry Act, 1938 (which relates to the bringing of proceedings by local fisheries committees), the reference to 20 subsection (4) of section seven of the Oil in Navigable Waters Act, 1922, shall be construed as a reference to subsections (1) and (2) of this section, and the reference to any offence under that Act shall be construed as a reference to any offence under this Act. 25

Enforcement and application of fines.

13.—(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by 30 distress or poinding and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section one or section three of this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any 35 person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

General provisions as to application of Act.

14.—(1) The provisions of this Act, except provisions which 40 are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject 45 to such exceptions and modifications as may be specified in

the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom. A.D. 1955

(3) An Order in Council under the last preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

15. The Minister may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit. Power of Minister to grant exemptions.

16.—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy. Application of Act to Crown.

(2) Subject to the preceding subsection—

(a) provisions of this Act which are expressed to apply only to British ships registered in the United Kingdom apply to Government ships so registered as they apply to other ships which are registered in the United Kingdom as British ships;

(b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section "Government ships" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

A.D. 1955
Provisions
as to Isle of
Man, Channel
Islands,
colonies and
dependencies.

17.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony. 5

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction. 10

(3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from section fourteen of this Act and the last preceding section) apply only to British ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections. 15 20

Enforcement
of Conventions
relating to oil
pollution.

18.—(1) Her Majesty may by Order in Council empower such persons as may be designated by or under the Order to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention. 25

(2) An Order in Council under this section may, for the purposes of the Order, and with any necessary modifications, apply any of the provisions of this Act relating to the production and inspection of records and the taking of copies of entries therein, and to the admissibility in evidence of such records and copies, including any provisions of the Merchant Shipping Act, 1894, applied by those provisions and including any penal provisions of this Act in so far as they relate to those matters. 30

(3) For the purposes of this section Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention of 1954, or that the Convention of 1954 extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect; and in this section “ship to which the Convention of 1954 applies” means a ship registered in— 35 40

- (a) a country the government of which has been so declared to have accepted that Convention, and has not been so declared to have denounced it, or
- (b) a territory to which it has been so declared that the Convention extends, not being a territory to which it 45

has been so declared that the Convention has ceased to extend. A.D. 1955

(4) The preceding provisions of this section shall apply to any subsequent Convention, in so far as it relates to the prevention of pollution of the sea by oil, as those provisions apply to the Convention of 1954.

19.—(1) Any power to make regulations or an order under this Act shall be exercisable by statutory instrument. General provisions as to Orders in Council, regulations and orders.

(2) Any statutory instrument containing any such regulations, or containing any Order in Council under this Act, other than an Order in Council under the last but one preceding section, or containing any order (other than an Order in Council) made under any of the preceding provisions of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

15 (3) Any Order in Council, or other order, made under any provision of this Act may be varied or revoked by a subsequent Order in Council or order made thereunder.

(4) Where a power to make regulations is conferred by any provision of this Act, regulations under that power may be made either as respects all, or as respects any one or more, of the classes of vessels, or other matters, to which the provision relates; and different provision may be made by any such regulations as respects different classes of vessels, or otherwise as respects different classes of cases or different circumstances.

25 20.—(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(a) any administrative expenses of the Minister under this Act, and

30 (b) any increase attributable to the provisions of section eight of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

(2) Any fees received by the Minister under this Act shall be 35 paid into the Exchequer.

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

“ barge ” includes a lighter or any similar vessel;

40 “ harbour authority ” and “ harbour in the United Kingdom ” have the meanings assigned to them by section three of this Act;

45 “ harbour master ” includes a dock master or pier master, and any person specially appointed by a harbour authority for the purpose of enforcing the provisions of this Act in relation to the harbour;

- A.D. 1955
- “ local enactment ” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure;
- “ mile ” means a nautical mile, that is to say, a distance of six thousand and eighty feet; 5
- “ the Minister ” means the Minister of Transport and Civil Aviation;
- “ oil ” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly; 10
- “ oil reception facilities ” has the meaning assigned to it by section eight of this Act;
- “ oil residues ” means any waste material consisting of, or 15 arising from, oil or a mixture containing oil;
- “ outside the territorial waters of the United Kingdom ” means outside the seaward limits of those waters;
- “ place on land ” has the meaning assigned to it by section three of this Act; 20
- “ prescribed ” means prescribed by regulations under this Act;
- “ sea ” includes any estuary or arm of the sea;
- “ subsequent Convention ” has the meaning assigned to it by section one of this Act; 25
- “ tanker ” means a vessel constructed or adapted for carrying a cargo of oil in bulk;
- “ transfer ”, in relation to oil, means transfer in bulk.

(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture 30 of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(3) Any reference in this Act to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being dis- 35 charged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

(4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any 40 floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.

(5) Any power conferred by this Act to test any equipment on board a vessel shall be construed as including a power to 45 require persons on board the vessel to carry out such work

as may be requisite for the purpose of testing the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly. A.D. 1955

(6) Subject to the preceding subsections, expressions used in this Act and in the Merchant Shipping Act, 1894, have the same meanings in this Act as in that Act.

(7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

22.—(1) The provisions of this section shall have effect for the purposes of the application of this Act in relation to Northern Ireland. Provisions as to Northern Ireland.

(2) References in section eight of this Act to the Minister shall be construed as references to the Ministry of Commerce for Northern Ireland (in this section referred to as “ the Ministry of Commerce ”).

(3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel,—

(a) persons appointed by the Minister as inspectors under section eleven of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection, but

(b) persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Minister would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Minister.

(4) Subsections (1) and (2) of section twelve of this Act shall apply to proceedings in Northern Ireland as they apply to proceedings in England and Wales, with the substitution, for references to the Attorney General, of references to the Attorney General for Northern Ireland:

Provided that in relation to proceedings for an offence under section three of this Act—

(a) if the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, references in those subsections to the Minister shall be construed as references to the Minister or the Ministry of Commerce;

(b) if the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern

A.D. 1955

Ireland, or from apparatus located in Northern Ireland otherwise than on board a vessel, references in those subsections to the Minister shall be construed as references to the Ministry of Commerce.

(5) "Court of summary jurisdiction" means a court of summary jurisdiction constituted in accordance with the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction, and "summary conviction" means conviction in accordance with those enactments; and in the definition of "local enactment" in subsection (1) of the last preceding section the reference to a local or private Act includes a reference to a local or private Act of the Parliament of Northern Ireland, and the reference to an order confirmed by Parliament includes a reference to an order confirmed by that Parliament.

(6) In subsection (3) of section three of this Act, the reference to the Petroleum (Consolidation) Act, 1928, shall be construed as a reference to the Petroleum (Consolidation) Act (Northern Ireland), 1929.

(7) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws), this Act shall be deemed to have been passed before the day appointed for the purposes of that section.

Repeal and savings.

23.—(1) The Oil in Navigable Waters Act, 1922, is hereby repealed:

Provided that in the case of section three of that Act (which relates to the keeping of records of transfers of oil) the repeal effected by this subsection shall not take effect until the first regulations made under subsection (2) of section seven of this Act come into operation.

(2) Subject to the preceding subsection, and to section thirty-three of the Interpretation Act, 1889 (which relates to offences under two or more laws), nothing in this Act shall affect any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

Short title, extent and commencement.

24.—(1) This Act may be cited as the Oil in Navigable Waters Act, 1955.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) This Act shall come into operation on such day as the Minister may by order appoint; and different days may be appointed for the purposes of different provisions of this Act.

SCHEDULE

A.D. 1955

Section 2.

PROHIBITED SEA AREAS

PART I

Initial Areas for Tankers

- 5 1. The whole of the sea which lies—
(a) outside the territorial waters of the United Kingdom, and
(b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
- 10 2. The whole of the sea which lies—
(a) south of latitude 62° north, and
(b) within 50 miles from the coast of Norway.
- 15 3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside
the area specified in paragraph 1 of this Part of this Schedule, as lies
within a line drawn from a point on the Greenwich meridian 100 miles
in a north-north-easterly direction from the Shetland Isles; thence
northwards along the Greenwich meridian to latitude 64° north;
thence westwards along the 64th parallel to longitude 10° west; thence
20 to latitude 60° north, longitude 14° west; thence to latitude 54° 30'
north, longitude 30° west; thence to latitude 44° 20' north, longitude
30° west; thence to latitude 48° north, longitude 14° west; thence
eastwards along the 48th parallel to the coast of France.

PART II

Initial Areas for Vessels other than Tankers

- 25 1. The whole of the sea which lies—
(a) outside the territorial waters of the United Kingdom, and
(b) within 100 miles from the coast of any of the following
countries, that is to say, the United Kingdom, the Republic
30 of Ireland, Belgium, the Netherlands, the Federal Republic
of Germany, and Denmark, or within 100 miles from the
coast of any of the Channel Islands.
2. The whole of the sea which lies—
(a) south of latitude 62° north, and
35 (b) within 50 miles from the coast of Norway.

PART III

Additional Areas for Tankers

1. The whole of the sea which lies within 50 miles from land,
exclusive of—
40 (a) the areas specified in Part I of this Schedule,
(b) any area within the seaward limits of the territorial waters of
the United Kingdom, and
(c) the Adriatic Sea.

A.D. 1955
SCH.
—cont.

2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

PART IV

5

Additional Areas for Vessels other than Tankers

1. The whole of the sea which lies within 50 miles from land, exclusive of—

- (a) the areas specified in Part II of this Schedule,
- (b) any area within the seaward limits of the territorial waters of 10 the United Kingdom, and
- (c) the Adriatic Sea.

2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 20 miles from any other coast (the island of Vis being disre- 15 garded).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Foreign Jurisdiction Act, 1890	53 & 54 Vict. c. 37.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Oil in Navigable Waters Act, 1922	12 & 13 Geo. 5. c. 39.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Sea Fish Industry Act, 1938	1 & 2 Geo. 6. c. 30.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

Oil in Navigable Waters [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULÉD

An Act to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of navigable waters by oil.

The Earl of Selkirk

Ordered to be printed 3rd March 1955

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

(28)

(38011)

Oil in Navigable Waters Bill [H.L.]

COMMONS AMENDMENTS

[The references are to Bill [53] as first printed for the House of Commons]

CLAUSE 3

Page 4, line 40, leave out from (“ and ”) to end of line 42 and insert (“ ‘ occupier ’, in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.”)

CLAUSE 4

Page 6, line 40, at end insert—

(“ (7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulation Act, 1865 (which relates to the removal of obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, as if references to the authority exercising the power were references to the Queen’s harbour master for the port in question.”)

CLAUSE 8

Page 9, line 27, leave out from (“ facilities ”) to end of line 29.

Page 10, line 26, leave out (“ a ”) and insert (“ an effective ”)

Page 10, line 40, at end insert—

(“ (9) As respects any harbour in the United Kingdom, subsections (1), (2), (5) and (8) of this section shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using the harbour’s oil reception facilities, and to the making of such arrangements, as those subsections have effect in relation to oil reception facilities and the provision of such facilities.”)

CLAUSE 9

Page 11, line 22, leave out (“ fifty ”) and insert (“ one hundred ”)

CLAUSE 10

Page 11, line 42, leave out (“ one ”) and insert (“ two ”)

CLAUSE 12

Page 13, line 46, leave out from (“ for ”) to end of line 48 and insert (“ any such offence as is mentioned in paragraph (a) of this subsection.”)

Page 13, line 48, after the words last inserted insert—

(“ (2) The provisions of this subsection shall have effect as respects dockyard ports (within the meaning of the Dockyard Ports Regulation Act, 1865), that is to say—

(a) in relation to so much of a dockyard port as is comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if the reference to the harbour authority included a reference to the Queen’s harbour master for the port, and

(b) in relation to any part of a dockyard port which is not comprised in a harbour in the United Kingdom, the preceding subsection shall apply as if references to such a harbour included references to a dockyard port, and the reference to the harbour authority were a reference to the Queen’s harbour master for the port.”)

AFTER CLAUSE 18

Insert the following new Clause—

Annual
report.

(“ . The Minister shall, as soon as possible after the end of each calendar year, make a report on the exercise and performance of his functions under this Act during that year, which shall include such observations as he may think fit to make on the operation during that year of this Act, of the Convention of 1954 and of any subsequent Convention, and he shall lay a copy of every such report before each House of Parliament.”)

Oil in Navigable Waters Bill

[H.L.]

COMMONS AMENDMENTS

*[The references are to Bill [53] as
first printed for the House of
Commons]*

Ordered to be printed 27th April 1955

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

(51)

(38221)

Pensions (India, Pakistan and Burma) Bill

EXPLANATORY MEMORANDUM

1. The main purpose of this Bill is to enable Her Majesty's Government to take over from 1st April, 1955, the control, administration and payment of the pensions of persons who served the Crown in India and are living outside India, Pakistan, Aden or Burma (Clause 1). The new arrangements, which have been agreed with the Government of India (First Schedule), revise those made in July, 1948 (Cmd. 7472) by which the Government of India purchased from the United Kingdom Government certain annuities for the purpose of meeting their sterling pensionary obligations. In return for the assumption by Her Majesty's Government of full responsibility for these pensions, the Government of India now renounce so much of the proceeds of the annuities as corresponds to the estimated cost of the pensionary obligations to be transferred, i.e. a capital sum of approximately £88,000,000. This amount will thereupon cease to form a charge on the Consolidated Fund as part of the National Debt. The original annuities have proved more than enough to meet the future cost of the pensions as now estimated, and the surplus, a capital sum of about £40,000,000, will be paid in ten equal annual instalments to the Government of India from the Consolidated Fund by virtue of the Treasury's existing powers under the National Loans Act, 1939. In addition Her Majesty's Government have agreed to pay to the Government of India in ten equal annual instalments a sum in compensation for the proceeds of income tax which the Government of India would have received had the responsibility for the payment of pensions not been transferred. Interest on the outstanding amount of both these sums is to be paid at one per cent. per annum.

2. Similar terms are proposed for pensions now being paid by the Government of Pakistan, whose agreement has, however, not yet been received. The Bill (Clause 1 (2)) enables the Secretary of State, with the concurrence of the Treasury, to put into effect by an Order any agreement reached with the Government of Pakistan.

3. Clause 2 relates to the payment of compensation to Indian and Burma pensioners for the net amount of any extra taxation they have to bear as the result of the decisions of the Governments of India and Burma to tax pensions paid outside their own countries.

4. Clause 3 empowers the Treasury to make rules extending the benefits of the Pensions (Increase) Acts, 1944, 1947, 1952 and 1954, and of the Superannuation Act, 1949, to certain pensioners specified in the Second Schedule to the Bill.

5. Certain of the payments referred to in Clauses 2 and 3 have hitherto been made from the Commonwealth Services Vote on the authority of the annual Appropriation Act.

6. The power to make orders under Clause 1 (2) and to make rules under Clause 3 (1) is to be exercised by statutory instrument which may be annulled by a Resolution of either House (Clause 4).

A

B I L L

INTITULED

An Act to enable effect to be given to arrangements as to pensions and connected matters made or to be made between Her Majesty's Government in the United Kingdom and the Government of India or the Government of Pakistan, and to amend the law in relation to certain pensions and other benefits arising out of service in or connected with India, Pakistan or Burma. A.D. 1955

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

- 5 **1.**—(1) The arrangements between Her Majesty's Government in the United Kingdom and the Government of India embodied in the letters set out in the First Schedule to this Act are hereby approved, and—
- Arrangements as to transfer of pension liabilities to Government of United Kingdom.
- 10 (a) anything which, under the said arrangements, falls to be done in relation to the pensions and benefits affected thereby by Her Majesty's Government in the United Kingdom shall be done by the Secretary of State;
- 15 (b) any moneys required by the Secretary of State for discharging his functions under the preceding paragraph, whether for providing the pensions or benefits or for his administrative expenses, and any moneys otherwise payable by virtue of the said arrangements by Her Majesty's Government in the United Kingdom (other

A.D. 1955

than moneys which, by virtue of the National Loans Act, 1939, fall to be paid out of the Consolidated Fund) shall be paid out of moneys provided by Parliament:

Provided that—

- (i) the Secretary of State shall not vary the tables applicable to commutation of any of the said pensions except with the consent of the Treasury; 5
- (ii) sections six and eight of the Pensions Commutation Act, 1871 (which relate to the provision by the National Debt Commissioners of moneys required for the commutation of pensions and to repayments to those Commissioners by means of terminable annuities paid out of moneys provided by Parliament) shall apply to commutations of the said pensions as they apply to commutations of pensions under that Act, so, however, that the person to whom any such certificate as is mentioned in the said section eight is to be notified shall be the Secretary of State. 10 15

In the proviso to this subsection references to commutation of pensions include references to commutation of portions of 20 pensions.

(2) If any arrangements other than those embodied in the said letters are come to between Her Majesty's Government in the United Kingdom and the Government of India or the Government of Pakistan relating to the transfer to Her Majesty's Government in the United Kingdom of liability for or the administration of pensions and other benefits and to any related matters, the Secretary of State, with the consent of the Treasury, may by order direct that subsection (1) of this section shall apply in relation to those arrangements as it applies in relation to the arrangements embodied in the said letters. 25 30

Power of Secretary of State to make good Indian or Burman income tax deducted from pensions.

2. The Secretary of State may make good out of moneys provided by Parliament any income tax for which relief has not otherwise been given which is deducted under the law of India or the law of Burma from any pension which, under section two hundred and seventy-two of the Government of India Act, 1935, or section one hundred and twenty-six of the Government of Burma Act, 1935, was to be exempt from taxation imposed by or under the laws there referred to. 35 40

Extension to certain persons and pensions of provisions in Superannuation Act, 1949, and Pensions (Increase) Acts.

3.—(1) Rules made by the Treasury may— 40
(a) direct that the Pensions (Increase) Acts, 1944 and 1947, and the Pensions (Increase) Act, 1954, shall, with such adaptations and modifications as may be specified in the rules, apply in relation to any of the pensions specified in Part I of the Second Schedule to this Act as if that pension were a pension specified in Part I 45

of the First Schedule to the Pensions (Increase) Act, 1944, and, if the rules so provide, were also such a pension as is specified in section two of that Act;

A.D. 1955

- 5 (b) direct that the Pensions (Increase) Act, 1952, shall, with such adaptations and modifications as may be specified in the rules, apply in relation to any of the pensions specified in Parts I and II of the Second Schedule to this Act as if it were one of the pensions specified in Part I of the First Schedule to that Act;
- 10 (c) apply, with such adaptations and modifications as may be specified in the rules, any of the provisions of the Superannuation Act, 1949, to all or any of the persons specified in Part III of the Second Schedule to this Act, or, in the case of a provision which already has an
- 15 application to such a person, give to that provision an extended application in relation to him,

and, on the coming into force of rules made under this subsection, section five of the Superannuation (Miscellaneous Provisions) Act, 1948, paragraph (c) of subsection (1) of section 20 three of the Pensions (Increase) Act, 1952, and, in subsection (2) of the said section three, the words from "and subsection (2) of section five" to the end of the section shall cease to have effect.

(2) Any increase of any pension, and any increase in the administrative expenses of any Minister, attributable to the 25 provisions of this section, shall be paid out of moneys provided by Parliament.

4. The power to make orders conferred by subsection (2) Orders of section one of this Act and the power to make rules conferred and rules. by subsection (1) of section three of this Act shall be exercisable 30 by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5. This Act may be cited as the Pensions (India, Pakistan Short title and Burma) Act, 1955.

A.D. 1955

SCHEDULES

Section 1.

FIRST SCHEDULE

LETTERS EMBODYING ARRANGEMENTS BETWEEN HER MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA

*Letter from the High Commissioner of the United Kingdom
in India to the Finance Minister of India* 5Office of the High Commissioner
for the United Kingdom,
6, Albuquerque Road,
New Delhi. 10

7th March, 1955.

TC. 935/5

My dear Minister,

I write with reference to the arrangements agreed upon between the Government of India and the Government of the United Kingdom 15 in July, 1948, under which the Government of India purchased annuities from the Government of the United Kingdom for the purpose of meeting the sterling pensionary obligations of the Dominion of India and the Provinces thereof. These arrangements are set out in the letters dated 9th July, 1948, exchanged between the then Minister of 20 Finance, the Hon. Shri R. K. Shanmukham Chetty, for India, and the then Chancellor of the Exchequer, the Rt. Hon. Sir Stafford Cripps, for the United Kingdom.

2. These arrangements have again been considered and it is the understanding of the Government of the United Kingdom that the 25 Government of India agree that there shall be transferred to the Government of the United Kingdom on 1st April, 1955, the control, administration and payment of pensions and other liabilities to or in respect of persons who have served the Crown, as set forth in the annexure hereto, payable out of the consolidated fund of India or of 30 the consolidated fund of the States in the Union of India. The Government of India will remain responsible for any instalments of pensions in respect of periods prior to 1st April, 1955, which remain unpaid on the date of transfer.

3. In consideration of the acceptance of this transfer by the Govern- 35 ment of the United Kingdom and of the payments mentioned in the next two paragraphs, the Government of India agree that payment of the annuities referred to in paragraph 1 shall cease after payment of the instalments due on 1st March, 1955.

4. For their part the Government of the United Kingdom undertake 40 that the balance of the principal portion of the debt in respect of annuities referred to in paragraph 1 remaining outstanding on 31st March, 1955, after deduction of the capital value at that date of the estimated future cost of the pensions and other liabilities transferred to the United Kingdom in accordance with paragraph 2 of this letter 45 shall be repaid to the Government of India in the manner set out in paragraph 6.

5. In addition, they undertake to pay a capital amount to be agreed upon in respect of Indian Income Tax which the Government of India would have received had the responsibility for the payment of pensions and other liabilities not been transferred to the Government of the United Kingdom.

A.D. 1955
1ST SCH.
—cont.

6. Payment of the sums referred to in paragraphs 4 and 5 will be made in ten equal instalments on the 1st April of each year, commencing in 1955. The first of such instalments to be paid on 1st April, 1955. Interest on the balance outstanding from time to time at the rate of one per cent. per annum will be payable on the same date as the payment of instalments.

7. (i) The Government of the United Kingdom also undertake:

- 15 (a) that they will pay the pensions and provide for other liabilities so transferred for such time as the pensioners are entitled to them under rules in force on the date preceding that of transfer;
- (b) that they will not so amend the rules applicable to the pensioners as to reduce their entitlements;
- 20 (c) that they will indemnify the Government of India and the Government of a State in the Union of India against costs and expenses incurred by them in defending a suit or other legal proceeding for payment of pension and other liabilities brought against the Government of India or the Government of such State by a pensioner, responsibility for whose pension and other benefits has been transferred to the Government of the United Kingdom, and
- 25 (d) that if the Court holds that such a suit or other proceeding is maintainable, they will indemnify the Government of India or the Government of such State, as the case may be, against any amount awarded by the Court in respect of the pension and other liabilities and the plaintiff's costs in the matter.
- 30

(ii) The agreement set out in the preceding sub-paragraphs (c) and (d) is subject to the following conditions—

- 35 (a) if a pensioner brings such a suit or other proceeding the Government of India or of the State will defend the suit or proceeding and contend *inter alia* that it is not maintainable;
- 40 (b) if the parliament of the Union of India alter the law of India as in force on 1st April, 1955, so as to make such a suit or other proceeding legally maintainable the agreement of the Government of the United Kingdom to indemnify the Government of India or Government of a State will cease to apply. If the legislature of a State in the Union of India alter the law of that State as in force on that date so as to make such a suit or other proceeding legally maintainable the agreement of the Government of the United Kingdom to indemnify the Government of India or Government of a State will cease to apply in respect of a suit or proceeding in that State.
- 45

8. The arrangements set forth in this letter are subject to the passing of such legislation as may be necessary.

50

A.D. 1955
1ST SCH.
—cont.

9. I shall be grateful to have your confirmation that this is also the understanding of the Government of India.

Yours sincerely,

P. A. CLUTTERBUCK.

THE HON. C. D. DESHMUKH,
Minister of Finance,
Government of India.

5

Annexure

1. (i) All pensions and connected benefits to and in respect of persons who served the Crown which are payable out of the consolidated fund 10 of India or of the consolidated fund of the States and which are currently in issue on the 31st March, 1955, by the High Commissioner for India in the United Kingdom or by the Commonwealth Relations Office or by Paymasters accounting to either.

(ii) For the purpose of this and paragraphs 2 and 5, pensions 15 currently in issue shall be deemed to include pensions temporarily suspended.

2. Pensions and connected benefits to or in respect of Europeans who served the Crown payable out of the consolidated fund of India or of the consolidated fund of the States and which are currently in 20 issue on the 31st March, 1955, by Paymasters outside India, Pakistan, Aden and Burma accounting to India.

3. Contingent pensions of European officers who before the 15th August, 1947, belonged to the Indian Army, the Indian Medical Service, the Royal Indian Navy or the Secretary of State's Civil 25 Services, who are serving under the Government of India or the Government of a State in the Union of India on 31st March, 1955, or who on that date are on leave preparatory to retirement.

4. Contingent pensions of widows and other dependants of any of the persons responsibility for whose own pensions and connected 30 benefits or contingent pensions is transferred to the United Kingdom Government under paragraphs 1, 2 and 3 above.

Note: For the purpose of paragraphs 1, 2 and 4, pensions include benefits payable under the rules of Family Pensions Funds (other than those to which paragraph 5 relates) in so far as they are met by Govern- 35 ment.

5. (i) All pensions currently in issue on 31st March, 1955, and payable under the Superior Services (India) Family Pension Fund (Untransferred) Rules, 1939, or the rules of the Indian Civil Service Family Pension (Untransferred) Fund, the Indian Military Services 40 Family Pension (Untransferred) Fund or the Indian Military Widows' and Orphans' (Untransferred) Fund.

(ii) All contingent pensions and other benefits payable under the rules mentioned in the preceding sub-paragraph.

(iii) Government contribution under the Indian Civil Service 45 Family Pension Fund (Transferred) Rules.

6. Contingent pensions in respect of members of the staff of the High Commission for India or the India Audit Office who were serving as such on the 31st March, 1937, and who are serving as such in a pensionable capacity on 31st March, 1955.

A.D. 1955
1ST SCH.
—cont.

5 7. The Government of India's liability in respect of contingent pensions of members of the United Kingdom Civil Service who had been lent to the Government of India or to a former Provincial Government before 15th August, 1947.

8. The Government of India's liability for a portion of the pensions or contingent pensions of persons in the following categories:—

15 (i) persons who before their appointment to the United Kingdom Civil Service had served on the staff of the Secretary of State for India in Council, of the High Commissioner for India before 1st April, 1937, of the Auditor of Indian Home Accounts, or of the Auditor of the Accounts of the Secretary of State for India in Council.

20 (ii) Officers of the Indian Army or Royal Indian Navy who have been transferred to the British Service and officers of the Royal Engineers, Royal Artillery, Royal Corps of Signals, the continuous Indian Service Cadre of the Royal Army Veterinary Corps and the Army Educational Corps.

Note 1: For all purposes of paragraphs 3, 4, 5, 6 and 7 contingent pensions shall be determined with reference to the rules applicable to the person concerned on 31st March, 1955.

25 *Note 2:* For the purpose of paragraphs 7 and 8 the Government of India's liability means the liability of the Union of India or of a State in that Union under the financial arrangements in force on 31st March, 1955.

30 *Letter from the Finance Minister of India to the
High Commissioner of the United Kingdom in India*

New Delhi,
7th March, 1955.

My dear High Commissioner,

I have to acknowledge receipt of your letter of to-day's date reading
35 as follows:—

*[Here follows the text of the High Commissioner's letter
as given above.]*

2. I have pleasure in confirming that the understanding of your Government as set out in that letter is accepted by my Government.

40 Yours sincerely,
C. D. DESHMUKH.

HIS EXCELLENCY SIR ALEXANDER CLUTTERBUCK, G.C.M.G., M.C.,
High Commissioner of the United Kingdom in India,

45 6, Albuquerque Road,
New Delhi.

A.D. 1955
Section 3.

SECOND SCHEDULE

PART I

PENSIONS TO WHICH PENSIONS (INCREASE) ACTS, 1944 AND 1947,
PENSIONS (INCREASE) ACT, 1952, AND PENSIONS (INCREASE) ACT, 1954,
MAY BE APPLIED

5

1. A pension payable in respect of service to the Crown which is or, but for any arrangements to which subsection (1) of section one of this Act applies, would be, payable out of the revenues of India or Pakistan to any person resident in the United Kingdom, or, where the pension is expressed in sterling, in any other place outside India and Pakistan, 10 being service, whether by the recipient of the pension or some other person, either—

(a) in a civil capacity; or

(b) by virtue of which the recipient of the pension has pension rights in relation to any of the following funds, that is to say, 15 the Bengal Military Fund and Orphans Society, the Bombay Military Fund, the Madras Military Fund, the Madras Medical Fund or the Indian Navy Fund,

and being in either case service which ended before the fifteenth day of August, nineteen hundred and forty-seven, or the termination 20 of which was attributable to the passing of the Indian Independence Act, 1947.

In this paragraph, "pension rights" includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person. 25

2. A pension payable to or in respect of a member of the staff of the High Commissioner for India or the High Commissioner for Pakistan who at some time before he was transferred to the staff of the High Commissioner had been an officer or servant on the permanent establishment of the Secretary of State in Council of India. 30

3. A pension payable to or in respect of a person who was appointed to the staff of the Auditor of the Accounts of the Secretary of State for India in Council before the first day of April, nineteen hundred and thirty-seven.

4. A pension payable to or in respect of a European officer of the 35 Royal Indian Marine.

PART II

PENSIONS TO WHICH PENSIONS (INCREASE) ACT, 1952,
MAY BE APPLIED

1. A pension payable to or in respect of any person resident in 40 the United Kingdom or, where the pension is expressed in sterling, in any other place outside Burma, India and Pakistan, being a pension payable from the revenues of Burma in respect of service in a civil capacity in Burma which ended before the fourth day of January, nineteen hundred and forty-eight or the termination of which was 45 attributable to the passing of the Burma Independence Act, 1947.

2. A pension payable to or in respect of a European warrant officer of the Royal Indian Marine.

PART III

PERSONS TO WHOM PROVISIONS OF THE SUPERANNUATION
ACT, 1949, MAY BE APPLIED OR GIVEN AN EXTENDED APPLICATIONA.D. 1955
2ND SCH.
—cont.

1. A member or former member of the staff of the High Commissioner for India or the High Commissioner for Pakistan who, before being transferred to the staff of the High Commissioner, had at some time been an officer or servant on the permanent establishment of the Secretary of State in Council of India.
2. A member or former member of the staff of the Auditor of the Accounts of the Secretary of State for India in Council or the Auditor of Indian Home Accounts who was appointed to the staff of the Auditor before the fifteenth day of August, nineteen hundred and forty-seven.
3. A former officer or servant on the permanent establishment of the Secretary of State in Council of India who became a civil servant (within the meaning of the Superannuation Act, 1949) before the first day of April, nineteen hundred and thirty-seven.
4. A person who is or has been a civil servant (within the meaning of the Superannuation Act, 1949), and who, at some time before the fifteenth day of August, nineteen hundred and forty-seven, served under the Government of India or the Government of any Province in India.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Pensions Commutation Act, 1871	34 & 35 Vict. c. 36.
Government of India Act, 1935	26 Geo. 5. & 1 Edw. 8. c. 2.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Indian Independence Act, 1947	10 & 11 Geo. 6. c. 30.
Burmah Independence Act, 1947	11 & 12 Geo. 6. c. 3.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 45.
Pensions (Increase) Act, 1954	2 & 3 Eliz. 2. c. 25.

**Pensions (India, Pakistan
and Burma)**

A

B I L L

INTITULED

An Act to enable effect to be given to arrangements as to pensions and connected matters made or to be made between Her Majesty's Government in the United Kingdom and the Government of India or the Government of Pakistan, and to amend the law in relation to certain pensions and other benefits arising out of service in or connected with India, Pakistan or Burma.

Brought from the Commons 30th March 1955

Ordered to be printed 30th March 1955

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

(43)

(38118)

Police (Scotland) Bill [H.L.]

EXPLANATORY MEMORANDUM

This Bill consolidates the enactments relating to police administration in Scotland, with certain amendments designed mainly in the interests of uniformity, simplicity and conciseness.

The Bill is based on the draft Police (Scotland) Bill published in November, 1953, with the Third Report of the Scottish Local Government Law Consolidation Committee (Cmd. 8992 and 8993). The Report and draft Bill have been discussed with the police and local authority Associations and adjustments have been made in the terms of the Bill to meet the points raised by these Associations.

A separate and more detailed Explanatory Memorandum relating to the Bill is being laid before Parliament (Cmd. 9435).

The following table indicates the meanings of the abbreviated references used in the margin of the Bill—

1821	=	The Rescue Act, 1821 (1 & 2 Geo. 4. c. 88)
1830	=	The Criminal Law (Scotland) Act, 1830 (11 Geo. 4. & 1 Will. 4. c. 37)
1857	=	The Police (Scotland) Act, 1857 (20 & 21 Vict. c. 72)
1858	=	The Police (Scotland) Act, 1858 (21 & 22 Vict. c. 65)
1869	=	The Judicial Statistics (Scotland) Act, 1869 (32 & 33 Vict. c. 33)
1871	=	The Prevention of Crimes Act, 1871 (34 & 35 Vict. c. 112)
1885	=	The Prevention of Crimes Amendment Act, 1885 (48 & 49 Vict. c. 75)
1889	=	The Local Government (Scotland) Act, 1889 (52 & 53 Vict. c. 50)
1892	=	The Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55)
1914 (c. 8)	=	The Police (Weekly Rest Day) (Scotland) Act, 1914 (4 & 5 Geo. 5. c. 8)
1914 (c. 53)	=	The Special Constables (Scotland) Act, 1914 (4 & 5 Geo. 5. c. 53)

- 1914 (c. 61) = The Special Constables Act, 1914
(4 & 5 Geo. 5. c. 61)
- 1919 = The Police Act, 1919
(9 & 10 Geo. 5. c. 46)
- 1929 = The Local Government (Scotland) Act, 1929
(19 & 20 Geo. 5. c. 25)
- 1945 = The Police (His Majesty's Inspectors of Constabulary)
Act, 1945
(8 & 9 Geo. 6. c. 11)
- 1946 (c. 46) = The Police Act, 1946
(9 & 10 Geo. 6. c. 46)
- 1946 (c. 71) = The Police (Scotland) Act, 1946
(9 & 10 Geo. 6. c. 71)

Police (Scotland) Bill [H.L.]

ARRANGEMENT OF CLAUSES

Police Forces and Police Authorities

Clause

1. Police areas for which police forces are to be maintained.
2. Police authorities.
3. Establishments of police forces.
4. General functions of constables.
5. Execution of warrants in border counties of England and Scotland.

Administration of Police Forces

6. Appointment and tenure of office of chief constables.
7. Appointment and tenure of office of constables other than chief constables.
8. Declaration to be made by constables on appointment.
9. Ranks.
10. Deputy chief constables.
11. Regulations as to government and administration of police forces.
12. Pay, allowances, expenses and rewards.
13. Non-police employees.
14. Equipment.
15. Land and buildings.

Mutual Aid of Police Forces

16. Aid of one police force by another.

Amalgamation of Police Forces

17. Voluntary schemes for amalgamation of police forces.
18. Power of Secretary of State to make amalgamation schemes.
19. Transitory provisions.
20. Amendment and revocation of amalgamation schemes.
21. Compensation of officers prejudicially affected by amalgamation schemes.
22. Chief constables of police forces affected by amalgamation schemes.
23. Provisions as to constables serving on overseas police service.

Offences and Legal Proceedings

24. Assaulting, etc., a constable in the execution of his duty.
25. Causing disaffection, etc.

Clause

26. Unauthorised use of police uniform, etc.
27. Offences by constables.
28. Warrants to search for police accoutrements and clothing.

Miscellaneous

29. Central training and other common services.
30. Police Grant.
31. Watching of premises under agreement with occupier.
32. Extra policing of localities where works are being constructed.
33. Inspectors of constabulary.
34. Annual and other reports by chief constables.
35. Criminal statistics.

Supplemental

36. Regulations and orders.
37. Local enactments.
38. Repeals and savings.
39. Interpretation.
40. Short title, extent and commencement.

SCHEDULES:

First Schedule—Burghs for which (subject to amalgamation schemes) Police Forces are to be maintained.

Second Schedule—Transitory provisions for the purposes of Amalgamation Schemes.

Third Schedule—Enactments repealed.

A

B I L L

INTITULED

An Act to consolidate with amendments certain enactments relating to police forces in Scotland and to the execution of warrants in the border counties of England and Scotland. A.D. 1955

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

5 *Police Forces and Police Authorities*

1.—(1) Subject to the provisions of any amalgamation scheme a police force shall be maintained for every county in Scotland and for every burgh mentioned in the First Schedule to this Act, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof. Police areas for which police forces are to be maintained, [1857, s. 1; 1892, s. 78; 1929, s. 3.]

(2) If at any time a burgh not mentioned in the said First Schedule has, according to the last published census, a population of not less than fifty thousand, the town council of the burgh may apply to the sheriff for an order establishing a separate police force for the burgh, and on any such application the sheriff, on being satisfied that the population of the burgh is as aforesaid, shall make an order accordingly.

(3) An order under the last foregoing subsection may include such transitory and consequential provisions, and such provision as to the expenses of the application, as the sheriff may think fit.

A.D. 1955

(4) Upon the making of an order under subsection (2) of this section this Act shall (subject to any such provisions as are mentioned in the last preceding subsection) have effect as if the burgh to which the order relates were mentioned in the said First Schedule.

5

(5) Subject to the provisions of this Act relating to amalgamation schemes any reference in any enactment including this Act to a police area or police district shall be construed as a reference to an area for which a police force falls to be maintained in pursuance of this section, or would apart from the said provisions fall to be so maintained, and shall include a reference to the territorial waters, if any, adjacent to such area.

10

(6) Any reference in any enactment including this Act to the chief constable or another constable of, or appointed for, any area or district shall be construed as a reference to the chief constable or another constable, as the case may be, of the police force maintained for the police area comprising that area or district.

15

(7) In this section "sheriff" does not include "sheriff-substitute".

20

Police authorities.
[1857, ss. 1, 2;
1889, ss. 13,
18; 1892,
78; 1929,
ss. 3, 5.]

2. For every police area which is a burgh, the town council, and for every police area which is a county, the county council, shall be the police authority and, subject to the provisions of any amalgamation scheme, shall have in relation to that area, and to the police force maintained for that area or for any combined area comprising that area, the powers and duties conferred or imposed upon police authorities by this Act.

25

Establishments of police forces.
[1857, ss. 1, 5;
1892, ss. 78, 96;
1914 (c. 53),
s. 2.]

3.—(1) A police force shall consist of a chief constable and—

- (a) permanent and probationary whole-time constables (hereafter in this Act referred to as "regular constables"), and
(b) part-time constables (hereafter in this Act referred to as "special constables")

30

not exceeding such number in each case as may from time to time be authorised by the police authority with the consent of the Secretary of State, and may in addition include temporary whole-time constables (hereafter in this Act referred to as "temporary constables") not exceeding such number as may be so authorised.

35

(2) In deciding the number of regular constables to be authorised under the last preceding subsection for a police force the police authority shall take no account of the number of special or temporary constables authorised or to be authorised for the force.

40

(3) The chief constable of a police force may maintain lists of persons who undertake to hold themselves available for appointment, in such circumstances as may be specified in the undertaking, as temporary constables of the force, and may arrange for such persons, with their consent, to receive from time to time training in the functions of constables in accordance with such conditions as may be prescribed.

A.D. 1955

4.—(1) Subject to the provisions of this Act it shall be the duty of the constables of a police force, under the direction of the appropriate chief constable,—

General
functions of
constables.
[1857, ss. 6, 11,
12, 14, 15, 26,
74; 1858, s. 2;
1892, ss. 78,
80, 84, 86;
1914 (c. 61),
s. 1; 1919,
s. 4.]

(a) to guard, patrol and watch so as—

(i) to prevent the commission of offences against the law,

(ii) to preserve order, and

(iii) to protect life and property ;

(b) where any such offence as aforesaid has been committed (whether within the police area for which the police force is maintained or otherwise), to take all lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purpose of bringing the offender with all due speed to justice ;

(c) to serve and execute when required any warrant, citation or deliverance issued, or process duly endorsed, by a Lord Commissioner of Justiciary, sheriff, justice of the peace, or magistrate of a burgh, being a warrant, citation, deliverance or process relating to any criminal proceeding ;

(d) to attend any court of law for the purpose of giving evidence :

Provided that a special constable shall not be required or entitled to exercise the functions of a constable otherwise than—

(a) in an emergency,

(b) for the purpose of preventing or suppressing riot or tumult, or

(c) where with his own consent he is assigned by the chief constable for duty for the purpose of enabling him to gain practical experience of police work.

(2) The preceding subsection shall be without prejudice to the duty of a constable under any other enactment or the common law, but the performance of any such duty shall be subject to the direction of the appropriate chief constable.

(3) In directing the constables of a police force in the performance of their duty (whether under subsection (1) of this section or otherwise) the appropriate chief constable shall comply with

A.D. 1955 such lawful instructions (whether general or as respects any particular case) as he may receive—

(a) as respects any place in a burgh from the magistrates of the burgh, and

(b) as respects any place not in a burgh, from the sheriff having jurisdiction in the place: 5

Provided that in relation to the investigation of offences the chief constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor.

(4) For the purposes of the performance of any duty (whether under this section or otherwise) a constable of a police force shall have all the powers and privileges vested in a constable under this Act or at common law— 10

(a) throughout the police area for which the force is maintained, 15

(b) throughout any police area in which the constable is for the time being required to serve in pursuance of the provisions of this Act relating to the mutual aid of police forces,

(c) throughout any police area having a common boundary with any police area mentioned in either of the two last preceding paragraphs, and 20

(d) so far as necessary for the purpose of escorting a person in custody from one place to another in pursuance of a lawful direction, throughout any police area: 25

Provided that this subsection shall be without prejudice to any special powers conferred by any other enactment upon constables for a particular purpose.

(5) The preceding provisions of this section shall not apply to any constable who is for the time being suspended from duty in accordance with any regulations made under this Act. 30

(6) In this section “appropriate chief constable”, in relation to any constable, means—

(a) if the constable is for the time being serving, in pursuance of the provisions of this Act relating to the mutual aid of police forces, with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force, and 35

(b) in any other case, the chief constable of the police force in which the constable holds his appointment; 40

and “sheriff”, except in paragraph (c) of subsection (1), does not include “sheriff-substitute”.

5.—(1) It shall be lawful for any constable appointed for any one of the border counties of England or Scotland respectively, that is to say the counties of Northumberland, Cumberland, Berwick, Roxburgh or Dumfries, to execute within any of those 5 counties the lawful warrant of any sheriff, justice of the peace or other magistrate for the apprehension of any person accused or convicted of a criminal offence committed, or for the recovering of any goods alleged to have been stolen, within the county for which the constable is appointed, in like manner as the warrant 10 might be executed by that constable within the last mentioned county.

A.D. 1955
Execution of
warrants in
border
counties
of England
and Scotland.
[1857, s. 11;
1946 (c. 71),
Sch. 1, para. 5;
1946 (c. 46),
Sch. 2, para. 5.]

(2) In the preceding subsection—

15 (a) references to the counties of Northumberland and Cumberland shall be construed as including references respectively to a combined area within the meaning of the Police Act, 1946, comprising Northumberland and to such a combined area comprising Cumberland, and

20 (b) references to the counties of Berwick, Roxburgh and Dumfries shall be construed as including references to a combined area within the meaning of this Act comprising any one of those counties.

(3) This section shall extend to the whole of Great Britain.

Administration of Police Forces

25 6.—(1) Subject to any regulations made under section eleven of this Act, and to the provisions of paragraph (a) of subsection (2) of section seventeen of this Act, a person shall be appointed to the office of chief constable of a police force by the police authority with the approval of the Secretary of State.

Appointment
and tenure
of office
of chief
constables.
[1857, s. 4;
1892, s. 78.]

30 (2) It shall be competent for one person to hold at one time the office of chief constable of more than one police force:

Provided that nothing in this subsection shall authorise the chief constable of any police force to accept appointment as chief constable of another police force without the consent of the police authority of the police area for which the first-mentioned 35 force is maintained.

(3) Subject to the next following subsection, a person appointed to the office of chief constable of a police force—

40 (a) may resign his appointment in accordance with regulations made under section eleven of this Act, or
(b) may in accordance with regulations made as aforesaid be required by the police authority to resign his appointment, or

A.D. 1955 (c) may in accordance with regulations made as aforesaid be dismissed by the police authority,

but otherwise shall remain in office until the termination of his appointment by death or the expiration of any period of tenure specified in the terms thereof, whichever event shall first occur. 5

(4) Nothing in the last preceding subsection shall prejudice the operation of subsection (2) of section twenty-two of this Act, or of any enactment providing for retirement by virtue of section one of the Police Pensions Act, 1948.

Appointment and tenure of office of constables other than chief constables.
[1857, s. 6;
1892, s. 78.]

7.—(1) Subject to any regulations made under section eleven of this Act, a person shall be appointed to the office of constable of a police force (other than that of chief constable) by the chief constable of the force. 10

(2) Subsections (3) and (4) of the last preceding section shall apply to a constable of a police force (other than the chief constable) as they apply to the chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by subsection (5) of section eleven of this Act. 15 20

Declaration to be made by constables on appointment.
[1857, s. 11;
1892, s. 79.]

8. A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, justice of the peace or burgh magistrate, a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office. 25

Ranks
[1857, s. 6;
1892, s. 78.]

9.—(1) The Secretary of State may prescribe the ranks which may be held by constables, which shall include ranks to be known respectively as “chief constable”, “assistant chief constable”, “chief superintendent” and “superintendent”.

(2) The number of constables of each rank in any police force shall not exceed such number as may from time to time be authorised by the police authority with the consent of the Secretary of State. 30

(3) A constable of a police force holding the office of chief constable of the force shall have the rank of chief constable, and every other constable of the force shall have such rank as may from time to time be assigned to him by the chief constable in accordance with any regulations made under section eleven of this Act as to promotion: 35

Provided that there shall not be assigned to any constable at any time without his consent a rank lower than that which he then has, except in accordance with regulations made as aforesaid as to discipline. 40

10.—(1) The chief constable of a police force may, with the consent of the police authority, appoint as his deputy any person who immediately before the appointment was serving as a constable in any police force in Great Britain, and references in this Act or any other enactment to a deputy chief constable, or to the deputy chief constable of a particular police force, shall be construed as references to a person holding an appointment under this section, or, as the case may be, to the person holding such an appointment under the chief constable of that force.

A.D. 1955
Deputy chief
constables
[1857, s. 10 ;
1892, s. 90.]

10 (2) An appointment made by a chief constable under the last preceding subsection may be terminated by the chief constable with the consent of the police authority.

(3) Upon the occurrence of a vacancy in the office of chief constable of a police force the person (if any) holding an appointment as deputy chief constable of the force shall continue to hold that appointment until—

- (a) the filling of the vacancy, or
 - (b) the expiration of a period of three months beginning on the occurrence of the vacancy,
- 20 whichever shall first occur, and no longer :

Provided that—

- (i) the period mentioned in paragraph (b) of this subsection may be extended or further extended from time to time by the police authority with the consent of the Secretary of State ; and
- (ii) nothing in this subsection shall prevent a re-appointment of the same person under this section as deputy chief constable of the force.

(4) A deputy chief constable of a police force shall have all the powers and duties of the chief constable of the force—

- (a) during any absence, incapacity or suspension from duty of the chief constable, and
- (b) during any period when he is holding his appointment by virtue of the last preceding subsection.

35 (5) A deputy chief constable of a police force shall, on his appointment as such, be deemed also to be appointed to the office of constable of the force, unless he then holds that office.

11.—(1) Subject to the provisions of subsection (6) of this section the Secretary of State shall make regulations as to the government and administration of police forces.

Regulations as
to government
and
administration
of police
forces.
[1857, ss. 6, 10,
16, 21, 22;
1892, ss. 78, 85,
88, 90, 91;
1914 (c. 8), s.1;
1914 (c. 61), s. 1;
1919, s. 4.]

(2) Without prejudice to the generality of the preceding subsection, any such regulations may include provisions—

- (a) providing for the maintenance of discipline in police forces, for the determination by the appropriate

A.D. 1955

disciplinary authority of questions whether offences against discipline have been committed by constables and for the punishment by the appropriate disciplinary authority, by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, of any constable who is found in the manner so provided to have committed any such offence ; 5

- (b) prescribing the qualifications for appointment of constables and, in the case of regular constables (other than chief constables), providing for an initial period of service on probation within which such constables may be required to resign their appointments otherwise than in respect of an offence against discipline ; 10
- (c) prescribing the circumstances in which a special or temporary constable may be required to resign his appointment otherwise than in respect of an offence against discipline ; 15
- (d) prescribing the circumstances in which a constable may resign his appointment voluntarily (whether with a view to accepting appointment as a constable in another police force in Great Britain or otherwise) ; 20
- (e) prescribing the circumstances in which a constable may be temporarily suspended from duty ;
- (f) regulating the scales of pay and allowances, the promotion and the conditions of service of constables ; 25
- (g) applying to special constables, subject to such modifications as may be prescribed, any enactment relating to the grant of pensions to regular constables injured, and of pensions or gratuities to the dependants of such constables killed, in the execution of their duty ; 30
- (h) providing for the maintenance of personal records of constables ; and
- (i) regulating the issue, use and return of the accoutrements and clothing required by constables for the execution of their duty and prescribing the pattern and scale of provision by police authorities of such accoutrements and clothing, and of any other equipment, vehicles and apparatus required for the purposes of police forces. 35

(3) Regulations made under this section shall provide for the making of such arrangements as to the hours of duty of constables as shall secure that every constable (not being above such 40

rank as may be specified in the regulations) shall be allowed at least fifty-two days in a year on which he is not required to perform police duty, save on occasions of emergency, such days being distributed throughout the year with the object of securing, so far as practicable, to every such constable one day's rest in every seven. A.D. 1955

(4) Subject to the provisions of this section regulations under this section may make different provision for different classes of constable and for constables of different rank.

10 (5) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority shall be—

(a) in relation to the chief constable of a police force, the police authority ;

15 (b) in relation to any constable of a police force (other than the chief constable) having the rank of assistant chief constable or holding the appointment of deputy to the chief constable, the police authority ; and

(c) in relation to any other constable of a police force, the chief constable of the force :

20 Provided that in relation to any such other constable in whose case the chief constable of the force is interested otherwise than as chief constable or is a material witness the appropriate disciplinary authority shall, if
25 either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.

(6) Before making any regulations under this section the Secretary of State shall submit a draft thereof either—

30 (a) to a police council held under paragraph 18 of the Schedule to the Police Act, 1919, as modified by any order made under section thirteen of that Act, or

(b) to the Joint Central Committee and to such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents
35 respectively,

and shall consider any representations made as to the draft by that council or, as the case may be, by the Joint Central Committee or any of those bodies or associations.

A.D. 1955
 Pay,
 allowances,
 expenses and
 rewards.
 [1857, ss. 27,
 28; 1892, ss.
 89, 97; 1919,
 s. 4.]

12.—(1) The police authority shall pay to the constables of a police force pay and allowances in accordance with such scales as may be prescribed, and shall reimburse to such constables any expenses reasonably incurred by them in the performance of their duty, being expenses of a kind approved either generally 5 or in particular cases by the Secretary of State.

(2) On the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—

(a) to any constable (other than the chief constable) of the 10 police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or



(b) to any constable (other than the chief constable) of another police force who, while serving with the first 15 mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces, has in their opinion conducted himself in the performance of his duty with exceptional merit, or

(c) to any person other than a constable who in their 20 opinion has substantially contributed to the fulfilment of the functions of the police force :

Provided that the aggregate of payments made under this subsection by a police authority in any year shall not exceed such sum as may be approved by the Secretary of State. 25

Non-police
 employees.

13. The police authority may employ for the assistance of the constables of a police force such number of officers (not being constables) as may from time to time be fixed by the authority with the consent of the Secretary of State.

Equipment.
 [1857, s. 28;
 1919, s. 4.]

14. The police authority may, subject to any regulations 30 made under section eleven of this Act, provide and maintain such vehicles, apparatus, accoutrements, clothing and other equipment as may be required for the purposes of a police force.

Land and
 buildings.
 [1946 (c. 71),
 s. 11.]

15.—(1) The police authority may, subject to the consent of the Secretary of State, provide and maintain such land and 35 buildings and other structures, and make such alterations in any buildings and other structures already provided, as may be required for the purposes of a police force (including cells for the temporary confinement of persons taken into police custody, and dwelling houses or other housing accommodation for 40 constables).

(2) A police authority may be authorised by the Secretary of State to acquire compulsorily land required for the purposes of their functions under this Act, and the Acquisition of Land

(Authorisation Procedure) (Scotland) Act, 1947, shall apply as if this section had been in force immediately before the commencement of that Act. A.D. 1955

(3) For the purposes of the last preceding subsection and of Part VIII of the Local Government (Scotland) Act, 1947, (which relates to the acquisition of, and dealing in, land by local authorities) any land required, acquired, appropriated or held for the purposes of a police force shall be deemed to be required, acquired, appropriated or held for the purposes of the functions of the police authority under this Act.

(4) The Sixth Schedule to the Local Government (Scotland) Act, 1947 (which specifies enactments for the purposes of which money may be borrowed by local authorities repayable within periods other than thirty years), shall have effect as though there were added in the first column thereof a reference to this section except so much thereof as relates to dwelling houses and other housing accommodation and in the second column thereof, opposite that reference, the words "Such period not exceeding sixty years as the Secretary of State may fix."

20 *Mutual Aid of Police Forces*

16.—(1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, and the second-mentioned chief constable may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit. Aid of one police force by another. [Defence (General) Regulation 39; 1892, ss. 82, 83.]

(2) If the chief constable of a police force is unable by means of applications made under the foregoing subsection to obtain, or to obtain at the time required, the amount of assistance which in his opinion is needed by the police force, he may apply to the Secretary of State, and the Secretary of State may thereupon, if it appears to him to be necessary or expedient in the interests of public safety or the maintenance of public order, direct the chief constable of any other police force to arrange for the provision from the resources of that other force of such assistance to the first-mentioned force as may be specified in the directions.

(3) A copy of any directions given to the chief constable of any police force under the last foregoing subsection shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects their functions in relation to that force.

(4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such

A.D. 1955 manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the Secretary of State.

Amalgamation of Police Forces

5

Voluntary
schemes for
amalgamation
of police
forces.
[1946 (c. 71),
s. 1.]

17.—(1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (hereafter in this Act referred to as an “amalgamation scheme”) and the Secretary of State may by order approve any scheme so submitted to him. 10

(2) Subject to the provisions of this Act an amalgamation scheme shall make provision with regard to the following matters— 15

- (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area ; 20
- (b) the constitution for the purposes of the next following paragraph in relation to that force of a joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme ; 25
- (c) the delegation to the joint police committee of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their functions under this section, and such other functions as may be specified in the scheme) ; 30
- (d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure incurred by the joint police committee in the performance of the functions delegated to them ; 35
- (e) the audit of the accounts of the joint police committee by an auditor appointed by the Secretary of State and the application to such audit of the provisions of Part X of the Local Government (Scotland) Act, 1947. 40

(3) The reference in paragraph (d) of the last preceding subsection to the expenditure incurred by the joint police committee is a reference to so much of the net expenditure of the committee as is not reimbursed to the committee under section thirty of this Act by sums paid out of moneys provided by Parliament. 45

(4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters— A.D. 1955

- (a) the transfer of property, rights and liabilities ;
- 5 (b) the adjustment of liabilities between the constituent authorities ;
- (c) the settlement of differences between the constituent authorities ;
- 10 (d) the transfer to the joint police committee of officers of any of the constituent authorities ;
- (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area ;
- 15 (f) any other matters incidental to or consequential on the provisions contained in the scheme.

(5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.

(6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee of the expenditure referred to in paragraph (d) of subsection (2) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.

30 (7) For the purposes of the Local Government Superannuation (Scotland) Act, 1937, the appropriate superannuation fund in relation to the contributory employees of a joint police committee shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.

(8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.

(9) Unless the context otherwise requires—

- 45 (a) any reference in any enactment including this Act to a police area or police district shall be construed as including a reference to a combined area ; and

A.D. 1955

(b) in relation to a police force maintained for a combined area any reference in any enactment including this Act to the police authority shall be construed as a reference to the police authorities for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the joint police committee by or under the amalgamation scheme. 5

Power of Secretary of State to make amalgamation schemes. [1946 (c. 71), s. 2.]

18.—(1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him by the police authorities for those areas under the last preceding section before such date as he may fix, the Secretary of State may in accordance with the subsequent provisions of this section by order make such scheme as he considers expedient, and the provisions of the last preceding section shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the substitution in subsection (8) for any reference to the approval of a scheme of a reference to the making of a scheme. 10 15 20

(2) Before making a scheme under this section the Secretary of State shall give to the police authorities concerned notice of the general nature of the proposed scheme; and unless those authorities give notice to the Secretary of State that they assent thereto, the Secretary of State shall publish in one or more newspapers circulating in the areas of the authorities a notice of the general nature of the proposed scheme and shall cause a local inquiry to be held by a person appointed by him (not being an officer of police or of any government department). 25 30

(3) Any local inquiry held under the last preceding subsection shall be held in public, and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall have effect in relation thereto. 35

(4) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft. 40

Transitory provisions. [1946 (c. 71), s. 3.]

19.—(1) The transitory provisions set out in the Second Schedule to this Act shall have effect for the purposes of the alterations effected by virtue of an amalgamation scheme. 45

(2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those 5 proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred. A.D. 1955

20 **20.**—(1) An amalgamation scheme made under section seventeen or eighteen of this Act may be amended or revoked by a subsequent scheme made under either of those sections, and the foregoing provisions of this Act, including the provisions of the Second Schedule to this Act, shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following 15 provisions of this section. Amendment and revocation of amalgamation schemes. [1946 (c. 71), s. 4.]

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—

- 20 (a) for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area ;
- 25 (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid ;
- (c) for the dissolution and winding up of any joint police committee constituted under the original scheme, or for the reconstitution of any such committee ;
- 30 (d) for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area ;
- (e) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, 35 property, rights or liabilities of the joint police committee ;
- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

40 **21.**—(1) If in consequence of an amalgamation scheme or of a scheme amending or revoking such a scheme, or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a joint police committee, suffers direct pecuniary loss by reason of the determination of his 45 employment or the diminution of his emoluments he shall, unless provision for his compensation for that loss is made by or under Compensation of officers prejudicially affected by amalgamation schemes. [1946 (c. 71), s. 6.]

A.D. 1955 any other enactment for the time being in operation, be entitled to receive compensation under this section from such constituent authority or joint police committee as may be determined by or under that scheme.

(2) Any person who immediately before the date on which any such scheme as is mentioned in the preceding subsection came into operation, was an officer employed by a constituent authority or by a joint police committee and who, at any time within five years after the said date—

(a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or

(b) relinquishes office by reason of his having been required to perform duties which are not analogous or which are an unreasonable addition to those which he was required to perform immediately before that date,

shall, for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.

(3) For the purposes of the determination and payment of compensation under this section the provisions of section three hundred and eighteen of and the Eleventh Schedule to the Local Government (Scotland) Act, 1947, shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

Chief constables of police forces affected by amalgamation schemes. [1946 (c. 71), s. 7.]

22.—(1) The chief constable of a police force shall not be transferred by an amalgamation scheme to the police force established by the scheme unless he is appointed as the first chief constable of that force or unless before the date when the scheme comes into operation he agrees to join that force in some other capacity.

(2) A chief constable who is not transferred as aforesaid shall be deemed to have retired from his police force immediately before the date when the scheme came into operation, and during the period of three months beginning with the said date (or, if within those three months he joins the police force established by the scheme, during the period beginning with the said date and ending with the day before the date on which he joins that force) he shall be entitled to be paid by the joint police committee a salary and emoluments at the same rate as the salary and emoluments which he would have been entitled to receive had he continued to be the chief constable of his police force.

23.—(1) In relation to a person who has engaged in accordance with the provisions of section two of the Police (Overseas Service) Act, 1945, for a period of overseas service, and who, before he so engaged, was either—

A.D. 1955
Provisions as
to constables
serving on
overseas police
service.
[1946 (c. 71),
s. 9.]

5 (a) a member of a transferred force ; or

(b) a person to whom section one of the Police and Firemen (War Service) Act, 1939, applied, having ceased to serve as a constable in a transferred force in order to serve in Her Majesty's forces,

10 the provisions of the said section two shall, if he so engaged before the date when the amalgamation scheme came into operation, have effect, in relation to any period after that date, as if for any reference therein to his home police force there were substituted a reference to the new force, and references in
15 that section to the appropriate authority shall be construed accordingly.

(2) Nothing in the last preceding subsection shall be construed as entitling a person who has engaged for a period of overseas service to revert to the new force as the chief
20 constable of that force ; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of
25 his period of overseas service in pursuance of an agreement in that behalf made by him during that period, subsection (2) of the last preceding section shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of
30 his period of overseas service.

(3) In this section the expressions "transferred force" and "new force" have the same meanings as they have for the purpose of the Second Schedule to this Act, and the expression "overseas service" has the same meaning as it has for the
35 purposes of the Police (Overseas Service) Act, 1945.

Offences and Legal Proceedings

24.—(1) Any person who assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or any person assisting such a constable, or who rescues or attempts to rescue
40 or assists or attempts to assist the escape of any person in custody shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment :

Assaulting,
etc., a
constable in
the execution
of his duty.
[1821, ss. 1, 2;
1871, s. 12;
1885, s. 2;
1892, s. 87.]

45 Provided that in relation to a second or subsequent offence within two years of the conviction in respect of the last preceding

A.D. 1955 offence this subsection shall have effect with the omission of any reference to a fine and with the substitution for the words "three months" of the words "nine months".

(2) Any reference in this section to a person in custody shall be construed as a reference to a person— 5

(a) who is in the lawful custody of a constable or any person assisting a constable to execute his duty, or

(b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

Causing
disaffection,
etc.
[1919, s. 3.]

25.—(1) Any person who causes, or attempts to cause, or does any act calculated to cause disaffection amongst the constables of any police force maintained under this Act, or induces, or attempts to induce, or does any act calculated to induce any constable of any such police force to withhold his services or to commit breaches of discipline, shall be guilty of an offence, and shall be liable on conviction on indictment to imprisonment for a period not exceeding two years, or on summary conviction to imprisonment for a period not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine. 10 15 20

(2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable.

Unauthorised
use of police
uniform, etc.
[1857, s. 23;
1892, s. 92;
1919, s. 10.]

26.—(1) Subject to the provisions of this section any person who— 25

(a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or 30

(b) wears any article of police uniform without the permission of the police authority for the police area in which he is, or

(c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof, 35

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months. 40

(2) Nothing in the preceding subsection shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast. 45

(3) In this section "article of police uniform" means any article of uniform or any distinctive badge or mark usually issued by any police authority to constables, or any article having the appearance of such article, badge or mark. A.D. 1955

5 27.—(1) Any person who, being a constable, wilfully absents himself from duty as such otherwise than in accordance with regulations made under section eleven of this Act shall be guilty of an offence. Offences by constables. [1857, ss. 20, 21, 22; 1892, ss. 88, 91, 93.]

(2) Any person who, being a constable, neglects or violates his duty as such, whether under this Act or otherwise, shall be guilty of an offence.

(3) Any person who, being or having been a constable of any police force, fails without reasonable excuse to return to the chief constable of the force (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so or upon ceasing to be a constable of the force, any accoutrements or clothing which have been issued to him for the execution of his duty, shall be guilty of an offence.

(4) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

28. If a sheriff, justice of the peace or magistrate of a burgh is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, the sheriff, justice of the peace or magistrate may grant a warrant to any constable named therein to enter the said premises or place at any reasonable hour, if necessary by force, and to search the same, and to seize and detain any of the said accoutrements or clothing which he may find therein. Warrants to search for police accoutrements and clothing. [1857, s. 22; 1892, s. 91.]

Miscellaneous

35 29.—(1) The Secretary of State may provide courses for constables of police forces, and may for that purpose, if he thinks fit, establish and maintain one or more central training institutions (including such instructing and administrative staff, and such land, buildings and equipment, as he may consider expedient). Central training and other common services.

(2) The Secretary of State may make arrangements for the attendance of constables of police forces at courses provided (whether in Scotland or elsewhere) otherwise than under the preceding subsection.

A.D. 1955 (3) Before providing any courses, or making any arrangements, under the preceding provisions of this section the Secretary of State shall consult the Joint Central Committee and such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents respectively. 5

(4) Where a constable of a police force, with the consent of the chief constable, undertakes temporary service as a member of the instructing staff of any central training institution established under subsection (1) of this section, such service shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force. 10

(5) One half of the expenses incurred by the Secretary of State in establishing and maintaining any central training institution under subsection (1) of this section shall be recoverable by him from police authorities (not being constituent authorities) and from joint police committees in such proportions as may be determined by him after consulting such bodies or associations as appear to him to be representative of police authorities; and any expenses falling on a police authority or joint police committee by virtue of this subsection shall be defrayed in like manner as other expenses incurred by the authority or committee for the purposes of this Act. 15 20

(6) The Secretary of State, after consulting such bodies or associations as appear to him to be representative of police authorities, may by order apply the last preceding subsection to the expenses incurred by him in providing any other service for the purposes of police forces generally. 25

(7) In this section "courses" means courses of instruction in matters relating to police service. 30

Police Grant.
[1946 (c. 71).
s. 10.]

30.—(1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which subsection (6) of section seventeen of this Act, or subsection (5) of the last preceding section, applies or may be for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine. 35

(2) The Secretary of State may deduct from any sum payable by him under the preceding subsection to any police authority or joint police committee any sum due by that authority or committee to him by virtue of subsection (5) of the last preceding section or by virtue of that subsection as applied by any order under subsection (6) of that section. 40

(3) Any statutory instrument embodying an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament. A.D. 1955

31.—(1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area. Watching of premises under agreement with occupier. [1857, s. 7.]

(2) The power conferred upon a police authority by the preceding subsection may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

32.—(1) Where—

(a) by reason of the construction of works on land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and Extra policing of localities where works are being constructed. [1857, s. 7; 1858, s. 2.]

(b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,

the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary (whether by the appointment of temporary constables or otherwise) for increasing the number of constables so available accordingly.

(2) Where such arrangements as are mentioned in the preceding subsection have been made the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the sheriff.

(3) The provisions of this section shall be without prejudice to the provisions of subsection (3) of section four of this Act.

(4) In this section "sheriff" does not include "sheriff-substitute".

33.—(1) Her Majesty may appoint for the purposes after-mentioned such number of inspectors (hereafter in this Act referred to as "inspectors of constabulary") as the Secretary of State with the consent of the Treasury may determine, and of the persons so appointed one may be appointed as chief inspector of constabulary. Inspectors of constabulary. [1857, s. 65; 1945, s. 2.]

A.D. 1955 (2) The inspectors of constabulary shall hold office during Her Majesty's pleasure and shall be paid out of moneys provided by Parliament such salaries and allowances as the Treasury may determine.

(3) It shall be the duty of the inspectors of constabulary under the direction of the Secretary of State to visit and inquire into the state and efficiency of the police forces and of the buildings and equipment used by such forces. 5

(4) Such of the inspectors of constabulary as may be directed in that behalf by the Secretary of State shall annually, at such time as may be so directed, submit to the Secretary of State a written report on the state and efficiency of the police forces generally, and the Secretary of State shall cause a copy of every such annual report to be laid before each House of Parliament. 10

Annual and other reports by chief constables. [1857, s. 26; 1869, s. 5; 1892, s. 86.]

34.—(1) Subject to the provisions of this section the chief constable of a police force shall whenever required by any of the authorities specified in the next following subsection submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained. 15 20

(2) The authorities referred to in the preceding subsection are:—the Secretary of State, the sheriff having jurisdiction in any part of the area, the magistrates of any burgh comprising any part of the area, and the police authority.

(3) Nothing in the preceding provisions of this section shall require a chief constable to submit to the magistrates of any burgh or to any sheriff a report on matters which are not connected with the policing, respectively, of the burgh or of places in which the sheriff has jurisdiction. 25

(4) The chief constable of a police force shall before the thirty-first day of May in each year submit to the police authority a general report in writing on the policing, during the year ended on the thirty-first day of December last preceding, of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (2) of this section. 30 35

(5) In this section "sheriff" does not include "sheriff-substitute".

Criminal statistics. [1830, s. 15; 1857, s. 64; 1869, s. 5; 1892, s. 502.]

35.—(1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force 40

is maintained, showing for the year to the thirty-first day of December last preceding— A.D. 1955

- (a) the number of offences reported to the police ;
- (b) the number of persons taken into custody by the police ;
- 5 (c) the nature of the charges made against such persons respectively ;
- (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings ;
- 10 (e) any further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.

(2) The Secretary of State shall cause a consolidated and classified abstract of the reports mentioned in the preceding sub-
15 section to be prepared and laid before Parliament and shall cause a copy of such abstract to be sent to each police authority.

(3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—

- 20 (a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and
- (b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may
25 be available to the clerk and necessary for the purpose.

Supplemental

36.—(1) The Secretary of State shall have power to make Regulations regulations prescribing any thing which may be prescribed under and orders. this Act.

30 (2) Any power conferred by this Act (except section one thereof) to make regulations or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.

35 (3) Any power conferred by this Act (except section one thereof) to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

37. The provisions of this Act shall have effect in substitution Local
40 for the corresponding provisions of any local enactment with enactments.
respect to the maintenance of police forces by a county council or a town council, and every such corresponding provision shall cease to have effect :

A.D. 1955 Provided that this section shall not apply to any such corresponding provision specified by the Secretary of State by order made before the commencement of this Act.

Repeals and savings.

38.—(1) Subject to the provisions of this section the enactments mentioned in the Third Schedule to this Act (being enactments which, to the extent specified in the third column of that Schedule, are superseded by this Act or are otherwise obsolete) are hereby repealed to the extent so specified. 5

(2) Nothing in this Act shall affect any regulation, order, scheme, agreement or appointment made, or direction given, or any other thing done under any enactment repealed by this Act, but any such regulation, order, scheme, agreement, appointment, direction or thing shall, if and in so far as it is in operation at the commencement of this Act, continue in operation so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect as if it had been made, given or done under that corresponding provision. 10 15

(3) Any reference in any document to any enactment repealed by this Act shall be construed as a reference to this Act or the corresponding provision of this Act. 20

(4) The mention of particular matters in this section shall be without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

(5) So much of this section as relates to section eleven of the Police (Scotland) Act, 1857, and to subsection (2) of section twenty of, and paragraph 5 of the First Schedule to, the Police Act, 1946, shall extend to the whole of Great Britain. 25

Interpretation. **39.**—(1) In this Act unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them, that is to say— 30

“amalgamation scheme” means a scheme made under section seventeen or eighteen of this Act or any corresponding provisions repealed by this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme; 35

“burgh” has the same meaning as in the Local Government (Scotland) Act, 1947;

“combined area” means the area consisting of the police areas combined by an amalgamation scheme; 40

“constable” means a constable (including the chief constable) of a police force; and “regular constable”, “special constable”, and “temporary constable” have the meanings assigned to them by subsection (1) of section three of this Act; 45

A.D. 1955

“ constituent authority ” means a police authority which is a party to an amalgamation scheme ;

“ enactment ” includes an order, regulation or other instrument having effect by virtue of an Act ;

5 “ functions ” includes powers and duties ;

“ Joint Central Committee ” means the three central committees of the Police Federation established for Scotland under section one of the Police Act, 1919, acting together as a joint committee ;

10 “ officer ” includes “ servant ” ;

“ police area ” has the meaning assigned to it by subsection (5) of section one, as read with subsection (9) of section seventeen of this Act ;

15 “ police authority ” has the meaning assigned to it by section two of this Act as read with subsection (9) of section seventeen of this Act.

“ police force ” means a police force maintained under this Act for a police area or a combined area ;

20 “ prescribe ” means prescribe by regulations made under this Act, and “ prescribed ” shall be construed accordingly.

“ rank ” means a rank prescribed under section nine of this Act.

(2) Any reference in this Act to a county shall, unless the context otherwise requires, be construed as a reference to the county inclusive of any burgh situated therein which is not mentioned in the First Schedule to this Act, and section one hundred and eighteen of the Local Government (Scotland) Act, 1947 (which relates to the combination of certain counties for certain purposes), shall have effect accordingly.

(3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.

35 (4) Any reference in this Act or any other enactment to the chief constable, or chief officer, of a police force shall, unless the context otherwise requires, be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence
40 of the chief constable from duty, is responsible for performing the functions of that office.

(5) Any reference in this Act to persons holding the rank of superintendent shall, unless the context otherwise requires, be construed as including a reference to persons holding the rank of
45 chief superintendent.

A.D. 1955 (6) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(7) In this Act the expression “under this Act”, and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall be construed as including a reference to any Act repealed by this Act or to the corresponding provision of any Act so repealed. 5

Short title,
extent and
commence-
ment.

40.—(1) This Act may be cited as the Police (Scotland) Act, 10 1955.

(2) Except where otherwise provided, this Act shall extend to Scotland only.

(3) This Act shall come into operation on such day as the Secretary of State may by order appoint. 15

SCHEDULES

A.D. 1955

FIRST SCHEDULE

Sections 1, 39.

*Burghs for which (subject to amalgamation schemes)
Police Forces are to be maintained*

- 5 The burgh of Aberdeen
The burgh of Airdrie
The burgh of Arbroath
The burgh of Ayr
The burgh of Coatbridge
10 The burgh of Dumbarton
The burgh of Dumfries
The burgh of Dundee
The burgh of Dunfermline
The burgh of Edinburgh
15 The burgh of Glasgow
The burgh of Greenock
The burgh of Hamilton
The burgh of Inverness
The burgh of Kilmarnock
20 The burgh of Kirkcaldy
The burgh of Motherwell and Wishaw
The burgh of Paisley
The burgh of Perth
The burgh of Stirling

25

SECOND SCHEDULE

Sections 19, 20.

*Transitory Provisions for the Purposes of
Amalgamation Schemes*

1. All members of a police force who are transferred by an amalgamation scheme shall be deemed to have been duly appointed and
30 attested under this Act as constables of the new force, and shall hold in that force the same ranks respectively as they held immediately before the date of such transfer in the transferred force.

2. Where immediately before the date when an amalgamation scheme comes into operation a constable of a transferred force is
35 entitled to appeal to a Secretary of State under the Police (Appeals) Acts, 1927 and 1943, or where any such member has appealed to a Secretary of State under the said Acts before the said date but the appeal has not been determined, the disciplinary authority for the new force shall be the respondent for the purposes of the appeal and in the
40 case of a pending appeal shall be substituted as respondent for the disciplinary authority of the transferred force.

3. Any register kept in pursuance of any enactment by the chief constable of a transferred force shall be transferred by him to the chief constable of the new force as soon as may be after the date
45 when the scheme came into operation, and as from that date shall be deemed to form part of the corresponding register kept by that chief constable.

A.D. 1955
2ND SCH.
—cont.

4. Subject to the preceding provisions of this Schedule, anything done before the date when an amalgamation scheme comes into operation by, to or before the police authority for any police area comprised in the combined area, or by, to or before the chief constable of a transferred force, shall, in so far as may be necessary for the purpose or in consequence of the provisions of this Act or of the scheme, have effect after that date as if it had been done by, to or before the joint police committee or the chief constable of the new force. 5

5. In this Schedule the expression “ transferred force ” means the police force maintained for any police area comprised in a combined area, and “ new force ” means the police force established by any amalgamation scheme. 10

6. This Schedule shall have effect in relation to an amending or revoking scheme with the substitution where necessary—

(a) for any reference to an amalgamation scheme, of a reference to the amending or revoking scheme, 15

(b) for any reference to the combined area, of a reference to such area as may be prescribed by the amending or revoking scheme, and

(c) for any reference to a police area comprised in a combined area, of a reference to the combined area under the scheme being amended or revoked; 20

and for this purpose the expression “ new force ” shall be construed as including a reference to a police force re-established by an amending or revoking scheme. 25

Section 38.

THIRD SCHEDULE

Enactments repealed

Session and Chapter	Short Title	Extent of Repeal	
1 & 2 Geo. 4. c. 88.	The Rescue Act, 1821 ...	The whole Act.	30
11 Geo. 4. & 1 Will. 4. c. 37.	The Criminal Law (Scotland) Act, 1830.	Section fifteen.	
20 & 21 Vict. c. 72.	The Police (Scotland) Act, 1857.	The whole Act.	35
21 & 22 Vict. c. 65.	The Police (Scotland) Act, 1858.	The whole Act.	
32 & 33 Vict. c. 33.	The Judicial Statistics (Scotland) Act, 1869.	Section five.	
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Section twelve.	40
48 & 49 Vict. c. 75.	The Prevention of Crimes Amendment Act, 1885.	The whole Act.	
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Sections thirteen and ninety-seven.	45

A.D. 1955
3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
53 & 54 Vict. c. 67.	The Police (Scotland) Act, 1890.	The whole Act.
5 55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections seventy-eight to eighty, eighty-two to ninety-eight, four hundred and sixty-nine, four hundred and ninety-four and five hundred and two.
10 4 & 5 Geo. 5. c. 8.	The Police (Weekly Rest Day) (Scotland) Act, 1914.	The whole Act.
4 & 5 Geo. 5. c. 53.	The Special Constables (Scotland) Act, 1914.	The whole Act.
15 4 & 5 Geo. 5. c. 61.	The Special Constables Act, 1914.	The whole Act.
9 & 10 Geo. 5. c. 46.	The Police Act, 1919 ...	Sections three, four and ten.
13 & 14 Geo. 5. 20 c. 11.	The Special Constables Act, 1923.	Sections one, two and four. In section five the words from “ and sections ninety-six ” to the end of the section.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section three, subsections (3) to (6).
25 8 & 9 Geo. 6. c. 11.	The Police (His Majesty's Inspectors of Constabulary) Act, 1945.	In section five, subsection (6). The whole Act.
30 9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act, 1946.	The Second Schedule so far as it amends section four of the Special Constables Act, 1923.
9 & 10 Geo. 6. c. 46.	Police Act, 1946 ...	In subsection (2) of section twenty, the words “ Except so far as it amends section eleven of the Police (Scotland) Act, 1857 ”; in the Second Schedule, paragraph 5.
35 9 & 10 Geo. 6. c. 71.	The Police (Scotland) Act, 1946.	The whole Act.

A.D. 1955

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Police (Scotland) Act, 1857	20 & 21 Vict. c. 72.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Police Act, 1919	9 & 10 Geo. 5. c. 46.
Police (Appeals) Act, 1927	17 & 18 Geo. 5. c. 19.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.
Police and Firemen (War Service) Act, 1939 ...	2 & 3 Geo. 6. c. 103.
Police (Appeals) Act, 1943	6 & 7 Geo. 6. c. 8.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947... ..	10 & 11 Geo. 6. c. 43.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.

Police (Scotland) [H.L.]**B I L L**

INTITLED

An Act to consolidate with amendments certain enactments relating to police forces in Scotland and to the execution of warrants in the border counties of England and Scotland.

The Earl of Home

 Ordered to be printed 6th April 1955

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

(47)

(38144)

Public Libraries (Scotland) Bill

ARRANGEMENT OF CLAUSES

Clause

- 1. Removal of limitation on expenditure and borrowing by county and town councils for public libraries.**
- 2. Provisions for facilitating co-operation among statutory and non-statutory library authorities.**
- 3. Revocation of decision to adopt the principal Act.**
- 4. Extension of lending power of public libraries.**
- 5. Interpretation, citation and extent.**

A

B I L L

INTITULED

An Act to remove the limitations imposed by section one hundred and ninety-one of the Local Government (Scotland) Act, 1947, and by section fourteen of the Public Libraries Consolidation (Scotland) Act, 1887, on the annual expenditure and the power to borrow money of county and town councils for and in connection with public libraries; to facilitate co-operation among statutory and non-statutory library authorities; to authorise the revocation of a decision to adopt the Public Libraries Consolidation (Scotland) Act, 1887; and to extend the lending powers of statutory library authorities.

A.D. 1955

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

5 **1.**—(1) Subsection (1) and subsection (3) of section one hundred and ninety-one of the Local Government (Scotland) Act, 1947, and any corresponding enactment contained in any local Act shall, in so far as they impose a limitation on the annual expenditure of a county or town council for and in connection with public libraries, cease to have effect.

Removal of limitation on expenditure and borrowing by county and town councils for public libraries.

(2) So much of section fourteen of the principal Act as imposes a limitation on the amount of money which may be borrowed by a county or town council for the purposes of that Act shall cease to have effect.

10 & 11 Geo. 6. c. 43.

A.D. 1955
Provisions for
facilitating
co-operation
among
statutory and
non-statutory
library
authorities.

2.—(1) A statutory library authority shall have power to enter into arrangements with any other statutory library authority or with any non-statutory library authority with a view to the improvement of their respective library services, and, without prejudice to the foregoing generality, any such arrangements may provide for the lending by one authority to the other of any library material. 5

(2) A statutory library authority may, with the consent of the Secretary of State given either generally or specially, contribute towards the expenses of any non-statutory library authority.

(3) Where— 10

(a) a non-statutory library authority includes among its objects the provision of library services to all statutory library authorities in Scotland, and

(b) the Associations representing the local authorities concerned agree that a specified sum should be jointly contributed annually for a specified number of years to the said non-statutory library authority by the statutory library authorities belonging to their Associations, and that the said sum should be apportioned among the said authorities on a specified basis, 20

then, if each of the said Associations resolves that each of the statutory library authorities belonging to that Association shall for the said number of years contribute the amount due by them in accordance with the agreement and if the Secretary of State approves of the said resolution, each of the said statutory library authorities shall contribute accordingly. 25

(4) The provisions of this section shall have effect notwithstanding anything in any other enactment (including any enactment contained in a local Act).

Revocation of
decision to
adopt the
principal Act.

3.—(1) Where the principal Act has been adopted in respect of part of a county or in respect of a burgh, the county council or the town council, as the case may be, if they are satisfied that adequate library services will thereafter be provided in that part of the county or in the burgh by some other statutory library authority, may revoke the decision to adopt that Act, and thereupon that Act shall cease to apply to that part of the county or to the burgh. 30 35

(2) Where the council of a county or of a burgh have, under the foregoing subsection, revoked a decision to adopt the principal Act, they may transfer any property vested in them by virtue of that Act for the benefit of the area affected by the revocation to any other statutory library authority by whom in pursuance of arrangements made by them library services will thereafter be provided in that area, or may dispose of it in such other way as, with the approval of the Secretary of State, they may determine. 40 45

4. The power conferred by the seventh paragraph of section A.D. 1955
 twenty-one of the principal Act of lending out books from a library shall extend to the lending out of any other library material which the managers of the library may think proper to
 5 lend out. Extension of
lending power
of public
libraries.

5.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:— Interpretation,
citation and
extent.

10 “library material” means any library material the purchase
 of which is authorised by the third paragraph of section
 twenty-one of the principal Act;

“non-statutory library authority” means a body, not
 trading for profit, which provides library services
 otherwise than in the exercise of statutory powers;

15 “the principal Act” means the Public Libraries Consolida-
 tion (Scotland) Act, 1887; 50 & 51 Vict.
c. 42.

20 “statutory library authority” means a county council, town
 council or committee authorised by the Public Libraries
 (Scotland) Acts, 1887 to 1920, or by any other enactment
 (including any enactment contained in a local Act) to
 provide library services, or the education authority of
 a county within the meaning of the Education (Scotland)
 Act, 1946. 9 & 10 Geo. 6.
c. 72.

(2) This Act may be cited as the Public Libraries (Scotland)
 Act, 1955, and the Public Libraries (Scotland) Acts, 1887 to 1920,
 25 and this Act may be cited together as the Public Libraries
 (Scotland) Acts, 1887 to 1955.

(3) This Act shall extend to Scotland only.

Public Libraries (Scotland)

A

B I L L

INTITLED

An Act to remove the limitations imposed by section one hundred and ninety-one of the Local Government (Scotland) Act, 1947, and by section fourteen of the Public Libraries Consolidation (Scotland) Act, 1887, on the annual expenditure and the power to borrow money of county and town councils for and in connection with public libraries; to facilitate co-operation among statutory and non-statutory library authorities; to authorise the revocation of a decision to adopt the Public Libraries Consolidation (Scotland) Act, 1887; and to extend the lending powers of statutory library authorities.

Brought from the Commons 28th April 1955

Ordered to be printed 28th April 1955

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

(55)

(38228)

A

B I L L

INTITULED

An Act to make provision with respect to the allowing of free travel or reduced fares on public service vehicles run by local authorities and for purposes connected therewith. A.D. 1955

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

5 **1.**—(1) Notwithstanding anything in any other enactment or in any rule of law to the contrary, it shall be lawful for any local authority who are operating a public service vehicle undertaking to make arrangements for the granting of established travel concessions to qualified persons travelling on the public service vehicles run by the local authority or on any of those vehicles to which the arrangements relate. Granting by local authorities of travel concessions.

(2) In this Act the expression “qualified persons” means persons mentioned in any of the following paragraphs or any description of such persons, that is to say—

- 15 (a) men over the age of sixty-five years and women over the age of sixty years;
- (b) persons whose age does not exceed fifteen years;
- (c) persons whose age exceeds fifteen years but does not exceed eighteen years and who are undergoing full-time education;
- 20

(50)

A.D. 1955

- (d) blind persons, that is to say persons so blind as to be unable to perform any work for which eyesight is essential;
- (e) persons suffering from any disability or injury which, in the opinion of the local authority, seriously impairs 5 their ability to walk;
- (f) members of the local authority or of a constituent authority of the local authority (including persons who for the purposes of Part VI of the Local Government Act, 1948, are to be treated as members of the local 10 authority or constituent authority):

Provided that travel concessions granted to a person by virtue of paragraph (c) of this subsection shall be limited to travel between the residence of such person and his place of education or for purposes in connection with the education received by 15 him thereat, and travel concessions granted to a person by virtue of paragraph (f) of this subsection shall be limited to travel in the performance of approved duties as defined in section one hundred and fifteen of the Local Government Act, 1948.

(3) In this section the expression “established travel 20 concession”, in relation to the grant of travel concessions by any local authority to persons of any description, means—

- (a) a travel concession which was being granted by that authority to persons of that description at any date in the year nineteen hundred and fifty-four not later than 25 the thirtieth day of November, or
- (b) any less travel concession.

A certificate of the licensing authority for public service vehicles, granted on an application made by a local authority in accordance with the Schedule to this Act, that any travel concession specified 30 in the certificate was at any such date as aforesaid being granted by the local authority to persons of a description so specified shall be conclusive evidence of the facts certified.

(4) The council of a county borough or county district in whose area another local authority run public service vehicles may 35 contribute to any cost incurred by that other local authority in the granting to qualified persons of travel concessions in that area.

(5) In respect of travel concessions granted by them to qualified persons the council of a county borough or county district may, 40 if they think fit, from time to time transfer to the credit of the account of their transport undertaking sums from the general rate fund, being sums not exceeding the cost to them of granting the concessions or so much of that cost as would not fall to be met out of the general rate fund apart from this subsection. 45

(6) In respect of travel concessions granted to qualified persons by a joint board or joint committee, the council of a county borough or county district, being a constituent authority of the board or committee, may if they think fit pay to the credit of the account of the transport undertaking of the board or committee sums out of the general rate fund not exceeding the appropriate proportion of the cost incurred by the board or committee in granting the concessions or so much of that cost as would not fall to be defrayed out of the general rate funds of the constituent authorities apart from this subsection. A.D. 1955

In this subsection the expression "appropriate proportion" means, in relation to a constituent authority, the proportion in which that authority contributes to the expenses of the joint board or joint committee.

(7) Sections one and two of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, shall not apply to fares chargeable to qualified persons by virtue of travel concessions granted by local authorities, and no conditions attached to a road service licence shall prejudice the operation of arrangements for granting such concessions to such persons.

(8) Any expenditure of a local authority incurred before the passing of this Act which would have been lawful if this Act had then been in force shall be deemed to have been lawfully incurred.

2. Any expenditure incurred by the council of a county borough or county district in defraying the cost of the granting (whether before or after the passing of this Act) of travel concessions to qualified persons (whether by the council or by a joint board or joint committee of which the council are a constituent authority) or in making contributions under subsection (4) of the last foregoing section shall be left out of account in computing the expenditure of the council for the purposes of section four of the Local Government Act, 1948. Expenditure by local authorities under this Act.

3. In this Act—

Interpretation.

"local authority" means—

(i) the council of any county borough or county district; and

(ii) any joint board or joint committee which is constituted so as to include among its members representatives of a county borough or county district,

and the expression "constituent authority", in relation to any such joint board or joint committee as aforesaid, means the council of any county borough or county district represented on the board or committee;

A.D. 1955

“ public service vehicle ” means an express carriage, a stage carriage, a tramcar or a trolley vehicle, and “ public service vehicle undertaking ” shall be construed accordingly;

“ express carriage ”, “ stage carriage ”, “ tramcar ” and “ trolley vehicle ” have the same respective meanings as in the Road Traffic Act, 1930;

“ qualified persons ” has the meaning assigned to it by subsection (2) of section one of this Act; and

“ travel concession ” means the reduction or waiver of a fare or charge, either absolutely or subject to terms, limitations, or conditions.

Application to Scotland.

4. In the application of this Act to Scotland—

(a) for references to a local authority or to the council of a county borough or county district there shall be substituted references to a town council;

(b) for the reference in section one of this Act to the general rate fund there shall be substituted a reference to the burgh fund; and

(c) for the reference in section two of this Act to section four of the Local Government Act, 1948, there shall be substituted a reference to section five of the Local Government (Financial Provisions) (Scotland) Act, 1954.

Short title and extent.

5.—(1) This Act may be cited as the Public Service Vehicles (Travel Concessions) Act, 1955.

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

A.D. 1955

SCHEDULE

CERTIFICATION OF TRAVEL CONCESSIONS

Section 1.

1. Not less than fourteen days before making an application under subsection (3) of section one of this Act a local authority shall publish
5 in at least one newspaper circulating in the locality an advertisement of the proposed application.

2. Any such advertisement shall set out the travel concessions (including any relevant terms, limitations or conditions) alleged to have been granted by the authority and the descriptions of persons
10 in relation to which each of the concessions is alleged to have been granted, and shall state that any person may within fourteen days from the publication of the advertisement, by notice in writing given to the local authority and to the licensing authority for public service vehicles, object to the giving of the certificate applied for on the ground
15 that travel concessions were not being granted by the local authority as alleged.

3. Before determining any such application the licensing authority shall afford to the local authority and to any person who has duly given notice of objection under the last foregoing paragraph an
20 opportunity of being heard, and shall then in accordance with their findings either grant the certificate applied for, with or without modifications, or refuse a certificate.

— — — — —
Table of Statutes referred to in this Act

Short title	Session and Chapter
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Transport Charges &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.

**Public Service Vehicles
(Travel Concessions)**

A

B I L L

INTITULED

An Act to make provision with respect to the allowing of free travel or reduced fares on public service vehicles run by local authorities and for purposes connected therewith.

Brought from the Commons 27th April 1955

Ordered to be printed 27th April 1955

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

(50)

(38224)

Public Works Loans Bill

MEMORANDUM

Clause 1 of the Bill empowers the National Debt Commissioners to place sums not exceeding five hundred million pounds at the disposal of the Public Works Loan Commissioners, during the issue period beginning with the passing of the Bill and ending with the passing of the next Public Works Loans Bill, out of which loans can be granted to Local Authorities.

Clause 2 empowers the Public Works Loan Commissioners to enter into undertakings to grant loans, including loans falling to be paid after the expiration of that issue period, provided that the total of commitments undertaken by the Commissioners, together with loans actually granted during the issue period, does not exceed one thousand million pounds at any given time during that period.

On the assumption that the sums proposed will be supplemented by Local Authority borrowing from sources other than the Public Works Loan Commissioners, as has been the case during the current issue period, they may suffice for rather longer than the period of approximately twelve months which was usual in the years prior to the passing of the Public Works Loans Act, 1953.

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. 1955

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

5 **1.**—(1) There 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 five hundred million pounds. Grants for public works.

(2) The sums so issued shall be issued during the period beginning with the passing of this Act and 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.

15 **2.** The period aforesaid shall be an issue period within the meaning of section two of the Public Works Loans (No. 2) Act, 1946 (which enables the Public Works Loan Commissioners to undertake to grant loans which include loans falling to be advanced after the expiration of the current issue period), and the aggregate of— Limit of commitments by Public Works Loan Commissioners.

20 (a) the commitments of the said Commissioners outstanding at any time during the said issue period in respect of undertakings entered into by them (whether during or before the beginning of that period) to grant local loans, and

9 & 10 Geo. 6.
c. 75.

A.D. 1955 (b) the advances in respect of local loans made by the said Commissioners during that period up to that time, shall not exceed the sum of one thousand million pounds.

Short title. 3. This Act may be cited as the Public Works Loans Act, 1955.

5

Public Works Loans

A

BILL

INTITULED

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund.

Brought from the Commons 8th March 1955

Ordered to be printed 8th March 1955

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

(30)

(38023)

Requisitioned Houses and Housing (Amendment) Bill

EXPLANATORY MEMORANDUM

Requisitioned Houses

The power of the Minister of Housing and Local Government and of the Secretary of State to requisition premises for general housing purposes is repealed (Clause 14).

The possession of houses already requisitioned is transferred from the Minister to local authorities, who are given the right to use them for housing purposes up to March 31st, 1960, but no longer (Clause 1).

The Bill makes provision for the release of a requisitioned dwelling earlier than that date in the following circumstances:

- (a) When the dwelling falls vacant (unless it is re-occupied in certain defined circumstances or the Minister authorises its continued retention) (Clause 3).
- (b) When the owner, on invitation from the local authority, accepts the existing occupant as his statutory tenant (Clause 4).
- (c) When the owner applies successfully to a county court for possession of the dwelling for occupation by himself or his family (Clause 5).
- (d) When the owner is suffering severe hardship and the Minister directs the local authority either to release or to purchase the House (Clause 6).
- (e) When the owner modernises his house or converts it into flats (with the aid of an improvement grant) and undertakes to give a rent-restricted tenancy to persons nominated by the local authority (Clause 7).

At present the expenditure in connection with requisitioned houses is incurred by local authorities on behalf of the Minister and the net costs are borne wholly by the Exchequer. Under the Bill, responsibility for meeting these costs is transferred to local authorities who will be assisted with grants from the Exchequer (Clauses 9 and 10).

All terminal compensation for dilapidations under section 2 (1) (b) of the Compensation (Defence) Act, 1939, will be wholly reimbursed by the Exchequer (Clause 9).

Other net expenditure in connection with requisitioned houses (including the cost of payments to be made under Clause 4) will be reimbursed by the Exchequer, to the extent of 100 per cent. in 1955-56 and at least 75 per cent. thereafter (Clause 10).

The Bill is expected to result in accelerating the rate of release of requisitioned houses. This will reduce current costs (rent, repairs, management, etc.), but will bring forward the dates when terminal compensation for dilapidations becomes payable. It is estimated that the net effect of this will be to increase the cost to the Exchequer by £3.5 million in the year 1955-56 and thereafter gradually to reduce it.

Exchequer grants of 75 per cent. of the net costs are authorised in respect of requisitioned houses (or houses to replace requisitioned houses) which are leased or purchased by local authorities (Clause 11). These grants will be payable, in the case of leased houses, for a maximum period of ten years and, in the case of purchased houses, twenty years.

Amendments of Housing Acts

Clause 15 consolidates the outstanding advances from the Consolidated Fund for the provision of temporary houses and provides that they shall be repaid in seven equal annual instalments of principal and interest combined, the first of these falling in the financial year 1955-56 and the last in 1961-62. Any further advances are likely to be very small; and the power to capitalise such advances is abolished.

Each annual instalment will amount to approximately £8 million. This will take the place of charges on the votes of the Ministry of Housing and Local Government and the Department of Health for Scotland of approximately £23.69 millions in 1955-56 and £18.3 millions, £8.19 millions, £1.68 million, £720,000, £370,000, £180,000, £100,000 and £40,000 in successive years thereafter.

Clause 16 amends the Housing (Scotland) Act, 1950 by placing a statutory limit on the amount of the advances which may be made to the Scottish Special Housing Association under Section 94 (1) of that Act.

Clause 17 enables the Secretary of State for Scotland to relax building byelaws under Section 150 (1) of the Housing (Scotland) Act, 1950, in relation to schools and other educational institutions.

Requisitioned Houses and Housing (Amendment) Bill

ARRANGEMENT OF CLAUSES

PART I

REQUISITIONED HOUSES

Transfer of rights to local authorities

Clause

1. Transfer of rights to local authorities for limited period.
2. Application of certain enactments.

Provisions for release

3. Release of dwellings falling vacant.
4. Acceptance of licensee as statutory tenant by owner.
5. Application to court for release for owner's occupation.
6. Power of Minister to require local authority to release or purchase in case of hardship.
7. Release for improvement works.
8. Release of parts of requisitioned houses.

Exchequer contributions

9. Re-imbusement of compensation for dilapidations.
10. Contributions to expenses of management, etc.
11. Contributions to cost of lease or purchase.

Supplemental

12. Housing revenue account.
13. Notices.
14. Repeal of power to requisition for housing purposes.

PART II**AMENDMENTS OF HOUSING ACTS****Clause**

15. Repayment of sums issued out of Consolidated Fund under Housing (Temporary Accommodation) Act, 1944.
16. Amendment of s. 94 of Housing (Scotland) Act, 1950.
17. Application of s. 150 of Housing (Scotland) Act, 1950, to educational buildings.

PART III**GENERAL**

18. Interpretation.
19. Financial provisions.
20. Short title, commencement and extent.

A

B I L L

INTITULED

An Act to repeal the power to requisition land for housing purposes under Defence Regulations and transfer to local authorities in England and Wales the right to possession of requisitioned houses for a limited period; to make provision for the earlier release of such houses in certain cases and for matters connected therewith; to authorise payments out of moneys provided by Parliament in respect of expenditure of local authorities to whom the said right is transferred; to regulate the payment of sums issued out of the consolidated fund under subsection (1) of section eight of the Housing (Temporary Accommodation) Act, 1944; to amend sections ninety-four and one hundred and fifty of the Housing (Scotland) Act, 1950; and for purposes connected with the matters aforesaid. A.D. 1955

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

5

PART I

REQUISITIONED HOUSES

Transfer of rights to local authorities

1.—(1) On the commencement of this Act, any power of the Minister to retain possession of requisitioned houses shall be terminated, and the right to possession of every such house shall vest in the appropriate local authority. Transfer of rights to local authorities for limited period.

(2) Subject to the provisions of this Part of this Act, the local authority in whom the right to possession of a requisitioned house is vested under this section may retain possession of the

A.D. 1955

PART I
—cont.

house until the thirty-first day of March, nineteen hundred and sixty, and no longer.

(3) Any agreement made in respect of a requisitioned house on behalf of the Minister, and in force immediately before the commencement of this Act, shall continue in force and have effect thereafter as if made on behalf of the local authority. 5

(4) The local authority who are for the time being in possession of a requisitioned house by virtue of this section may, subject to any such agreement as aforesaid, but notwithstanding any covenant or easement otherwise affecting the house, use the house in such manner as appears to them to be expedient for housing purposes and may for those purposes do anything which a person having an interest in the house would be entitled to do by virtue of that interest. 10

Application of
certain
enactments.

2.—(1) Subject to the provisions of this section, the enactments relating to requisitioned land shall apply in relation to requisitioned houses, while in the possession of a local authority by virtue of this Act, as they apply in relation to land of which a Minister is in possession by virtue of an exercise of emergency powers; and for the purposes of any such enactment as applied by this section any reference to the authority by whom possession of the land was taken shall be construed as a reference to the local authority. 15 20

(2) For the purposes of Part VIII of the Requisitioned Land and War Works Act, 1945 (which regulates the compensation on a compulsory purchase of requisitioned land) in its application to requisitioned houses, any period for which possession is retained by the local authority under this Act shall be deemed to be included within the war period as defined for the purposes of the said Part VIII. 25 30

(3) Subject to the provisions of this Part of this Act with respect to payments by the Minister to local authorities, all compensation which would be paid out of moneys provided by Parliament under the Compensation (Defence) Act, 1939, in respect of a requisitioned house if possession thereof were retained in the exercise of emergency powers shall be paid by the local authority and not out of moneys so provided, and accordingly the reference to the Crown in subsection (2) of section two of that Act (which regulates the payment of rental compensation) shall be construed as a reference to the local authority. 35 40

(4) Notwithstanding anything in section two of the said Act of 1939, any terminal compensation in respect of damage which may have occurred in the case of a requisitioned house at any

time before the commencement of this Act shall accrue due at the end of the period for which possession of the house is retained under this Act, and shall be paid by the local authority in accordance with the provisions of the last foregoing subsection.

A.D. 1955
PART I
—cont.

5 (5) Nothing in this section shall be construed as applying or continuing, in relation to requisitioned houses—

(a) any regulations made under the Emergency Powers (Defence) Act, 1939; or

10 (b) subsection (2) of section twenty-eight of the Requisitioned Land and War Works Act, 1945 (which enables possession of land held by virtue of emergency powers to be retained after the termination of any other right thereto),

15 or as affecting the operation of any enactment regulating the procedure for claiming compensation under the Compensation (Defence) Act, 1939, or for settling disputes in respect of such compensation.

Provisions for release of requisitioned houses

3.—(1) If at the date of the commencement of this Act no licence is in force for the occupation of a requisitioned dwelling, or if a licence for the occupation of any such dwelling is terminated at any subsequent date, then, subject to the provisions of this section and of section eight of this Act, the right of the local authority to retain possession of the dwelling under this Act shall be terminated at the expiration of the period of four weeks beginning with that date.

Release of
dwellings
falling vacant.

(2) If the Minister is satisfied, upon application made by the local authority before the expiration of the said period, that it is expedient so to do, he may authorise the local authority to retain possession of the dwelling notwithstanding anything in subsection (1) of this section; and where such an application is made as aforesaid, the right of the local authority to retain possession of the dwelling shall not in any event be terminated under this section until the date on which the Minister's decision is notified to them.

(3) Without prejudice to the last foregoing subsection, the right of a local authority to retain possession of a dwelling shall not be terminated under this section if within the said period a fresh licence for the occupation of the dwelling is granted by the authority—

(a) to the former licensee of the dwelling, in order to provide for a variation in the terms of the former licence;

A.D. 1955

PART I

—cont.

(b) in the case of his death, to a statutory successor of his ;
or

(c) in pursuance of arrangements for an exchange of
accommodation between the licensee and another
person being the licensee or tenant of any other 5
dwelling in the possession of or belonging to the local
authority.

(4) Where a licence for the occupation of a requisitioned
dwelling is terminated by the local authority or has been so
terminated before the commencement of this Act— 10

(a) for the purpose of carrying out repairs to the dwelling ;
or

(b) on the ground of non-payment of rent by the licensee,
then (notwithstanding the foregoing provisions of this section)
the right of the local authority to retain possession of the 15
dwelling shall not be terminated under this section if within a
period of three months beginning with the date of the termina-
tion of the licence a fresh licence for the occupation of the
dwelling is granted by the authority to the last previous licensee
of the dwelling ; and in such cases there shall be substituted a 20
period of three months for the period mentioned in subsection (1).

(5) After the date mentioned in subsection (1) of this section,
the local authority shall not permit any person to enter into
occupation of the dwelling (except in pursuance of such a licence
as is mentioned in subsection (3) or (4) of this section) unless 25
and until an authorisation is given by the Minister under sub-
section (2) of this section.

(6) Before applying for such an authorisation, the local
authority shall give notice in writing of their intention to do so
to the owner of the dwelling ; and, if within two weeks beginning 30
with the day on which that notice is given, the owner commences
proceedings under section five of this Act for possession of the
dwelling, no authorisation shall be given by the Minister in pur-
suance of the application of the local authority until the con-
clusion of the said proceedings. 35

(7) If in the case of any local authority it appears to the
Minister that it is necessary so to do in order to ensure that
alternative accommodation is reserved for any persons who may
be displaced by virtue of section five or section six of this Act,
he may give directions requiring that authority to retain 40
possession of any requisitioned dwellings, notwithstanding any-
thing in subsection (1) of this section, until such time as he may
authorise their release ; and in any such case, subsection (3) of
this section shall not apply in relation to the occupation of the
dwellings in pursuance of licences granted to persons displaced 45
as aforesaid.

4.—(1) Any local authority may, subject to such directions, if any, as may be given by the Minister, and shall, if so required by the Minister, serve on the owners of such requisitioned dwellings as may be decided by the authority or specified by the Minister, as the case may be (being dwellings of which possession is retained under this Act) a notice inviting those owners to accord to the licensees of the dwellings the status of statutory tenants in consideration of payments to be made by the local authority in accordance with this section by way of compensation for loss of the right to vacant possession on the release of the dwellings.

A.D. 1955

PART I
—cont.Acceptance
of licensee
as statutory
tenant by
owner.

(2) If within the period specified in that behalf in any such notice of invitation the owner gives to the local authority notice of acceptance in such form as may be so specified, then—

15 (a) the right of the local authority to retain possession of the dwelling under this Act shall be terminated at the expiration of a period of one week beginning with the day on which the next instalment of rent is payable by the licensee under the licence by virtue of which he occupies the dwelling ;

20 (b) as from the expiration of that period, the Rent Acts shall apply to the dwelling as if the licensee had retained possession by virtue of those Acts after the expiration of a tenancy at a rent equal to the standard rent specified in subsection (3) of this section, upon the terms that the landlord undertook to pay the rates and to provide such services (if any) as were provided for the licensee as such (whether by the local authority or by the owner in pursuance of arrangements with the local authority) and otherwise upon the like terms and conditions as the said licence ; and

25 (c) the local authority shall pay to the owner compensation at such rate as may be specified in the notice of invitation, being a rate determined by the Minister with the consent of the Treasury (such compensation to be calculated by reference to the aggregate of the rental compensation payable in respect of the dwelling for the year ending with the date on which the notice of invitation was given, to the nature of the interest of the owner in the dwelling and, in such cases as may be so determined, to the character of the dwelling) :

35 Provided that the rate so determined shall not in any case exceed such rate as may be prescribed by regulations made by the Minister with the consent of the Treasury by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

45

A.D. 1955
PART I
—cont.

(3) The standard rent of a dwelling in respect of which notice of acceptance is given under subsection (2) of this section shall be a rent (payable at the like times as the rent payable by the licensee under the licence mentioned in that subsection) at an annual rate equal to the aggregate of— 5

- (a) the annual rate of the rental compensation payable in respect of the dwelling immediately before the day on which the notice of invitation was given under this section ;
- (b) the statutory repairs deduction for the dwelling ; 10
- (c) the rates payable in respect of the dwelling for the financial year current on the said day ; and
- (d) the annual cost (if any) incurred by the local authority (calculated immediately before the said day) in providing such services as are mentioned in paragraph (b) 15 of the said subsection (2), or in making payments to the owner in respect of such services provided by him ;

and for the purposes of the Rent Acts as applied to the dwelling by virtue of this section, that rent shall be deemed to have been fixed as the standard rent by a letting commencing immediately 20 before the first day of September, one thousand nine hundred and thirty-nine, upon the like terms and conditions (other than terms as to rent) as the tenancy described in paragraph (b) of subsection (2) of this section, and (without prejudice to the generality of the foregoing provision) paragraphs (c) and (d) 25 of subsection (1) of section two of the Rent Act of 1920 (which permit increases of fifteen and twenty-five per cent. respectively of the net rent) shall not apply.

(4) Except so far as the local authority may from time to time determine, the rent recoverable by the landlord of any such 30 dwelling in respect of any period before the first day of April, nineteen hundred and sixty-five, from the licensee or any statutory successor of his shall not exceed the rent last payable by the licensee to the local authority under the licence ; and where the rent so recoverable in respect of any such period falls short 35 of the rent which would be recoverable apart from this subsection, the local authority shall pay to the landlord an amount equal to the difference.

(5) Any sums payable by a local authority under the last foregoing subsection shall, unless otherwise agreed upon between 40 the authority and landlord, be paid in arrear at intervals of three months ; and for the purpose of the enactments relating to income tax, such sums shall be deemed to be received by the landlord as rent paid by the tenant.

(6) Any prohibition or restriction imposed by covenant or 45 otherwise upon the right of an owner to grant tenancies of a dwelling shall apply in relation to the giving of a notice of

acceptance under subsection (2) of this section as it would apply in relation to the grant of a tenancy on the terms described in paragraph (b) of that subsection.

A.D. 1955

PART I
—cont.

5.—(1) Where the owner of a requisitioned dwelling of which possession is retained under this Act (not being an owner whose interest was acquired by purchase in pursuance of a contract made at any time after the thirtieth day of November, nineteen hundred and fifty-four) requires the dwelling as housing accommodation for himself or for his spouse or any such relative as is mentioned in paragraph (h) of the First Schedule to the Rent Act of 1933, the owner may apply to the court for an order for the recovery of possession of the dwelling; and subject to the provisions of subsection (2) of this section the court shall, if satisfied that the dwelling is reasonably required as aforesaid, make an order accordingly.

Application
to court for
release for
owner's
occupation.

(2) If any such dwelling is occupied by a licensee at the commencement of proceedings under this section, the licensee shall be party to the proceedings, and no order for possession shall be made if the court is satisfied that having regard to all the circumstances of the case (including the question whether other accommodation is available respectively for the licensee and for the person for whom the dwelling is required as aforesaid) greater hardship would be caused to the licensee and persons residing with him by making the order than to the person for whom the dwelling is required as aforesaid and persons residing or proposing to reside with him by refusing to make it.

(3) In considering for the purposes of the last foregoing subsection whether other accommodation is available for the licensee of a dwelling, it shall be assumed that no preference would be given to him in respect of accommodation provided by the local authority under Part V of the Housing Act, 1936, over other persons qualified, in accordance with the practice of the authority, to obtain accommodation so provided.

(4) Where the owner of a requisitioned dwelling has obtained an order for possession under this section and it is subsequently made to appear to the court that the order was obtained by misrepresentation or the concealment of material facts, the court may order the owner to pay to the former licensee such sum as appears sufficient as compensation for damage or loss sustained by him as the result of the order.

(5) Subsection (2) of section seventeen of the Rent Act of 1920 (which extends the jurisdiction of county courts in respect of proceedings under that Act) shall apply in relation to any proceedings under this section as it applies to proceedings under that Act.

A.D. 1955

PART I
—cont.Power of
Minister to
require local
authority to
release or
purchase in
case
of hardship.

6.—(1) If the Minister is satisfied, on representations made to him by the owner of any requisitioned house of which possession is retained under this Act, that the owner will suffer severe hardship unless he is enabled either to obtain vacant possession of the house or to dispose of his interest therein discharged from the right to retain possession under this Act, the Minister may, after consultation with the local authority, give directions requiring them, within such period as may be specified in the directions, either to release the house to the owner or, at the option of the local authority, to make to the owner an offer to purchase the house in accordance with subsection (2) of this section.

(2) The offer to be made under the foregoing subsection shall be an offer to purchase the interest of the owner on terms that the price payable therefor shall be equal to (and shall be determined in default of agreement in like manner as) the compensation which would be payable in respect of that interest if it were purchased compulsorily, and shall be irrevocable for a period of not less than one month.

Release for
improvement
works.

7.—(1) Where application for an improvement grant under section twenty of the Housing Act, 1949 is made by the owner in respect of a requisitioned house of which possession is retained under this Act, and the application contains an undertaking by the owner to complete the improvement works by a date to be approved by the local authority, and to comply with the condition set out in subsection (2) of this section, the local authority shall, if they approve the application, permit the owner to enter on and if necessary to occupy the house for the purpose of carrying out the said works.

(2) The condition referred to in the foregoing subsection is that the owner will, if so required by the local authority, grant to any person nominated by the local authority and approved by the owner (such approval not to be unreasonably withheld in the case of a responsible nominee) a tenancy of the house, or of each dwelling comprised therein, on such terms as may be agreed upon between the owner and the tenant with the approval of the local authority.

(3) When the improvement works are completed to the satisfaction of the local authority, and the owner has complied with the said condition, the local authority shall release the house.

(4) Where the owner of a house is permitted to occupy it in pursuance of subsection (1) of this section—

(a) no rental compensation shall be payable in respect of the house or any dwelling comprised therein for any period after the date approved by the local authority for the completion of the improvement works ; and

(b) the Compensation (Defence) Act, 1939 shall apply in relation to any terminal compensation payable in respect of the house as if the local authority had given up possession on the date on which they approved the application.

A.D. 1955
PART I
—cont.

(5) After the last-mentioned date, sections three and five of this Act shall cease to have effect in relation to any dwelling comprised in the house.

8.—(1) Except with the consent of the owner, a local authority shall not release any part of a requisitioned house while retaining possession under this Act of any other part of that house, unless the part so released consists of a separate dwelling constituted as such before possession of the house was taken in the exercise of emergency powers.

Release of
parts of
requisitioned
houses.

(2) The foregoing subsection shall apply in relation to the termination under section three of this Act of the right of a local authority to retain possession of a dwelling forming part of a requisitioned house as it applies in relation to the release of such a dwelling.

(3) Where the right of a local authority to retain possession under this Act of any part of a requisitioned house (in this subsection referred to as "the released part") is terminated while possession is retained under this Act of any other part of that house, then—

(a) if the licensee who last occupied the released part was authorised by the local authority to use any shared accommodation comprised in the part of which possession is retained as aforesaid, the persons for the time being entitled to possession of the released part shall be entitled to use that accommodation to the like extent ;

(b) if any services were provided by the local authority for the said licensee in or from any part of the house of which possession is so retained, the authority shall, if so required by the owner, continue to provide the like services for the persons for the time being entitled to possession of the released part, upon such terms as may be agreed upon between the owner and the local authority, or as may, in default of agreement, be determined by the General Claims Tribunal in accordance with section seven of the Compensation (Defence) Act, 1939.

(4) Where the right of a local authority to retain possession under this Act of any part of a requisitioned house is terminated otherwise than by release by the authority, and the authority do not retain possession under this Act of any dwelling comprised

A.D. 1955

PART I
—cont.

in the house, being a dwelling in connection with which they require to retain possession of any other part of the house for use by the licensee as shared accommodation or for the provision of services for the licensee, the right of the local authority to retain possession under this Act of the whole of the house shall be deemed to be terminated. 5

Exchequer contributions

Re-imburse-
ment of
compensation
for
dilapidations.

9.—(1) The Minister shall pay to every local authority a sum equal to the amount of any terminal compensation which is paid by that authority in respect of a requisitioned house. 10

(2) If at the time when terminal compensation accrues due in respect of a requisitioned house, the local authority, by virtue of the purchase of the house for the purpose of providing housing accommodation in accordance with Part V of the Housing Act, 1936, or of a lease taken by the local authority for that purpose, are owners of the house within the meaning of the Compensation (Defence) Act, 1939, the foregoing subsection shall apply as if the local authority had paid any terminal compensation which would be payable in respect of the house if they were not such owners as aforesaid. 20

Contributions
to expenses of
management,
etc.

10.—(1) The Minister shall pay to every local authority in respect of any deficit incurred by that authority (as assessed by the Minister) in connection with all requisitioned houses of which they are for the time being in possession under this Act, and in respect of any payments falling to be made by that authority under section four of this Act, a contribution at the following rate, that is to say:— 25

(a) one hundred per cent. in respect of any such deficit incurred and payments falling to be made in the period ending with the thirty-first day of March, nineteen hundred and fifty-six; 30

(b) seventy-five per cent. in respect of any such deficit incurred and payments falling to be made in the years ending with the thirty-first day of March, nineteen hundred and fifty-seven to nineteen hundred and sixty inclusive. 35

(2) If the Minister is satisfied in the case of any local authority that the net expenditure falling to be borne by the authority in consequence of the provisions of this Part of this Act in the year ending with the thirty-first day of March, nineteen hundred and fifty-seven or any subsequent financial year is greater than is reasonable, he may, with the consent of the Treasury, make to them a special grant in respect of that year of such amount as he may, with the consent of the Treasury, decide. 40

11.—(1) If it appears to the Minister that it will not be practicable for a local authority, except by means of the lease or purchase of houses, to provide housing accommodation after the thirty-first day of March, nineteen hundred and sixty, for persons occupying requisitioned houses in their district who will require accommodation so provided, he may make contributions under this section in respect of any house approved by him (whether a requisitioned house or a house to be used in substitution for such a house), being a house of which a lease is taken by the local authority for purposes of the accommodation of such persons or (if it appears to the Minister that the requirements of such persons cannot be met by means of leases so taken) a house purchased by the authority for those purposes.

(2) The contributions payable to a local authority under this section in respect of such a house shall be annual contributions for the following period, that is to say—

- (a) in the case of a house taken on lease, the term of the lease or ten years beginning with the commencement of that term, whichever is the shorter ;
- (b) in the case of a house purchased, twenty years beginning with the date of the completion of the purchase,

of an amount equal to seventy-five per cent. of the annual deficit likely to be incurred by that authority in respect of the house (as estimated by the Minister at the beginning of that period).

(3) In estimating for the purposes of this section the annual deficit likely to be incurred by a local authority in respect of a house, the annual cost of any capital payment made by the authority in consideration of the grant of a lease or by way of purchase price, as the case may be, shall (however the sums required for making that payment were provided by the authority) be deemed to be such annual sum as would, in the opinion of the Minister, fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the amount of that payment, being money to be repaid—

- (a) in the case of a lease, within the term of the lease ;
- (b) in the case of a purchase, within a period of twenty years.

(4) If any house in respect of which contributions are paid under this section ceases to be used by the local authority for housing purposes during the period mentioned in subsection (2) of this section, no further contribution shall be paid thereunder in respect of any financial year after the year in which the house ceases to be so used ; and if any such house, or the lease of any such house, is sold or surrendered by the local authority within that period, the Minister may recover from the authority

A.D. 1955

PART I
—cont.Contributions
to cost of lease
or purchase.

A.D. 1955 an amount not exceeding seventy-five per cent. of the net amount
PART I received by the authority in consideration of the sale or
—cont. surrender after deduction of so much as would be outstanding
at the date of the sale of such an amount of borrowed money
as is referred to in subsection (3) of this section. 5

Supplemental

**Housing
revenue
account.**

12.—(1) For each financial year in which a contribution is payable to a local authority under section eleven of this Act, the local authority shall make out of the general rate fund a contribution of an amount equal to twenty-five per cent. of the annual deficit in respect of which that contribution is paid. 10

(2) Subsection (1) of section one hundred and twenty-nine of the Housing Act, 1936 (which relates to credits and debits in housing revenue accounts), and subsection (2) of section one hundred and thirty of that Act (which relates to the disposal of balances in such accounts) shall have effect as if any reference to the contributions referred to in the Eighth Schedule to that Act included a reference to contributions payable under the foregoing subsection. 15

(3) For the purposes of the said Act of 1936, any contributions paid by the Minister under section eleven of this Act shall be deemed to be Exchequer contributions. 20

(4) In relation to the London County Council, the reference in subsection (1) of this section to the general rate fund shall be construed as a reference to the county fund. 25

Notices.

13.—(1) Every local authority shall, at such times as the Minister may direct, give to the owners or licensees of requisitioned houses such notices with respect to the provisions of this Part of this Act, and in such form, as the Minister may direct. 30

(2) Sections one hundred and sixty-six and one hundred and sixty-seven of the Housing Act, 1936 (which provide for the service of notices to be served under that Act) shall apply to any notice required or authorised to be served under this Part of this Act as they apply to notices under that Act. 35

**Repeal of
power to
requisition
for housing
purposes.**

14.—(1) Regulation fifty-one of the Defence (General) Regulations, 1939 (which enables competent authorities to take possession of land) shall cease to have effect so far as it enables the Minister to take possession of land with a view to its use for housing purposes, but without prejudice to the power of the Minister to retain possession under the said Regulation of any requisitioned land other than a requisitioned house. 40

(2) This section shall have effect in its application to Scotland and Northern Ireland as if for any reference to the Minister there were substituted a reference to the Secretary of State concerned with housing in Scotland, or with Northern Ireland, as the case may be, and as if the words " other than a requisitioned house " were omitted.

A.D. 1955
PART I
—cont.

PART II

AMENDMENTS OF HOUSING ACTS

15.—(1) The provisions of this section shall have effect with respect to the repayment of sums issued out of the Consolidated Fund of the United Kingdom under subsection (1) of section eight of the Housing (Temporary Accommodation) Act, 1944 (which provides for defraying the expenses incurred by the Minister of Works in connection with the manufacture, construction or erection of structures for use for the provision of temporary housing accommodation under arrangements made under that Act).

Repayment of sums issued out of Consolidated Fund under Housing (Temporary Accommodation) Act, 1944.

(2) The aggregate amount remaining to be paid on the first day of April, nineteen hundred and fifty-five, in respect of the repayment of all sums issued as aforesaid at any time before the said first day of April shall be repaid into the Exchequer, with interest thereon at the rate of two-and-a-half per cent. per annum from the thirty-first day of October, nineteen hundred and fifty-four, by seven equal annual instalments, of principal and interest combined, falling due on the thirty-first day of October in each year, the first such instalment falling due in the financial year commencing with the said first day of April.

(3) Any sums issued as aforesaid on or after the said first day of April shall be repaid into the Exchequer before the expiration of the financial year in which they are issued.

(4) Any amount falling to be repaid into the Exchequer under the foregoing provisions of this section shall be paid, as to such part thereof as the Treasury may direct out of moneys provided by Parliament for the service of the Ministry of Housing and Local Government, and as to the remainder thereof out of moneys so provided for the service of the Department of Health for Scotland.

(5) Subsection (3) of section eight of the said Act of 1944 (which requires the aggregate of the sums issued as mentioned in subsection (1) of this section in any one financial year to be repaid by ten equal annual instalments) is hereby repealed with effect from the said first day of April; and subsection (4) of that section (which relates to the application of sums paid into the Exchequer under the said subsection (3)) shall apply to sums repaid into the Exchequer under this section.

- A.D. 1955
PART II
—*cont.*
Amendment
of s. 94 of
Housing
(Scotland)
Act, 1950.
- 16.** Subsection (1) of section ninety-four of the Housing (Scotland) Act, 1950, (which provides for the making by the Secretary of State of advances to the Scottish Special Housing Association) shall have effect with the addition, at the end thereof, of the following proviso, that is to say—
- 5
- “ Provided that the aggregate amount of the advances made under this subsection shall not exceed seventy-five million pounds.”
- Application
of s. 150 of
Housing
(Scotland) Act,
1950, to
educational
buildings.
- 17.** Subsection (1) of section one hundred and fifty of the Housing (Scotland) Act, 1950 (which provides for the relaxation 10
of building regulations in certain cases) shall have effect in relation to new buildings constructed (including new buildings constructed as extensions to existing buildings) in accordance with plans and specifications approved by the Secretary of State, being buildings required for the purposes of any school or other 15
educational institution in Scotland, as it has effect in relation to new buildings so constructed in connection with housing operations to which the said section one hundred and fifty applies.
- 20
- PART III
GENERAL
- Interpretation. **18.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “ dwelling ” means a house or part of a house occupied 25
or held for occupation as a separate dwelling ; and
“ requisitioned dwelling ” means a dwelling which is
or forms part of a requisitioned house ;
- “ emergency powers ” and “ exercise ” have the meanings
respectively assigned to them by the Compensation 30
(Defence) Act, 1939 ;
- “ enactment ” includes any order, rule, regulation or other
instrument made under an Act of Parliament ;
- “ licensee ” in relation to a requisitioned dwelling, means the
person who, by virtue of an agreement between him and 35
the local authority, is entitled to occupy that dwelling ;
- “ local authority ” means a local authority for the pur-
poses of the Housing Act, 1936 (including the London
County Council) ;
- “ the Minister ” means the Minister of Housing and Local 40
Government ;
- “ owner ”, in relation to any premises, means the person
who, apart from Part I of this Act and emergency
powers, would be entitled to possession of the premises ;

“ rates ” includes water rents and charges ;

A.D. 1955

PART III
—cont.

5

“ the Rent Acts ” means the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, and “ the Rent Act of 1920 ” and “ the Rent Act of 1933 ” mean respectively the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 ;

10

“ rental compensation ” means (subject to the provisions of subsection (3) of this section) compensation payable under paragraph (a) of subsection (1) of section two of the Compensation (Defence) Act, 1939, or under any agreement for the payment of compensation in lieu of the compensation payable under that paragraph ; and in relation to a dwelling which consists of part only of the whole of the land in respect of which such compensation is for the time being payable, means the proportionate part of that compensation ;

15

20

“ requisitioned house ” means land which, at the commencement of this Act, is in the possession of the Minister by virtue of an exercise of emergency powers, and which, on the thirtieth day of November, nineteen hundred and fifty-four, was being used by a local authority wholly or mainly for housing purposes under the authority of the Minister, or was held for the purposes of such use, other than land comprised in a camp or other similar establishment or used as a site for the erection of structures provided as a matter of urgent temporary housing accommodation by arrangement with the Minister of Works ; and “ the appropriate local authority ”, in relation to a requisitioned house, means the local authority by whom it was being used, or for whose use it was held, as aforesaid ;

25

30

35

“ requisitioned land ” means land of which possession has been taken and is for the time being retained in the exercise of emergency powers ; and “ the enactments relating to requisitioned land ” includes enactments relating to land of which possession has been taken in the exercise of such powers, or relating to land which is in the possession of a Minister or other competent authority by virtue of an exercise of such powers ;

40

“ statutory repairs deduction ” in relation to premises of a gross value specified—

45

(a) in the case of premises in the administrative county of London, in the first column of Part I of the Third Schedule to the Housing Repairs and Rents Act, 1954 ;

A.D. 1955
PART III
—cont.

(b) in the case of other premises, in the first column of Part II of that Schedule,

means the amount specified in relation thereto in the second column of the said Part I or Part II as the case may be ; and for the purposes of this definition “ gross value ”, in relation to any premises, means the value shown in respect of those premises in the valuation list in force at the commencement of this Act or, if the premises consist of part only of a hereditament in respect of which such a value is shown, such part of that value as may be apportioned to the premises by agreement between the owner and the local authority, or, in default of such agreement, by the valuation officer as defined by section thirty-three of the Local Government Act, 1948 ;

“ statutory successor ”, in relation to a deceased person having been the licensee of a dwelling, means—

(a) where possession of the dwelling was retained by the licensee by virtue of the Rent Acts at the time of his death, a person who retains possession after the licensee’s death by virtue of paragraph (g) of subsection (1) of section twelve of the Rent Act of 1920 ;

(b) where the licensee was in occupation of the dwelling as licensee at the time of his death, any person who, if possession of the dwelling had been retained by the licensee by virtue of the Rent Acts, would or might have been entitled to retain possession as aforesaid ;

“ terminal compensation ” means compensation payable under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, or under any agreement for the payment of compensation in lieu of the compensation payable under that paragraph.

(2) A certificate of the Minister that any land being land which at the commencement of this Act, is in the possession of the Minister by virtue of an exercise of emergency powers is or is not a requisitioned house within the meaning of this Act shall be conclusive evidence of the matter so certified.

(3) Where the rental compensation payable in respect of any premises was fixed by virtue of an agreement and expressed therein to be calculated by reference to the rent which might reasonably be expected to be payable by a tenant who did not undertake to pay the cost of repairs, or whose landlord undertook to pay the rates, any reference in this Act to the amount of

the rental compensation payable at any time shall be construed as a reference to that amount reduced by the statutory repairs deduction for the premises, or by the amount of the rates payable in respect of the premises at that time, as the case may
5 be.

A.D. 1955

PART III

—cont.

(4) Any question arising under this Act as to the amount of the rental compensation in respect of premises consisting of part only of the land in respect of which such compensation is payable, or as to the amount of the rates payable in respect
10 of any such premises, shall, in default of agreement between the owner and the local authority, be referred to and determined by the General Claims Tribunal in accordance with section seven of the Compensation (Defence) Act, 1939.

(5) Any reference in this Act to an enactment is a reference
15 thereto as amended, and includes a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.

19.—(1) There shall be defrayed out of moneys provided by
Parliament— Financial provisions.

20 (a) any sums required by the Minister for making payments to local authorities under Part I of this Act ; and

(b) any increase attributable to this Act in the sums payable under any other enactment out of moneys so provided.

(2) Any sums recovered by the Minister under subsection (4)
25 of section eleven of this Act shall be paid by him into the Exchequer.

20.—(1) This Act may be cited as the Requisitioned Houses
and Housing (Amendment) Act, 1955. Short title,
citation,
commence-

30 (2) Sections sixteen and seventeen of this Act and the Housing (Scotland) Acts, 1950 and 1952, may be cited together as the Housing (Scotland) Acts, 1950 to 1955. ment and
extent.

(3) This Act shall come into operation on the expiration of the period of one month beginning with the date on which it is passed.

35 (4) Part I of this Act (except section fourteen) shall not extend to Scotland.

(5) This Act (except section fourteen) shall not extend to Northern Ireland.

A.D. 1955

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Emergency Powers (Defence) Act, 1939	2 & 3 Geo. 6. c. 62.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
Housing (Temporary Accommodation) Act, 1944	7 & 8 Geo. 6. c. 36.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Housing Repairs and Rents Act, 1954	2 & 3 Eliz. 2. c. 53.

Requisitioned Houses and Housing (Amendment)

A

B I L L

INTITLED

An Act to repeal the power to requisition land for housing purposes under Defence Regulations and transfer to local authorities in England and Wales the right to possession of requisitioned houses for a limited period; to make provision for the earlier release of such houses in certain cases and for matters connected therewith; to authorise payments out of moneys provided by Parliament in respect of expenditure of local authorities to whom the said right is transferred; to regulate the payment of sums issued out of the consolidated fund under subsection (1) of section eight of the Housing (Temporary Accommodation) Act, 1944; to amend sections ninety-four and one hundred and fifty of the Housing (Scotland) Act, 1950; and for purposes connected with the matters aforesaid.

Brought from the Commons 5th April 1955

Ordered to be printed 5th April 1955

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 9d. net

(44)

(38138)

Requisitioned Houses and Housing (Amendment) Bill

AMENDMENT TO BE MOVED IN COMMITTEE

BY THE LORD SILKIN AND
THE EARL OF LISTOWEL

CLAUSE 1

Page 2, line 2, at end insert—

(“ Provided that if in the case of any local authority it appears to the Minister that, in view of the large number of requisitioned houses in respect of which the authority have the right to possession under this section, or of other exceptional circumstances it is not reasonably practicable for that authority to complete the release or acquisition of all such houses by that date, he may direct that as respects that authority this subsection shall have effect as if for the thirty-first day of March, nineteen hundred and sixty, there were substituted such date not later than the thirty-first day of March, nineteen hundred and sixty-two, as he considers appropriate.”)

**Requisitioned Houses and
Housing (Amendment) Bill**

A M E N D M E N T
TO BE MOVED IN COMMITTEE

BY
THE LORD SILKIN
AND
THE EARL OF LISTOWEL

26th April, 1955

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 2d. net

(44 a)

(38218)

Requisitioned Houses and Housing (Amendment) Bill

AMENDMENTS TO BE MOVED IN COMMITTEE

BY THE EARL OF GOSFORD

CLAUSE 3

Page 3, line 26, at end insert (“ and the dwelling shall revert to the owner automatically and unconditionally.”)

Page 3, line 36, leave out subsection (3).

Page 4, line 8, leave out subsection (4).

Page 4, line 24, leave out (“ (except in pursuance of such a licence as is mentioned in subsection (3) or (4) of this section) ”)

Page 4, line 30, leave out (“ two ”) and insert (“ four ”)

Page 4, line 36, leave out subsection (7) and insert—

(“ (7) In order to ensure that alternative accommodation is reserved for any persons who may be displaced by virtue of section five or section six of this Act, local authorities must earmark a percentage of council-owned (not requisitioned) houses or flats for this purpose.”)

CLAUSE 4

Page 5, line 1, leave out subsection (1) and insert—

(“ (1) Any local authority shall, if so required by the Minister, serve on the owners of such requisitioned dwellings as he may specify (being dwellings of which possession is retained under this Act) a notice inviting those owners to accord to the licensees of the dwellings the status of statutory tenants in consideration of payments to be made by the local authority in accordance with this section by way of compensation for loss of the right to vacant possession on the release of the dwellings.”)

CLAUSE 5

Page 7, line 29, leave out (“ no ”)

(44 b)

CLAUSE 6

Page 8, line 7, leave out (“ after consultation with the local authority ”)

Page 8, line 7, after (“ directions ”) insert (“ to the local authority ”)

Page 8, line 9, leave out (“ , at the option of the local authority, ”)

Page 8, line 13, leave out subsection (2) and insert—

(“ (2) Should a council wish to purchase a requisitioned dwelling, its value shall be assessed by agreement between the owner’s assessor and the council’s assessor after the council’s occupational liability has been discharged in full.”)

**Requisitioned Houses and
Housing (Amendment) Bill**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL OF GOSFORD

26th April, 1955

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE
Price 2d. net

(44 b)

(38218)

Revision of the Army and Air Force Acts (Transitional Provisions) Bill

ARRANGEMENT OF CLAUSES

Clause

- 1. Interim continuation of Army and Air Force Acts.**
- 2. Transitional provisions and savings.**
- 3. Amendment of other enactments.**
- 4. Provisions replacing ss. 174 and 174A of Army and Air Force Acts.**
- 5. Repeals.**
- 6. Short title and commencement.**

SCHEDULES:

First Schedule—Transitional Provisions and Savings.

Second Schedule—Adaptation of Enactments.

Third Schedule—Provisions replacing Sections 174 and 174A of Army and Air Force Acts.

Fourth Schedule—Enactments (other than Annual Acts) Repealed.

A

B I L L

INTITULED

An Act to continue the Army and Air Force Acts until the appointed day, and to make, with respect to the replacement thereof by new provisions, certain transitional provisions and savings and amendments of other enactments relating to those Acts or otherwise to the armed forces of the Crown; to make permanent certain provisions contained in the said Acts; and to repeal certain enactments relating to the armed forces of the Crown which are rendered unnecessary by the expiry of those Acts or are otherwise obsolete. A.D. 1955

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

- 5 **1.** The Army Act and the Air Force Act shall continue in force until the end of the year nineteen hundred and fifty-six but no longer. Interim
continuation of
Army and Air
Force Acts.
- 2.** The transitional provisions and savings set out in the First Schedule to this Act shall have effect in connection with the expiry of the Army Act and the Air Force Act. Transitional
provisions
and savings.
- 3.** In connection with the replacement of the Army Act and the Air Force Act by new provisions, the enactments set out in the Second Schedule to this Act shall be amended as provided by that Schedule. Amendment
of other
enactments.

A.D. 1955
Provisions
replacing
ss. 174 and
174A of Army
and Air Force
Acts.

4. The provisions set out in the Third Schedule to this Act, being the provisions contained in sections one hundred and seventy-four and one hundred and seventy-four A of the Army Act and of the Air Force Act, shall have permanent effect.

Repeals.

5.—(1) The annual Acts continuing the Army Act or the Army Act and the Air Force Act, and passed during the period beginning with the year eighteen hundred and eighty-two and ending with the year nineteen hundred and fifty-four, are hereby repealed so far as still in force.

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

Short title
and com-
mencement.

6.—(1) This Act may be cited as the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.

(2) This Act, except section one thereof, shall come into 15 operation on the appointed day.

(3) In this Act the expression “the appointed day” means such day as Her Majesty may by Order in Council appoint.

SCHEDULES

A.D. 1955

FIRST SCHEDULE

Section 2.

TRANSITIONAL PROVISIONS AND SAVINGS

1. In this Schedule the expression "the old Act" means the Army
5 Act or the Air Force Act, and the expression "the new Act"—
- (a) in relation to the Army Act or persons subject to military law,
means the Army Act, 1955, and
- (b) in relation to the Air Force Act or persons subject to air-
force law, means the Air Force Act, 1955.
- 10 2.—(1) In relation to an offence against any section in Part I of
the old Act, sections seventy-one to one hundred and thirty-four and
one hundred and thirty-eight to one hundred and forty-two of the
new Act, and the rules and regulations made under those sections,
15 and that Act had been in force when the offence was committed, and
as if any finding or punishment having effect before the appointed
day, and anything done before that day by virtue of or in relation
to such a finding or sentence, had been come to, awarded or done
under the new Act:
- 20 Provided that nothing in this sub-paragraph shall render an offence
capable of being tried by court-martial or dealt with summarily,
if by reason of the time or place of the commission of the offence
it could not have been so tried or dealt with under the old Act.
- (2) Notwithstanding anything in the foregoing sub-paragraph,
25 where any proceedings for such an offence as aforesaid have been
begun before the appointed day, any step in the proceedings taken
after that day shall be deemed to be validly taken if taken in
accordance with the old Act and the rules made thereunder.
- (3) In section one hundred and thirty-four of the new Act (which
30 provides against trial for offences already disposed of) references
to the new Act or to any provision thereof shall be construed as
including respectively references to the old Act and to the
corresponding provision thereof.
3. Where after the appointed day a person is alleged—
- 35 (a) to have committed an offence continuing over a period begin-
ning before that day and ending thereon or thereafter, or
- (b) to have committed an offence between two dates falling
within such a period,
- and the offence would be one against a provision in Part II of the
40 new Act if that Act had been in force at all material times, he may
be proceeded against as if the new Act had so been in force.
4. In relation to offences under the old Act triable by civil courts
subsection (2) of section thirty-eight of the Interpretation Act, 1889
(which relates to the effect of repeals) shall apply after the expiry of
45 the old Act as if that Act had been repealed.
5. Any instrument issued before the appointed day which authorises
the convening of general courts-martial or district courts-martial shall
if in force on that day continue in force thereafter as if issued under
the new Act, and may be varied or revoked accordingly.

A.D. 1955
1st SCH.
—cont.

6. Any officer who immediately before the appointed day was authorised under section ninety-four of the old Act to attest soldiers or airmen shall, without prejudice to any subsequent withdrawal of the authorisation, be deemed without further authorisation a recruiting officer for the purposes of Part I of the new Act. 5

7.—(1) A person enlisted in pursuance of the old Act, or of the enactments relating to the Royal Marines repealed by this Act, whose term of enlistment is current at the appointed day shall be deemed to have been enlisted under the corresponding provisions of the new Act. 10

(2) Anything done under the provisions of the old Act or the said enactments and relating to the varying of a person's terms of enlistment shall, if the doing thereof would have been authorised by any provisions of the new Act if they had been in force when it was done, be deemed to have been done under the last-mentioned 15 provisions.

(3) Where a person is in army service in consequence of having enlisted before the first day of May, nineteen hundred and fifty-two, then—

(a) if he was re-engaged in pursuance of section eighty-four of 20 the Army Act as in force before the said date, his re-engagement shall remain effective notwithstanding anything in this Act, and section six of the new Act shall not apply to him ;

(b) if he was not so re-engaged the said section six shall apply 25 to him subject to the provisions of the next following sub-paragraph, and if, immediately before the appointed day, he fell to be treated by virtue of section eleven of the Army and Air Force (Annual) Act, 1952, as having enlisted for a term of twenty-two years, his notice and the approval of 30 the competent military authority under that section shall be deemed to be a notice and consent given under the said section six.

(4) Where the said section six applies to a person who enlisted before the first day of May, nineteen hundred and fifty-two, then if 35 his enlistment took place at the end of a period of relevant service it shall be treated for the purposes of that section as having taken place at the beginning of that period or on the date of his attaining the age of eighteen years, whichever is the later :

Provided that if his notice under the said section six so requires, 40 his enlistment shall not be so treated but in that case he shall not exercise the right conferred by subsection (1) of section five of the new Act.

(5) In the last foregoing sub-paragraph the expression " period of relevant service " means continuous service of any one or more of 45 the following descriptions, that is to say, army service, whole-time service in the Territorial Army or whole-time service in the Auxiliary Territorial Service.

(6) Where a person's enlistment took place at the end of a period of whole-time service in the Auxiliary Territorial Service that service 50 shall be deemed to be included in the references to service in section eight of the new Act.

(7) Where a person to whom the proviso to sub-paragraph (4) of this paragraph applies deserts after completing the service comprised in the term which, if he had not given a notice under section six of the new Act, would have been his term of enlistment, no part of
5 that service shall be included in any direction given in respect of the desertion under subsection (3) of section thirty-seven or subsection (2) of section eighty-one of that Act.

8.—(1) If immediately before the appointed day any person is being detained in service under section eighty-seven of the old Act
10 or under the enactments relating to the Royal Marines repealed by this Act, then in calculating for what period he may be retained and his service prolonged under the corresponding provisions of the new Act account shall be taken of the period for which he has been so
15 detained, or his service prolonged, as if during that period he had been retained, or his service prolonged, under the said provisions of the new Act.

(2) If immediately before the appointed day a proclamation is in force under section eighty-eight of the old Act, it shall continue in force as if made under the corresponding provisions of the new Act.

20 9. Any order authorising the discharge of a person given before the appointed day by an officer prescribed in that behalf under the old Act shall be treated for the purposes of subsection (3) of section eleven of the new Act as an order of the competent military, or as the case may be, air-force authority.

25 10. Any order under section ninety-one of the old Act in force immediately before the appointed day shall have effect as if it had been made under the corresponding provisions of the new Act.

30 11. The powers conferred by the new Act of restoring forfeited service and remitting forfeitures and deductions shall be exercisable in relation to service forfeited and forfeitures and deductions imposed under the old Act.

35 12.—(1) Any forfeiture of, or deduction from, pay having effect under the old Act immediately before the appointed day shall, subject to the last foregoing paragraph, continue to have effect notwithstanding the expiry of the old Act.

(2) Any order having effect immediately before the appointed day under the provisions of the old Act corresponding with sections one hundred and fifty and one hundred and fifty-one of the new Act shall continue to have effect as if made under the new Act, and section
40 one hundred and fifty-two of the new Act shall apply accordingly.

45 13. Any document made before the appointed day which would have been admissible in evidence under the provisions of the old Act, or those provisions as applied by any other enactment, shall be admissible to the like extent and in the like proceedings notwithstanding that the old Act has ceased to be in force.

14. If immediately before the appointed day any declaration or renewal is in force under section one hundred and eighty-nine of the old Act, it shall continue in force as if made under the corresponding provision of the new Act.

A.D. 1955
Section 3.

SECOND SCHEDULE

ADAPTATION OF ENACTMENTS

The Naval Discipline Act

29 & 30 Vict. c. 109.

1.—(1) For section eighty-one there shall be substituted the following section:—

“Imprison-
ment and
Detention
Rules. 81.—(1) The Admiralty may make rules with respect to all or any of the matters referred to in subsection (1) of section one hundred and twenty-two of the Army Act, 1955, as modified by the following provisions of this section, and accordingly that section as so modified shall apply as if it were herein re-enacted. 10

(2) The said modifications are—

- (a) for references to the Secretary of State there shall be substituted references to the Admiralty, 15
- (b) for references to military custody there shall be substituted references to naval custody,
- (c) for references to military sentences of imprisonment and detention there shall be substituted references to sentences of imprisonment or detention passed under this Act, 20
- (d) for references to military establishments there shall be substituted references to any establishment under the control of the Admiralty where persons may be required to serve sentences of imprisonment or detention passed under this Act, 25
- (e) for references to persons subject to military law there shall be substituted references to persons subject to this Act,
- (f) for references to sentences of imprisonment or detention awarded under this Act there shall be substituted references to sentences of imprisonment or detention awarded under the Army Act, 1955. 30

(3) Rules made under this section may contain such incidental and supplementary provisions as appear to the Admiralty to be requisite for the purposes of the rules”, 35

but any rules in force immediately before the appointed day under the said section eighty-one shall continue in force and have effect as if they had been made under the section hereinbefore set out. 40

(2) In section eighty-six, after the definition of “ Admiralty ” there shall be inserted the following definition:—

“ ‘ Commonwealth force ’ means any of the armed forces of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, India, Pakistan or Ceylon ”. 45

(3) In section eighty-seven, after the words “belonging to” there shall be inserted the words “or attached to”, and at the end of that section there shall be added the following subsections:—

5 “(2) In this section the expression “attached” means attached by virtue of section one hundred and seventy-nine of the Army Act, 1955, or of the Air Force Act, 1955.

(3) The modifications set out in the Schedule to this Act shall have effect in the case of persons who are subject to this Act by virtue of being so attached as aforesaid.”

10 (4) For section ninety A there shall be substituted the following section:—

15 “Powers of command of members of cooperating military or air forces. 90A.—(1) In so far as powers of command depend on rank, a member of any of Her Majesty’s military or air forces (other than a Commonwealth force) who—

(a) is acting with, or

(b) is a member of a body of any of those forces which is acting with,

20 any body of Her Majesty’s naval forces shall have the like such powers as a member of Her Majesty’s naval forces of corresponding rank; and for the purposes of the provisions of this Act relating to superior officers any such member of the said military or air forces shall be treated as if he were a member of Her Majesty’s naval forces of corresponding rank.

25 (2) In this section the expression ‘corresponding rank’ in relation to any military or air-force rank means such naval rank or rating as may be declared by order of the Admiralty to correspond therewith.”

(5) After section ninety A there shall be inserted the following sections:—

30 “Exercise of powers of naval provost marshals by military or air-force provost marshals. 90AA.—(1) An order made by the Admiralty and the Army Council may authorise military provost marshals, and an order made by the Admiralty and the Air Council may authorise air-force provost marshals, to exercise, in such area in the United Kingdom or elsewhere as may be specified in the order, the powers of naval provost marshals in relation to persons subject to this Act.

40 (2) Any power exercisable by virtue of this section by a military provost marshal or air-force provost marshal shall be exercisable also by any person legally exercising authority under him or on his behalf:

Provided that nothing in this subsection shall authorise the arrest of an officer otherwise than on the order of another officer.

45 (3) In this section the expression ‘military provost marshal’ includes any officer appointed to exercise the functions conferred on provost officers by or under the Army Act, 1955 and the expression ‘air-force provost marshal’ includes any officer appointed to exercise the functions conferred on provost officers by or under the
50 Air Force Act, 1955.

A.D. 1955
2ND SCH.
—cont.

Attachment
of members
of naval
forces to
military or
air forces.

90AB.—(1) Any person in or belonging to Her Majesty's navy may be attached temporarily to any of Her Majesty's military or air forces (other than a Commonwealth force).

(2) Regulations made by the appropriate service authorities may prescribe circumstances in which persons in or belonging to Her Majesty's navy shall be deemed to be attached to any of Her Majesty's military or air forces (other than a Commonwealth force), as the case may be, under the last foregoing subsection.

(3) In this section the expression "appropriate service authorities" means—

(a) in relation to attachment to any of Her Majesty's military forces, the Admiralty and the Army Council,

(b) in relation to attachment to any of Her Majesty's air forces, the Admiralty and the Air Council.

(4) A person shall not cease to be subject to this Act by reason only of attachment in pursuance of this section."

(6) At the end there shall be added the following Schedule: 20

" SCHEDULE

APPLICATION OF ACT TO ATTACHED MEMBERS OF
MILITARY AND AIR FORCES

PART I

*Application of Act to Attached Members of Military
Forces* 25

1. In relation to a member of any of Her Majesty's military forces (other than a Commonwealth force) who is subject to this Act, the following provisions shall have effect. 30

2. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or soldier), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, either in the army or in the corps to which the offender belongs or in both, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank. 40

3. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Army Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Army Council. 45

4. References to any rank or rating shall include references to any military rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating.

A.D. 1955
2ND SCH.
—cont.

5

PART II

Application of Act to Attached Members of Air Forces

5. In relation to a member of any of Her Majesty's air forces (other than a Commonwealth force) who is subject to this Act the following provisions shall have effect.

10

6. References to dismissal with disgrace from Her Majesty's service shall be construed as references to cashiering (in the case of an officer) or discharge with ignominy (in the case of a warrant officer, non-commissioned officer or airman), references to forfeiture of seniority as an officer as mentioned in paragraph (6) of section fifty-two of this Act shall be construed as references to forfeiture, in such manner as may be prescribed by regulations of the Admiralty, of seniority of rank, and references to disrating shall be construed as references to reduction to the ranks or any less reduction in rank.

15

20

7. The functions of the Admiralty under paragraph (1) of section fifty-three of this Act may be exercised by the Air Council, and the reference in paragraph (3) of that section to the Admiralty shall include a reference to the Air Council.

25

8. References to any rank or rating shall include references to any air-force rank declared by order of the Admiralty to correspond with the first-mentioned rank or rating."

30 *The Naval Enlistment Act, 1884*
47 & 48 Vict. c. 46.

2. For section three there shall be substituted the following section:—

35 "Discharge of seamen of unsound mind. 3. Section sixteen of the Army Act, 1955 (which relates to the discharge of a soldier of unsound mind) shall apply in like manner as if it were herein re-enacted with the substitution—

40

(a) for references to a soldier of the regular forces of references to a person in the naval service of Her Majesty; and

(b) for references to the Army Council of references to the Admiralty."

The Regimental Debts Act, 1893
56 and 57 Vict. c. 5.

45 3. In section twenty-nine after the definition of "prescribed" there shall be inserted—

"the expression 'desert' means commit an offence against paragraph (a) of subsection (2) of section thirty-seven of the Army Act, 1955",

50 and for the words "the Army Act" there shall be substituted the words "the Army Act, 1955."

A.D. 1955
2ND SCH.
—cont.

The Uniforms Act, 1894
57 & 58 Vict. c. 45.

4. In section four the words “ within the meaning of the Army Act ” shall be omitted.

The Criminal Evidence Act, 1898
61 & 62 Vict. c. 36.

5

5. In section six, in subsection (1) after the words “ criminal proceedings ” there shall be inserted the words “ including proceedings in courts-martial ”, and subsection (2) shall be omitted.

The Naval Billeting, &c. Act, 1914
4 & 5 Geo. 5. c. 70.

10

6.—(1) In subsection (1) of section one for the reference to a requisition of emergency there shall be substituted a reference to a requisitioning order.

(2) For the purposes of Part IV of the Army Act, 1955 a billeting requisition or requisitioning order issued by virtue of the said subsection (1) shall have effect as if issued under section one hundred and fifty-four of that Act (which relates to billeting) or section one hundred and sixty-five thereof (which relates to the requisitioning of vehicles and other chattels) but in relation to requisitions and orders issued under the said subsection (1) the said Part IV and the Fourth Schedule to that Act shall have effect subject to such adaptations as the Admiralty may by regulations prescribe, being adaptations appearing to the Admiralty necessary for adapting the said Part IV and Schedule to the naval forces.

25

(3) Sections forty-seven and forty-eight of the Army Act, 1955 (which relate to offences in connection with billeting and requisitioning) shall with the necessary modifications apply as respects billeting and requisitioning under the said Part IV as applied as aforesaid and to persons subject to the Naval Discipline Act, subject to the modification that as applied to such persons they shall have effect as if offences thereunder were triable under that Act and punishable with imprisonment not exceeding two years or such punishment inferior in degree as is mentioned in section fifty-two of that Act.

30

(4) Subsection (2) of section one shall cease to have effect.

35

The Navy (Pledging of Certificates, &c.) Act, 1914
4 & 5 Geo. 5. c. 89.

7. For section one there shall be substituted the following section—
“ Application 1. Sections one hundred and ninety-five and one hundred and ninety-six of the Army Act, 1955 (which among provisions of other things provide for the punishment of the illegal acquisition from soldiers of military stores and the acceptance of certain documents as security for debts) shall apply in relation to persons serving in the naval forces of the Crown with such adaptations as the Admiralty may by regulations prescribe, and any such regulations may extend the said section one hundred and ninety-six so as to make it applicable to any certificate relating to the service of any person serving in the naval forces of the Crown.”

50

The Ferries (Acquisition by Local Authorities) Act, 1919
9 & 10 Geo. 5. c. 75.

A.D. 1955
2ND SCH.
—cont.

8. In section four the words “ and save as provided by the Army Act ” shall be omitted.

5 *The Visiting Forces (British Commonwealth) Act, 1933*
23 & 24 Geo. 5. c. 6.

9.—(1) The power conferred by subsection (2) of section four to place members of Her Majesty’s military or air forces raised in the United Kingdom at the disposal of the service authorities of another
10 part of the Commonwealth shall not be exercisable in relation to any person without his consent ; and the limitation hereinbefore contained shall have effect in substitution for so much of paragraph (ii) of the said subsection (2) as provides that the said power shall be exercisable in relation to those forces subject to anything to the contrary in the
15 conditions applicable to a person’s service.

(2) In subsection (3) of section four the words “ as an officer or soldier ” shall be omitted, for the words from “ the Air Force Act ” to “ airman ” there shall be substituted the words “ air-force law ”, and for the words “ the Army Act or the Air Force Act ” there
20 shall be substituted the words “ the Army Act, 1955, or the Air Force Act, 1955 ”.

The National Service Act, 1948
11 & 12 Geo. 6. c. 64.

10. In the Second Schedule, in paragraph (a) of the proviso to paragraph 1 for the words “ the Air Force Act ” there shall be substituted the words “ air-force law.”

The Recall of Army and Air Force Pensioners Act, 1948
12, 13 & 14 Geo. 6. c. 8.

11. In section two, in subsection (2) for the words from
30 “beginning with” to the end of the section there shall be substituted—

“ hereinafter mentioned :

35 Provided that any such person shall, if on his recall he so requires, be so enlisted for the said period in accordance with section two of the Army Act, 1955, or of the Air Force Act, 1955, as the case may require, and thereupon he shall not be deemed to have been enlisted by virtue of the foregoing provisions of this subsection.

40 (3) The period hereinbefore referred to is the period beginning with the time as from which a person is recalled for service under this Act and ending with such date as Her Majesty may by Order in Council declare to be the end of the emergency which was the occasion of the calling-out on permanent service of men of the reserve in question ; and nothing in the provisions
45 of the Army Act, 1955, or the Air Force Act, 1955, as to the term for which a person may be enlisted shall prejudice the operation of the foregoing provisions of this section ”.

A.D. 1955 *The Auxiliary and Reserve Forces Act, 1949*

2ND SCH. 12, 13 & 14 Geo. 6. c. 96.

—cont.

12. In section nine, in paragraph (b) of subsection (5) the words from “in accordance with” to “Royal Marines Act, 1948” shall be omitted.

5

The Army Reserve Act, 1950

14 Geo. 6. c. 32.

13.—(1) For the words “the Army Act” wherever those words occur there shall be substituted the words “the Army Act, 1955”:

Provided that references to transfer to the reserve in pursuance 10
of the Army Act shall be construed as references to transfer to the
reserve in pursuance either of the Army Act or of the Army Act,
1955.

(2) In section three the following subsections shall be substituted
for subsections (2) and (3):—

15

“(2) Subject to the provisions of this Act and save as is
otherwise prescribed, a man enlisting in the army reserve shall
be attested in the same manner as a recruit in the regular
forces, and the following provisions of the Army Act, 1955,
that is to say,—

20

- (a) section two and the First Schedule (which relate to the mode of enlistment and attestation);
- (b) section eighteen (which relates to the validity of attestation and enlistment);
- (c) section nineteen (which makes recruits punishable for 25
false answers); and
- (d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this 30
Act, with the substitution, for the expression ‘soldier’ of the
expression ‘man’ and for the expression ‘regular forces’ of the
expression ‘army reserve’.

(3) A man enlisting in the army reserve may be attested by
a regular officer, and the provisions of the Army Act, 1955, 35
mentioned in the last foregoing subsection, together also with
section sixty-one (which relates to false answers on enlistment)
shall, in their application to the army reserve, be construed
as if the expression ‘recruiting officer’ included any regular
officer.”

40

(3) For section seven there shall be substituted the following
section:—

“Appoint- 7. A man of the army reserve on being called out on
ment to corps permanent service may be appointed to any corps; and
of men called subsection (3) of section three of the Army Act, 1955, 45
out on permanent shall apply to such men so called out as it applies to
service. soldiers of the regular forces.”

(4) In section eight, in subsection (3) the words from “and any” to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

5 “(4) Sections nine and thirteen of the Army Act, 1955, so far as they relate to discharge, shall apply to men of the army reserve called out on permanent service as they apply to soldiers of the regular forces, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection.”

10 (5) In subsection (1) of section twelve for the words from “a soldier” to “however” there shall be substituted the words “in pursuance of the proviso to subsection (2) of section twelve of the Army Act, 1955, a soldier of the regular forces is transferred to the reserve outside the United Kingdom he shall serve therein
15 subject”.

(6) After section twelve there shall be inserted the following section:—

20 “Discharge of persons of unsound mind. 12A. Section sixteen of the Army Act, 1955 shall apply to men of the army reserve while subject to military law as it applies to soldiers of the regular forces”.

(7) In section fourteen for the words “section twelve” and “section fifteen” wherever they occur there shall be substituted respectively the words “section thirty-seven” and “section thirty-eight”; and in subsection (5) of that section for the words
25 “Section one hundred and fifty-four” there shall be substituted the words “The provisions of sections one hundred and eighty-six to one hundred and ninety”, for the words “it applies” there shall be substituted the words “they apply”, and for the words “that section” there shall be substituted the words “those provisions”.

30 (8) In section fifteen, in subsection (3) for the words “paragraph (3) of section one hundred and fifty-three of the Army Act” there shall be substituted the words “paragraph (c) of subsection (1) of section one hundred and ninety-two of the Army Act, 1955”.

(9) In section eighteen, for subsections (2) and (3) there shall be
35 substituted the following subsections:—

“(2) Sections two hundred and twenty and two hundred and twenty-one of the Army Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

40 (3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the
45 maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act”.

50 and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

A.D. 1955
2ND SCH.
—cont.

(10) In section twenty in subsection (1) for the words “court of inquiry under section seventy-two” there shall be substituted the words “board of inquiry under section one hundred and thirty-five”; and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”. 5

(11) In section twenty-one in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight” and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine”. 10
15

(12) In section twenty-two in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(13) In section twenty-eight for the words “Part II of the Army Act” there shall be substituted the words “Part I of the Army Act, 1955”, and after the definition of “prescribed” there shall be inserted—“‘soldier’ includes a warrant officer and a non-commissioned officer”; and subsection (3) shall be omitted. 20

The Air Force Reserve Act, 1950

14 Geo. 6. c. 33. 25

14.—(1) For the words “the Air Force Act” wherever those words occur, except in the phrase “subject to the Air Force Act”, there shall be substituted the words “the Air Force Act, 1955”:

Provided that references to transfer to the reserve in pursuance of the Air Force Act shall be construed as references to transfer to the reserve in pursuance either of the Air Force Act or of the Air Force Act, 1955. 30

(2) In section three the following subsections shall be substituted for subsections (2) and (3):—

“(2) Subject to the provisions of this Act and save as is otherwise prescribed, a man enlisting in the air force reserve shall be attested in the same manner as a recruit in the regular air force, and the following provisions of the Air Force Act, 1955, that is to say,— 35

(a) section two and the First Schedule (which relate to the mode of enlistment and attestation); 40

(b) section eighteen (which relates to the validity of attestation and enlistment);

(c) section nineteen (which makes recruits punishable for false answers); and 45

(d) so much of section one hundred and ninety-eight as relates to the attestation paper or a document purporting to be a copy thereof being evidence,

shall apply in like manner as if they were re-enacted in this Act, with the substitution, for the expression ‘airman’ of the expression ‘man’ and for the expression ‘regular air force’ of the expression ‘air force reserve’. 50

5 (3) A man enlisting in the air force reserve may be attested by a regular officer and the provisions of the Air Force Act, 1955, mentioned in the last foregoing subsection, together also with section sixty-one (which relates to false answers on enlistment) shall, in their application to the air force reserve, be construed as if the expression 'recruiting officer' included any regular officer."

(3) Section seven shall be omitted.

10 (4) In section eight, in subsection (3) the words from "and any" to the beginning of the proviso shall be omitted, and at the end of the section there shall be added the following subsection:—

15 " (4) Sections nine and thirteen of the Air Force Act, 1955, so far as they relate to discharge, shall apply to men of the air force reserve called out on permanent service as they apply to airmen of the regular air force, and nothing in the last foregoing subsection shall prejudice the operation of the said sections nine and thirteen as applied by this subsection."

20 (5) In subsection (1) of section twelve for the words from "an airman" to "however" there shall be substituted the words "in pursuance of the proviso to subsection (2) of section twelve of the Air Force Act, 1955, an airman of the regular air force is transferred to the reserve outside the United Kingdom he shall serve therein subject".

25 (6) After section twelve there shall be inserted the following section:—

"Discharge of persons of unsound mind. 12A. Section sixteen of the Air Force Act, 1955 shall apply to men of the air force reserve while subject to air-force law as it applies to airmen of the regular air force."

30 (7) In section fourteen for the words "section twelve" and "section fifteen" wherever they occur there shall be substituted respectively the words "section thirty-seven" and "section thirty-eight"; in subsection (3) for the words "subject thereto" there shall be substituted the words "subject to air-force law"; and in subsection

35 (5) for the words "Section one hundred and fifty-four" there shall be substituted the words "The provisions of sections one hundred and eighty-six to one hundred and ninety", for the words "it applies" there shall be substituted the words "they apply", and for the words "that section" there shall be substituted the words "those provisions".

40 (8) In section fifteen, in subsection (3) for the words "paragraph (3) of section one hundred and fifty-three of the Air Force Act" there shall be substituted the words "paragraph (c) of subsection (1) of section one hundred and ninety-two of the Air Force Act, 1955".

45 (9) In section seventeen, in paragraph (c) of subsection (1) and in subsection (2) for the words "subject to the Air Force Act" there shall be substituted the words "subject to air-force law".

(10) In section eighteen, for subsections (2) and (3) there shall be substituted the following subsections:—

50 " (2) Sections two hundred and eighteen and two hundred and nineteen of the Air Force Act, 1955 (which relate to the jurisdiction of courts and the disposal of summary fines) shall apply for the purposes of offences under this Act.

A.D. 1955
2ND SCH.
—cont.

(3) Notwithstanding anything contained in any other Act, the minimum fixed by this Act for the amount of any fine or the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall not be reduced by way of mitigation or otherwise; but where the said minimum exceeds the maximum which such a court has power to inflict (whether by reason of its constitution or by reason of the place where it is sitting) the said maximum shall be deemed, in proceedings before that court, to be substituted for the minimum fixed by this Act.”

and in subsection (4) the words from “or an offence” to “personation” shall be omitted.

(11) In section twenty, in subsection (1), for the words “subject to the Air Force Act” in each place where they occur there shall be substituted the words “subject to air-force law”, for the words “court of inquiry under section seventy-two” there shall be substituted the words “board of inquiry under section one hundred and thirty-five”, and for the words “that section” there shall be substituted the words “section one hundred and thirty-six of that Act”.

(12) In section twenty-one, in subsection (1) for the words “one hundred and sixty-three” there shall be substituted the words “one hundred and ninety-eight”, and at the end of the subsection there shall be inserted the words “and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1) or (2) of section fourteen of this Act”, and in subsection (2) for the words “one hundred and sixty-four” there shall be substituted the words “one hundred and ninety-nine” and for the words “subject to that Act” and the words “subject to the said Act” there shall be substituted the words “subject to air-force law”.

(13) In section twenty-two, in subsection (1) for the words “one hundred and forty-three” there shall be substituted the words “one hundred and eighty-four”.

(14) In section twenty-seven for the words “Part II of the Air Force Act” there shall be substituted the words “Part I of the Air Force Act, 1955”, and after the definition of “prescribed” there shall be inserted—

“ ‘airman’ includes a warrant officer and a non-commissioned officer ”;

and subsection (4) shall be omitted.

The Courts-Martial (Appeals) Act, 1951
14 & 15, Geo. 6. c. 46.

15.—(1) In section three, for paragraph (b) of subsection (3) there shall be substituted:—

“(b) in the case of a conviction by an army court-martial, the Army Council; and

(c) in the case of a conviction by an air force court-martial, the Air Council”;

and the proviso to that subsection shall be omitted.

(2) In section six, in subsection (4) for the words “section one hundred and thirty of the Army Act or section one hundred and thirty of the Air Force Act” there shall be substituted the words “section one hundred and sixteen of the Army Act, 1955 or section one hundred and sixteen of the Air Force Act, 1955,” and for the words “on a special finding” there shall be substituted the words “on a finding”; and in subsection (5) for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955 or the Air Force Act, 1955”.

10 (3) Section fifteen shall be omitted.

(4) In section seventeen, for paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) section eighty-one of the Naval Discipline Act ;

15 (b) section one hundred and twenty-one or one hundred and twenty-two of the Army Act, 1955 ;

(c) section one hundred and twenty-one or one hundred and twenty-two of the Air Force Act, 1955.”

(5) In section twenty-four, for the words “the Army Act” and “the Air Force Act” wherever they occur there shall be substituted respectively the words “the Army Act, 1955” and “the Air Force Act, 1955”, in subsection (2) after the word “expression” there shall be inserted the word “on”, for the words “section one hundred and ninety” there shall be substituted, where they first occur, the words “section two hundred and twenty-four” and, where they last occur, the words “section two hundred and twenty-two”, and subsection (3) shall be omitted.

(6) Notwithstanding anything in sub-paragraph (1) of this paragraph, a petition presented to the Secretary of State shall be treated for the purposes of section three as duly presented if the finding of the court-martial was promulgated before the appointed day ; and nothing in the last foregoing sub-paragraph shall affect the application of the Act to courts-martial held before that day.

The Defamation Act, 1952

15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.

35 16. In the Schedule, in paragraph 4, for the words “the Army Act or the Air Force Act” there shall be substituted the words “the Army Act, 1955 or the Air Force Act, 1955”.

The Visiting Forces Act, 1952

15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.

40 17.—(1) The following subsections shall be substituted for subsections (1) to (4) of section thirteen:—

45 “(1) Subject to the provisions of this section, sections one hundred and eighty-six to one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955 (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the regular forces)

A.D. 1955
2ND SCH.
—cont.

shall within the United Kingdom apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the regular forces.

(2) The powers conferred by the said sections one hundred and eighty-six and one hundred and eighty-eight, as applied by the last foregoing subsection, shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs. 5
10

(3) In sections one hundred and eighty-seven, one hundred and eighty-eight and one hundred and ninety of the Army Act, 1955, as applied by subsection (1) of this section, references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority 15
of the country to which he belongs, at such place in the United Kingdom, as may be designated by the appropriate authority of that country”.

(2) In section fourteen for the words “ Army Act ” there shall be substituted the words “ Army Act, 1955 ”. 20

The Auxiliary Forces Act, 1953

1 & 2 Eliz. 2. c. 50.

18.—(1) For the words “ the Army Act ” and, save as hereinafter provided, “ the Air Force Act ” wherever they occur there shall be substituted respectively the words “ the Army Act, 1955 ” and “ the 25
Air Force Act, 1955 ”.

(2) In section twelve, the proviso to subsection (2) shall be omitted, and in subsection (3) for the words “ section thirty-three ” there shall be substituted the words “ section sixty-one “ and for the words 30
“ justice of the peace ” there shall be substituted the words “ recruiting officer ”.

(3) After section eighteen there shall be inserted the following section:—

“ Discharge of persons of unsound mind. 18A. Section sixteen of the Army Act, 1955 shall apply to men of the Territorial Army while subject to 35
military law as it applies to soldiers of the regular forces, and section sixteen of the Air Force Act, 1955 shall apply to men of the Royal Auxiliary Air Force while subject to air-force law as it applies to airmen of the 40
regular air force.”

(4) In section twenty-seven, in subsection (1) for the words “ section twelve ” there shall be substituted the words “ section thirty-seven ”, and for the words “ section fifteen ” there shall be substituted the words “ section thirty-eight ”, in subsection (3) for the words “ section one hundred and fifty-four ” there shall be substituted the words 45
“ sections one hundred and eighty-six to one hundred and ninety ”,

in subsection (4) for the words "paragraph (3) of section one hundred and fifty-three" there shall be substituted the words "paragraph (c) of subsection (1) of section one hundred and ninety-two".

A.D. 1955
2ND SCH.
—cont.

5 (5) Section thirty shall be omitted.

(6) In section thirty-one in subsection (5) for the words preceding paragraph (a) there shall be substituted the following words—

10 "Section two hundred and twenty of the Army Act, 1955, and section two hundred and eighteen of the Air Force Act, 1955, shall apply to offences under this Act relating to an officer or man of the Territorial Army or the Royal Auxiliary Air Force respectively, and the following provisions shall have effect as regards fines recoverable on summary conviction for any such offence, that is to say"

15 and in paragraph (b) the words "or in the said sections one hundred and sixty-six to one hundred and sixty-eight" shall be omitted, and subsection (7) shall be omitted.

20 (7) In section thirty-two for the words "the Air Force Act" in the first and third places where they occur there shall be substituted the words "air-force law", and for the words "court of inquiry under section seventy-two" there shall be substituted the words "board of inquiry under section one hundred and thirty-five".

25 (8) In section thirty-four, in subsection (1) for the words "section one hundred and sixty-three there shall be substituted the words "section one hundred and ninety-eight", and at the end of the subsection there shall be inserted the words "and subsection (3) of section one hundred and eighty-nine of that Act (which relates to evidence in cases of desertion and absence without leave) shall apply to proceedings under this Act for offences contrary to subsection (1)
30 of section twenty-seven of this Act"; in subsection (2) for the words "section one hundred and sixty-four" there shall be substituted the words "section one hundred and ninety-nine", and in subsection (3) for the words "the Air Force Act" there shall be substituted the words "the Air Force Act, 1955 and air-force law".

35 (9) In section thirty-seven for the words "section one hundred and forty-three" there shall be substituted the words "section one hundred and eighty-four".

(10) At the end of section forty-eight there shall be added the following subsection:—

40 "(2) All fines imposed in proceedings taken before a magistrate's court in Northern Ireland shall, notwithstanding anything in paragraph (ii) of subsection (5) of section twenty of the Administration of Justice Act (Northern Ireland), 1954, be dealt with in the manner provided by that section".

A.D. 1955 (11) For the Second Schedule there shall be substituted the follow-
2ND SCH. ing Schedule:—
—cont.

“ SECOND SCHEDULE

APPLICATION OF PROVISIONS OF ARMY ACT, 1955, AND OF AIR
FORCE ACT, 1955, RELATING TO ENLISTMENT 5

1. The provisions of the Army Act, 1955, and of the Air Force Act, 1955 referred to in subsection (2) of section twelve of this Act are the following, that is to say—
 - section two and the First Schedule (which relate to the mode of enlistment and attestation), 10
 - section eighteen (which relates to the validity of attestation and enlistment),
 - section nineteen (which makes recruits punishable for false answers), and
 - so much of section one hundred and ninety-eight as relates 15
to the attestation paper or a document purporting to be a copy thereof being evidence.

2. The modifications of the Army Act, 1955 referred to in subsection (2) of section twelve of this Act are the following, that is to say— 20
 - for references to the regular forces there shall be substituted references to the Territorial Army,
 - for references to a soldier there shall be substituted references to a man of the Territorial Army,
 and the references in section eighteen to the receipt of pay shall 25
be omitted.

3. The modifications of the Air Force Act, 1955 referred to in subsection (2) of section twelve of this Act are the following, that is to say—
 - for references to the regular air force there shall be sub- 30
stituted references to the Royal Auxiliary Air Force,
 - for references to an airman there shall be substituted references to a man of the Royal Auxiliary Air Force.
 and the references in section eighteen to the receipt of pay shall
be omitted.” 35

THIRD SCHEDULE

A.D. 1955

PROVISIONS REPLACING SECTIONS 174 AND 174A OF
ARMY AND AIR FORCE ACTS

Section 4.

Entertainments under Service direction

5 1.—(1) So much of any Act as operates to prohibit as respects particular days, or otherwise to restrict or regulate, the keeping, opening or using of premises for purposes of public entertainment or amusement shall not apply to the use, by authority of a Secretary of State or the Admiralty, of any building at a camp, station, or
10 naval establishment, or of any ship, for entertainments or amusements under the direction and control of an officer or committee having official responsibility for such matters.

(2) For the purposes of this paragraph, the expression “public entertainment or amusement” includes public dancing, singing or
15 music, the public performance of stage plays and the giving of cinematograph exhibitions; and in the case of a building or ship which is used for the giving of cinematograph exhibitions, the keeping or storing of films shall be deemed to be part of the use thereof for the giving of exhibitions.

20 *Licences of canteens in Northern Ireland*

2. In Northern Ireland when a person holds a canteen under the authority of a Secretary of State or the Admiralty, it shall be lawful for any resident magistrate to grant any certificate for the time being required to enable such person to obtain the grant, transfer or
25 renewal of, and to hold, any excise licence for the sale of any intoxicating liquor, without regard to the time of year, and without regard to the requirements as to notices or otherwise of any Act for the time being in force affecting such certificates; and excise licences may, upon production of such certificates, be granted to such persons
30 accordingly.

FOURTH SCHEDULE

Section 5.

ENACTMENTS (OTHER THAN ANNUAL ACTS) REPEALED

Session and Chapter	Short title	Extent of repeal
35 10 & 11 Vict. c. 63.	The Royal Marines Act, 1847.	The whole Act so far as still in force.
20 Vict. c. 1.	The Royal Marines Act, 1857.	The whole Act so far as still in force.
40 29 & 30 Vict. c. 109.	The Naval Discipline Act.	In section eighty-five, the words from “as regards the United Kingdom” to “as regards” and the words from “this Act shall be in force and” to the end of the section; the 45 Schedule.

A.D. 1955
4TH SCH.
—cont.

Session and Chapter	Short title	Extent of repeal	
47 & 48 Vict. c. 31.	The Colonial Prisoners Removal Act, 1884.	In section sixteen, subsection (1).	
47 & 48 Vict. c. 55.	The Pensions and Yeomanry Pay Act, 1884.	In section three, subsection (2).	5
51 & 52 Vict. c. 31.	The National Defence Act, 1888.	Section five.	
53 & 54 Vict. c. 42.	The Reserve Forces Act, 1890.	The whole Act so far as still in force.	10
56 & 57 Vict. c. 5.	The Regimental Debts Act, 1893.	In section eleven the words "Medals and," in section twenty-three the words from "or is delivered up" to "or otherwise".	15
57 & 58 Vict. c. 45.	The Uniforms Act, 1894.	In section four the words "within the meaning of the Army Act".	
61 & 62 Vict. c. 36.	The Criminal Evidence Act, 1898.	In section six, subsection (2).	20
4 & 5 Geo. 5. c. 26.	The Army (Supply of Food, Forage and Stores) Act, 1914.	The whole Act.	
4 & 5 Geo. 5. c. 70.	The Naval Billeting, &c. Act, 1914.	In section one, subsection (2).	25
5 & 6 Geo. 5. c. 26.	The Army (Amendment) Act, 1915.	The whole Act so far as still in force.	
5 & 6 Geo. 5. c. 58.	The Army (Amendment) No. 2 Act, 1915.	The whole Act so far as still in force.	
7 & 8 Geo. 5. c. 51.	The Air Force (Constitution) Act, 1917.	In section seven, the words "and Part II" and the words "and the Army Act respectively"; section twelve; in the First Schedule, Part II; the Second Schedule.	30
9 & 10 Geo. 5. c. 75.	The Ferries (Acquisition by Local Authorities) Act, 1919.	In section four, the words "and save as provided by the Army Act".	35
11 & 12 Geo. 5. c. 37.	The Territorial Army and Militia Act, 1921.	Section three, and the First Schedule.	40
14 & 15 Geo. 5. c. 15.	The Auxiliary Air Force and Air Force Reserve Act, 1924.	In section three, paragraph (3).	
2 & 3 Geo. 6. c. 88.	The Royal Marines Act, 1939.	The whole Act.	45
10 & 11 Geo. 6. c. 4.	The Royal Marines Act, 1946.	The whole Act.	
10 & 11 Geo. 6. c. 30.	The Indian Independence Act, 1947.	In section twelve, subsection (2) and in subsection (4) the words "(2) and" and the words from "and in particular" to "that Schedule"; the Third Schedule.	50
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947.	Section two.	55
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act, 1947.	In the Second Schedule, paragraph 2.	

A.D. 1955
4TH SCH.
—cont.

Session and Chapter	Short title	Extent of repeal
5 11 & 12 Geo. 6. c. 21.	The Army and Air Force (Women's Service) Act, 1948.	In section three, in subsection (1), the words from "the provisions of the Army Act" to the second "and", the word "other" where it first occurs, and the words from "including enactments" to "aforesaid".
10 11 & 12 Geo. 6. c. 25.	The Royal Marines Act, 1948.	Section two.
15 12, 13 & 14 Geo. 6. c. 96.	The Auxiliary and Reserve Forces Act, 1949.	In section nine, in paragraph (b) of subsection (5), the words from "in accordance with" to "Royal Marines Act, 1948"; in the First Schedule, the entries relating to the Army Act and the Air Force Act.
20 14 Geo. 6. c. 32.	The Army Reserve Act, 1950.	In section eighteen, in subsection (4) the words from "or an offence" to "personation"; in section twenty-eight, subsection (3).
25 14 Geo. 6. c. 33.	The Air Force Reserve Act, 1950.	Section seven; in section eighteen in subsection (4) the words from "or an offence" to "personation"; in section twenty-seven, subsection (4).
30 14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act, 1951.	In section three the proviso to subsection (3); section fifteen; in section twenty-four, subsection (3).
35 15 Geo. 6. c. 8.	The Home Guard Act, 1951.	In section one, the proviso to subsection (2) and subsection (6); in section four, in subsection (2), the words from "and" to "thereto"; the Schedule.
40 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act, 1952.	In the Fourth Schedule, the entries relating to the Army Act.
45 15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.	The Visiting Forces Act, 1952.	In section thirteen, subsections (5) and (7).
50 1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act, 1953.	In section twelve the proviso to subsection (2); section thirty; in section thirty-one, in subsection (5) the words from "or in" to "sixty-eight", and subsection (7).

A.D. 1955

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Naval Discipline Act	29 & 30 Vict. c. 109.
Army Act	44 & 45 Vict. c. 58.
Naval Enlistment Act, 1884	47 & 48 Vict. c. 46.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Regimental Debts Act, 1893	56 & 57 Vict. c. 5.
Uniforms Act, 1894	57 & 58 Vict. c. 45.
Criminal Evidence Act, 1898	61 & 62 Vict. c. 36.
Naval Billeting, &c. Act, 1914	4 & 5 Geo. 5. c. 70.
Navy (Pledging of Certificates, &c.) Act, 1914	4 & 5 Geo. 5. c. 89.
Air Force Act	
Ferries (Acquisition of Local Authorities) Act, 1919.	9 & 10 Geo. 5. c. 75.
Visiting Forces (British Commonwealth) Act, 1933.	23 & 24 Geo. 5. c. 6.
Royal Marines Act, 1948	11 & 12 Geo. 6. c. 25.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Recall of Army and Air Force Pensioners Act, 1948.	12, 13 & 14 Geo. 6. c. 8.
Auxiliary and Reserve Forces Act, 1949 ...	12, 13 & 14 Geo. 6. c. 96.
Army Reserve Act, 1950	14 Geo. 6. c. 32.
Air Force Reserve Act, 1950... ..	14 Geo. 6. c. 33.
Courts-Martial (Appeals) Act, 1951 ...	14 & 15 Geo. 6. c. 46.
Army and Air Force (Annual) Act, 1952 ...	15 & 16 Geo. 6. & 1 Eliz. 2. c. 24.
Defamation Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 66.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Auxiliary Forces Act, 1953	1 & 2 Eliz. 2. c. 50.
Army Act, 1955	
Air Force Act, 1955	

**Revision of the Army and Air
Force Acts (Transitional
Provisions)**

A

BILL

INTITLED

An Act to continue the Army and Air Force Acts until the appointed day, and to make, with respect to the replacement thereof by new provisions, certain transitional provisions and savings and amendments of other enactments relating to those Acts or otherwise to the armed forces of the Crown; to make permanent certain provisions contained in the said Acts; and to repeal certain enactments relating to the armed forces of the Crown which are rendered unnecessary by the expiry of those Acts or are otherwise obsolete.

Brought from the Commons 22nd March 1955

Ordered to be printed 22nd March 1955

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

(37)

(38094)

Road Traffic Bill [H.L.]

EXPLANATORY MEMORANDUM

Clause 1 enables the Minister to require that motor vehicles shall not be used unless their condition and that of their equipment (e.g., steering, brakes and lighting) has been examined, and to appoint examiners or set up testing stations where the examinations can be carried out.

Clause 2 makes provision for the removal of vehicles from roads if they are causing obstruction (at present this is limited to vehicles which have broken down or are likely to cause danger).

Clause 3 applies to pedal cyclists the sections of the Road Traffic Acts dealing with reckless, dangerous and careless driving, and stopping when required to do so by the police.

Clause 4 makes it an offence for a pedestrian to disregard the directions of a policeman controlling traffic.

Clause 5 enables the Minister to make local experiments in the control of pedestrians near particular pedestrian crossings, and makes two minor amendments in the procedure for establishing pedestrian crossings.

Clause 6 is designed to deal with the situation created by the judgments in the cases of *Blenkin v. Bell* (1952) and *Woolley v. Moore* (1953). It provides that goods vehicles must conform to statutory speed limits and other statutory requirements even when not carrying goods. It dissociates these statutory requirements from carriers' licences, and provides instead that the grounds on which a carrier's licence can be revoked or suspended shall include the ground that the licence holder has been convicted of a breach of these requirements.

Clause 7 enables a local licensing authority to refuse a provisional driving licence to anyone who has had one within the preceding 12 months and who does not seem to intend to take a driving test within a reasonable time. It also increases the period of validity of a provisional licence from three to six months and its cost from 5s. to a sum not exceeding 10s. to be prescribed by the Minister.

Clause 8 extends the Minister's powers to provide grants towards the cost of road safety propaganda schemes, including training schemes, and empowers local authorities to spend money on the same objects.

Clause 9 makes permanent the general speed limit of 30 m.p.h. in built-up areas; this at present depends on annual renewal by Parliament.

Clauses 10 to 14 and the First Schedule enable the Minister by order, on the application of a local authority, to designate parking places on highways within the Metropolitan Police District where charges may be made for parking. They also provide for the regulation of charges to be made for parking on the highway, the use of parking meters for collecting fees, the enforcement of the regulations, and the removal of vehicles in certain circumstances. Local authorities are required to keep accounts of income and expenditure in respect of parking places, to meet deficits from the general rate fund, and to apply surpluses, after reimbursing the general rate fund, to providing parking space off the highway.

These arrangements may be extended, by order of the Minister, to other areas (*Clause 10 (4)*).

Clause 15 increases penalties for certain driving offences, and makes more stringent provision as to driving disqualifications (including disqualification until the offender has passed a driving test).

Clause 16 secures that the effective duration of a driving disqualification will not be reduced where the disqualification is suspended pending an appeal.

Clause 17 enables the police to take possession of driving licences which have been revoked or which they believe to have been improperly obtained, and extends the circumstances in which the police may demand the production of a driving licence and certificate of insurance.

Clause 18 extends s. 113 (3) of the Road Traffic Act, 1930 (which enables the police to find out the identity of the driver of a vehicle alleged to have been involved in an offence under that Act) to all offences relating to the use of vehicles on roads. Consequentially on *Clause 3* this clause also extends s. 113 (3) to offences by pedal cyclists.

Clauses 19 and 20 and the Second Schedule clarify the law about the conveyance of private parties on special occasions. They replace the existing law and set out afresh the conditions under which passengers may be carried at separate fares without the road service licence normally required. The Second Schedule (paragraph 13) also relaxes the ban on public advertisement of these exempted journeys at separate fares, by allowing church notices, notices in parish magazines and similar advertisements. *Clause 19* also removes ambiguities in the definitions of "public service vehicle", and of "stage", "express", and "contract" carriages.

Clauses 21 to 25 and the Third and Fourth Schedules contain minor and consequential provisions and repeals.

Road Traffic Bill [H.L.]

ARRANGEMENT OF CLAUSES

General Provisions relating to Road Traffic

Clause

1. Tests of satisfactory condition of vehicles.
2. Removal from roads of vehicles causing obstruction.
3. Application to pedal cyclists of provisions relating to reckless, dangerous and careless driving.
4. Duty of pedestrians to comply with traffic directions given by constables.
5. Amendments as to pedestrian crossings.
6. Amendment of safety provisions of 23 & 24 Geo. 5. c. 53.
7. Amendments as to provisional driving licences.
8. Road-safety information and road training.
9. S. 1 of Act of 1934 to be permanent.

Provision of parking places

10. Provision of parking places where charges made.
11. Amount of charges for parking and method of payment.
12. General provisions for regulation of parking places.
13. Offences relating to parking places.
14. Parking places: financial provisions.

Provisions as to enforcement

15. Penalties and disqualifications.
16. Operation of driving disqualifications.
17. Additional provisions as to production and surrender of driving licences, etc.
18. Extension of s. 113 (3) of Act of 1930.

Public service vehicles

19. Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage".
20. Circumstances affecting classification of vehicles under last foregoing section.

Miscellaneous and Supplementary Provisions

Clause

21. Minor and consequential amendments.
22. Financial provisions.
23. Application to Crown.
24. Interpretation.
25. Short title, commencement, repeals, savings and extent.

SCHEDULES:

First Schedule—Procedure for orders designating parking places.

Second Schedule—Conditions affecting classification of vehicles.

Part I—Race meetings, public gatherings, etc.

Part II—Conditions relating to certain journeys for vehicles carrying four passengers or less.

Part III—Parties of overseas visitors.

Part IV—Conditions relating to other journeys.

Part V—Supplementary.

Third Schedule—Minor and consequential amendments.

Fourth Schedule—Enactments repealed.



A
B I L L

INTITULED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith. A.D. 1954

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

5 *General Provisions relating to Road Traffic*

1.—(1) For the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with, the Minister may make provision for the examination, whether by inspectors appointed by the Minister or by other persons (hereinafter referred to as "authorised examiners") authorised by him, of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereinafter referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle. Tests of satisfactory condition of vehicles.

(2) Where a test certificate is refused on an examination under the foregoing subsection, the inspector or examiner carrying out the examination shall issue a notification of the refusal stating

(3)

A 3

A.D. 1954 the grounds thereof, and any person aggrieved by the refusal or the grounds thereof may appeal to the Minister ; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid. 5

(3) For the purposes of his functions under this section the Minister may provide and maintain stations where examinations under this section may be carried out and apparatus for carrying out such examinations.

(4) Any person who uses on a road or causes or permits to be so used a motor vehicle as respects which no test certificate has been issued within the last twelve months, or such shorter period as may be prescribed, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months : 10 15

Provided that this subsection shall not apply—

- (a) to public service vehicles adapted to carry eight or more passengers, to tramcars or to trolley vehicles, 20
- (b) to the use of vehicles for such purposes as may be prescribed.

(5) If any person with intent to deceive falsely represents himself to be, or to be employed by, an authorised examiner he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both such fine and such imprisonment. 25

(6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section, and in particular as to— 30

- (a) the authorisation of examiners, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations ;
- (b) the manner in which and apparatus with which examinations are to be carried out, the maintenance of that apparatus in an efficient condition, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out ; 35
- (c) the manner in which applications may be made for the examination of vehicles under subsection (1) of this section, the manner in which and time within which appeals may be brought under subsection (2) of this section, the information to be supplied and documents to be produced on such an application, examination 40 45

A.D. 1954

- 5 or appeal, the fees to be paid on such an application
or appeal, and the repayment of the whole or a part
of the fee paid on such an appeal where it appears
to the Minister that there were substantial grounds for
contesting the whole or part of the decision appealed
against ;
- (d) the form of, and particulars to be contained in, test
certificates and notifications of the refusal thereof ;
- 10 (e) the issue of duplicates of test certificates lost or defaced
and the fee to be paid for the issue thereof ;
- (f) the keeping by authorised examiners of registers of test
certificates in the prescribed form and containing the
prescribed particulars, and the inspection of such regis-
ters by such persons and in such circumstances as
15 may be prescribed ;
- (g) the keeping of records by authorised examiners and
the furnishing by them of returns and information to
the Minister ;
- 20 (h) the production, on an application for a licence under
the Vehicles (Excise) Act, 1949, of a test certificate
issued as mentioned in subsection (4) of this section,
subject however to such exceptions as may be provided
by the regulations,

and regulations under this section may make different provision
25 in relation to different cases or classes of cases.

(7) Subsections (1), (3) and (4) of section one hundred and
twelve of the Act of 1930 (which relate to forgery and other
offences committed as respects certificates of insurance and other
documents) shall apply to test certificates as they apply to
30 certificates of insurance.

(8) If any person fails to comply with the requirements of
regulations made by virtue of paragraph (f) or (g) of subsection
(6) of this section, he shall be liable on summary conviction to
a fine not exceeding twenty pounds, or in the case of a second
35 or subsequent offence to a fine not exceeding fifty pounds.

(9) The powers conferred by this section to make regulations
and orders shall be exercisable by statutory instrument, and
regulations under this section shall be subject to annulment in
pursuance of a resolution of either House of Parliament.

40 (10) In this section the expression "prescribed" means
prescribed by regulations under this section.

A.D. 1954
Removal from roads of vehicles causing obstruction.

2. In paragraph (c) of subsection (1) of section fifty-nine of the Act of 1930 as amended by section twenty-two of the Act of 1934 (which paragraph empowers the Minister by regulations to provide among other things for the removal from roads, and safe custody, of vehicles which have been allowed to remain at rest on a road so as to be likely to cause danger to other users) after the word "danger" there shall be inserted the words "or obstruction".

Application to pedal cyclists of provisions relating to reckless, dangerous and careless driving.

- 3.—(1) The following enactments, that is to say—
- (a) subsection (1) of section eleven of the Act of 1930 (which penalises reckless and dangerous driving),
 - (b) subsection (1) of section twelve of that Act (which penalises careless driving),
 - (c) section twenty of that Act (which confers powers to stop drivers and to obtain their names and addresses and to arrest them in certain cases), except so much of that section as relates to the production of licences,
 - (d) section twenty-one of that Act (which requires the giving of warnings of proposed prosecutions) except in so far as it relates to offences of exceeding a maximum speed and refers to registered owners,
 - (e) section thirty-four of the Act of 1934 (which enables a driver charged with manslaughter to be convicted of reckless or dangerous driving), and
 - (f) section thirty-five of the Act of 1934 (which enables a charge of careless driving to be substituted on the hearing of a charge of reckless or dangerous driving),

shall subject to the provisions of this section apply to persons riding bicycles and tricycles, not being motor vehicles, as they apply to the drivers of motor vehicles, and references in those enactments to motor vehicles, drivers and driving shall be construed accordingly.

(2) The maximum penalties which may be imposed on a conviction by virtue of this section for an offence under section eleven or twelve of the Act of 1930 shall be as follows:—

- (a) in the case of a summary conviction under the said section eleven, a fine of thirty pounds or, if the conviction is a second or subsequent conviction, a fine of thirty pounds or imprisonment for a term of three months;
- (b) in the case of a conviction on indictment under the said section eleven, imprisonment for a term of six months, or a fine, or both;

(c) in the case of a conviction under the said section twelve, a fine of ten pounds or, if the conviction is a second or subsequent conviction, twenty pounds. A.D. 1954

(3) In determining whether a conviction under the said section eleven or twelve is a second or subsequent conviction,—

(a) where it is a conviction in connection with the driving of a motor vehicle any previous conviction by virtue of this section shall be disregarded,

10 (b) where it is a conviction by virtue of this section any previous conviction in connection with the driving of a motor vehicle shall be disregarded.

4.—(1) Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, any person on foot who proceeds across or along the road in 15 contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to traffic generally shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding 20 fifty pounds. Duty of pedestrians to comply with traffic directions given by constables

(2) A constable may require any person committing an offence against the last foregoing subsection to give his name and address, and if that person fails to do so he shall be guilty of an offence against this subsection and liable on summary 25 conviction to a fine not exceeding five pounds.

5.—(1) The power conferred by subsection (3) of section eighteen of the Act of 1934 (which relates to crossings for foot-passengers) to make different regulations in different circumstances shall include power to make regulations applying only to 30 a particular crossing or particular crossings specified in the regulations. Amendments as to pedestrian crossings.

(2) A scheme such as is mentioned in subsection (4) of the said section eighteen (which relates to proposals for the establishment of crossings) may, after such consultation and giving of 35 notice as is mentioned in that subsection, be submitted to the Minister at any time, notwithstanding that the period within which the submission thereof is required has elapsed and notwithstanding any earlier submission of a statement of reasons for considering the establishment of crossings to be unnecessary ; 40 and the provisions of the said section eighteen, other than the said subsection (4), shall apply to a scheme submitted under this subsection as they apply to a scheme submitted under that subsection.

This subsection shall be deemed always to have had effect.

45 (3) The power of the Minister under the said section eighteen to make regulations with respect to the indication of the limits

A.D. 1954 of a crossing by marks on the roadway or otherwise shall include, and be deemed always to have included, power to make regulations with respect to the indication, by marks or devices on or near the roadway or otherwise, of any matter relating to the crossing: 5

Provided that this subsection shall not affect any proceedings pending at the commencement of this Act.

Amendment
of safety
provisions of
23 & 24 Geo. 5.
c. 53.

6.—(1) The grounds on which a licence under Part I of the Road and Rail Traffic Act, 1933, may be revoked or suspended under subsection (1) of section thirteen of that Act (which provides for the revocation or suspension of such a licence on the ground that any of the conditions of the licence have not been complied with) shall include the ground that the holder of the licence or any servant or agent of his has, in relation to an authorised vehicle, been convicted of contravening or failing to comply with any statutory provision (however expressed) relating to— 15

- (a) the maintenance of vehicles in a fit and serviceable condition, or
- (b) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or 20
- (c) the time for which drivers of such vehicles as are regulated by section nineteen of the Act of 1930 may remain continuously on duty and the hours which they are to have for rest, or 25
- (d) the keeping by holders of licences under the said Act of 1933 of records as to hours of work, journeys, loads and other matters,

or that the use of an authorised vehicle has been prohibited under section seventeen of the said Act of 1933: 30

Provided that the licensing authority shall not revoke or suspend a licence by virtue of this subsection unless he is satisfied, after holding a public inquiry if the holder of the licence requests him so to do, that owing to the frequency of such convictions or prohibitions, or the wilfulness of the act or omission leading to the conviction or prohibition, or the danger to the public involved in that act or omission, the licence should be suspended or revoked. 35

(2) The objections which under subsection (2) of section eleven of the said Act of 1933 the licensing authority has a duty (subject to the proviso to that subsection) to consider on an application for the grant or variation of a licence under that Act shall include objections on the ground that in relation to such a licence held by the applicant there has been any such conviction or prohibition as is mentioned in the last foregoing subsection. 45

(3) Subsection (1) of section eight of the said Act of 1933 (which makes licences under that Act subject to conditions

relating to the matters mentioned in paragraphs (a) to (d) of subsection (1) of this section) shall cease to have effect; and accordingly subsection (2) of section nine of that Act (which excludes the operation of the conditions of a licence while an authorised vehicle is being used for a purpose for which no licence is required) shall not affect the operation of any such statutory provision as is mentioned in subsection (1) of this section. A.D. 1954

(4) In this section the expression "authorised vehicle" means, in relation to a licence under the said Act of 1933, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which such a licence is required.

7.—(1) Where application is made to a licensing authority for the grant under subsection (3) of section five of the Act of 1930 of a provisional licence with a view to the passing of a test under the said section five or under section six of the Act of 1934 and the authority are satisfied that such a licence has been granted to the applicant (whether by them or by another authority) within the last twelve months, then if it appears to them that the applicant does not intend to submit himself to the said test within a reasonable time, they may refuse to grant the licence. Amendments as to provisional driving licences.

(2) In the said subsection (3) (which provides for the grant, on payment of a fee of five shillings, of provisional licences to drive for a period of three months) for the words "a fee of five shillings" there shall be substituted the words "such fee not exceeding ten shillings as may be prescribed" and for the word "three" there shall be substituted the word "six".

8.—(1) The Minister may with the approval of the Treasury—
 (a) provide for promoting road safety by disseminating information or advice relating to the use of roads, or
 (b) make contributions towards the cost of arrangements made by local authorities and other bodies for the practical training of road users or any class or description of road users. Road-safety information and road training.

(2) A local authority shall have power to make arrangements for the purposes of paragraph (a) of the last foregoing subsection or for giving such practical training as is mentioned in paragraph (b) thereof, and to make contributions towards the cost of like arrangements made by other authorities or bodies.

(3) In this section the expression "local authority" means—
 (a) as respects England and Wales, the council of a county, a borough or an urban district, or the Common Council of the City of London,
 (b) as respects Scotland, a county council or town council.

A.D. 1954
S. 1 of
Act of 1934
to be
permanent.

9. Section one of the Act of 1934 (which provides for a general speed limit in built-up areas) shall have permanent effect and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed.

Provision of parking places

5

Provision of
parking places
where charges
made.

10.—(1) The Minister may by order made on the application of the local authority in accordance with the provisions of the First Schedule to this Act designate parking places on highways in the Metropolitan Police District for vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in the parking places of such amount as is hereinafter specified.

(2) The exercise by a local authority of its functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(3) In this and the four next following sections the expression, “local authority” means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough; and the expression “the local authority”, in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

- (a) an application for an order under subsection (1) of this section may be made by the London County Council, and references in the First Schedule to this Act to a local authority shall be construed accordingly;
- (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;
- (c) at any time after the making of an order designating the parking place the council of a metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.

(4) The Minister may by order provide that subsection (1) of this section shall apply to any such area, in addition to the Metropolitan Police District, as may be specified in the order; and as respects any such area in Scotland the expression “local authority” in this and the four next following sections means a county council or a town council.

45

(5) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. A.D. 1954

5 (6) Nothing in this section or an order under subsection (4) of this section shall affect the operation of section ten of the London Traffic Act, 1924, section sixty-eight of the Public Health Act, 1925, or section one hundred and twenty of the Act of 1930 (which relate to the designation of parking places).

10 **11.**—(1) The amount of the charge for a vehicle left in a parking place designated under this Act shall be calculated as follows. Amount of charges for parking and method of payment.

(2) There shall be a prescribed standard period for each parking place, and subject as hereinafter provided the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the “initial charge”) shall be such amount (hereinafter referred to as the “standard amount”) as may be prescribed and the initial charge shall be payable on the leaving of the vehicle in the parking place:

20 Provided that—

(a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and

25 (b) where the last foregoing paragraph has effect, and it is further so prescribed, then if before the end of the time mentioned in that paragraph a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.

30 (3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the “excess charge”) as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed.

40 (4) The measurement of the time for which a vehicle is left in a parking place up to the expiration of the period for which payment was made by the initial charge may, if it is so provided in the order designating the parking place, be made by an apparatus (hereinafter referred to as a “parking meter”) of such description as may be prescribed; and where parking meters are in use payment of initial charges (including such further payments as are mentioned in the proviso to subsection (2) of this section) shall be made by the insertion of coins in the parking meters.

A.D. 1954

(5) Where parking meters are not in use, the order designating the parking place may provide that the initial charge shall be payable on the vehicle being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period. 5

(6) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) by such persons as may from time to time be appointed by the Minister and for recording in the prescribed manner the date on which and persons by whom a meter has been tested, and where it is so prescribed the local authority shall pay for the testing of parking meters such fee as may be prescribed. 15

General provisions for regulation of parking places.

12.—(1) An order under this Act designating a parking place shall specify whether the parking place may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified ; and— 20

(a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated under this Act, without prejudice, however, to any proceedings for an offence otherwise than under the next following section ; 30

(b) where a vehicle is left in the parking place at any such time and remains there after the beginning of the next period during which the leaving of vehicles in the parking place is authorised under this Act, the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period. 35 40

(2) Such an order as aforesaid may revoke the designation of any place as a parking place under any of the Acts specified in subsection (6) of section ten of this Act, or may provide that the designation shall not have effect as respects any time during which provision is made by the order for the leaving of vehicles in that place. 45

(3) Such an order as aforesaid may contain provision as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place.

A.D. 1954

(4) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed ; but any such provision of an order shall be without prejudice to the liability to the excess charge.

(5) The Minister may by order provide that a vehicle which has been taken away from the place where it was left in a parking place designated as aforesaid shall not again be left in that parking place until after the expiration of such interval as may be prescribed.

(6) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order to suspend the use of a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order and to provide for the temporary removal of any parking meters installed at a parking place.

(7) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated under this Act, including in particular (but without prejudice to the generality of this subsection) provision—

(a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, by persons using or resorting to the parking places.

(b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places, and safe custody, of vehicles left there in contravention of the provisions of such an order as to the time for which vehicles may be left there and the recovery of the cost of removal and safe custody,

(c) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

(8) In the provisions of this Act relating to parking places the expression "prescribed" means prescribed by order of the Minister ; and anything required or authorised by those provisions to be provided by order of the Minister may, save as otherwise expressly required by this Act, be provided either by an order designating a parking place or by a general order.

A.D. 1954 (9) Provisions prescribing anything authorised or required to be prescribed by subsections (4) and (6) of the last foregoing section shall be made by general order.

(10) The power to make any general order such as is referred to in this section shall be exercisable by statutory instrument, 5 and any general order containing provisions such as are mentioned in the last foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Offences relating to parking places.

13.—(1) Any person who—

(a) being the driver of a vehicle, leaves the vehicle in a 10 parking place designated under this Act otherwise than as authorised by an order thereunder or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (4) of the last foregoing section, or fails to pay 15 the initial or any excess charge when it is due, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or 20

(b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister under this Act relating to a parking place,

shall be liable on summary conviction to a fine not exceeding five pounds or in the case of a second or subsequent offence to 25 a fine not exceeding ten pounds.

(2) Any person who, with intent to defraud, interferes with any parking meter, or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination, shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment 30 for a term not exceeding three months or to both such fine and such imprisonment.

(3) Where, in any proceedings for an offence under subsection (1) of this section, it is proved that at any time a parking meter 35 relating to the space in which a vehicle was standing indicated in the prescribed manner that a period for which payment was made by the initial charge had expired, it shall be assumed, unless the contrary is shown, that the initial charge had been paid for the vehicle and that the period for which the payment 40 was so made had then expired.

(4) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place for measuring the time for which a vehicle is left therein, being an apparatus operated by the 45 insertion of coins, is of the prescribed description.

(5) In England or Wales the local authority may institute proceedings for any offence under this section in connection with a parking place for which they are the local authority. A.D. 1954

14.—(1) A local authority shall keep an account of their income and expenditure in respect of parking places designated under this Act for which they are the local authority. Parking places: financial provisions.

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus—

10 (a) shall be applied, except in so far as the local authority with the consent of the Minister otherwise determine, for the first of the purposes specified in the next following subsection, and so on successively for the other purposes so specified, and

15 (b) in so far as not applied as aforesaid, shall be carried forward in the account to the next financial year.

(3) The said purposes are the following, that is to say:—

20 (a) first, the making good to the general rate fund of any payments made out of that fund under the last foregoing subsection in the four years immediately preceding the financial year in question;

(b) next, the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways;

25 (c) next, the making to other local authorities, to any county council, or, with the consent of the Minister, to other persons of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways.

30 (4) This section shall apply to the London County Council with the substitution for references to the general rate fund of references to the county fund.

Provisions as to enforcement.

35 15.—(1) The following provisions shall have effect as respects penalties and disqualifications which a person is liable to incur on a conviction for an offence under section ten (speeding), section eleven (reckless or dangerous driving), section twelve (careless driving) or section fifteen (driving under the influence of drink or a drug) of the Act of 1930 in connection with the driving of a motor vehicle, that is to say:— Penalties and disqualifications.

40 (a) a fine imposed on a first conviction for an offence under the said section ten (not being a conviction to which subsection (5) of that section applies) may be of an

A.D. 1954

amount not exceeding thirty pounds, and subsection (2) of that section (which prevents the court from disqualifying an offender on a first or second conviction) shall not apply to a second conviction ;

- (b) a fine imposed on summary conviction for a first offence under the said section eleven may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court ; and any imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months ;
- (c) the disqualification required to be imposed by subsection (3) of the said section eleven (which requires the court, except in special circumstances, to impose a disqualification on a second or subsequent conviction for an offence under that section) shall be for a period of not less than nine months unless more than three years have elapsed since the offender's last conviction under that section ;
- (d) a fine imposed on a first conviction for an offence under the said section twelve may be of an amount not exceeding forty pounds and a fine imposed on a second conviction for such an offence may be of an amount not exceeding eighty pounds and may be imposed in addition to any imprisonment awarded by the court, and subsection (2) of that section (which limits the period for which the court may disqualify an offender on a first or second conviction) shall not apply to a second conviction ;
- (e) a fine imposed on summary conviction for a first offence under the said section fifteen may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court and the imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months ; and any imprisonment awarded on a conviction on indictment for an offence under that section may be for a term not exceeding two years ;

and a fine imposed on a conviction for contravening an order made under subsection (1) of section forty-six of the Act of 1930 (under which orders may be made prohibiting or restricting the use of vehicles on specified roads) may be of an amount not exceeding, in the case of a first conviction, twenty pounds and in the case of a second or subsequent conviction, fifty pounds.

(2) Subsection (3) of section six of the Act of 1934 which empowers a court, on the conviction of a person for an offence of reckless, dangerous or careless driving, to order that he be disqualified from driving until he has passed a driving test) shall apply to offences under section fifteen of the Act of 1930 (which relates to driving under the influence of drink or a drug), and the court shall make an order under the said subsection (3) in any case where it makes an order under section six of the Act of 1930 disqualifying for any period a person convicted of any such offence as aforesaid, or where a person so convicted is so disqualified by virtue of the conviction. A.D. 1954

(3) A disqualification imposed under subsection (3) of section six of the Act of 1934 may, if the court thinks fit, be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

16.—(1) In calculating the period for which under the Act of 1930 or the Act of 1934 a person is disqualified on a conviction or by an order made in consequence of a conviction, or the time after which under section seven of the Act of 1930 a person may apply for the removal of such a disqualification, any time after the conviction during which he was not disqualified shall be disregarded. Operation of driving dis-qualifications.

(2) In this section references to disqualification are references to disqualification for holding or obtaining a licence under Part I of the Act of 1930 to drive a motor vehicle.

17.—(1) Where a person's licence to drive has been revoked under subsection (4) of section five of the Act of 1930 (which provides for the revocation of licences on grounds of safety) then if he fails to deliver the licence as required by that subsection a police constable may require him to produce it and may on production seize it and deliver it to the licensing authority for cancellation. Additional provisions as to production and surrender of driving licences, etc.

(2) Where a police constable has reasonable cause to believe that the person to whom a licence has been granted under Part I of the Act of 1930, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it to him; and subsection (4) of section one hundred and twelve of the Act of 1930 (which provides for the seizure and disposal of documents in relation to which an offence has been committed under that section) shall apply in relation to a licence produced in pursuance of this subsection as it applies in relation to documents produced in pursuance of the provisions of that Act.

(3) If any person required under the foregoing provisions of this section to produce a licence fails to do so he shall be guilty

A.D. 1954 of an offence and liable on summary conviction to a fine not exceeding five pounds :

Provided that if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection. 5

(4) Subsection (5) of section four and subsection (1) of section forty of the Act of 1930 (under which a person driving a motor vehicle on a road may be required by a police constable to produce his licence for examination and to give his name and address and the name and address of the owner of the vehicle and to produce his certificate of insurance or similar document) shall have effect as if the references therein to a person driving a motor vehicle included references to— 15

- (a) any person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road ;
- (b) any person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road ; and 20
- (c) any person who accompanies the holder of a provisional licence granted under subsection (3) of section five of the Act of 1930 while that person is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road, 30

and, in relation to a vehicle as respects which a test certificate is required by subsection (4) of section one of this Act, as if references to a certificate of insurance included references to a test certificate issued as mentioned in that subsection : 35

Provided that so much of the said subsection (1) as requires the production of the certificate shall not apply to any such person as is specified in paragraph (c) of this subsection.

Extension of
s. 113 (3) of
Act of 1930.

18. Subsection (3) of section one hundred and thirteen of the Act of 1930 (which gives powers to obtain information as to the identity of the driver of a vehicle who is alleged to have committed an offence under that Act) shall apply to offences under the Road Transport Lighting Acts, 1927 to 1953, offences under subsection (4) of section one of this Act or the provisions of this Act relating to parking places, offences against regulations made under section ten of the London Traffic Act, 1924, and 45

offences against any other enactment relating to the use of vehicles on roads ; and references in the said subsection (3) to the driver of a vehicle shall include references to the person riding a bicycle or tricycle, not being a motor vehicle. A.D. 1954

5 *Public service vehicles*

19.—(1) For the purposes of the Act of 1930 the expressions “ public service vehicle ”, “ stage carriage ”, “ express carriage ” and “ contract carriage ” shall have the meanings assigned to them respectively by the provisions of this section, subject how-
 10 ever to the provisions of the next following section ; and any enactment (other than the Act of 1930) or instrument in which apart from this Act those expressions would have the same meanings as in the Act of 1930 or meanings derived therefrom shall be construed accordingly.

Meaning of “ public service vehicle ”, “ stage carriage ”, “ express carriage ” and “ contract carriage ”

15 (2) A public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—

(a) is carrying passengers at separate fares, or

(b) is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

20 In this subsection the expression “ motor vehicle ” does not include a tramcar or a trolley vehicle.

(3) A stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.

(4) An express carriage is a public service vehicle carrying
 25 passengers at separate fares none of which is less than one shilling ; and for the purposes of this subsection—

(a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and

30 (b) no account shall be taken of any fare which is charged in the case of children, workmen or students if a fare of one shilling or more is charged for the like service in the case of all passengers not falling within any of those descriptions.

35 (5) A contract carriage is a public service vehicle not carrying passengers at separate fares.

(6) The Minister may by regulations under the Act of 1930 provide that subsection (4) of this section shall have effect as if for the references therein to one shilling there were substituted
 40 references to such greater sum as may be specified in the regulations.

20.—(1) A vehicle carrying passengers at separate fares in
 circumstances in which the conditions set out in Part I, II, III
 or IV of the Second Schedule to this Act are fulfilled shall
 45 be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers.

Circumstances affecting classification of vehicles under last foregoing section.

A.D. 1954

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Second Schedule to this Act are fulfilled. 5

(3) For the purposes of this and the last foregoing section and of the Second Schedule to this Act—

(a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of 10 the person to whom the payment is made ;

(b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom 15 it is made ;

(c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised ; 20

(d) in any case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.

Miscellaneous and Supplementary Provisions 25

Minor and consequential amendments.

21. The enactments specified in the Third Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

Financial provisions.

22.—(1) The expenses of the Minister under this Act shall 30 be defrayed out of moneys provided by Parliament, and any receipts of the Minister thereunder shall be paid into the Exchequer.

(2) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949 in 35 respect of a fine recovered under this Act or regulations made thereunder shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

(3) Any increase attributable to this Act in the sums payable 40 out of moneys provided by Parliament under Part I of the Local Government Act, 1948 or under the Local Government Financial Provisions) (Scotland) Act, 1954 shall be defrayed out of moneys so provided.

23.—(1) Subsection (2) of section one hundred and twenty one of the Act of 1930 (which provides for the application of Parts I and III of that Act to vehicles and persons in the public service of the Crown) shall apply in relation to this Act. A.D. 1954
Application
to Crown.

5 (2) In the application of the said subsection (2) in relation to section three of this Act, references to the driver of a vehicle shall include references to the person riding a bicycle or tricycle.

(3) Subsection (1) of section forty of the Act of 1930, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with any vehicle as respects which a test certificate is required by subsection (4) of section one of this Act notwithstanding that he or the vehicle is or was at any material time in the public service of the Crown.

15 **24.**—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:— Interpretation.

“ Act of 1930 ” means the Road Traffic Act, 1930 ;

“ Act of 1934 ” means the Road Traffic Act, 1934 ;

20 “ the Minister ” means the Minister of Transport and Civil Aviation ;

“ public service vehicle ” has the meaning assigned to it by section nineteen of this Act ;

“ road ” means any highway and any other road to which the public has access ;

25 “ statutory ”, in relation to any requirement or provision, means contained in, or having effect under, any enactment ;

“ tramcar ” includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896 ;

30 “ trolley vehicle ” means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) Any power conferred by the foregoing provisions of this Act to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke an order.

(3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by any subsequent enactment, including this Act.

25.—(1) This Act may be cited as the Road Traffic Act, 1954. Short title,
commence-

(2) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint ; and— ment, repeals,
savings
and extent.

45 (a) different days may be appointed for different provisions of this Act, and

A.D. 1954

(b) different days may be appointed for the coming into operation of subsection (4) of section one of this Act in relation to different classes or descriptions of vehicles.

(3) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. 5

(4) The repeal of section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which empowers a local authority to make byelaws in respect of highways within their jurisdiction), or of paragraphs (1) and (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892 (which among other things permits a town council to regulate traffic in a burgh) shall not affect any byelaw made under any of those enactments, but any such byelaw shall have effect as if it were an order made under section forty-six of the Act of 1930. 15

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

SCHEDULES

A.D. 1954

FIRST SCHEDULE

Section 10.

PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES

1. Before applying for an order under section ten of this Act a
5 local authority shall consult with the chief officer of police.

2. On applying for such an order a local authority shall publish
in the London Gazette and in at least one newspaper circulating
in the locality an advertisement—

10 (a) stating the general effect of the proposed order, the where-
abouts of the parking places to be designated thereby, the
classes or descriptions of vehicles for which they are to
be designated, the charges to be made for use of the
parking places, and the provisions of the order applied
for as to the times when the parking places may be used ;

15 (b) specifying a place or places where a copy of the proposed
order, and a plan showing the precise location of the
parking places to be designated, may be inspected at
reasonable times specified in the advertisement during a
period so specified of not less than twenty-eight days from
20 the publication or first publication of the advertisement ;

(c) stating that any person wishing to object to the making of
the order may do so by sending to the Minister, within the
said period, notice in writing of his objection stating the
grounds thereof.

25 3.—(1) On such an application as aforesaid the Minister shall, after
the period for objecting to the making of the order has expired, refer
the application, together with any objection duly made, to the
London and Home Counties Traffic Advisory Committee (hereinafter
referred to as “ the Advisory Committee ”), and the Advisory Com-
30 mittee shall consider the application and any objections duly made
thereto and report to and advise the Minister thereon ; and the
Minister shall consider their report and advice.

(2) Section three of the London Traffic Act, 1924 (which relates
to the holding of inquiries) and section sixty of the London Passenger
35 Transport Act, 1933 (which relates to evidence) shall apply for the
purposes of the last foregoing sub-paragraph ; and the Minister may
require the Advisory Committee for those purposes to cause an
inquiry to be held under the said section three or if the Advisory
Committee do not hold an inquiry may himself do so.

40 4. After compliance with the provisions of the last foregoing
paragraph the Minister may make an order, either as applied for
or with such modifications as he thinks fit :

Provided that where the local authority applying for the order
is not the highway authority he shall not make the order except
45 with the consent of the highway authority.

5.—(1) In relation to an application made, by virtue of an order
under subsection (4) of section ten of this Act, for an order under
that section designating a parking place outside the London Traffic
Area, the foregoing provisions of this Schedule shall have effect
50 subject to the following modifications.

A.D. 1954
1ST SCH.
—cont.

- (2) Paragraph 3 shall not apply, and—
- (a) the Minister shall, after the period for objecting to the making of the order has expired, consider an application and any objections duly made thereto and may hold a public inquiry ; 5
- (b) paragraph 4 shall apply with the substitution of a reference to head (a) of this sub-paragraph for the reference to the said paragraph 3.
- (3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette. 10
6. The provisions of section forty-seven of the Road and Rail Traffic Act, 1933 shall apply in relation to inquiries held by the Minister for the purposes of this Schedule as they apply to inquiries held for the purposes of that Act. 15

Section 20.

SECOND SCHEDULE

CONDITIONS AFFECTING CLASSIFICATION OF VEHICLES

PART I

Race meetings, public gatherings etc. 20

1. The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

PART II

Conditions relating to certain journeys for vehicles carrying four passengers or less. 25

2. The number of passengers carried must not exceed four.

3. The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey: 30

Provided that the agreement may have been initiated by the driver or owner, if the passengers are not being carried in the course of a business of carrying passengers. 35

4. The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.

5. The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject. 40

6. The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of
5 the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

A D. 1954
2ND SCH.
—cont.

PART III

Parties of overseas visitors

10 7. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

PART IV

Conditions relating to other journeys

15 8. Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—

- (a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,
- 20 (b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

25 9. The journey must be made without previous advertisement to the public of the arrangements therefor.

10. All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

30 11. No differentiation of fares for the journey on the basis of distance or of time must be made.

12. In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the
35 journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

PART V

Supplementary

13. For the purposes of paragraphs 4 and 9 of this Schedule no
40 account shall be taken of any such advertisement as follows, that is to say—

- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place
45 of worship are normally displayed or made, or

A.D. 1954
2ND SCH.
—cont.

(b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there. 5

14.—(1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as the Minister may by regulations under the Act of 1930 prescribe, the holder of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be so prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be so prescribed. 15

(2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form as may be prescribed by the Minister by regulations under the Act of 1930 and containing such particulars as may be so prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified. 20

(3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months. 25 30

(4) A person who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph. 35

(5) If, with intent to deceive, any person alters an entry in a record made under this paragraph he shall be liable— 40

(a) on conviction on indictment to imprisonment for a term not exceeding two years;

(b) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine. 45

(6) Any regulations made for the purposes of section twenty-five of the Act of 1934 and in force at the commencement of this Act shall continue in force as if made by virtue of this paragraph. 50

15. In this Schedule the expression "owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

A.D. 1954
2ND SCH.
—cont.

5

THIRD SCHEDULE

Section 21.

MINOR AND CONSEQUENTIAL AMENDMENTS

1.—(1) Section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which enables local authorities to make bye-laws for the regulation of traffic on highways) shall cease to have
10 effect.

(2) Schedule (C) to that Act shall have effect, in relation to a vehicle to which section three of the Act of 1930 applies, as if in section XCVI (which provides penalties for persons committing various nuisances on highways) the words "or more than one foot
15 laterally beyond the wheel of such carriage", and section CVIII, were omitted.

2. In the Burgh Police (Scotland) Act, 1892, paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall cease to have effect in relation
20 to vehicles to which section three of the Act of 1930 applies, and paragraphs (1) and (3) of section three hundred and eighty-five shall cease to have effect.

3. In subsection (2) of section six of the Act of 1930 (which provides that a court may, pending the appeal for which provision
25 is made by that subsection, suspend the operation of the order disqualifying a person for holding or obtaining a licence to drive a motor vehicle) for the words "the court may" to the end of the subsection there shall be substituted the words "a court before whom a person is convicted of an offence whereby he is so disqualified
30 (whether by virtue of the conviction or by an order of the court) may, if it thinks fit, pending the appeal against the conviction or order suspend the disqualification".

4.—(1) In section ten of the Act of 1930, in subsection (1A), for the word "twenty" there shall be substituted the word "thirty", and
35 in subsection (2) of that section the words "or second" shall be omitted.

(2) In paragraph (a) of subsection (1) of section eleven of the said Act for the words from "fifty" to "aforesaid" there shall be substituted the words "one hundred pounds or to imprisonment for
40 a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months".

(3) In subsection (3) of the said section eleven for the words "having regard to the lapse of time" there shall be substituted the words "by reason of three years or more having elapsed" and at
45 the end of that subsection there shall be added the words—

"The disqualification required to be imposed by this subsection shall be for a period of not less than nine months unless more than three years have elapsed since the offender's last conviction under this section".

A.D. 1954
3RD SCH.
—cont.

(4) In section twelve of the said Act, at the end of subsection (1) there shall be added the words “and liable to a fine not exceeding forty pounds, and in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment”; and in subsection (2) the words “or second”, the words “in the case of a first conviction” and the words “or in the case of a second conviction, three months” shall be omitted. 5

(5) In subsection (1) of section fifteen of the said Act, in paragraph (a) for the words from “fifty” to “aforesaid” there shall be substituted the words “one hundred pounds or to imprisonment for a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months,”; and in paragraph (b) for the words “six months” there shall be substituted the words “two years”. 10 15

(6) In section forty-six of the said Act, after subsection (4) there shall be inserted the following subsection:—

“(4A) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under subsection (1) of this section shall be liable, in the case of a first conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.”; 20

and in subsection (6) for the words “this section” there shall be substituted the words “subsection (2) of this section”. 25

5. The power to make regulations conferred by section fifty-nine of the Act of 1930 shall include power to make regulations applying in such circumstances only as may be specified in the regulations.

6. In section sixty of the Act of 1930 (which provides for the application of Part III of that Act to Scotland), for paragraphs (a) and (b) there shall be substituted the following paragraph:— 30

“(a) Section forty-six of this Act shall apply to a county council and to a town council”.

7. Subsection (3) of section sixty-eight of the Act of 1930 (which provides that a certificate of fitness, unless previously revoked or cancelled, shall continue in force for five years or such shorter period as may be specified in the certificate) shall have effect with the substitution of the words “seven years” for the words “five years”. 35

8. Notwithstanding anything in section ninety-five of the Act of 1930 (which restricts the institution of proceedings for an offence under Part IV of that Act) proceedings for an offence under section seventy-five of that Act (which relates to the keeping of accounts and records and the making of returns) may in England be instituted by or on behalf of the Minister. 40 45

9. Section sixty-one of the London Passenger Transport Act, 1933 (which relates to approved routes) shall not apply to a vehicle so long as it is not a public service vehicle or is to be treated as a contract carriage by virtue of section twenty of this Act.

A.D. 1954

3RD SCH.

—cont.

10. The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles shall include power to require that any such
5 means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which a licence under the said Act of 1933 is required.

11. In subsection (4) and in subsection (6) of section one of the
10 Act of 1934 (which confers power to revoke directions defining built-up areas) after the words "may be revoked" there shall be inserted the words "or varied", and in subsection (5) of that section after the word "revoke" there shall be inserted the words
15 "or vary", after the word "revoked" there shall be inserted the words "or varied", for the words "or revoking" there shall be substituted the words "revoking or varying", and for the words "or ought not to be revoked" there shall be substituted the words "revoked or varied".

12. In subsection (3) of section six of the Act of 1934 (which
20 confers power to disqualify an offender until he has undergone a driving test) after the words "careless driving)" there shall be inserted the words "or under section fifteen of the principal Act (which relates to driving under the influence of drink or a drug)", the words from "and whether" to the next "motor vehicle" shall
25 be omitted, and at the end there shall be inserted the words "and where the court makes an order under section six of the principal Act disqualifying him for holding or obtaining a licence to drive a motor vehicle or where he is so disqualified by virtue of the conviction the court shall exercise the power conferred by this sub-
30 section. A disqualification imposed under this subsection may, if the court thinks fit, be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed".

13. The maximum for the fee which may be specified in regulations
35 under paragraph (b) of subsection (5) of section six of the Act of 1934 (which provides for the payment of fees by persons submitting themselves to driving tests) shall be increased to one pound; and accordingly in that paragraph for the words "ten shillings" there shall be substituted the words "one pound".

40 14. In section twenty-six of the Act of 1934 (which makes special provision as to the carriage of passengers in motor vehicles belonging to associations) for the words "the principal Act and this Act" there shall be substituted the words "the provisions of the Road Traffic Act, 1954 relating to public service vehicles".

45 15. The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners established for each traffic area by section sixty-three of the Act of 1930, or of traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, without modification; and
50 section two of the Chairmen of Traffic Commissioners, etc. (Tenure

A.D. 1954 of Office) Act, 1937 (which applied the Superannuation Acts, 1834
 3RD SCH. to 1935, to the said chairmen subject to certain modifications) shall
 —cont. cease to have effect.

16. Section one hundred and seventeen of the Transport Act, 1947
 (which provides that traffic commissioners appointed for any area 5
 under Part IV of the Act of 1930 shall be known as the Licensing
 Authority for Public Service Vehicles, and that the licensing authority
 for the purposes of Part I of the Road and Rail Traffic Act, 1933
 shall be known as the Licensing Authority for Goods Vehicles) shall
 cease to have effect ; and accordingly, as from the commencement 10
 of this Act,—

- (a) traffic commissioners appointed under the said Part IV for
 any area other than the metropolitan traffic area shall be
 known as Traffic Commissioners for the area for which 15
 they are appointed, and the traffic commissioner appointed
 for the metropolitan traffic area shall be known as the
 Traffic Commissioner for the Metropolitan Traffic Area ;
 and
- (b) the authority charged with the duty of granting licences
 under Part I of the Road and Rail Traffic Act, 1933 shall 20
 be known as the Licensing Authority.

FOURTH SCHEDULE

A.D. 1954

ENACTMENTS REPEALED

Section 25.

Session and Chapter	Short Title	Extent of Repeal
5 41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section one hundred and four.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section three hundred and eighty-five, paragraphs (1) and (3).
10 20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section ten, in subsection (2) the words "or second"; in section twelve, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second con- viction, three months"; section sixty-one; in section one hun- dred and fifteen, in subsection (1) the words from "and for the purposes" to the end of the sub- section; and in section one hundred and twenty-one the definition of "public service vehicle".
15		
20		
25 23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section sixty-one, subsection (7).
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	In section eight, subsection (1); and in section thirteen, in sub- section (1) the words from "or to the danger" to "breach".
30 24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In section one, subsection (10); in section two, in subsection (3) the words "or second"; in section five, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second con- viction, three months"; and section twenty-five.
35		
40 1 Edw. 8. & 1 Geo. 6. c. 44	The Road Traffic Act, 1937.	Section one.
1 Edw. 8. & 1 Geo. 6. c. 52	The Chairman of Traffic Commissioners, etc. (Tenure of Office) Act, 1937.	Section two.
45 10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	Section one hundred and seven- teen.

A.D. 1954

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Roads and Bridges (Scotland) Act, 1878 ...	41 & 42 Vict. c. 51.
Burgh Police (Scotland) Act, 1892 ...	55 & 56 Vict. c. 55.
Light Railways Act, 1896 ...	59 & 60 Vict. c. 48.
London Traffic Act, 1924 ...	14 & 15 Geo. 5. c. 34.
Public Health Act, 1925... ...	15 & 16 Geo. 5. c. 71.
Road Traffic Act, 1930 ...	20 & 21 Geo. 5. c. 43.
London Passenger Transport Act, 1933 ...	23 & 24 Geo. 5. c. 14.
Road and Rail Traffic Act, 1933 ...	23 & 24 Geo. 5. c. 53.
Road Traffic Act, 1934 ...	24 & 25 Geo. 5. c. 50.
Road Traffic Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 44.
Chairmen of Traffic Commissioners, etc. (Tenure of Office) Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 52.
Transport Act, 1947 ...	10 & 11 Geo. 6. c. 49.
Local Government Act, 1948 ...	11 & 12 Geo. 6. c. 26.
Vehicles (Excise) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 89.
Justices of the Peace Act, 1949 ...	12, 13 & 14 Geo. 6. c. 101.
Local Government (Financial Provisions) (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 13.

Road Traffic [H.L.]

A BILL

INTITLED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith.

The Earl of Selkirk

Ordered to be printed 7th December 1954

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

(3)

(37788)

Road Traffic Bill [H.L.]

Amend-
ment
No.

REVISED
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

[The Amendments marked with a letter in addition to a number were not printed in the previous Marshalled List. The Amendment marked with a ★ has not been previously circulated.]

Clause 1

BY THE LORD LUCAS OF CHILWORTH

- 1 Page 1, line 10, leave out (" whether ")
- 2 Page 1, line 11, leave out (" or by other persons (hereinafter referred to as " authorised examiners ") authorised by him,")
- 3 Page 1, line 19, leave out (" or examiner ")

BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS

- 3A Page 2, line 10, after (" road ") insert (" or other place ")
- 3B Page 2, line 11, leave out from (" vehicle ") to (" shall ") in line 13, and insert (" which has failed to pass the examination referred to in subsection (1) of this section,")

BY THE EARL OF SELKIRK

- 4 Page 2, line 20, at end insert—
(" (b) to vehicles of such other classes or descriptions as may be prescribed,")

BY THE LORD WOLVERTON,
THE VISCOUNT STONEHAVEN
AND THE LORD HAMPTON

- 5 Page 2, line 20, at end insert—
(" (b) to goods vehicles licensed for the carriage of goods under the Road and Rail Traffic Act, 1933,")
- 6 Page 2, line 20, at end insert—
(" (b) to a vehicle adapted to carry less than eight passengers and licensed as a hackney carriage by a local authority,")

(3 ††)

A

Clause 1—continued

BY THE EARL HOWE

- 7** Page 2, line 20, at end insert—
 (“ (b) to a hackney carriage licensed by the Commissioner of Police for the Metropolitan Police District under the provisions of the Metropolitan Public Carriage Act, 1869,”)

BY THE LORD LUCAS OF CHILWORTH

- 8** Page 2, line 21, after (“ vehicles ”) insert (“ of such class, of such age and ”)

BY THE LORD HAMPTON

- 9** Page 2, line 22, at end insert—
 (“ (c) to vehicles the property of persons or organisations which have garages with full facilities for carrying out their own repairs and maintenance.”)

BY THE LORD LUCAS OF CHILWORTH

- 10** Page 2, line 24, leave out (“ or to be employed by, an authorised examiner ”) and insert (“ an inspector ”)
- 11** Page 2, line 32, leave out paragraph (a).

BY THE EARL OF SELKIRK

- 12** Page 2, line 35, after (“ the ”) insert (“ conditions under which ”)

BY THE LORD LUCAS OF CHILWORTH

- 13** Page 3, line 11, leave out (“ authorised examiners ”) and insert (“ inspectors ”)
- 14** Page 3, line 16, leave out (“ authorised examiners ”) and insert (“ inspectors ”)
- 15** Page 3, line 36, leave out subsection (9).

BY THE EARL OF SELKIRK

- 16** Page 3, line 37, leave out (“ and orders ”)

Clause 1—continued

BY THE LORD LUCAS OF CHILWORTH

17 Page 3, line 41, at end insert—

(“ (11) Notwithstanding the provisions of subsection (3) of this section, in the first instance the Minister may only set up one pilot-station where vehicles may be tested voluntarily, free of charge, in order to gain experience of how examinations under this section should be carried out; and the Minister shall not provide any further stations whatsoever nor shall he appoint any inspectors other than those necessary to operate the pilot-station nor shall he exercise any of the other powers given by this section nor make any regulations or orders hereunder other than by statutory instrument which shall be of no effect unless approved by resolution of each House of Parliament.”)

**BY THE LORD TEYNHAM, THE LORD HAMPTON
AND THE EARL HOWE**

18 Leave out Clause 1.

Clause 2

BY THE LORD LUCAS OF CHILWORTH

19 Page 4, line 7, leave out from (“ word ”) to end of line 8 and insert (“ ‘ road ’ there shall be inserted the words ‘ or obstruction to the free passage of ambulances, fire appliances or other similar vehicles engaged in the saving of life or the preservation of property ’.”)

**BY THE LORD TEYNHAM AND
THE EARL OF ROTHES**

20 Page 4, line 8, leave out (“ obstruction ”) and insert (“ serious interference ”)

**BY THE VISCOUNT STONEHAVEN AND
THE MARQUESS OF WILLINGDON**

21 Page 4, line 8, at end insert—

(“ (2) The following shall be inserted at the end of subsection (3) of section fifty-nine of the Act of 1930—

‘ Provided that before commencing any proceedings to recover expenses under subsection (3) of this section the Chief Officer of Police shall cause a notice of the amount of such expenses to be served on the owner of the vehicle who if aggrieved by the amount of such expenses may within fourteen days of the service on him of the notice appeal to the Minister who after making such inquiries as he thinks fit may confirm or reduce the amount of such expenses.’ ”)

After Clause 2

BY THE LORD MERTHYR

21A Insert the following new Clause—

(“ .—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years. Causing death by reckless or dangerous driving.

(2) An offence against this section shall not be triable by quarter sessions; and where proceedings are taken before the sheriff the maximum term of imprisonment which may be imposed on conviction shall not exceed two years.

(3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

(4) Upon the trial of a person who is indicted for an offence against this section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section eleven of the Act of 1930 (which relates to reckless or dangerous driving) to find him guilty of that offence, whether or not the requirements of section twenty-one of that Act (which relates to notice of prosecutions) have been satisfied as respects that offence.”)

Clause 3

BY THE LORD LUCAS OF CHILWORTH

22 Page 5, line 11, at end insert—

(“ (4) It shall be an offence under this section for any person while riding a bicycle or a tricycle to carry or have affixed to such bicycle or tricycle any article or load which will interfere with the view of the road or with the proper control of that bicycle or tricycle.”)

23 Page 5, line 11, at end insert—

(“ (4) Where by virtue of this section a person under the age of fifteen years is found guilty of an offence, the court shall order that any fine or other punishment imposed shall be paid or suffered by the parent or guardian of that person instead of by that person:

Provided that no order may be made under this subsection without giving the parent or guardian an opportunity of being heard.”)

Amend-
ment
No.

After Clause 3

BY THE VISCOUNT ESHER

24 Insert the following new Clause—

(“ . Where a cycle track is provided, it shall be compulsory for cyclists to use it.”) Cycle tracks.

Clause 4

BY THE LORD LUCAS OF CHILWORTH

25 Page 5, line 12, leave out (“ constable ”) and insert (“ officer ”)

26 Page 5, line 12, leave out (“ for the time being ”)

27 Page 5, line 13, leave out (“ in the regulation of vehicular traffic in a road ”) and insert (“ on police duty ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

27A Page 5, line 14, after (“ foot ”) insert (“ within forty-five feet of the police officer ”)

BY THE LORD LUCAS OF CHILWORTH

28 Page 5, line 15, leave out (“ constable ”) and insert (“ officer ”)

29 Page 5, line 16, leave out (“ either to persons on foot or to traffic generally ”)

30 Page 5, line 21, leave out (“ constable ”) and insert (“ police officer ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

30A Page 5, line 25, at end insert—

(“ (3) It shall be an offence under this section for any person proceeding across a road at any point controlled by traffic light signals to do so otherwise than when a “ Cross Now ” period is in operation.”)

After Clause 4

BY THE LORD LUCAS OF CHILWORTH

31 Insert the following new Clause—

(“ . In paragraph (a) of section forty-nine of the Act of 1930 as amended by section forty of the Act of 1934 and the Third Schedule thereto (which section among other things empowers a police officer regulating traffic to make a vehicle proceed in or keep to a particular line of traffic) after the words “ particular line of traffic ” there shall be added the words “ or follow such alternative route as may be indicated to him ”.)

After Clause 5

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

31A Insert the following new Clause—

“ . It shall be an offence where pedestrian barriers are provided on the edge of a footway for preventing pedestrians from crossing the road for any person to proceed over or through the barriers other than at the crossing place provided by the barriers.”)

Clause 6

BY THE LORD DERWENT

32 Page 6, line 15, after (“ vehicle ”) insert (“ belonging to the holder of the licence or in his possession under a hire-purchase agreement.”)

33 Page 6, line 38, at end insert—

“ (2) In the case of a goods vehicle used in connection with any business it shall not be necessary for the driver or the holder of a licence to keep or cause to be kept the records prescribed by these regulations if and so long as there accompanies the vehicle on all journeys a certificate in the form set out in the Schedule to this Act and the vehicle is being driven by the driver named in the said certificate and he is driving in accordance with and within the particulars set out in the said certificate; nothing in the immediately preceding sub-paragraph of this paragraph of this regulation shall—

- (i) exempt any person from keeping or causing to be kept the records prescribed by these regulations if any goods vehicle used in connection with any business is so used on a journey any part of which lies outside a radius of twenty-five miles from the place where the vehicle is usually kept;
- (ii) exempt any person from keeping or causing to be kept the records prescribed by these regulations if any goods vehicle used in connection with any business is used on a journey or at any time any part of which is not in accordance with and within the particulars set out in the said certificate;

where any goods vehicle is used in connection with any business on a journey any part of which is otherwise than in accordance with and within the particulars set out in the said certificate, every driver shall keep and every holder of a licence shall cause to be kept the records prescribed by the other paragraphs of these regulations in respect of the whole of that journey, and there shall be added to the schedule to those regulations Form 5 being a certificate in accordance with the additional paragraph to the regulations contained in this subsection.”)

Clause 6—continued

BY THE LORD LUCAS OF CHILWORTH

34 Page 7, line 13, at end insert—

(“ Provided that a dual purpose vehicle (which expression shall have the meaning assigned to it in subsection (1) of section twenty-four of this Act) shall be deemed not to be an authorised vehicle whilst for the time being adapted for the carriage of passengers and in use for a purpose for which a licence under the said Act of 1933 is not required.”)

After Clause 6

BY THE LORD SEMPILL

35 Insert the following new Clause—

(“ .—(1) Subsection (1) of section five of the Road Traffic Act, 1930 (which makes provisions as to the physical fitness of applicants for licences) shall have effect as though the words ‘ including inability to drive a motor vehicle with full efficiency by night or day without the use of spectacles or other visual aids ’ shall be inserted after the word ‘ vehicle ’. Conditions relating to driving licences.

(2) Paragraph (b) of subsection (2) of section five of the Road Traffic Act, 1930, shall have effect as though the following words were added at the end thereof ‘ and if the test proves his fitness to drive vehicles efficiently only when using spectacles or other visual aids, the licence shall be subject to the condition that the applicant undertakes to use such spectacles or visual aids when driving.’”)

BY THE LORD LUCAS OF CHILWORTH

36 Insert the following new Clause—

(“ . In subsection (1) of section thirty-six of the Road and Rail Traffic Act, 1933, there shall be inserted after the words “ “ Goods ” includes goods or burden of any description ” the words “ save the following:—

- (a) samples carried in a dual purpose vehicle as defined in subsection (1) of section twenty-four of the Road Traffic Act, 1955, used by a commercial traveller for the purpose of soliciting orders but not for the purpose of advertisement or of the sale or delivery of goods;
- (b) medicines, instruments or apparatus carried in a dual purpose vehicle by a medical practitioner, state registered nurse, state certified midwife, dentist or veterinary surgeon and necessary for his or her use in carrying on his or her profession as a medical practitioner, nurse, midwife, dentist or veterinary surgeon, as the case may be;
- (c) such other articles as the Minister may by regulation prescribe ”.”)

Clause 7

**BY THE LORD WOLVERTON,
THE MARQUESS OF WILLINGDON
AND THE VISCOUNT STONEHAVEN**

- 37** Page 7, line 18, leave out from (“ satisfied ”) to end of line 23 and insert (“ that the applicant has held provisional licences in respect of the same classes or descriptions of vehicles for an aggregate period of not less than twelve months then if it appears to them that the applicant does not intend to submit himself to the said test within a reasonable time they may refuse to grant a licence unless a period of three months has elapsed since the applicant ceased to be the holder of such a licence.”)

BY THE EARL OF LISTOWEL

- 38** Page 7, line 18, leave out from (“ that ”) to end of line 23 and insert (“ the applicant has been granted such licences which were in force for a total period of not less than twelve months (the last licence granted to him having been in force at any time during the twelve months immediately preceding the date of commencement of the period for which a licence is desired) and has either—
- (a) not been subjected to the said test during the last twelve months of such total period as aforesaid; or
 - (b) failed to pass the said test on at least three occasions, they may after considering any representations made by or on behalf of the applicant refuse to grant a licence.”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 38A** Page 7, line 23, at end insert—
- (“ (2) Any person aggrieved by the refusal of a licensing authority to grant such a licence may appeal to a court of summary jurisdiction and on any such appeal the court may confirm the decision of the licensing authority or order the grant of such a licence.”)

**BY THE LORD WOLVERTON,
THE MARQUESS OF WILLINGDON
AND THE VISCOUNT STONEHAVEN**

- 39** Page 7, line 24, leave out from (“ grant ”) to end of line 29 and insert (“ of provisional licences to drive for a period of three months for the word ‘ three ’ there shall be substituted the word ‘ six ’.”)

Amend-
ment
No.

Clause 7—continued

40 Page 7, line 29, at end insert—

“(3) Any person aggrieved by the refusal of a licensing authority to grant him a provisional licence may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides and on any such appeal the court may confirm the refusal of the said licensing authority or may order the licensing authority to issue the said licence.”)

After Clause 7

BY THE LORD SEMPILL

41 Insert the following new Clause—

“(. Subsection (3) of section five of the Road Traffic Act, 1930, shall have effect as though the following words were added after ‘ conditions ’, that is to say ‘ and the said conditions shall provide that the holder of a provisional licence shall not drive any motor vehicle unless another person holding a valid driving licence is also present in such motor vehicle and unless the said vehicle is so adapted as to enable the said person to stop the said vehicle from the position in which he is seated ’.”)

Conditions relating to provisional licences.

BY THE LORD BURDEN

42 Insert the following new Clause—

“(. Section eight of the Emergency Laws (Miscellaneous Provisions) Act, 1953, which provides for the temporary suspension of section thirty-one of the Road Traffic Act, 1934 (which provides that a person shall not drive a heavy goods vehicle on a road unless he is licensed for the purpose) shall have effect as though there were substituted for all words after ‘ until ’ in subsection (1) the words ‘ the first day of January nineteen hundred and fifty-six ’ and as though there were substituted for all subsequent references in that section to the appointed day a reference to the first day of January nineteen hundred and fifty-six.”)

Licences of drivers of heavy goods vehicles.

43 Insert the following new Clause—

“(. Notwithstanding anything contained in section four of the Road Traffic Act, 1930, a driving licence issued by a local authority in Northern Ireland shall not be effective in Great Britain except in so far as the Minister may by order provide.”)

Amendment of 20 & 21 Geo. 5. c. 43, s. 4.

Clause 8

BY THE EARL OF SELKIRK

- 44** Page 7, line 32, leave out from (“ roads ”) to end of line 36.

BY THE LORD LUCAS OF CHILWORTH

- 45** Page 7, line 34, after (“ the ”) insert (“ dissemination of information or advice relating to the use of roads or for the ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 45A** Page 7, line 36, after (“ users ”) insert (“ and towards the expenses including central administration expenses incurred by local authorities and other bodies in disseminating information or advice relating to the use of roads.”)

BY THE EARL OF SELKIRK

- 46** Page 7, line 38, leave out (“ paragraph (a) of ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 46A** Page 7, line 38, after (“ subsection ”) insert (“ including publication of leaflets and advertisements arranging lectures, demonstrations and exhibitions, holding competitions, awarding prizes and organising research into the causes of accidents on roads ”)

BY THE EARL OF SELKIRK

- 47** Page 7, line 39, leave out from (“ giving ”) to (“ and ”) in line 40 and insert (“ practical training to road users or any class or description of road users ”)

- 48** Page 7, line 41, at end insert (“ and the Minister may with the approval of the Treasury make contributions towards the cost of any such arrangements as are mentioned in this subsection.”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 48A** Page 7, line 44, after (“ borough ”) insert (“ a metropolitan borough ”)

After Clause 8

**BY THE LORD HAMPTON, THE EARL HOWE
AND THE LORD TEYNHAM**

49 Insert the following new Clause—

(“ . The following subsection shall be substituted for sub-
section (1) of section one of the Act of 1934:—

Amendment
of s. 1 of
Act of 1934.

‘ (1) Subject to the provisions of this Act, it shall not be
lawful for any person to drive a motor vehicle on a road in
a built-up area at a speed exceeding thirty miles per hour.

For the purposes of this Act a length of road shall be
deemed to be a road in a built-up area:—

(a) in the case of a road which forms part of a trunk
road or a road classified under the Ministry of
Transport Act, 1919, in Class I, II or III if a system
of street lighting furnished by means of lamps
placed not more than two hundred yards apart
is provided thereon on or before the first day of
September nineteen hundred and fifty-five unless a
direction that it shall be deemed not to be a road in
a built-up area is in force under this section; or

(b) in the case of an unclassified road, if a system of
street lighting furnished by means of lamps placed
not more than two hundred yards apart is provided
thereon unless a direction that it shall be deemed
not to be a road in a built-up area is in force under
this section; or

(c) in the case of any such road as aforesaid if a direction
that it shall be deemed to be a road in a built-up
area is in force under this section;

and not otherwise.’ ”)

Clause 9

BY THE EARL HOWE

50 Page 8, line 4, at end insert—

(“ (2) The following subsection shall be added at the end of
section one of the Act of 1934:—

‘ (9) For the purposes of this Act a length of road shall,
notwithstanding the foregoing provisions of this section, not
be deemed to be a road in a built-up area unless there is
upon such length of road an indication that it is a road in a
built-up area by reason of the presence of a system of street
lighting with lamp-posts placed not more than 200 yards
apart or by the presence of prescribed signs indicating such
restriction placed not more than 200 yards apart.’ ”)

Amend-
ment
No.

Clause 9—continued

BY THE LORD LUCAS OF CHILWORTH

51 Leave out Clause 9.

BY THE LORD BRABAZON OF TARA

52 Leave out Clause 9 and insert the following new Clause—

(“ 9.—(1) In subsection (1) of section one of the Act of 1934 (which provides for a general speed limit in built-up areas) after the word “ hour ” there shall be inserted the words “ between the hours of 5 a.m. and 12 midnight ”.

S. 1 of Act of 1934 to be permanent and removal of speed limit during certain hours.

(2) Section one of the Act of 1934 as amended by subsection (1) of this section shall have permanent effect and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed.”)

After Clause 9

BY THE LORD BRABAZON OF TARA

53 Insert the following new Clause—

(“ . The following subsection shall be substituted for subsection (3) of section ten of the Act of 1930 as amended by subsection (3) of section two of the Act of 1934:

Amendment of s. 10 of Act of 1934.

“ (3) A person prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not be liable to be convicted solely on the evidence of one witness.”)

BY THE LORD LUCAS OF CHILWORTH

54 Insert the following new Clause—

(“ . Where after the passing of this Act a system of street lighting by means of lamps placed not more than 200 yards apart is provided on a road where none previously existed the road shall be deemed not to be a road in a built-up area for the purposes of subsection (1) (a) of section one of the Road Traffic Act, 1934, unless and until an Order is made by the Minister under subsection (4) of section one of the said Act directing that the road shall be deemed to be a road in a built-up area.”)

Speed limit in built-up areas.

55 Insert the following new Clause—

(“ . The Minister may make regulations providing that vehicles the weight and dimensions of which, together with their loads, exceed the limits for the time being prescribed by regulations made by him in accordance with the powers in that behalf

Movement by road of vehicles carrying abnormal loads.

Amend-
ment
No.

After Clause 9—continued

55
cont.

contained in sections three and thirty of the Act of 1930, shall be permitted to move by road only in accordance with the terms of a licence to be issued by the Minister and on payment of such fee as he shall determine having regard to the nature of the vehicle and load and to the distance to be travelled:

Provided that the Minister may by order direct that this clause shall not apply to any class or type of vehicle which does not comply with the said regulations but the use of which on roads has been authorised by an order made by him under subsection (1) (b) of section three of the Act of 1930.”)

56

Insert the following new Clause—

“ . It is hereby declared for the removal of doubt that the powers of the Minister of Transport, under section eight of the Development and Road Improvement Funds Act, 1909, with the approval of the Treasury to make to any highway authority advances in respect of the construction of new roads or the maintenance or improvement of existing roads which appear to the Minister to be required for facilitating traffic, shall be deemed to include and always to have included power for the Minister of Transport with like approval to make such advances to a county council in respect of expenditure incurred by such council in the exercise of the powers conferred on them by section twenty-three of the Road Traffic Act, 1934.”)

Lighting of roads—
Power to make grants.

57

Insert the following new Clause—

“ . It shall be an offence for its owner to allow a dog to be upon the highway within a built-up area unless it be under proper control and such owner shall be liable on summary conviction to a fine not exceeding fifty pounds.”)

BY THE LORD BRABAZON OF TARA

58

Insert the following new Clause—

“ .—(1) The Minister may upon the application by any person or persons or club (in this section referred to as “the promoters”) made in accordance with the provisions of the Schedule to this Act by order declare that any road may be used for motor races during the whole or any part of the days specified in such order.

Power to close roads for motor racing.

(2) Not more than ten orders under this section shall be made in any calendar year and no order made under this section shall permit the use of any road for motor races on more than six days in any calendar year.

(3) An order made under this section shall contain such provisions as the Minister may think fit including (but without prejudice to the generality of the foregoing words) provisions

After Clause 9—*continued*

58 requiring the promoters to secure such insurance and indemnities
cont. against such liabilities, injuries or damage as may be mentioned
in the order; for the temporary stopping up or diversion of any
road and the temporary prohibition or restriction of the exercise
of any right of way; for the regulation for the safety of the
public or other traffic; for the restriction of speed in populous
places and for any other purposes incident to the proper conduct
of the motor races.

(4) An order made under this section may prescribe a race area as defined in subsection (10) of this section and may prohibit or restrict access either by vehicles or on foot to the said area on such terms and subject to such conditions including (but without prejudice to the generality of the foregoing words) the payment of money as the Minister may think fit.

(5) In deciding whether or not to make any order under this section the Minister shall consider the alternative routes which will be available to traffic normally using the roads proposed to be specified in the order, and any objection to the making of the order lodged in accordance with the provisions of the Schedule to this Act.

(6) No provision of any enactment restricting the speed of or affecting the manner of driving motor vehicles or prohibiting or restricting the driving or using or speed thereof on specified roads or within specified limits or places or imposing any penalties in respect of the infringement of any such provisions shall apply to any motor vehicle or the driver or rider thereof while actually engaged in races save in so far as any such provisions may be incorporated in an order made under this section.

(7) Any expenses incurred by the Minister in publishing any notices or in connection with the making of an order under this section shall be paid by the promoters and the Minister may as a condition precedent to the consideration of an application for the making of an order require the promoters to deposit or to give security for such sum as in his opinion is sufficient to meet such expenses.

(8) The Minister may as respects any race area make by-laws:—

- (a) for regulating the hours during which motor races may take place;
- (b) for securing safe and adequate means of ingress and egress;

After Clause 9—*continued*

- (c) for the prevention and suppression of nuisances and preserving sanitary conditions, cleanliness, order and public safety.

The Minister before making any by-laws under this section shall consult with the Royal Automobile Club and the promoters.

- (9) (i) Any person who—
- (a) wilfully or unlawfully obstructs or interferes with the conduct of any races
 - (b) without lawful authority enters or remains on any road or any race area specified in an order made under this section
 - (c) otherwise wilfully contravenes any provision of an order or by-law made under this section
- shall be liable on summary conviction to a fine not exceeding five pounds.
- (ii) Any person who obstructs or interferes with the conduct of races or without due authority enters or remains on a road or in a race area as aforesaid or acts in contravention of any by-laws may, together with any vehicle or animal in his charge and without prejudice to any proceedings which may be taken against him, be removed by a police constable or any person authorised in writing in that behalf by the promoters.

(10) In this section except where the context otherwise requires the expression—

“enactment” includes any provision in any Act of Parliament and any provision in any Order in Council, order, regulation, statutory instrument, rule, by-law, scheme or other instrument made under any such Act;

“motor races” means races held on roads for motor vehicles (including any test or trial of speed to ascertain the time taken by such vehicles in the ascent of a length of hilly road not exceeding three miles);

“race area” means any area prescribed by the Minister under this section for the purposes of motor races and such area may in addition to the roads to be used for motor racing include any land or premises enclosed by, or lying within a distance of, a quarter of a mile of such roads;

“races” means any mechanically propelled vehicle race held by virtue of an order made under this section and includes any practice or trial authorised by the relevant order as preliminary to any races.”)

Amendment
No.

After Clause 9—continued

**BY THE EARL OF ROTHES
AND THE EARL HOWE**

59 Insert the following new Clause—

(“ . The following subsection shall be substituted for sub-
section (1) of section eight of the Act of 1934:—

Amendment
of s. 8 of
Act of 1934.

‘ (1) Subject to the provisions of this section it shall not
be lawful to sell or to supply or to offer to sell or supply, a
motor vehicle or trailer for delivery in such a condition,

(a) that the use thereof on a road in that condition would
be unlawful by virtue of the provisions of section
three of the principal Act, or

(b) that the brakes, silencers, steering gear and tyres are
not efficient and in proper working order.’ ”)

Clause 10

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

59A Page 8, line 9, leave out (“ in the Metropolitan Police District ”)

BY THE EARL OF SELKIRK

60 Page 8, line 9, after (“ District ”) insert (“ or the City of
London ”)

BY THE LORD LUCAS OF CHILWORTH

61 Page 8, line 12, at end insert (“ but no such order shall be
made which would designate as a parking place any part of the
carriage way of a trunk or class I road.”)

BY THE EARL HOWE AND THE LORD DERWENT

62 Page 8, line 12, at end insert—

(“ Provided that no order shall be made under this subsection
with respect to any highway which would have the effect of
preventing such access as may be reasonably required for vehicles
of any class of description to any premises situated on or adjacent
to such highway.”)

BY THE LORD LUCAS OF CHILWORTH

63 Page 8, line 17, leave out subsection (3).

Amend-
ment
No.

Clause 10—continued

BY THE EARL OF LISTOWEL

64 Page 8, line 24, leave out lines 24 to 39.

**BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS**

65 Page 8, line 39, at end insert—

(“ (4) No order shall be made under this and the four next following sections of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

65A Page 8, line 40, leave out subsection (4).

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

66 Page 8, line 40, leave out subsections (4) and (5).

BY THE EARL OF SELKIRK

67 Page 8, line 42, after (“ District ”) insert (“ and the City of London ”)

BY THE LORD LUCAS OF CHILWORTH

68 Page 9, line 2, leave out (“ subject to annulment in pursuance of a resolution of either ”) and insert (“ which shall be of no effect unless approved by resolution of each ”)

**BY THE LORD TEYNHAM,
THE LORD WOLVERTON
AND THE EARL HOWE**

69 Page 9, line 5, leave out from (“ section ”) to (“ shall ”) in line 6.

70 Leave out Clause 10.

Amend-
ment
No.

Clause 11

BY THE LORD LUCAS OF CHILWORTH

71 Page 9, line 38, leave out subsection (4).

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

71A Page 10, line 9, leave out (“ the prescribed steps ”) and insert (“ such steps as may be required by the Minister ”)

71B Page 10, line 13, leave out (“ prescribed or on other prescribed occasions ”) and insert (“ determined by the Minister ”)

71C Page 10, line 15, leave out (“ in the prescribed manner ”)

71D Page 10, line 17, leave out from (“ tested ”) to end of line 19.

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

72 Leave out Clause 11.

Clause 12

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

72A Page 10, line 47, leave out subsections (3) and (4).

BY THE EARL HOWE AND THE LORD DERWENT

73 Page 11, line 26, at end insert—

(“ Provided that for the purposes of this section and of any order made thereunder the delivery or collection of goods to or from any premises abutting on or adjacent to any parking place shall not be deemed to be the carrying on of any trade, ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

73A Page 11, line 41, leave out (“ by order of the Minister ”) and insert (“ by rules and conditions made by the local authority in accordance with the provisions of Part II of the First Schedule; ”)

**BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS**

74 Page 12, line 4, leave out subsection (10).

Amend-
ment
No.

Clause 12—continued

BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE

75 Leave out Clause 12.

After Clause 12

BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS

75A Insert the following new Clause—

(“ . Rules and conditions made by a local authority under this section may make provision—

(a) as to the manner in which vehicles shall stand in, or be driven into or out of the parking place; and

(b) that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed:

but any such provision shall be without prejudice to the liability to the excess charge.”)

Clause 13

BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE

76 Page 13, line 1, leave out subsection (5).

77 Leave out Clause 13.

Clause 14

BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS

77A Page 13, line 11, leave out (“ with the consent of the Minister ”)

BY THE EARL OF LISTOWEL

78 Page 13, line 31, leave out subsection (4).

Amend-
ment
No.

Clause 14—continued

BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS

79 Page 13, line 33, at end insert—

“(5) This section and the preceding four sections shall continue in force until the thirty-first day of December, nineteen hundred and sixty, and no longer unless Parliament otherwise determines.”)

BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE

80 Leave out Clause 14.

After Clause 14

BY THE LORD GISBOROUGH

81 Insert the following new Clause—

“(. The powers of the Minister under section seventeen of the Ministry of Transport Act, 1919, to make advances for certain purposes shall include a power to make advances for the provision of parking places by a local authority under section sixty-eight of the Public Health Act, 1925, as extended by section sixteen of the Restriction of Ribbon Development Act, 1935, and for the purposes of this section the expression ‘local authority’ shall include county councils.”)

Extension of powers to make advances for certain purposes.

82 Insert the following new Clause—

“(. Section sixty-eight of the Public Health Act, 1925, which relates to the provision of parking places for the purpose of relieving or preventing congestion of traffic as extended by section sixteen of the Restriction of Development Act, 1935, shall have effect as if the expression ‘local authority’ included county councils and as if in the application of that section to county councils the word ‘county’ had been inserted therein in lieu of the word ‘district’.”)

Power for County Councils to provide parking places for vehicles.

Clause 15

BY THE EARL HOWE AND THE LORD TEYNHAM

83 Page 14, line 4, at end insert (“ within three years of a first conviction; ”)

BY THE LORD DERWENT AND THE LORD TEYNHAM

84 Page 14, line 13, leave out paragraph (c).

Clause 15—continued

- 85** BY THE EARL HOWE AND THE LORD TEYNHAM
Page 14, line 30, at end insert (“ within three years of a first conviction; ”)

- 86** BY THE LORD SEMPILL
Page 15, line 1, leave out from (“ 1934 ”) to end of line 11 and insert (“ shall have effect as if there were substituted for the word ‘ may ’ the word ‘ shall ’.”)

- 87** BY THE LORD TEYNHAM AND THE LORD DERWENT
Page 15, line 6, leave out lines 6 to 11.

After Clause 15

- 88** BY THE LORD BRABAZON OF TARA
Insert the following new Clause—
(“ . In the Act of 1930, after paragraph (b) of subsection (1) of section fifteen there shall be inserted the following proviso—
“ Provided that if on summary proceedings under this section the court or on proceedings under this section on indictment the jury are satisfied that the accused, though under the influence of drink or a drug, had no intention of driving or attempting to drive a motor vehicle, he shall not be liable to be convicted of the offence.” ”)
- Amendment
of s. 15 of
Act of 1930.

Clause 16

- 89** BY THE EARL OF SELKIRK
Page 15, line 17, leave out (“ or the Act of 1934 ”)
- 90** Page 15, line 21, after (“ which ”) insert (“ the disqualification was suspended or ”)

- 91** BY THE LORD TEYNHAM
Page 15, line 22, at end insert—
(“ (2) The following subsection shall be substituted for subsection (2) of section six of the Act of 1930:—
‘ (2) A person who by virtue of an order of a court or of a conviction under this part of this Act is disqualified for holding or obtaining a licence may appeal against such disqualification in the same manner as against a conviction, and pending the appeal the operation of the sentence of disqualification shall be suspended.’ ”)

Clause 17

BY THE LORD SOMERS AND THE LORD DERWENT

- 92** Page 16, line 20, leave out paragraph (b).

BY THE EARL OF SELKIRK

- 93** Page 16, line 25, leave out (“ that person ”) and insert (“ the holder ”)

Clause 20

BY THE EARL HOWE

- 94** Page 18, line 3, after (“ used ”) insert (“ elsewhere than in the City of Westminster and the City of London and ”)

After Clause 21

**BY THE EARL OF ROTHES
AND THE LORD WOLVERTON**

- 95** Insert the following new Clause—

(“ **22.**—(1) For subsection (1) of section eighty-one of the Act of 1930 (which provides for appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness) there shall be substituted the following subsection:—

‘ Any person who—

- (a) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or
- (b) being the holder of a road service licence, is aggrieved by the refusal of the commissioners to entertain an application made by him for the variation of the conditions attached to the licence; or
- (c) being an applicant for the variation of conditions attached to a road service licence, whose application the commissioners have not within the prescribed time refused to entertain, is aggrieved by the refusal or failure of the commissioners to make the variation; or

Amend-
ment
No.
95
cont.

After Clause 21—continued

- (d) being a local authority which, or a person providing transport facilities who, has opposed the grant or variation of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
- (e) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof by the commissioners, or by any variation of the conditions attached thereto; or
- (f) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or
- (g) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister:

Provided that an applicant for the variation of the conditions attached to a road service licence shall not be entitled to appeal to the Minister from the refusal or failure of the commissioners to entertain the application without the consent of the commissioners or of the Minister.'

(2) In subsection (4) of the said section eighty-one there shall be inserted at the end of the subsection the words ' unless the variation was made pursuant to an application made by the holder of the licence.' ”)

BY THE EARL HOWE AND
THE LORD SOMERS

96 Insert the following new Clause—

(“ . Section sixteen of the Road and Rail Traffic Act, 1933 Amendment of s. 16 of Road and Rail Traffic Act, 1933. (which relates to the keeping of records as to hours of work journeys loads and other matters) shall be read and have effect as if at the end of subsection (5) thereof there were inserted the following words:—

‘ Provided that it shall be a defence in any proceedings brought under this section against the holder of a licence to prove that the holder of the licence took all reasonable steps to ensure compliance with the provisions of this section and of the regulations made thereunder and that the offence was committed without his knowledge.’ ”)

Amend-
ment
No.

After Clause 21—continued

**BY THE EARL OF ROTHES AND
THE LORD TEYNHAM**

97 Insert the following new Clause—

“ . The Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) shall be read and have effect as if at the end of paragraph 1 thereof (which specifies the number of members of the said Committee and by whom they shall be appointed) there were inserted the following words:—

Amendment
of Twelfth
Schedule
of London
Passenger
Transport
Act, 1933.

‘ one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are holders of public carriers’ licences and limited carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area.’ ”)

BY THE LORD DERWENT AND THE EARL HOWE

98 Insert the following new Clause—

“ . Paragraph 2 of the First Schedule to the Act of 1934 (which specifies the maximum permitted speeds of goods vehicles) shall be read and have effect as if in sub-paragraph (1) (d) thereof (which relates to heavy motor cars) in place of the maximum speed of 20 miles per hour there were substituted the maximum speed of 30 miles per hour.”)

Amendment
of First
Schedule
of Road
Traffic
Act, 1934.

Clause 24

BY THE LORD LUCAS OF CHILWORTH

99 Page 19, line 18, at end insert (“ “ dual purpose vehicle ” means a motor car which—

(a) does not exceed two tons in weight unladen;

Amend-
ment
No.
99
cont.

Clause 24—continued

- (b) has to the rear of the driver's seat roofed accommodation fitted with side windows or is constructed or adapted for the fitting of side windows;
- (c) is constructed so as to be adaptable both for the carriage of passengers and for the carriage of goods;
- (d) has, in that part of it which is to the rear of the driver's seat, seating, which may be collapsible, for at least two passengers sitting side by side and facing to the front or rear of the vehicle such seating being fitted with back rests (either folding or fixed) attached permanently to the vehicle; ”)

BY THE LORD DERWENT

- 100** Page 19, line 23, leave out from (“ road ”) to end of line 24 and insert (“ has the meaning assigned to it by section one hundred and twenty-one of the Act of 1930; ”)

Clause 25

BY THE EARL OF SELKIRK

- 101** Page 19, line 41, at end insert (“ and this Act and the Road Traffic Acts, 1930 to 1947 may be cited together as the Road Traffic Acts, 1930 to 1955 ”)

In the Schedules

Second Schedule

BY THE LORD LUCAS OF CHILWORTH

- 102** Page 23, line 33, leave out from (“ who ”) to end of line 36 and insert (“ is travelling for any purpose other than that for which the journey has been arranged.”)
- 103** Page 23, line 45, after second (“ or ”) insert (“ at or in a place frequented by persons who are members of the organisation or body upon whose behalf the journey is being arranged or ”)
- 104** Page 24, line 5, at end insert—
 (“ (c) a notice displayed in any periodical published for the information of, and circulated wholly or mainly among persons who are, members of the organisation or body upon whose behalf the journey is being arranged.”)

Third Schedule

BY THE LORD LUCAS OF CHILWORTH

105 Page 25, line 22, at end insert—

(“ 3. In subsection (1) of section one of the Act of 1930 there shall be inserted at the end of the proviso the following paragraph:—

‘ (c) the provisions of this Part of this Act and the provisions of Part II of this Act relating to insurance against third-party risks shall not apply to pedestrian controlled mechanically propelled grass cutters and the provisions of any other Act or of any order, statutory instrument or regulation relating to excise duties thereon, licensing, registration and compulsory third-party insurance thereof and to driving licences and driving tests in connection therewith shall no longer apply except that it shall be an offence for any person under sixteen years of age to drive or control on a road, and for any person to cause or permit a person under sixteen years of age to drive or control on a road any hand-operated mechanically propelled grass cutter.’ ”)

BY THE LORD WALERAN

★105 Page 26, line 25, at end insert—

A

(“ 6. In section twenty-one of the Act of 1930 (which deals with restrictions on prosecutions) there shall be inserted after the word ‘driving’ where it appears for the second time the words ‘or for an offence under sections forty-nine and fifty of this Act.’ ”)

**BY THE EARL OF ROTHES AND
THE LORD WOLVERTON**

106 Page 26, line 39, at end insert—

(“ 8. In section seventy-nine of the Act of 1930 (which empowers the Minister to make regulations relating to the procedure on applications for licences, etc.) there shall be inserted after the word ‘commissioners’ the words ‘and the variation by commissioners of the conditions attached to road service licences’ and at the end of the section the words ‘and shall prescribe the time within which commissioners are to notify an applicant for the variation of the conditions attached to a road service licence whether or not they are willing to entertain his application.’ ”)

Amend-
ment
No.

Third Schedule—continued

BY THE LORD LUCAS OF CHILWORTH

107 Page 26, line 45, at end insert—

(“ 9. In section sixteen of the London Passenger Transport Act, 1933 (which relates to the restriction on carriage of road passengers on certain journeys in special area) there shall be inserted at the end of the proviso to subsection (1) the following paragraph:—

‘(d) nothing in this section shall apply to vehicles in the ownership of schools used for the conveyance of pupils to and from their homes and school.’ ”)

BY THE LORD DERWENT

108 Page 26, line 45, at end insert—

(“ 9. In the First Schedule of the Act of 1930 (which sets out the limits of speeds for various classes of road vehicles) for the figure ‘ 20 ’ (relating to the maximum speed of heavy motor cars if all the wheels are fitted with pneumatic tyres) there shall be substituted the figure ‘ 30 ’.”)

After Third Schedule

BY THE LORD DERWENT

109 Insert the following new Schedule—

(“ **SCHEDULE**

ROAD AND RAIL TRAFFIC ACT, 1933

CERTIFICATE UNDER PARAGRAPH () OF REGULATION 6 OF

THE GOODS VEHICLES (KEEPING OF RECORDS) REGULATIONS, 1935

Name of Licence Holder..... *Date of Certificate*

Name of Driver.....

Time of Commencement of Driver's work	Identification Number of A, B, or C Licence(s)	I.M. and Reg. Number of Vehicle(s)	Number of Trailers (if any)
Time of Ceasing of Driver's work			
Time of Driver's Rest: From to			

Place where Vehicle is usually kept:

Signature of Licence Holder.....

Signature of Driver.....”)

After Third Schedule—continued

BY THE LORD BRABAZON OF TARA

110 Insert the following new Schedule—

(“ SCHEDULE

1. Before applying to the Minister for an order under section of this Act the promoters shall give notice of their intention so to apply to:—

- (a) Every County, County Borough, Urban District or Rural District Council in whose area the roads to be used for motor races are situate;
- (b) The Chief Officer or Chief Officers of Police for the roads proposed to be specified in the said order, including any Chief Officers of Police whose areas lie within a mile of the said roads;
- (c) The highway authority in respect of the said roads;
- (d) The Royal Automobile Club.

The notice shall contain:—

- (i) the description and address of the applicants;
- (ii) a concise summary of the purposes of the order;
- (iii) a clear description with any relevant map or plan of the roads and race area to which the proposed order will relate.

2. The application for an order shall be accompanied by:

- (a) copies of the notices to the bodies set out in paragraph 1;
- (b) the written consents of the said bodies.

3. Before making the order the Minister shall publish in at least one local newspaper circulating in the area in which any road to which the proposed order relates is situated, and in one national newspaper, a notice

- (a) stating the general effect of the proposed order;
- (b) specifying a place in the said area where a copy of the draft of the proposed order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of one month from the date of publication of the notice;
- (c) stating that within the said period any person may by notice to the Minister object to the making of the proposed order.

4. The Minister shall, not later than the date on which the notice is published as aforesaid, cause a copy thereof to be displayed upon one or more of the roads proposed to be specified in the order.

Amend-
ment
No.

After Third Schedule—*continued*

- 110** 5. After considering any objections to the order which are not
cont. withdrawn, the Minister may make an order either without
modification or subject to such modifications as he thinks fit.”)

Fourth Schedule

BY THE EARL OF SELKIRK

- 111** Page 29, line 39, column 3, leave out (“ section ”) and insert
 (“ sections twenty-four and ”)

Road Traffic Bill [H.L.]

REVISED
MARSHALLED LIST OF
A M E N D M E N T S
TO BE MOVED IN COMMITTEE

[The Amendments marked with a letter in addition to a number were not printed in the previous Marshalled List. The Amendment marked with a ★ has not been previously circulated.]

14th February, 1955

LONDON
PRINTED AND PUBLISHED BY
HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

(3 ††)

(37853)

Road Traffic Bill [H.L.]

Amend-
ment
No.

SECOND
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

Clause 3

BY THE LORD LUCAS OF CHILWORTH

22 Page 5, line 11, at end insert—

“(4) It shall be an offence under this section for any person while riding a bicycle or a tricycle to carry or have affixed to such bicycle or tricycle any article or load which will interfere with the view of the road or with the proper control of that bicycle or tricycle.”)

23 Page 5, line 11, at end insert—

“(4) Where by virtue of this section a person under the age of fifteen years is found guilty of an offence, the court shall order that any fine or other punishment imposed shall be paid or suffered by the parent or guardian of that person instead of by that person:

Provided that no order may be made under this subsection without giving the parent or guardian an opportunity of being heard.”)

After Clause 3

BY THE VISCOUNT ESHER

24 Insert the following new Clause—

“(. . . Where a cycle track is provided, it shall be compulsory for cyclists to use it.”) Cycle tracks.

(3 ††)

A

Clause 4

BY THE LORD LUCAS OF CHILWORTH

- 25** Page 5, line 12, leave out (" constable ") and insert (" officer ")
- 26** Page 5, line 12, leave out (" for the time being ")
- 27** Page 5, line 13, leave out (" in the regulation of vehicular traffic in a road ") and insert (" on police duty ")

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 27A** Page 5, line 14, after (" foot ") insert (" within forty-five feet of the police officer ")

BY THE LORD LUCAS OF CHILWORTH

- 28** Page 5, line 15, leave out (" constable ") and insert (" officer ")
- 29** Page 5, line 16, leave out (" either to persons on foot or to traffic generally ")
- 30** Page 5, line 21, leave out (" constable ") and insert (" police officer ")

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 30A** Page 5, line 25, at end insert—
(" (3) It shall be an offence under this section for any person proceeding across a road at any point controlled by traffic light signals to do so otherwise than when a "Cross Now" period is in operation.")

After Clause 4

BY THE LORD LUCAS OF CHILWORTH

- 31** Insert the following new Clause—
(" . In paragraph (a) of section forty-nine of the Act of 1930 as amended by section forty of the Act of 1934 and the Third Schedule thereto (which section among other things empowers a police officer regulating traffic to make a vehicle proceed in or keep to a particular line of traffic) after the words " particular line of traffic " there shall be added the words " or follow such alternative route as may be indicated to him ".")

After Clause 5

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

31A Insert the following new Clause—

(“ . It shall be an offence where pedestrian barriers are provided on the edge of a footway for preventing pedestrians from crossing the road for any person to proceed over or through the barriers other than at the crossing place provided by the barriers.”)

Clause 6

BY THE LORD DERWENT

32 Page 6, line 15, after (“ vehicle ”) insert (“ belonging to the holder of the licence or in his possession under a hire-purchase agreement,”)

33 Page 6, line 38, at end insert—

(“ (2) In the case of a goods vehicle used in connection with any business it shall not be necessary for the driver or the holder of a licence to keep or cause to be kept the records prescribed by these regulations if and so long as there accompanies the vehicle on all journeys a certificate in the form set out in the Schedule to this Act and the vehicle is being driven by the driver named in the said certificate and he is driving in accordance with and within the particulars set out in the said certificate; nothing in the immediately preceding sub-paragraph of this paragraph of this regulation shall—

- (i) exempt any person from keeping or causing to be kept the records prescribed by these regulations if any goods vehicle used in connection with any business is so used on a journey any part of which lies outside a radius of twenty-five miles from the place where the vehicle is usually kept;
- (ii) exempt any person from keeping or causing to be kept the records prescribed by these regulations if any goods vehicle used in connection with any business is used on a journey or at any time any part of which is not in accordance with and within the particulars set out in the said certificate;

where any goods vehicle is used in connection with any business on a journey any part of which is otherwise than in accordance with and within the particulars set out in the said certificate, every driver shall keep and every holder of a licence shall cause to be kept the records prescribed by the other paragraphs of these regulations in respect of the whole of that journey, and there shall be added to the schedule to those regulations Form 5 being a certificate in accordance with the additional paragraph to the regulations contained in this subsection.”)

Clause 6—*continued*

BY THE LORD LUCAS OF CHILWORTH

34 Page 7, line 13, at end insert—

(“ Provided that a dual purpose vehicle (which expression shall have the meaning assigned to it in subsection (1) of section twenty-four of this Act) shall be deemed not to be an authorised vehicle whilst for the time being adapted for the carriage of passengers and in use for a purpose for which a licence under the said Act of 1933 is not required.”)

After Clause 6

BY THE LORD SEMPILL

35 Insert the following new Clause—

(“ .—(1) Subsection (1) of section five of the Road Traffic Act, 1930 (which makes provisions as to the physical fitness of applicants for licences) shall have effect as though the words ‘including inability to drive a motor vehicle with full efficiency by night or day without the use of spectacles or other visual aids’ shall be inserted after the word ‘vehicle’.

Conditions
relating to
driving
licences.

(2) Paragraph (b) of subsection (2) of section five of the Road Traffic Act, 1930, shall have effect as though the following words were added at the end thereof ‘and if the test proves his fitness to drive vehicles efficiently only when using spectacles or other visual aids, the licence shall be subject to the condition that the applicant undertakes to use such spectacles or visual aids when driving’.”)

BY THE LORD LUCAS OF CHILWORTH

36 Insert the following new Clause—

(“ . In subsection (1) of section thirty-six of the Road and Rail Traffic Act, 1933, there shall be inserted after the words “ “ Goods ” includes goods or burden of any description ” the words “ save the following:—

- (a) samples carried in a dual purpose vehicle as defined in subsection (1) of section twenty-four of the Road Traffic Act, 1955, used by a commercial traveller for the purpose of soliciting orders but not for the purpose of advertisement or of the sale or delivery of goods;
- (b) medicines, instruments or apparatus carried in a dual purpose vehicle by a medical practitioner, state registered nurse, state certified midwife, dentist or veterinary surgeon and necessary for his or her use in carrying on his or her profession as a medical practitioner, nurse, midwife, dentist or veterinary surgeon, as the case may be;
- (c) such other articles as the Minister may by regulation prescribe ”.”)

Clause 7

**BY THE LORD WOLVERTON,
THE MARQUESS OF WILLINGDON
AND THE VISCOUNT STONEHAVEN**

- 37** Page 7, line 18, leave out from (“ satisfied ”) to end of line 23 and insert (“ that the applicant has held provisional licences in respect of the same classes or descriptions of vehicles for an aggregate period of not less than twelve months then if it appears to them that the applicant does not intend to submit himself to the said test within a reasonable time they may refuse to grant a licence unless a period of three months has elapsed since the applicant ceased to be the holder of such a licence.”)

BY THE EARL OF LISTOWEL

- 38** Page 7, line 18, leave out from (“ that ”) to end of line 23 and insert (“ the applicant has been granted such licences which were in force for a total period of not less than twelve months (the last licence granted to him having been in force at any time during the twelve months immediately preceding the date of commencement of the period for which a licence is desired) and has either—
- (a) not been subjected to the said test during the last twelve months of such total period as aforesaid; or
 - (b) failed to pass the said test on at least three occasions, they may after considering any representations made by or on behalf of the applicant refuse to grant a licence.”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 38A** Page 7, line 23, at end insert—
- (“ (2) Any person aggrieved by the refusal of a licensing authority to grant such a licence may appeal to a court of summary jurisdiction and on any such appeal the court may confirm the decision of the licensing authority or order the grant of such a licence.”)

**BY THE LORD WOLVERTON,
THE MARQUESS OF WILLINGDON
AND THE VISCOUNT STONEHAVEN**

- 39** Page 7, line 24, leave out from (“ grant ”) to end of line 29 and insert (“ of provisional licences to drive for a period of three months for the word ‘ three ’ there shall be substituted the word ‘ six ’.”)

Amend-
ment
No.

Clause 7—continued

40 Page 7, line 29, at end insert—

“(3) Any person aggrieved by the refusal of a licensing authority to grant him a provisional licence may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides and on any such appeal the court may confirm the refusal of the said licensing authority or may order the licensing authority to issue the said licence.”)

After Clause 7

BY THE LORD SEMPILL

41 Insert the following new Clause—

“(. Subsection (3) of section five of the Road Traffic Act, 1930, shall have effect as though the following words were added after ‘ conditions ’, that is to say ‘ and the said conditions shall provide that the holder of a provisional licence shall not drive any motor vehicle unless another person holding a valid driving licence is also present in such motor vehicle and unless the said vehicle is so adapted as to enable the said person to stop the said vehicle from the position in which he is seated ’.”)

Conditions
relating to
provisional
licences.

BY THE LORD BURDEN

42 Insert the following new Clause—

“(. Section eight of the Emergency Laws (Miscellaneous Provisions) Act, 1953, which provides for the temporary suspension of section thirty-one of the Road Traffic Act, 1934 (which provides that a person shall not drive a heavy goods vehicle on a road unless he is licensed for the purpose) shall have effect as though there were substituted for all words after ‘ until ’ in subsection (1) the words ‘ the first day of January nineteen hundred and fifty-six ’ and as though there were substituted for all subsequent references in that section to the appointed day a reference to the first day of January nineteen hundred and fifty-six.”)

Licences of
drivers of
heavy goods
vehicles.

43 Insert the following new Clause—

“(. Notwithstanding anything contained in section four of the Road Traffic Act, 1930, a driving licence issued by a local authority in Northern Ireland shall not be effective in Great Britain except in so far as the Minister may by order provide.”)

Amendment
of 20 & 21
Geo. 5.
c. 43, s. 4.

Clause 8

BY THE EARL OF SELKIRK

- 44** Page 7, line 32, leave out from (“ roads ”) to end of line 36.

BY THE LORD LUCAS OF CHILWORTH

- 45** Page 7, line 34, after (“ the ”) insert (“ dissemination of information or advice relating to the use of roads or for the ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 45A** Page 7, line 36, after (“ users ”) insert (“ and towards the expenses including central administration expenses incurred by local authorities and other bodies in disseminating information or advice relating to the use of roads.”)

BY THE EARL OF SELKIRK

- 46** Page 7, line 38, leave out (“ paragraph (a) of ”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 46A** Page 7, line 38, after (“ subsection ”) insert (“ including publication of leaflets and advertisements arranging lectures, demonstrations and exhibitions, holding competitions, awarding prizes and organising research into the causes of accidents on roads ”)

BY THE EARL OF SELKIRK

- 47** Page 7, line 39, leave out from (“ giving ”) to (“ and ”) in line 40 and insert (“ practical training to road users or any class or description of road users ”)

- 48** Page 7, line 41, at end insert (“ and the Minister may with the approval of the Treasury make contributions towards the cost of any such arrangements as are mentioned in this subsection.”)

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 48A** Page 7, line 44, after (“ borough ”) insert (“ a metropolitan borough ”)

After Clause 8

BY THE LORD HAMPTON, THE EARL HOWE
AND THE LORD TEYNHAM

49 Insert the following new Clause—

(“ . The following subsection shall be substituted for sub- Amendment
section (1) of section one of the Act of 1934:— of s. 1 of
Act of 1934.

‘(1) Subject to the provisions of this Act, it shall not be
lawful for any person to drive a motor vehicle on a road in
a built-up area at a speed exceeding thirty miles per hour.

For the purposes of this Act a length of road shall be
deemed to be a road in a built-up area:—

(a) in the case of a road which forms part of a trunk
road or a road classified under the Ministry of
Transport Act, 1919, in Class I, II or III if a system
of street lighting furnished by means of lamps
placed not more than two hundred yards apart
is provided thereon on or before the first day of
September nineteen hundred and fifty-five unless a
direction that it shall be deemed not to be a road in
a built-up area is in force under this section; or

(b) in the case of an unclassified road, if a system of
street lighting furnished by means of lamps placed
not more than two hundred yards apart is provided
thereon unless a direction that it shall be deemed
not to be a road in a built-up area is in force under
this section; or

(c) in the case of any such road as aforesaid if a direction
that it shall be deemed to be a road in a built-up
area is in force under this section;

and not otherwise.’ ”)

Clause 9

BY THE EARL HOWE

50 Page 8, line 4, at end insert—

(“ (2) The following subsection shall be added at the end of
section one of the Act of 1934:—

‘(9) For the purposes of this Act a length of road shall,
notwithstanding the foregoing provisions of this section, not
be deemed to be a road in a built-up area unless there is
upon such length of road an indication that it is a road in a
built-up area by reason of the presence of a system of street
lighting with lamp-posts placed not more than 200 yards
apart or by the presence of prescribed signs indicating such
restriction placed not more than 200 yards apart.’ ”)

Amend-
ment
No.

Clause 9—continued

BY THE LORD LUCAS OF CHILWORTH

51 Leave out Clause 9.

BY THE LORD BRABAZON OF TARA

52 Leave out Clause 9 and insert the following new Clause—

“ 9.—(1) In subsection (1) of section one of the Act of 1934 (which provides for a general speed limit in built-up areas) after the word “ hour ” there shall be inserted the words “ between the hours of 5 a.m. and 12 midnight ”.

S. 1 of Act of 1934 to be permanent and removal of speed limit during certain hours.

(2) Section one of the Act of 1934 as amended by subsection (1) of this section shall have permanent effect and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed.”)

After Clause 9

BY THE LORD BRABAZON OF TARA

53 Insert the following new Clause—

“ . The following subsection shall be substituted for subsection (3) of section ten of the Act of 1930 as amended by subsection (3) of section two of the Act of 1934:

Amendment of s. 10 of Act of 1934.

“ (3) A person prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not be liable to be convicted solely on the evidence of one witness.”)

BY THE LORD LUCAS OF CHILWORTH

54 Insert the following new Clause—

“ . Where after the passing of this Act a system of street lighting by means of lamps placed not more than 200 yards apart is provided on a road where none previously existed the road shall be deemed not to be a road in a built-up area for the purposes of subsection (1) (a) of section one of the Road Traffic Act, 1934, unless and until an Order is made by the Minister under subsection (4) of section one of the said Act directing that the road shall be deemed to be a road in a built-up area.”)

Speed limit in built-up areas.

55 Insert the following new Clause—

“ . The Minister may make regulations providing that vehicles the weight and dimensions of which, together with their loads, exceed the limits for the time being prescribed by regulations made by him in accordance with the powers in that behalf

Movement by road of vehicles carrying abnormal loads.

Amend-
ment
No.

After Clause 9—*continued*

55
cont. contained in sections three and thirty of the Act of 1930, shall be permitted to move by road only in accordance with the terms of a licence to be issued by the Minister and on payment of such fee as he shall determine having regard to the nature of the vehicle and load and to the distance to be travelled:

Provided that the Minister may by order direct that this clause shall not apply to any class or type of vehicle which does not comply with the said regulations but the use of which on roads has been authorised by an order made by him under subsection (1) (b) of section three of the Act of 1930.”)

56 Insert the following new Clause—

(“ . It is hereby declared for the removal of doubt that the powers of the Minister of Transport, under section eight of the Development and Road Improvement Funds Act, 1909, with the approval of the Treasury to make to any highway authority advances in respect of the construction of new roads or the maintenance or improvement of existing roads which appear to the Minister to be required for facilitating traffic, shall be deemed to include and always to have included power for the Minister of Transport with like approval to make such advances to a county council in respect of expenditure incurred by such council in the exercise of the powers conferred on them by section twenty-three of the Road Traffic Act, 1934.”)

Lighting of
roads—
Power to
make
grants.

57 Insert the following new Clause—

(“ . It shall be an offence for its owner to allow a dog to be upon the highway within a built-up area unless it be under proper control and such owner shall be liable on summary conviction to a fine not exceeding fifty pounds.”)

BY THE LORD BRABAZON OF TARA

58 Insert the following new Clause—

(“ .—(1) The Minister may upon the application by any person or persons or club (in this section referred to as “ the promoters ”) made in accordance with the provisions of the Schedule to this Act by order declare that any road may be used for motor races during the whole or any part of the days specified in such order.

Power to
close roads
for motor
racing.

(2) Not more than ten orders under this section shall be made in any calendar year and no order made under this section shall permit the use of any road for motor races on more than six days in any calendar year.

(3) An order made under this section shall contain such provisions as the Minister may think fit including (but without prejudice to the generality of the foregoing words) provisions

After Clause 9—*continued*

58
cont.

requiring the promoters to secure such insurance and indemnities against such liabilities, injuries or damage as may be mentioned in the order; for the temporary stopping up or diversion of any road and the temporary prohibition or restriction of the exercise of any right of way; for the regulation for the safety of the public or other traffic; for the restriction of speed in populous places and for any other purposes incident to the proper conduct of the motor races.

(4) An order made under this section may prescribe a race area as defined in subsection (10) of this section and may prohibit or restrict access either by vehicles or on foot to the said area on such terms and subject to such conditions including (but without prejudice to the generality of the foregoing words) the payment of money as the Minister may think fit.

(5) In deciding whether or not to make any order under this section the Minister shall consider the alternative routes which will be available to traffic normally using the roads proposed to be specified in the order, and any objection to the making of the order lodged in accordance with the provisions of the Schedule to this Act.

(6) No provision of any enactment restricting the speed of or affecting the manner of driving motor vehicles or prohibiting or restricting the driving or using or speed thereof on specified roads or within specified limits or places or imposing any penalties in respect of the infringement of any such provisions shall apply to any motor vehicle or the driver or rider thereof while actually engaged in races save in so far as any such provisions may be incorporated in an order made under this section.

(7) Any expenses incurred by the Minister in publishing any notices or in connection with the making of an order under this section shall be paid by the promoters and the Minister may as a condition precedent to the consideration of an application for the making of an order require the promoters to deposit or to give security for such sum as in his opinion is sufficient to meet such expenses.

(8) The Minister may as respects any race area make by-laws:—

- (a) for regulating the hours during which motor races may take place;
- (b) for securing safe and adequate means of ingress and egress;

After Clause 9—continued

- (c) for the prevention and suppression of nuisances and preserving sanitary conditions, cleanliness, order and public safety.

The Minister before making any by-laws under this section shall consult with the Royal Automobile Club and the promoters.

- (9) (i) Any person who—

(a) wilfully or unlawfully obstructs or interferes with the conduct of any races

(b) without lawful authority enters or remains on any road or any race area specified in an order made under this section

(c) otherwise wilfully contravenes any provision of an order or by-law made under this section

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

- (ii) Any person who obstructs or interferes with the conduct of races or without due authority enters or remains on a road or in a race area as aforesaid or acts in contravention of any by-laws may, together with any vehicle or animal in his charge and without prejudice to any proceedings which may be taken against him, be removed by a police constable or any person authorised in writing in that behalf by the promoters.

- (10) In this section except where the context otherwise requires the expression—

“enactment” includes any provision in any Act of Parliament and any provision in any Order in Council, order, regulation, statutory instrument, rule, by-law, scheme or other instrument made under any such Act;

“motor races” means races held on roads for motor vehicles (including any test or trial of speed to ascertain the time taken by such vehicles in the ascent of a length of hilly road not exceeding three miles);

“race area” means any area prescribed by the Minister under this section for the purposes of motor races and such area may in addition to the roads to be used for motor racing include any land or premises enclosed by, or lying within a distance of, a quarter of a mile of such roads;

“races” means any mechanically propelled vehicle race held by virtue of an order made under this section and includes any practice or trial authorised by the relevant order as preliminary to any races.”)

After Clause 9—continued

**BY THE EARL OF ROTHES
AND THE EARL HOWE**

59 Insert the following new Clause—

(“ . The following subsection shall be substituted for sub-
section (1) of section eight of the Act of 1934:—

Amendment
of s. 8 of
Act of 1934.

‘ (1) Subject to the provisions of this section it shall not
be lawful to sell or to supply or to offer to sell or supply, a
motor vehicle or trailer for delivery in such a condition,

(a) that the use thereof on a road in that condition would
be unlawful by virtue of the provisions of section
three of the principal Act, or

(b) that the brakes, silencers, steering gear and tyres are
not efficient and in proper working order.’ ”)

Clause 10

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

59A Page 8, line 9, leave out (“ in the Metropolitan Police District ”)

BY THE EARL OF SELKIRK

60 Page 8, line 9, after (“ District ”) insert (“ or the City of
London ”)

BY THE LORD LUCAS OF CHILWORTH

61 Page 8, line 12, at end insert (“ but no such order shall be
made which would designate as a parking place any part of the
carriage way of a trunk or class I road.”)

BY THE EARL HOWE AND THE LORD DERWENT

62 Page 8, line 12, at end insert—

(“ Provided that no order shall be made under this subsection
with respect to any highway which would have the effect of
preventing such access as may be reasonably required for vehicles
of any class of description to any premises situated on or adjacent
to such highway.”)

BY THE LORD LUCAS OF CHILWORTH

63 Page 8, line 17, leave out subsection (3).

Amend-
ment
No.

Clause 10—continued

BY THE EARL OF LISTOWEL

64 Page 8, line 24, leave out lines 24 to 39.

**BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS**

65 Page 8, line 39, at end insert—
(" (4) No order shall be made under this and the four next following sections of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.")

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

65A Page 8, line 40, leave out subsection (4).

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

66 Page 8, line 40, leave out subsections (4) and (5).

BY THE EARL OF SELKIRK

67 Page 8, line 42, after (" District ") insert (" and the City of London ")

BY THE LORD LUCAS OF CHILWORTH

68 Page 9, line 2, leave out (" subject to annulment in pursuance of a resolution of either ") and insert (" which shall be of no effect unless approved by resolution of each ")

**BY THE LORD TEYNHAM,
THE LORD WOLVERTON
AND THE EARL HOWE**

69 Page 9, line 5, leave out from (" section ") to (" shall ") in line 6.

70 Leave out Clause 10.

Amend-
ment
No.

Clause 11

BY THE LORD LUCAS OF CHILWORTH

- 71** Page 9, line 38, leave out subsection (4).

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 71A** Page 10, line 9, leave out (" the prescribed steps ") and insert (" such steps as may be required by the Minister ")
- 71B** Page 10, line 13, leave out (" prescribed or on other prescribed occasions ") and insert (" determined by the Minister ")
- 71C** Page 10, line 15, leave out (" in the prescribed manner ")
- 71D** Page 10, line 17, leave out from (" tested ") to end of line 19.

**BY THE LORD TBYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

- 72** Leave out Clause 11.

Clause 12

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 72A** Page 10, line 47, leave out subsections (3) and (4).

BY THE EARL HOWE AND THE LORD DERWENT

- 73** Page 11, line 26, at end insert—
(" Provided that for the purposes of this section and of any order made thereunder the delivery or collection of goods to or from any premises abutting on or adjacent to any parking place shall not be deemed to be the carrying on of any trade,")

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

- 73A** Page 11, line 41, leave out (" by order of the Minister ") and insert (" by rules and conditions made by the local authority in accordance with the provisions of Part II of the First Schedule;")

**BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS**

- 74** Page 12, line 4, leave out subsection (10).

Amend-
ment
No.

Clause 12—continued

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

75 Leave out Clause 12.

After Clause 12

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

75A Insert the following new Clause—

(“ . Rules and conditions made by a local authority under this section may make provision—

(a) as to the manner in which vehicles shall stand in, or be driven into or out of the parking place; and

(b) that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed:

but any such provision shall be without prejudice to the liability to the excess charge.”)

Clause 13

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

76 Page 13, line 1, leave out subsection (5).

77 Leave out Clause 13.

Clause 14

**BY THE LORD BURDEN AND
THE LORD MILNER OF LEEDS**

77A Page 13, line 11, leave out (“ with the consent of the Minister ”)

BY THE EARL OF LISTOWEL

78 Page 13, line 31, leave out subsection (4).

Amend-
ment
No.

Clause 14—continued

**BY THE LORD DERWENT, THE EARL HOWE
AND THE LORD SOMERS**

79 Page 13, line 33, at end insert—

(“ (5) This section and the preceding four sections shall continue in force until the thirty-first day of December, nineteen hundred and sixty, and no longer unless Parliament otherwise determines.”)

**BY THE LORD TEYNHAM, THE LORD WOLVERTON
AND THE EARL HOWE**

80 Leave out Clause 14.

After Clause 14

BY THE LORD GISBOROUGH

81 Insert the following new Clause—

(“ . The powers of the Minister under section seventeen of the Ministry of Transport Act, 1919, to make advances for certain purposes shall include a power to make advances for the provision of parking places by a local authority under section sixty-eight of the Public Health Act, 1925, as extended by section sixteen of the Restriction of Ribbon Development Act, 1935, and for the purposes of this section the expression ‘local authority’ shall include county councils.”)

82 Insert the following new Clause—

(“ . Section sixty-eight of the Public Health Act, 1925, which relates to the provision of parking places for the purpose of relieving or preventing congestion of traffic as extended by section sixteen of the Restriction of Development Act, 1935, shall have effect as if the expression ‘local authority’ included county councils and as if in the application of that section to county councils the word ‘county’ had been inserted therein in lieu of the word ‘district’.”)

Clause 15

BY THE EARL HOWE AND THE LORD TEYNHAM

83 Page 14, line 4, at end insert (“ within three years of a first conviction; ”)

BY THE LORD DERWENT AND THE LORD TEYNHAM

84 Page 14, line 13, leave out paragraph (c).

Amend-
ment
No.

Clause 15—continued

BY THE EARL HOWE AND THE LORD TEYNHAM

- 85 Page 14, line 30, at end insert (“ within three years of a first conviction; ”)

BY THE LORD SEMPILL

- 86 Page 15, line 1, leave out from (“ 1934 ”) to end of line 11 and insert (“ shall have effect as if there were substituted for the word ‘ may ’ the word ‘ shall ’.”)

BY THE LORD TEYNHAM AND THE LORD DERWENT

- 87 Page 15, line 6, leave out lines 6 to 11.

After Clause 15

BY THE LORD BRABAZON OF TARA

- 88 Insert the following new Clause—

(“ . In the Act of 1930, after paragraph (b) of subsection (1) of section fifteen there shall be inserted the following proviso—

Amendment
of s. 15 of
Act of 1930.

“ Provided that if on summary proceedings under this section the court or on proceedings under this section on indictment the jury are satisfied that the accused, though under the influence of drink or a drug, had no intention of driving or attempting to drive a motor vehicle, he shall not be liable to be convicted of the offence.” ”)

Clause 16

BY THE EARL OF SELKIRK

- 89 Page 15, line 17, leave out (“ or the Act of 1934 ”)

- 90 Page 15, line 21, after (“ which ”) insert (“ the disqualification was suspended or ”)

BY THE LORD TEYNHAM

- 91 Page 15, line 22, at end insert—

(“ (2) The following subsection shall be substituted for subsection (2) of section six of the Act of 1930:—

‘ (2) A person who by virtue of an order of a court or of a conviction under this part of this Act is disqualified for holding or obtaining a licence may appeal against such disqualification in the same manner as against a conviction, and pending the appeal the operation of the sentence of disqualification shall be suspended.’ ”)

Clause 17

BY THE LORD SOMERS AND THE LORD DERWENT

92 Page 16, line 20, leave out paragraph (b).

BY THE EARL OF SELKIRK

93 Page 16, line 25, leave out (" that person ") and insert (" the holder ")

Clause 20

BY THE EARL HOWE

94 Page 18, line 3, after (" used ") insert (" elsewhere than in the City of Westminster and the City of London and ")

After Clause 21

**BY THE EARL OF ROTHES
AND THE LORD WOLVERTON**

95 Insert the following new Clause—

(" 22.—(1) For subsection (1) of section eighty-one of the Act of 1930 (which provides for appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness) there shall be substituted the following subsection:—

Amendment
of s. 81 of
the Act
of 1930.

‘ Any person who—

- (a) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or
- (b) being the holder of a road service licence, is aggrieved by the refusal of the commissioners to entertain an application made by him for the variation of the conditions attached to the licence; or
- (c) being an applicant for the variation of conditions attached to a road service licence, whose application the commissioners have not within the prescribed time refused to entertain, is aggrieved by the refusal or failure of the commissioners to make the variation; or

Amendment
No.
95
cont.

After Clause 21—continued

- (d) being a local authority which, or a person providing transport facilities who, has opposed the grant or variation of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
- (e) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof by the commissioners, or by any variation of the conditions attached thereto; or
- (f) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or
- (g) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister:

Provided that an applicant for the variation of the conditions attached to a road service licence shall not be entitled to appeal to the Minister from the refusal or failure of the commissioners to entertain the application without the consent of the commissioners or of the Minister.'

(2) In subsection (4) of the said section eighty-one there shall be inserted at the end of the subsection the words ' unless the variation was made pursuant to an application made by the holder of the licence.' ”)

BY THE EARL HOWE AND
THE LORD SOMERS

96 Insert the following new Clause—

(“ . Section sixteen of the Road and Rail Traffic Act, 1933 (which relates to the keeping of records as to hours of work journeys loads and other matters) shall be read and have effect as if at the end of subsection (5) thereof there were inserted the following words:—

Amendment
of s. 16 of
Road and
Rail Traffic
Act, 1933.

‘ Provided that it shall be a defence in any proceedings brought under this section against the holder of a licence to prove that the holder of the licence took all reasonable steps to ensure compliance with the provisions of this section and of the regulations made thereunder and that the offence was committed without his knowledge.’ ”)

Amendment
No.

After Clause 21—*continued*

BY THE EARL OF ROTHES AND
THE LORD TEYNHAM

97 Insert the following new Clause—

(“ . The Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) shall be read and have effect as if at the end of paragraph 1 thereof (which specifies the number of members of the said Committee and by whom they shall be appointed) there were inserted the following words:—

Amendment
of Twelfth
Schedule
of London
Passenger
Transport
Act, 1933.

‘one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are holders of public carriers’ licences and limited carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area.’ ”)

BY THE LORD DERWENT AND THE EARL HOWE

98 Insert the following new Clause

(“ . Paragraph 2 of the First Schedule to the Act of 1934 (which specifies the maximum permitted speeds of goods vehicles) shall be read and have effect as if in sub-paragraph (1) (d) thereof (which relates to heavy motor cars) in place of the maximum speed of 20 miles per hour there were substituted the maximum speed of 30 miles per hour.”)

Amendment
of First
Schedule
of Road
Traffic
Act, 1934.

Clause 24

BY THE LORD LUCAS OF CHILWORTH

99 Page 19, line 18, at end insert (“ “ dual purpose vehicle ” means a motor car which—

(a) does not exceed two tons in weight unladen;

(3 ††)

C

Amend-
ment
No.
99
cont.

Clause 24—continued

- (b) has to the rear of the driver's seat roofed accommodation fitted with side windows or is constructed or adapted for the fitting of side windows;
- (c) is constructed so as to be adaptable both for the carriage of passengers and for the carriage of goods;
- (d) has, in that part of it which is to the rear of the driver's seat, seating, which may be collapsible, for at least two passengers sitting side by side and facing to the front or rear of the vehicle such seating being fitted with back rests (either folding or fixed) attached permanently to the vehicle; ”)

BY THE LORD DERWENT

- 100** Page 19, line 23, leave out from (“ road ”) to end of line 24 and insert (“ has the meaning assigned to it by section one hundred and twenty-one of the Act of 1930; ”)

Clause 25

BY THE EARL OF SELKIRK

- 101** Page 19, line 41, at end insert (“ and this Act and the Road Traffic Acts, 1930 to 1947 may be cited together as the Road Traffic Acts, 1930 to 1955.”)

In the Schedules

Second Schedule

BY THE LORD LUCAS OF CHILWORTH

- 102** Page 23, line 33, leave out from (“ who ”) to end of line 36 and insert (“ is travelling for any purpose other than that for which the journey has been arranged.”)

- 103** Page 23, line 45, after second (“ or ”) insert (“ at or in a place frequented by persons who are members of the organisation or body upon whose behalf the journey is being arranged or ”)

- 104** Page 24, line 5, at end insert—
 (“ (c) a notice displayed in any periodical published for the information of, and circulated wholly or mainly among persons who are, members of the organisation or body upon whose behalf the journey is being arranged.”)

Third Schedule

BY THE LORD LUCAS OF CHILWORTH

105 Page 25, line 22, at end insert—

(“ 3. In subsection (1) of section one of the Act of 1930 there shall be inserted at the end of the proviso the following paragraph:—

‘ (c) the provisions of this Part of this Act and the provisions of Part II of this Act relating to insurance against third-party risks shall not apply to pedestrian controlled mechanically propelled grass cutters and the provisions of any other Act or of any order, statutory instrument or regulation relating to excise duties thereon, licensing, registration and compulsory third-party insurance thereof and to driving licences and driving tests in connection therewith shall no longer apply except that it shall be an offence for any person under sixteen years of age to drive or control on a road, and for any person to cause or permit a person under sixteen years of age to drive or control on a road any pedestrian controlled mechanically propelled grass cutter.’ ”)

BY THE LORD WALERAN

105 Page 26, line 25, at end insert—

A

(“ 6. In section twenty-one of the Act of 1930 (which deals with restrictions on prosecutions) there shall be inserted after the word ‘driving’ where it appears for the second time the words ‘or for an offence under sections forty-nine and fifty of this Act’.”)

**BY THE EARL OF ROTHES AND
THE LORD WOLVERTON**

106 Page 26, line 39, at end insert—

(“ 8. In section seventy-nine of the Act of 1930 (which empowers the Minister to make regulations relating to the procedure on applications for licences, etc.) there shall be inserted after the word ‘commissioners’ the words ‘and the variation by commissioners of the conditions attached to road service licences’ and at the end of the section the words ‘and shall prescribe the time within which commissioners are to notify an applicant for the variation of the conditions attached to a road service licence whether or not they are willing to entertain his application.’ ”)

Amend-
ment
No.

Third Schedule—continued

BY THE LORD LUCAS OF CHILWORTH

107 Page 26, line 45, at end insert—

(“ 9. In section sixteen of the London Passenger Transport Act, 1933 (which relates to the restriction on carriage of road passengers on certain journeys in special area) there shall be inserted at the end of the proviso to subsection (1) the following paragraph:—

‘(d) nothing in this section shall apply to vehicles in the ownership of schools used for the conveyance of pupils to and from their homes and school.’ ”)

BY THE LORD DERWENT

108 Page 26, line 45, at end insert—

(“ 9. In the First Schedule of the Act of 1930 (which sets out the limits of speeds for various classes of road vehicles) for the figure ‘ 20 ’ (relating to the maximum speed of heavy motor cars if all the wheels are fitted with pneumatic tyres) there shall be substituted the figure ‘ 30 ’.”)

After Third Schedule

BY THE LORD DERWENT

109 Insert the following new Schedule—

(“ **SCHEDULE**

ROAD AND RAIL TRAFFIC ACT, 1933

**CERTIFICATE UNDER PARAGRAPH () OF REGULATION 6 OF
THE GOODS VEHICLES (KEEPING OF RECORDS) REGULATIONS, 1935**

Name of Licence Holder..... *Date of Certificate*

Name of Driver.....

Time of Commencement of Driver's work	Identification Number of A, B, or C Licence(s)	I.M. and Reg. Number of Vehicle(s)	Number of Trailers (if any)
Time of Ceasing of Driver's work			
Time of Driver's Rest: From to			

Place where Vehicle is
usually kept:

Signature of Licence Holder.....

Signature of Driver.....”)

After Third Schedule—*continued*

BY THE LORD BRABAZON OF TARA

110 Insert the following new Schedule—

(“ SCHEDULE

1. Before applying to the Minister for an order under section of this Act the promoters shall give notice of their intention so to apply to:—

- (a) Every County, County Borough, Urban District or Rural District Council in whose area the roads to be used for motor races are situate;
- (b) The Chief Officer or Chief Officers of Police for the roads proposed to be specified in the said order, including any Chief Officers of Police whose areas lie within a mile of the said roads;
- (c) The highway authority in respect of the said roads;
- (d) The Royal Automobile Club.

The notice shall contain:—

- (i) the description and address of the applicants;
- (ii) a concise summary of the purposes of the order;
- (iii) a clear description with any relevant map or plan of the roads and race area to which the proposed order will relate.

2. The application for an order shall be accompanied by:

- (a) copies of the notices to the bodies set out in paragraph 1;
- (b) the written consents of the said bodies.

3. Before making the order the Minister shall publish in at least one local newspaper circulating in the area in which any road to which the proposed order relates is situated, and in one national newspaper, a notice

- (a) stating the general effect of the proposed order;
- (b) specifying a place in the said area where a copy of the draft of the proposed order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of one month from the date of publication of the notice;
- (c) stating that within the said period any person may by notice to the Minister object to the making of the proposed order.

4. The Minister shall, not later than the date on which the notice is published as aforesaid, cause a copy thereof to be displayed upon one or more of the roads proposed to be specified in the order.

Amend-
ment
No.

After Third Schedule—*continued*

- 110** 5. After considering any objections to the order which are not
cont. withdrawn, the Minister may make an order either without
modification or subject to such modifications as he thinks fit.”)

Fourth Schedule

BY THE EARL OF SELKIRK

- 111** Page 29, line 39, column 3, leave out (“ section ”) and insert
 (“ sections twenty-four and ”)

Road Traffic Bill [H.L.]

Amend-
ment
No.

FOURTH
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

After Clause 9

BY THE LORD BRABAZON OF TARA

53 Insert the following new Clause—

(“ . The following subsection shall be substituted for sub-
section (3) of section ten of the Act of 1930 as amended by
subsection (3) of section two of the Act of 1934: Amendment
of s. 10 of
Act of 1934.

“ (3) A person prosecuted for driving a motor vehicle on
a road at a speed exceeding a speed limit imposed by or
under any enactment shall not be liable to be convicted
solely on the evidence of one witness.” ”)

BY THE LORD LUCAS OF CHILWORTH

54 Insert the following new Clause—

(“ . Where after the passing of this Act a system of street Speed limit
in built-up
areas.
lighting by means of lamps placed not more than 200 yards
apart is provided on a road where none previously existed the
road shall be deemed not to be a road in a built-up area for the
purposes of subsection (1) (a) of section one of the Road Traffic
Act, 1934, unless and until an Order is made by the Minister
under subsection (4) of section one of the said Act directing that
the road shall be deemed to be a road in a built-up area.”)

55 Insert the following new Clause—

(“ . The Minister may make regulations providing that Movement
by road
of vehicles
carrying
abnormal
loads.
vehicles the weight and dimensions of which, together with their
loads, exceed the limits for the time being prescribed by regula-
tions made by him in accordance with the powers in that behalf

(3 |||)

A

Road Traffic Bill [H.L.]

FIFTH
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

25th February, 1955

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

(3 9 11)

(37853)

Road Traffic Bill [H.L.]

Amend-
ment
No.

SIXTH
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

Clause 16

BY THE EARL OF SELKIRK

- 89 Page 15, line 17, leave out (" or the Act of 1934 ")
90 Page 15, line 21, after (" which ") insert (" the disqualification was suspended or ")

BY THE LORD TEYNHAM

- 91 Page 15, line 22, at end insert—
(" (2) The following subsection shall be substituted for subsection (2) of section six of the Act of 1930:—
' (2) A person who by virtue of an order of a court or of a conviction under this part of this Act is disqualified for holding or obtaining a licence may appeal against such disqualification in the same manner as against a conviction, and pending the appeal the operation of the sentence of disqualification shall be suspended.' ")

Clause 17

BY THE LORD SOMERS AND THE LORD DERWENT

- 92 Page 16, line 20, leave out paragraph (b).
(3 ***) A

Clause 17—continued

BY THE EARL OF SELKIRK

- 93 Page 16, line 25, leave out (“ that person ”) and insert (“ the holder ”)

Clause 20

BY THE EARL HOWE

- 94 Page 18, line 3, after (“ used ”) insert (“ elsewhere than in the City of Westminster and the City of London and ”)

After Clause 21

**BY THE EARL OF ROTHES
AND THE LORD WOLVERTON**

- 95 Insert the following new Clause—

(“ 22.—(1) For subsection (1) of section eighty-one of the Act Amendment of 1930 (which provides for appeals to the Minister in connection of s. 81 of with public service vehicle licences, road service licences and the Act certificates of fitness) there shall be substituted the following of 1930. subsection:—

‘ Any person who—

- (a) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or
- (b) being the holder of a road service licence, is aggrieved by the refusal of the commissioners to entertain an application made by him for the variation of the conditions attached to the licence; or
- (c) being an applicant for the variation of conditions attached to a road service licence, whose application the commissioners have not within the prescribed time refused to entertain, is aggrieved by the refusal or failure of the commissioners to make the variation; or

After Clause 21—*continued*

- (d) being a local authority which, or a person providing transport facilities who, has opposed the grant or variation of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
- (e) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof by the commissioners, or by any variation of the conditions attached thereto; or
- (f) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or
- (g) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister:

Provided that an applicant for the variation of the conditions attached to a road service licence shall not be entitled to appeal to the Minister from the refusal or failure of the commissioners to entertain the application without the consent of the commissioners or of the Minister.'

(2) In subsection (4) of the said section eighty-one there shall be inserted at the end of the subsection the words 'unless the variation was made pursuant to an application made by the holder of the licence.'")

BY THE EARL HOWE AND
THE LORD SOMERS

96 Insert the following new Clause—

(" . . . Section sixteen of the Road and Rail Traffic Act, 1933 (which relates to the keeping of records as to hours of work journeys loads and other matters) shall be read and have effect as if at the end of subsection (5) thereof there were inserted the following words:—

Amendment
of s. 16 of
Road and
Rail Traffic
Act, 1933.

'Provided that it shall be a defence in any proceedings brought under this section against the holder of a licence to prove that the holder of the licence took all reasonable steps to ensure compliance with the provisions of this section and of the regulations made thereunder and that the offence was committed without his knowledge.'")

After Clause 21—continued

**BY THE EARL OF ROTHES AND
THE LORD TEYNHAM**

97 Insert the following new Clause—

(“ . The Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) shall be read and have effect as if at the end of paragraph 1 thereof (which specifies the number of members of the said Committee and by whom they shall be appointed) there were inserted the following words:—

Amendment
of Twelfth
Schedule
of London
Passenger
Transport
Act, 1933.

‘one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are holders of public carriers’ licences and limited carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers’ licences under the Road and Rail Traffic Act, 1933 within the London Traffic Area.

one — By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area.’ ”)

BY THE LORD DERWENT AND THE EARL HOWE

98 Insert the following new Clause

(“ . Paragraph 2 of the First Schedule to the Act of 1934 (which specifies the maximum permitted speeds of goods vehicles) shall be read and have effect as if in sub-paragraph (1) (d) thereof (which relates to heavy motor cars) in place of the maximum speed of 20 miles per hour there were substituted the maximum speed of 30 miles per hour.”)

Amendment
of First
Schedule
of Road
Traffic
Act, 1934.

Clause 24

BY THE LORD LUCAS OF CHILWORTH

99 Page 19, line 18, at end insert (“ “ dual purpose vehicle ” means a motor car which—

(a) does not exceed two tons in weight unladen;

Amend-
ment
No.
99
cont.

Clause 24—continued

- (b) has to the rear of the driver's seat roofed accommodation fitted with side windows or is constructed or adapted for the fitting of side windows;
- (c) is constructed so as to be adaptable both for the carriage of passengers and for the carriage of goods;
- (d) has, in that part of it which is to the rear of the driver's seat, seating, which may be collapsible, for at least two passengers sitting side by side and facing to the front or rear of the vehicle such seating being fitted with back rests (either folding or fixed) attached permanently to the vehicle; ”)

BY THE LORD DERWENT

- 100** Page 19, line 23, leave out from (“ road ”) to end of line 24 and insert (“ has the meaning assigned to it by section one hundred and twenty-one of the Act of 1930; ”)

Clause 25

BY THE EARL OF SELKIRK

- 101** Page 19, line 41, at end insert (“ and this Act and the Road Traffic Acts, 1930 to 1947 may be cited together as the Road Traffic Acts, 1930 to 1955.”)

In the Schedules

Second Schedule

BY THE LORD LUCAS OF CHILWORTH

- 102** Page 23, line 33, leave out from (“ who ”) to end of line 36 and insert (“ is travelling for any purpose other than that for which the journey has been arranged.”)
- 103** Page 23, line 45, after second (“ or ”) insert (“ at or in a place frequented by persons who are members of the organisation or body upon whose behalf the journey is being arranged or ”)
- 104** Page 24, line 5, at end insert—
 (“ (c) a notice displayed in any periodical published for the information of, and circulated wholly or mainly among persons who are, members of the organisation or body upon whose behalf the journey is being arranged.”)

Third Schedule

BY THE LORD LUCAS OF CHILWORTH

105 Page 25, line 22, at end insert—

(“ 3. In subsection (1) of section one of the Act of 1930 there shall be inserted at the end of the proviso the following paragraph:—

‘ (c) the provisions of this Part of this Act and the provisions of Part II of this Act relating to insurance against third-party risks shall not apply to pedestrian controlled mechanically propelled grass cutters and the provisions of any other Act or of any order, statutory instrument or regulation relating to excise duties thereon, licensing, registration and compulsory third-party insurance thereof and to driving licences and driving tests in connection therewith shall no longer apply except that it shall be an offence for any person under sixteen years of age to drive or control on a road, and for any person to cause or permit a person under sixteen years of age to drive or control on a road any pedestrian controlled mechanically propelled grass cutter.’ ”)

BY THE LORD WALERAN

105A Page 26, line 25, at end insert—

(“ 6. In section twenty-one of the Act of 1930 (which deals with restrictions on prosecutions) there shall be inserted after the word ‘driving’ where it appears for the second time the words ‘or for an offence under sections forty-nine and fifty of this Act’.”)

**BY THE EARL OF ROTHES AND
THE LORD WOLVERTON**

106 Page 26, line 39, at end insert—

(“ 8. In section seventy-nine of the Act of 1930 (which empowers the Minister to make regulations relating to the procedure on applications for licences, etc.) there shall be inserted after the word ‘commissioners’ the words ‘and the variation by commissioners of the conditions attached to road service licences’ and at the end of the section the words ‘and shall prescribe the time within which commissioners are to notify an applicant for the variation of the conditions attached to a road service licence whether or not they are willing to entertain his application.’ ”)

Amend-
ment
No.

Third Schedule—continued

BY THE LORD LUCAS OF CHILWORTH

107 Page 26, line 45, at end insert—

(“ 9. In section sixteen of the London Passenger Transport Act, 1933 (which relates to the restriction on carriage of road passengers on certain journeys in special area) there shall be inserted at the end of the proviso to subsection (1) the following paragraph:—

‘(d) nothing in this section shall apply to vehicles in the ownership of schools used for the conveyance of pupils to and from their homes and school.’ ”)

BY THE LORD DERWENT

108 Page 26, line 45, at end insert—

(“ 9. In the First Schedule of the Act of 1930 (which sets out the limits of speeds for various classes of road vehicles) for the figure ‘ 20 ’ (relating to the maximum speed of heavy motor cars if all the wheels are fitted with pneumatic tyres) there shall be substituted the figure ‘ 30 ’.”)

After Third Schedule

BY THE LORD DERWENT

109 Insert the following new Schedule—

(“ **SCHEDULE**

ROAD AND RAIL TRAFFIC ACT, 1933

CERTIFICATE UNDER PARAGRAPH () OF REGULATION 6 OF THE GOODS VEHICLES (KEEPING OF RECORDS) REGULATIONS, 1935

Name of Licence Holder..... *Date of Certificate*

Name of Driver.....

Time of Commencement of Driver's work	Identification Number of A, B, or C Licence(s)	I.M. and Reg. Number of Vehicle(s)	Number of Trailers (if any)
Time of Ceasing of Driver's work			
Time of Driver's Rest: From to			

Place where Vehicle is usually kept:

Signature of Licence Holder.....

Signature of Driver.....”) ”)

After Third Schedule—*continued*

BY THE LORD BRABAZON OF TARA

110 Insert the following new Schedule—

(“ SCHEDULE

1. Before applying to the Minister for an order under section of this Act the promoters shall give notice of their intention so to apply to:—

- (a) Every County, County Borough, Urban District or Rural District Council in whose area the roads to be used for motor races are situate;
- (b) The Chief Officer or Chief Officers of Police for the roads proposed to be specified in the said order, including any Chief Officers of Police whose areas lie within a mile of the said roads;
- (c) The highway authority in respect of the said roads;
- (d) The Royal Automobile Club.

The notice shall contain:—

- (i) the description and address of the applicants;
- (ii) a concise summary of the purposes of the order;
- (iii) a clear description with any relevant map or plan of the roads and race area to which the proposed order will relate.

2. The application for an order shall be accompanied by:

- (a) copies of the notices to the bodies set out in paragraph 1;
- (b) the written consents of the said bodies.

3. Before making the order the Minister shall publish in at least one local newspaper circulating in the area in which any road to which the proposed order relates is situated, and in one national newspaper, a notice

- (a) stating the general effect of the proposed order;
- (b) specifying a place in the said area where a copy of the draft of the proposed order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of one month from the date of publication of the notice;
- (c) stating that within the said period any person may by notice to the Minister object to the making of the proposed order.

4. The Minister shall, not later than the date on which the notice is published as aforesaid, cause a copy thereof to be displayed upon one or more of the roads proposed to be specified in the order.

Amend-
ment
No.

After Third Schedule—*continued*

- 110** 5. After considering any objections to the order which are not
cont. withdrawn, the Minister may make an order either without
modification or subject to such modifications as he thinks fit.”)

Fourth Schedule

BY THE EARL OF SELKIRK

- 111** Page 29, line 39, column 3, leave out (“ section ”) and insert
 (“ sections twenty-four and ”)

Road Traffic Bill [H.L.]

SIXTH
MARSHALLED LIST OF
AMENDMENTS
TO BE MOVED IN COMMITTEE

28th February, 1955

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

(3 ***)

(37853)

Road Traffic Bill [H.L.]

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES

General Provisions relating to Road Traffic

Clause

1. Tests of satisfactory condition of vehicles.
2. Amendment of s. 59 (1) of Act of 1930.
3. Application to pedal cyclists of provisions relating to reckless, dangerous and careless driving.
4. Duty of pedestrians to comply with traffic directions given by constables.
5. Amendments as to pedestrian crossings.
6. Amendment of safety provisions of 23 & 24 Geo. 5. c. 53.
7. Definition of "goods" in 23 & 24 Geo. 5. c. 53.
8. Amendments as to provisional driving licences.
9. Road-safety information and road training.
10. S. 1 of Act of 1934 to be permanent.

Provision of parking places

11. Provision of parking places where charges made.
12. Amount of charges for parking and method of payment.
13. General provisions for regulation of parking places.
14. Offences relating to parking places.
15. Parking places: financial provisions.

Provisions as to enforcement

16. Penalties and disqualifications.
17. Operation of driving disqualifications.
18. Additional provisions as to production and surrender of driving licences, etc.
19. Extension of s. 113 (3) of Act of 1930.

Public service vehicles

20. Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage".
21. Circumstances affecting classification of vehicles under last foregoing section.

Miscellaneous and Supplementary Provisions

Clause

22. Minor and consequential amendments.
23. Financial provisions.
24. Application to Crown.
25. Interpretation.
26. Short title, commencement, repeals, savings and extent.

SCHEDULES:

First Schedule—Procedure for orders designating parking places.

Second Schedule—Conditions affecting classification of vehicles.

Part I—Race meetings, public gatherings, etc.

Part II—Conditions relating to certain journeys for vehicles carrying four passengers or less.

Part III—Parties of overseas visitors.

Part IV—Alternative conditions affecting classification.

Part V—Supplementary.

Third Schedule—Minor and consequential amendments.

Fourth Schedule—Enactments repealed.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith. A.D. 1955

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

5 *General Provisions relating to Road Traffic*

1.—(1) For the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with, the Minister may make provision for the examination, by inspectors appointed by the Minister, of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereinafter referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.

Tests of satisfactory condition of vehicles.

(2) Where a test certificate is refused on an examination under the foregoing subsection, the inspector carrying out the examination shall issue a notification of the refusal stating the grounds thereof, and any person aggrieved by the refusal or the grounds thereof may appeal to the Minister; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.

A.D. 1955

(3) For the purposes of his functions under this section the Minister may provide and maintain stations where examinations under this section may be carried out and apparatus for carrying out such examinations.

(4) Any person who uses on a road or causes or permits to be so used a motor vehicle as respects which no test certificate has been issued within the last twelve months, or such shorter period as may be prescribed, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months:

Provided that this subsection shall not apply—

- (a) to public service vehicles adapted to carry eight or more passengers, to tramcars or to trolley vehicles,
- (b) to vehicles of such other classes or descriptions as may be prescribed,
- (c) to the use of vehicles for such purposes as may be prescribed.

(5) If any person with intent to deceive falsely represents himself to be an inspector he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both such fine and such imprisonment.

(6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section, and in particular as to—

- (a) the conditions under which manner in which and apparatus with which examinations are to be carried out, the maintenance of that apparatus in an efficient condition, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;
- (b) the manner in which applications may be made for the examination of vehicles under subsection (1) of this section, the manner in which and time within which appeals may be brought under subsection (2) of this section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the decision appealed against;

- (c) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof; A.D. 1955
- (d) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
- 5 (e) the keeping by inspectors of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
- 10 (f) the keeping of records by inspectors and the furnishing by them of returns and information to the Minister;
- 15 (g) the production, on an application for a licence under the Vehicles (Excise) Act, 1949, of a test certificate issued as mentioned in subsection (4) of this section, subject however to such exceptions as may be provided by the regulations,

and regulations under this section may make different provision in relation to different cases or classes of cases.

(7) Subsections (1), (3) and (4) of section one hundred and twelve of the Act of 1930 (which relate to forgery and other offences committed as respects certificates of insurance and other documents) shall apply to test certificates as they apply to certificates of insurance.

(8) If any person fails to comply with the requirements of regulations made by virtue of paragraph (e) or (f) of subsection (6) of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

(9) The powers conferred by this section to make regulations shall be exercisable by statutory instrument, and regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section the expression "prescribed" means prescribed by regulations under this section.

35 2. In paragraph (c) of subsection (1) of section fifty-nine of the Act of 1930 as amended by section twenty-two of the Act of 1934 (which paragraph empowers the Minister by regulations to provide among other things for the removal from roads, and safe custody, of vehicles which have been allowed to remain at rest on a road so as to be likely to cause danger to other users) after the word "danger" there shall be inserted the words "or obstruction".

40

Amendment of s. 59 (1) of Act of 1930.

A.D. 1955
Application to
pedal cyclists
of provisions
relating to
reckless,
dangerous and
careless
driving.

3.—(1) The following enactments, that is to say—

- (a) subsection (1) of section eleven of the Act of 1930 (which penalises reckless and dangerous driving),
- (b) subsection (1) of section twelve of that Act (which penalises careless driving),
- (c) section twenty of that Act (which confers powers to stop drivers and to obtain their names and addresses and to arrest them in certain cases), except so much of that section as relates to the production of licences,
- (d) section twenty-one of that Act (which requires the giving of warnings of proposed prosecutions) except in so far as it relates to offences of exceeding a maximum speed and refers to registered owners,
- (e) section thirty-four of the Act of 1934 (which enables a driver charged with manslaughter to be convicted of reckless or dangerous driving), and
- (f) section thirty-five of the Act of 1934 (which enables a charge of careless driving to be substituted on the hearing of a charge of reckless or dangerous driving),

shall subject to the provisions of this section apply to persons riding bicycles and tricycles, not being motor vehicles, as they apply to the drivers of motor vehicles, and references in those enactments to motor vehicles, drivers and driving shall be construed accordingly.

(2) The maximum penalties which may be imposed on a conviction by virtue of this section for an offence under section eleven or twelve of the Act of 1930 shall be as follows:—

- (a) in the case of a summary conviction under the said section eleven, a fine of thirty pounds or, if the conviction is a second or subsequent conviction, a fine of thirty pounds or imprisonment for a term of three months;
- (b) in the case of a conviction on indictment under the said section eleven, imprisonment for a term of six months, or a fine, or both;
- (c) in the case of a conviction under the said section twelve, a fine of ten pounds or, if the conviction is a second or subsequent conviction, twenty pounds.

(3) In determining whether a conviction under the said section eleven or twelve is a second or subsequent conviction,—

- (a) where it is a conviction in connection with the driving of a motor vehicle any previous conviction by virtue of this section shall be disregarded,
- (b) where it is a conviction by virtue of this section any previous conviction in connection with the driving of a motor vehicle shall be disregarded.

4.—(1) Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, any person on foot who proceeds across or along the road in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to traffic generally shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

A.D. 1955
Duty of pedestrians to comply with traffic directions given by constables

(2) A constable may require any person committing an offence against the last foregoing subsection to give his name and address, and if that person fails to do so he shall be guilty of an offence against this subsection and liable on summary conviction to a fine not exceeding five pounds.

5.—(1) The power conferred by subsection (3) of section eighteen of the Act of 1934 (which relates to crossings for foot-passengers) to make different regulations in different circumstances shall include power to make regulations applying only to a particular crossing or particular crossings specified in the regulations.

Amendments as to pedestrian crossings.

(2) A scheme such as is mentioned in subsection (4) of the said section eighteen (which relates to proposals for the establishment of crossings) may, after such consultation and giving of notice as is mentioned in that subsection, be submitted to the Minister at any time, notwithstanding that the period within which the submission thereof is required has elapsed and notwithstanding any earlier submission of a statement of reasons for considering the establishment of crossings to be unnecessary; and the provisions of the said section eighteen, other than the said subsection (4), shall apply to a scheme submitted under this subsection as they apply to a scheme submitted under that subsection.

This subsection shall be deemed always to have had effect.

(3) The power of the Minister under the said section eighteen to make regulations with respect to the indication of the limits of a crossing by marks on the roadway or otherwise shall include, and be deemed always to have included, power to make regulations with respect to the indication, by marks or devices on or near the roadway or otherwise, of any matter relating to the crossing:

Provided that this subsection shall not affect any proceedings pending at the commencement of this Act.

6.—(1) The grounds on which a licence under Part I of the Road and Rail Traffic Act, 1933, may be revoked or suspended under subsection (1) of section thirteen of that Act (which provides for the revocation or suspension of such a licence on the

Amendment of safety provisions of 23 & 24 Geo. 5. c. 53.

A.D. 1955 ground that any of the conditions of the licence have not been complied with) shall include the ground that the holder of the licence or any servant or agent of his has, in relation to an authorised vehicle, been convicted of contravening or failing to comply with any statutory provision (however expressed) relating to— 5

- (a) the maintenance of vehicles in a fit and serviceable condition, or
- (b) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or 10
- (c) the time for which drivers of such vehicles as are regulated by section nineteen of the Act of 1930 may remain continuously on duty and the hours which they are to have for rest, or
- (d) the keeping by holders of licences under the said Act 15 of 1933 of records as to hours of work, journeys, loads and other matters,

or that the use of an authorised vehicle has been prohibited under section seventeen of the said Act of 1933:

Provided that the licensing authority shall not revoke or 20 suspend a licence by virtue of this subsection unless he is satisfied, after holding a public inquiry if the holder of the licence requests him so to do, that owing to the frequency of such convictions or prohibitions, or the wilfulness of the act or omission leading to the conviction or prohibition, or the danger to the 25 public involved in that act or omission, the licence should be suspended or revoked.

(2) The objections which under subsection (2) of section eleven of the said Act of 1933 the licensing authority has a duty (subject to the proviso to that subsection) to consider on an application 30 for the grant or variation of a licence under that Act shall include objections on the ground that in relation to such a licence held by the applicant there has been any such conviction or prohibition as is mentioned in the last foregoing subsection.

(3) Subsection (1) of section eight of the said Act of 1933 35 (which makes licences under that Act subject to conditions relating to the matters mentioned in paragraphs (a) to (d) of subsection (1) of this section) shall cease to have effect; and accordingly subsection (2) of section nine of that Act (which excludes the operation of the conditions of a licence while an 40 authorised vehicle is being used for a purpose for which no licence is required) shall not affect the operation of any such statutory provision as is mentioned in subsection (1) of this section.

(4) In this section the expression "authorised vehicle" means, 45 in relation to a licence under the said Act of 1933, a vehicle

authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which such a licence is required: A.D. 1955

5 Provided that a dual purpose vehicle (which expression shall have the meaning assigned to it in subsection (1) of section twenty-five of this Act) shall be deemed not to be an authorised vehicle whilst for the time being adapted for the carriage of passengers and in use for a purpose for which a licence under the said Act of 1933 is not required.

10 7. In subsection (1) of section thirty-six of the Road and Rail Traffic Act, 1933, there shall be inserted after the words " 'Goods' includes goods or burden of any description " the words " save the following:— Definition of "goods" in 23 & 24 Geo. 5. c. 53.

15 (a) samples carried in a dual purpose vehicle as defined in subsection (1) of section twenty-five of the Road Traffic Act, 1955, used by a commercial traveller for the purpose of soliciting orders but not for the purpose of advertisement or of the sale or delivery of goods ;

20 (b) medicines, instruments or apparatus carried in a dual purpose vehicle by a medical practitioner, state registered nurse, state certified midwife, dentist or veterinary surgeon and necessary for his or her use in carrying on his or her profession as a medical practitioner, nurse midwife, dentist or veterinary surgeon, as the case may be ;

25 (c) such other articles as the Minister may by regulation prescribe."

30 8.—(1) Where application is made to a licensing authority for the grant under subsection (3) of section five of the Act of 1930 of a provisional licence with a view to the passing of a test under the said section five or under section six of the Act of 1934 and the authority are satisfied that such a licence has been granted to the applicant (whether by them or by another authority) within the last twelve months, then if it appears to Amendments as to provisional driving licences.

35 them that the applicant does not intend to submit himself to the said test within a reasonable time, they may refuse to grant the licence.

40 (2) In the said subsection (3) (which provides for the grant, on payment of a fee of five shillings, of provisional licences to drive for a period of three months) for the words " a fee of five shillings " there shall be substituted the words " such fee not exceeding ten shillings as may be prescribed " and for the word " three " there shall be substituted the word " six ".

45 9.—(1) The Minister may with the approval of the Treasury provide for promoting road safety by disseminating information or advice relating to the use of roads. Road-safety information and road training.

A.D. 1955 (2) A local authority shall have power to make arrangements for the purposes of the last foregoing subsection or for giving practical training to road users or any class or description of road users and to make contributions towards the cost of like arrangements made by other authorities or bodies; and the Minister may with the approval of the Treasury make contributions towards the cost of any such arrangements as are mentioned in this subsection. 5

(3) In this section the expression "local authority" means—

- (a) as respects England and Wales, the council of a county, 10 a borough or an urban district, or the Common Council of the City of London,
- (b) as respects Scotland, a county council or town council.

S. 1 of Act of 1934 to be permanent.

10. Section one of the Act of 1934 (which provides for a general speed limit in built-up areas) shall have permanent effect 15 and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed.

Provision of parking places

Provision of parking places where charges made.

11.—(1) The Minister may by order made on the application of the local authority in accordance with the provisions of the 20 First Schedule to this Act designate parking places on highways in the Metropolitan Police District or the City of London for vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in the parking places of such amount as is hereinafter 25 specified.

(2) The exercise by a local authority of its functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle. 30

(3) In this and the four next following sections the expression "local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough; and the expression "the local authority", in relation to a parking place or proposed park- 35 ing place on any site, means that one of the said councils in whose area the site is:

Provided that in the case of a site in a metropolitan borough—

- (a) an application for an order under subsection (1) of this section may be made by the London County Council, 40 and references in the First Schedule to this Act to a local authority shall be construed accordingly;
- (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their 45 application;

(c) at any time after the making of an order designating the parking place the council of a metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.

A.D. 1955

(4) The Minister may by order provide that subsection (1) of this section shall apply to any such area, in addition to the Metropolitan Police District and the City of London, as may be specified in the Order; and as respects any such area in Scotland the expression "local authority" in this and the four next following sections means a county council or a town council.

(5) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Nothing in this section or an order under subsection (4) of this section shall affect the operation of section ten of the London Traffic Act, 1924, section sixty-eight of the Public Health Act, 1925, or section one hundred and twenty of the Act of 1930 (which relate to the designation of parking places).

12.—(1) The amount of the charge for a vehicle left in a parking place designated under this Act shall be calculated as follows.

(2) There shall be a prescribed standard period for each parking place, and subject as hereinafter provided the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the "initial charge") shall be such amount (hereinafter referred to as the "standard amount") as may be prescribed and the initial charge shall be payable on the leaving of the vehicle in the parking place:

Amount of charges for parking and method of payment.

Provided that—

(a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and

(b) where the last foregoing paragraph has effect, and it is further so prescribed, then if before the end of the time mentioned in that paragraph a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle.

(3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the

A.D. 1955 amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the "excess charge") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed. 5

(4) The measurement of the time for which a vehicle is left in a parking place up to the expiration of the period for which payment was made by the initial charge may, if it is so provided in the order designating the parking place, be made by an apparatus (hereinafter referred to as a "parking meter") of such description as may be prescribed; and where parking meters are in use payment of initial charges (including such further payments as are mentioned in the proviso to subsection (2) of this section) shall be made by the insertion of coins in the parking meters. 10

(5) Where parking meters are not in use, the order designating the parking place may provide that the initial charge shall be payable on the vehicle being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period. 15 20

(6) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) by such persons as may from time to time be appointed by the Minister and for recording in the prescribed manner the date on which and persons by whom a meter has been tested, and where it is so prescribed the local authority shall pay for the testing of parking meters such fee as may be prescribed. 25 30

General provisions for regulation of parking places.

13.—(1) An order under this Act designating a parking place shall specify whether the parking place may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, or may not be used on specified days, or may be used only on such days as may be specified; and— 35 40

(a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated under this Act, without prejudice, however, to any proceedings for an offence otherwise than under the next following section; 45

A.D. 1955

5 (b) where a vehicle is left in the parking place at any such time and remains there after the beginning of the next period during which the leaving of vehicles in the parking place is authorised under this Act, the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in the parking place at the beginning of that period.

10 (2) Such an order as aforesaid may revoke the designation of any place as a parking place under any of the Acts specified in subsection (6) of section eleven of this Act, or may provide that the designation shall not have effect as respects any time during which provision is made by the order for the leaving of vehicles in that place.

15 (3) Such an order as aforesaid may contain provision as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place.

20 (4) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed; but any such provision of an order shall be without prejudice to the liability to the excess charge.

25 (5) The Minister may by order provide that a vehicle which has been taken away from the place where it was left in a parking place designated as aforesaid shall not again be left in that parking place until after the expiration of such interval as may be prescribed.

30 (6) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order to suspend the use of a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order and to provide for the temporary removal of any parking meters installed at a parking place.

35 (7) The Minister may by order make such incidental or consequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated under this Act, including in particular (but without prejudice to the generality of this subsection) provision—

40 (a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, by persons using or resorting to the parking places,

45 (b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking

A.D. 1955

places, and safe custody, of vehicles left there in contravention of the provisions of such an order as to the time for which vehicles may be left there and the recovery of the cost of removal and safe custody,

(c) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place. 5

(8) In the provisions of this Act relating to parking places the expression "prescribed" means prescribed by order of the Minister; and anything required or authorised by those provisions to be provided by order of the Minister may, save as otherwise expressly required by this Act, be provided either by an order designating a parking place or by a general order. 15

(9) Provisions prescribing anything authorised or required to be prescribed by subsections (4) and (6) of the last foregoing section shall be made by general order.

(10) The power to make any general order such as is referred to in this section shall be exercisable by statutory instrument, and any general order containing provisions such as are mentioned in the last foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament. 20

Offences
relating to
parking
places.

14.—(1) Any person who—

(a) being the driver of a vehicle, leaves the vehicle in a parking place designated under this Act otherwise than as authorised by an order thereunder or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (4) of the last foregoing section, or fails to pay the initial or any excess charge when it is due, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or 25 30 35

(b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister under this Act relating to a parking place,

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. 40

(2) Any person who, with intent to defraud, interferes with any parking meter, or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination, shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 45

(3) Where, in any proceedings for an offence under subsection (1) of this section, it is proved that at any time a parking meter relating to the space in which a vehicle was standing indicated in the prescribed manner that a period for which payment was made by the initial charge had expired, it shall be assumed, unless the contrary is shown, that the initial charge had been paid for the vehicle and that the period for which the payment was so made had then expired. A.D. 1955

(4) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place for measuring the time for which a vehicle is left therein, being an apparatus operated by the insertion of coins, is of the prescribed description.

(5) In England or Wales the local authority may institute proceedings for any offence under this section in connection with a parking place for which they are the local authority.

15.—(1) A local authority shall keep an account of their income and expenditure in respect of parking places designated under this Act for which they are the local authority. Parking places:
financial
provisions.

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus—

(a) shall be applied, except in so far as the local authority with the consent of the Minister otherwise determine, for the first of the purposes specified in the next following subsection, and so on successively for the other purposes so specified, and

(b) in so far as not applied as aforesaid, shall be carried forward in the account to the next financial year.

(3) The said purposes are the following, that is to say:—

(a) first, the making good to the general rate fund of any payments made out of that fund under the last foregoing subsection in the four years immediately preceding the financial year in question ;

(b) next, the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways ;

(c) next, the making to other local authorities, to any county council, or, with the consent of the Minister, to other persons of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways.

(4) This section shall apply to the London County Council with the substitution for references to the general rate fund of references to the county fund.

A.D. 1955

Penalties and
disqualifica-
tions.*Provisions as to enforcement.*

16.—(1) The following provisions shall have effect as respects penalties and disqualifications which a person is liable to incur on a conviction for an offence under section ten (speeding), section eleven (reckless or dangerous driving), section twelve (careless driving) or section fifteen (driving under the influence of drink or a drug) of the Act of 1930 in connection with the driving of a motor vehicle, that is to say:—

- (a) a fine imposed on a first conviction for an offence under the said section ten (not being a conviction to which subsection (5) of that section applies) may be of an amount not exceeding thirty pounds, and subsection (2) of that section (which prevents the court from disqualifying an offender on a first or second conviction) shall not apply to a second conviction ;
- (b) a fine imposed on summary conviction for a first offence under the said section eleven may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court ; and any imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months ;
- (c) the disqualification required to be imposed by subsection (3) of the said section eleven (which requires the court, except in special circumstances, to impose a disqualification on a second or subsequent conviction for an offence under that section) shall be for a period of not less than nine months unless more than three years have elapsed since the offender's last conviction under that section ;
- (d) a fine imposed on a first conviction for an offence under the said section twelve may be of an amount not exceeding forty pounds and a fine imposed on a second conviction for such an offence may be of an amount not exceeding eighty pounds and may be imposed in addition to any imprisonment awarded by the court, and subsection (2) of that section (which limits the period for which the court may disqualify an offender on a first or second conviction) shall not apply to a second conviction ;
- (e) a fine imposed on summary conviction for a first offence under the said section fifteen may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court and the imprisonment awarded on summary conviction for a second or subsequent offence under

that section may be for a term not exceeding six months; and any imprisonment awarded on a conviction on indictment for an offence under that section may be for a term not exceeding two years; A.D. 1955

5 and a fine imposed on a conviction for contravening an order made under subsection (1) of section forty-six of the Act of 1930 (under which orders may be made prohibiting or restricting the use of vehicles on specified roads) may be of an amount not exceeding, in the case of a first conviction, twenty pounds
10 and in the case of a second or subsequent conviction, fifty pounds.

(2) Subsection (3) of section six of the Act of 1934 (which empowers a court, on the conviction of a person for an offence of reckless, dangerous or careless driving, to order that he be
15 disqualified from driving until he has passed a driving test) shall apply to offences under section fifteen of the Act of 1930 (which relates to driving under the influence of drink or a drug), and the court shall make an order under the said subsection (3) in any case where it makes an order under section six of the
20 Act of 1930 disqualifying for any period a person convicted of any such offence as aforesaid, or where a person so convicted is so disqualified by virtue of the conviction.

(3) A disqualification imposed under subsection (3) of section six of the Act of 1934 may, if the court thinks fit, be limited to
25 the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

17.—(1) In calculating the period for which under the Act of 1930 a person is disqualified on a conviction or by an order made in consequence of a conviction, or the time after which
30 under section seven of the Act of 1930 a person may apply for the removal of such a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded. Operation of driving dis-qualifications.

(2) In this section references to disqualification are references
35 to disqualification for holding or obtaining a licence under Part I of the Act of 1930 to drive a motor vehicle.

18.—(1) Where a person's licence to drive has been revoked under subsection (4) of section five of the Act of 1930 (which provides for the revocation of licences on grounds of safety)
40 then if he fails to deliver the licence as required by that subsection a police constable may require him to produce it and may on production seize it and deliver it to the licensing authority for cancellation. Additional provisions as to production and surrender of driving licences, etc.

(2) Where a police constable has reasonable cause to believe
45 that the person to whom a licence has been granted under

A.D. 1955 Part I of the Act of 1930, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it to him ; and subsection (4) of section one hundred and twelve of the Act of 1930 (which provides for the seizure and disposal of documents in relation to which an offence has been committed under that section) shall apply in relation to a licence produced in pursuance of this subsection as it applies in relation to documents produced in pursuance of the provisions of that Act.

(3) If any person required under the foregoing provisions of this section to produce a licence fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds :

Provided that if within five days after the production of his licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

(4) Subsection (5) of section four and subsection (1) of section forty of the Act of 1930 (under which a person driving a motor vehicle on a road may be required by a police constable to produce his licence for examination and to give his name and address and the name and address of the owner of the vehicle and to produce his certificate of insurance or similar document) shall have effect as if the references therein to a person driving a motor vehicle included references to—

- (a) any person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road ;
- (b) any person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road ; and
- (c) any person who accompanies the holder of a provisional licence granted under subsection (3) of section five of the Act of 1930 while the holder is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

and, in relation to a vehicle as respects which a test certificate is required by subsection (4) of section one of this Act, as if

references to a certificate of insurance included references to a test certificate issued as mentioned in that subsection: A.D. 1955

Provided that so much of the said subsection (1) as requires the production of the certificate shall not apply to any such person as is specified in paragraph (c) of this subsection.

19. Subsection (3) of section one hundred and thirteen of the Act of 1930 (which gives powers to obtain information as to the identity of the driver of a vehicle who is alleged to have committed an offence under that Act) shall apply to offences under the Road Transport Lighting Acts, 1927 to 1953, offences under subsection (4) of section one of this Act or the provisions of this Act relating to parking places, offences against regulations made under section ten of the London Traffic Act, 1924, and offences against any other enactment relating to the use of vehicles on roads; and references in the said subsection (3) to the driver of a vehicle shall include references to the person riding a bicycle or tricycle, not being a motor vehicle. Extension of s. 113 (3) of Act of 1930.

Public service vehicles

20.—(1) For the purposes of the Act of 1930 the expressions “public service vehicle”, “stage carriage”, “express carriage” and “contract carriage” shall have the meanings assigned to them respectively by the provisions of this section, subject however to the provisions of the next following section; and any enactment (other than the Act of 1930) or instrument in which apart from this Act those expressions would have the same meanings as in the Act of 1930 or meanings derived therefrom shall be construed accordingly. Meaning of “public service vehicle”, “stage carriage”, “express carriage” and “contract carriage”

(2) A public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—

- 30 (a) is carrying passengers at separate fares, or
 (b) is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

In this subsection the expression “motor vehicle” does not include a tramcar or a trolley vehicle.

35 (3) A stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.

(4) An express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling; and for the purposes of this subsection—

- 40 (a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and
 45 (b) no account shall be taken of any fare which is charged in the case of children, workmen or students if a fare of one shilling or more is charged for the like service in the case of all passengers not falling within any of those descriptions.

A.D. 1955 (5) A contract carriage is a public service vehicle not carrying passengers at separate fares.

(6) The Minister may by regulations under the Act of 1930 provide that subsection (4) of this section shall have effect as if for the references therein to one shilling there were substituted references to such greater sum as may be specified in the regulations. 5

Circumstances affecting classification of vehicles under last foregoing section.

21.—(1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Second Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers. 10

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Second Schedule to this Act are fulfilled. 15

(3) For the purposes of this and the last foregoing section and of the Second Schedule to this Act—

(a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made; 20

(b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made; 25

(c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised; 30

(d) in any case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares. 35



Miscellaneous and Supplementary Provisions

Minor and consequential amendments.

22. The enactments specified in the Third Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act. 40

Financial provisions.

23.—(1) The expenses of the Minister under this Act shall be defrayed out of moneys provided by Parliament, and any receipts of the Minister thereunder shall be paid into the Exchequer. 45

(2) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949 in respect of a fine recovered under this Act or regulations made thereunder shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer. A.D. 1955

(3) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Local Government Act, 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 shall be defrayed out of moneys so provided.

24.—(1) Subsection (2) of section one hundred and twenty one of the Act of 1930 (which provides for the application of Parts I and III of that Act to vehicles and persons in the public service of the Crown) shall apply in relation to this Act. Application to Crown.

(2) In the application of the said subsection (2) in relation to section three of this Act, references to the driver of a vehicle shall include references to the person riding a bicycle or tricycle.

(3) Subsection (1) of section forty of the Act of 1930, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with any vehicle as respects which a test certificate is required by subsection (4) of section one of this Act notwithstanding that he or the vehicle is or was at any material time in the public service of the Crown.

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

“ Act of 1930 ” means the Road Traffic Act, 1930 ;

“ Act of 1934 ” means the Road Traffic Act, 1934 ;

“ dual purpose vehicle ” means a motor car which—

(a) does not exceed two tons in weight unladen ;

(b) has to the rear of the driver’s seat roofed accommodation fitted with side windows or is constructed or adapted for the fitting of side windows ;

(c) is constructed so as to be adaptable both for the carriage of passengers and for the carriage of goods ;

(d) has, in that part of it which is to the rear of the driver’s seat, seating, which may be collapsible, for at least two passengers sitting side by side and facing to the front or rear of the vehicle such seating being fitted with back rests (either folding or fixed) attached permanently to the vehicle ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

- A.D. 1955
- “ public service vehicle ” has the meaning assigned to it by section twenty of this Act ;
 - “ road ” means any highway and any other road to which the public has access ;
 - “ statutory ”, in relation to any requirement or provision, means contained in, or having effect under, any enactment ;
 - “ tramcar ” includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896 ;
 - “ trolley vehicle ” means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) Any power conferred by the foregoing provisions of this Act to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke an order.

(3) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by any subsequent enactment, including this Act.

Short title,
commence-
ment, repeals,
savings
and extent.

26.—(1) This Act may be cited as the Road Traffic Act, 1955, and this Act and the Road Traffic Acts, 1930 to 1947 may be cited together as the Road Traffic Acts, 1930 to 1955.

(2) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint ; and—

- (a) different days may be appointed for different provisions of this Act, and
- (b) different days may be appointed for the coming into operation of subsection (4) of section one of this Act in relation to different classes or descriptions of vehicles.

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

(4) The repeal of section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which empowers a local authority to make byelaws in respect of highways within their jurisdiction), or of paragraphs (1) and (3) of section three hundred and eighty-five of the Burgh Police (Scotland) Act, 1892 (which among other things permits a town council to regulate traffic in a burgh) shall not affect any byelaw made under any of those enactments, but any such byelaw shall have effect as if it were an order made under section forty-six of the Act of 1930.

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

SCHEDULES

A.D. 1955

FIRST SCHEDULE

Section 11.

PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES

1. Before applying for an order under section eleven of this Act a
5 local authority shall consult with the chief officer of police.
2. On applying for such an order a local authority shall publish
in the London Gazette and in at least one newspaper circulating
in the locality an advertisement—
- 10 (a) stating the general effect of the proposed order, the where-
abouts of the parking places to be designated thereby, the
classes or descriptions of vehicles for which they are to
be designated, the charges to be made for use of the
parking places, and the provisions of the order applied
for as to the times when the parking places may be used ;
- 15 (b) specifying a place or places where a copy of the proposed
order, and a plan showing the precise location of the
parking places to be designated, may be inspected at
reasonable times specified in the advertisement during a
20 period so specified of not less than twenty-eight days from
the publication or first publication of the advertisement ;
- (c) stating that any person wishing to object to the making of
the order may do so by sending to the Minister, within the
said period, notice in writing of his objection stating the
grounds thereof.
- 25 3.—(1) On such an application as aforesaid the Minister shall, after
the period for objecting to the making of the order has expired, refer
the application, together with any objection duly made, to the
London and Home Counties Traffic Advisory Committee (hereinafter
referred to as “ the Advisory Committee ”), and the Advisory Com-
30 mittee shall consider the application and any objections duly made
thereto and report to and advise the Minister thereon ; and the
Minister shall consider their report and advice.
- (2) Section three of the London Traffic Act, 1924 (which relates
to the holding of inquiries) and section sixty of the London Passenger
35 Transport Act, 1933 (which relates to evidence) shall apply for the
purposes of the last foregoing sub-paragraph ; and the Minister may
require the Advisory Committee for those purposes to cause an
inquiry to be held under the said section three or if the Advisory
Committee do not hold an inquiry may himself do so.
- 40 4. After compliance with the provisions of the last foregoing
paragraph the Minister may make an order, either as applied for
or with such modifications as he thinks fit :
- Provided that where the local authority applying for the order
is not the highway authority he shall not make the order except
45 with the consent of the highway authority.
- 5.—(1) In relation to an application made, by virtue of an order
under subsection (4) of section eleven of this Act, for an order under
that section designating a parking place outside the London Traffic
Area, the foregoing provisions of this Schedule shall have effect
50 subject to the following modifications.

A D. 1955
1ST SCH.
—cont.

(2) Paragraph 3 shall not apply, and—

(a) the Minister shall, after the period for objecting to the making of the order has expired, consider an application and any objections duly made thereto and may hold a public inquiry ;

5

(b) paragraph 4 shall apply with the substitution of a reference to head (a) of this sub-paragraph for the reference to the said paragraph 3.

(3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette.

10

6. The provisions of section forty-seven of the Road and Rail Traffic Act, 1933 shall apply in relation to inquiries held by the Minister for the purposes of this Schedule as they apply to inquiries held for the purposes of that Act.

15

Section 21.

SECOND SCHEDULE

CONDITIONS AFFECTING CLASSIFICATION OF VEHICLES

PART I

Race meetings, public gatherings etc.

20

1. The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

PART II

Conditions relating to certain journeys for vehicles carrying four passengers or less.

25

2. The number of passengers carried must not exceed four.

3. The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey:

30

Provided that the agreement may have been initiated by the driver or owner, if the passengers are not being carried in the course of a business of carrying passengers.

35

4. The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.

5. The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.

40

6. The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

A.D. 1955
2ND SCH.
—cont.

PART III

Parties of overseas visitors

7. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

PART IV

Alternative conditions affecting classification

8. Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—

- (a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,
- (b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.

9. The journey must be made without previous advertisement to the public of the arrangements therefor.

10. All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

11. No differentiation of fares for the journey on the basis of distance or of time must be made.

12. In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

PART V

Supplementary

13. For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say—

- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or

A.D. 1955
2ND SCH.
—cont.

(b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there. 5

14.—(1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as the Minister may by regulations under the Act of 1930 prescribe, the holder of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be so prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be so prescribed. 10 15

(2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form as may be prescribed by the Minister by regulations under the Act of 1930 and containing such particulars as may be so prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified. 20

(3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months. 25 30

(4) A person who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph. 35

(5) If, with intent to deceive, any person alters an entry in a record made under this paragraph he shall be liable— 40

(a) on conviction on indictment to imprisonment for a term not exceeding two years;

(b) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine. 45

(6) Any regulations made for the purposes of section twenty-five of the Act of 1934 and in force at the commencement of this Act shall continue in force as if made by virtue of this paragraph. 50

15. In this Schedule the expression "owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

A.D. 1955
2ND SCH.
—cont.

5

THIRD SCHEDULE

Section 22.

MINOR AND CONSEQUENTIAL AMENDMENTS

1.—(1) Section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which enables local authorities to make bye-laws for the regulation of traffic on highways) shall cease to have
10 effect.

(2) Schedule (C) to that Act shall have effect, in relation to a vehicle to which section three of the Act of 1930 applies, as if in section XCVI (which provides penalties for persons committing various nuisances on highways) the words "or more than one foot
15 laterally beyond the wheel of such carriage", and section CVIII, were omitted.

2. In the Burgh Police (Scotland) Act, 1892, paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall cease to have effect in relation
20 to vehicles to which section three of the Act of 1930 applies, and paragraphs (1) and (3) of section three hundred and eighty-five shall cease to have effect.

3. In subsection (2) of section six of the Act of 1930 (which provides that a court may, pending the appeal for which provision
25 is made by that subsection, suspend the operation of the order disqualifying a person for holding or obtaining a licence to drive a motor vehicle) for the words "the court may" to the end of the subsection there shall be substituted the words "a court before whom
30 a person is convicted of an offence whereby he is so disqualified (whether by virtue of the conviction or by an order of the court) may, if it thinks fit, pending the appeal against the conviction or order suspend the disqualification".

4.—(1) In section ten of the Act of 1930, in subsection (1A), for the word "twenty" there shall be substituted the word "thirty", and
35 in subsection (2) of that section the words "or second" shall be omitted.

(2) In paragraph (a) of subsection (1) of section eleven of the said Act for the words from "fifty" to "aforesaid" there shall be substituted the words "one hundred pounds or to imprisonment for
40 a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months".

(3) In subsection (3) of the said section eleven for the words "having regard to the lapse of time" there shall be substituted the words "by reason of three years or more having elapsed" and at
45 the end of that subsection there shall be added the words—

"The disqualification required to be imposed by this subsection shall be for a period of not less than nine months unless more than three years have elapsed since the offender's last conviction under this section".

A.D. 1955
3RD SCH.
—cont.

(4) In section twelve of the said Act, at the end of subsection (1) there shall be added the words “and liable to a fine not exceeding forty pounds, and in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment” ; 5
and in subsection (2) the words “or second”, the words “in the case of a first conviction” and the words “or in the case of a second conviction, three months” shall be omitted.

(5) In subsection (1) of section fifteen of the said Act, in paragraph (a) for the words from “fifty” to “aforesaid” there shall be 10
substituted the words “one hundred pounds or to imprisonment for a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months,” ; and in paragraph (b) for the words “six months” there shall be substituted 15
the words “two years”.

(6) In section forty-six of the said Act, after subsection (4) there shall be inserted the following subsection:—

“(4A) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under subsection (1) of this section shall be liable, in the case of a 20
first conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.” ;

and in subsection (6) for the words “this section” there shall be 25
substituted the words “subsection (2) of this section”.

5. The power to make regulations conferred by section fifty-nine of the Act of 1930 shall include power to make regulations applying in such circumstances only as may be specified in the regulations.

6. In section sixty of the Act of 1930 (which provides for the application of Part III of that Act to Scotland), for paragraphs (a) 30
and (b) there shall be substituted the following paragraph:—

“(a) Section forty-six of this Act shall apply to a county council and to a town council”.

7. Subsection (3) of section sixty-eight of the Act of 1930 (which provides that a certificate of fitness, unless previously revoked or 35
cancelled, shall continue in force for five years or such shorter period as may be specified in the certificate) shall have effect with the substitution of the words “seven years” for the words “five years”.

8. Notwithstanding anything in section ninety-five of the Act of 40
1930 (which restricts the institution of proceedings for an offence under Part IV of that Act) proceedings for an offence under section seventy-five of that Act (which relates to the keeping of accounts and records and the making of returns) may in England be instituted by or on behalf of the Minister. 45

9. Section sixty-one of the London Passenger Transport Act, 1933 (which relates to approved routes) shall not apply to a vehicle so long as it is not a public service vehicle or is to be treated as a contract carriage by virtue of section twenty-one of this Act.

A.D. 1955
3RD SCH.
—cont.

10. The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles shall include power to require that any such
5 means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which a licence under the said Act of 1933 is required.

11. In subsection (4) and in subsection (6) of section one of the
10 Act of 1934 (which confers power to revoke directions defining built-up areas) after the words "may be revoked" there shall be inserted the words "or varied", and in subsection (5) of that section after the word "revoke" there shall be inserted the words
15 "or vary", after the word "revoked" there shall be inserted the words "or varied", for the words "or revoking" there shall be substituted the words "revoking or varying", and for the words "or ought not to be revoked" there shall be substituted the words "revoked or varied".

12. In subsection (3) of section six of the Act of 1934 (which
20 confers power to disqualify an offender until he has undergone a driving test) after the words "careless driving)" there shall be inserted the words "or under section fifteen of the principal Act (which relates to driving under the influence of drink or a drug)", the words from "and whether" to the next "motor vehicle" shall
25 be omitted, and at the end there shall be inserted the words "and where the court makes an order under section six of the principal Act disqualifying him for holding or obtaining a licence to drive a motor vehicle or where he is so disqualified by virtue of the conviction the court shall exercise the power conferred by this sub-
30 section. A disqualification imposed under this subsection may, if the court thinks fit, be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed".

13. The maximum for the fee which may be specified in regulations
35 under paragraph (b) of subsection (5) of section six of the Act of 1934 (which provides for the payment of fees by persons submitting themselves to driving tests) shall be increased to one pound; and accordingly in that paragraph for the words "ten shillings" there shall be substituted the words "one pound".

40 14. In section twenty-six of the Act of 1934 (which makes special provision as to the carriage of passengers in motor vehicles belonging to associations) for the words "the principal Act and this Act" there shall be substituted the words "the provisions of the Road Traffic Act, 1955 relating to public service vehicles".

45 15. The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners established for each traffic area by section sixty-three of the Act of 1930, or of traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, without modification; and
50 section two of the Chairmen of Traffic Commissioners, etc. (Tenure

A.D. 1955 of Office) Act, 1937 (which applied the Superannuation Acts, 1834
 3RD SCH. to 1935, to the said chairmen subject to certain modifications) shall
 —cont. cease to have effect.

16. Section one hundred and seventeen of the Transport Act, 1947
 (which provides that traffic commissioners appointed for any area 5
 under Part IV of the Act of 1930 shall be known as the Licensing
 Authority for Public Service Vehicles, and that the licensing authority
 for the purposes of Part I of the Road and Rail Traffic Act, 1933
 shall be known as the Licensing Authority for Goods Vehicles) shall
 cease to have effect ; and accordingly, as from the commencement 10
 of this Act,—

- (a) traffic commissioners appointed under the said Part IV for
 any area other than the metropolitan traffic area shall be
 known as Traffic Commissioners for the area for which 15
 they are appointed, and the traffic commissioner appointed
 for the metropolitan traffic area shall be known as the
 Traffic Commissioner for the Metropolitan Traffic Area ;
 and
- (b) the authority charged with the duty of granting licences
 under Part I of the Road and Rail Traffic Act, 1933 shall 20
 be known as the Licensing Authority.

FOURTH SCHEDULE

A.D. 1955

ENACTMENTS REPEALED

Section 26.

Session and Chapter	Short Title	Extent of Repeal
5 41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section one hundred and four.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section three hundred and eighty-five, paragraphs (1) and (3).
10 20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section ten, in subsection (2) the words "or second"; in section twelve, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second conviction, three months"; section sixty-one; in section one hundred and fifteen, in subsection (1) the words from "and for the purposes" to the end of the subsection; and in section one hundred and twenty-one the definition of "public service vehicle".
15		
20		
25 23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section sixty-one, subsection (7).
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	In section eight, subsection (1); and in section thirteen, in subsection (1) the words from "or to the danger" to "breach".
30 24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In section one, subsection (10); in section two, in subsection (3) the words "or second"; in section five, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second conviction, three months"; and sections twenty-four and twenty-five.
35		
40 1 Edw. 8. & 1 Geo. 6. c. 44	The Road Traffic Act, 1937.	Section one.
1 Edw. 8. & 1 Geo. 6. c. 52	The Chairman of Traffic Commissioners, etc. (Tenure of Office) Act, 1937.	Section two.
45 10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	Section one hundred and seventeen.

A.D. 1955

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Roads and Bridges (Scotland) Act, 1878 ...	41 & 42 Vict. c. 51.
Burgh Police (Scotland) Act, 1892 ...	55 & 56 Vict. c. 55.
Light Railways Act, 1896 ...	59 & 60 Vict. c. 48.
London Traffic Act, 1924 ...	14 & 15 Geo. 5. c. 34.
Public Health Act, 1925... ..	15 & 16 Geo. 5. c. 71.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
London Passenger Transport Act, 1933 ...	23 & 24 Geo. 5. c. 14.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Road Traffic Act, 1934	24 & 25 Geo. 5. c. 50.
Road Traffic Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 44.
Chairmen of Traffic Commissioners, etc. (Tenure of Office) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 52.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

Road Traffic [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]
INTITULED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith.

The Earl of Selkirk

Ordered to be printed 1st March 1955

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

(27)

(37997)

Road Traffic Bill [H.L.]

Amend-
ment
No.

MARSHALLED LIST OF AMENDMENTS

TO BE MOVED ON REPORT

[The Amendments marked with a ★ have not been previously circulated. The Amendment marked with a † is in substitution for the Amendment previously circulated.]

Clause 1

BY THE LORD LUCAS OF CHILWORTH

†1 Leave out Clause 1 and insert the following new Clause—

(“ 1.—(1) The provisions of section seventeen of the Road and Rail Traffic Act, 1933 (which provide for the enforcement of the obligation to maintain goods vehicles in a serviceable condition by the appointment of examiners authorised to carry out inspections and the prohibition of use when found to be not in a fit and serviceable condition) shall hereby be extended to cover all mechanically propelled vehicles, goods and passenger, including motor cycles except—

Amendment
of s. 17 of
23 & 24
Geo. 5.
c. 53.

- (a) public service vehicles adapted to carry eight or more passengers, tramcars and trolley vehicles;
- (b) vehicles of such class or description, of such age and used for such purposes, as may be prescribed by the Minister.

(2) The Minister may make regulations prescribing that vehicles of such class, description or age shall, upon changing ownership as between certain parties, carry a certificate issued by a competent authority or authorities that such vehicles upon such change of ownership conform to certain standards of fitness and condition.”)

(27 **)

Amend-
ment
No.

Clause 2

BY THE EARL OF SELKIRK

2 Page 3, line 40, leave out from (" other ") to end of line 42 and insert (" persons using the road or to appear to have been abandoned) after the word ' custody ' there shall be inserted the words ' or for the moving from one position on a road to another position on that or another road ', and for the words ' or to ' there shall be substituted the words ' or as to cause obstruction to such persons or as to ' ")

3 Page 3, line 42, at end insert—

(" (2) In subsection (3) of the said section fifty-nine (which provides for the recovery of expenses incurred in the execution of duties imposed by such regulations as aforesaid) for the word ' incurred ' there shall be substituted the words ' reasonably incurred ' .")

After Clause 2

BY THE LORD CHANCELLOR

4 Insert the following new Clause—

(" .—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years. Causing death by reckless or dangerous driving.

(2) An offence against this section shall not be triable by quarter sessions; and where proceedings are taken before the sheriff the maximum term of imprisonment which may be imposed on conviction shall not exceed two years.

(3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

(4) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under section eleven of the Act of 1930, whether or not the requirements of section twenty-one of that Act (which relates to notice of prosecutions) have been satisfied as respects that offence.")

Amend-
ment
No.

After Clause 2—*continued*

BY THE LORD WINSTER

5 Insert the following new Clause—

“ . Where a person is charged before a court of summary jurisdiction with an offence under section eleven of the Act of 1930 (which relates to reckless or dangerous driving) and the court is of opinion that the offence is not proved it shall be lawful for the court, if it is satisfied that he is guilty of an offence under section twelve of the said Act (which relates to careless driving or driving without reasonable consideration for other persons using the road), to find him guilty of that offence.”)

BY THE LORD BRABAZON OF TARA

★6 Insert the following new Clause—

“ . The following proviso shall be inserted at the end of paragraph (b) of subsection (1) of section fifteen of the Act of 1930— Amendment
of s. 15 of
Act of 1930.

“ Provided that if on summary proceedings under this section the court, or on proceedings under this section on indictment the jury, are satisfied that the accused, though under the influence of drink or of a drug, had not driven and had no intention of driving or attempting to drive a motor vehicle while under the influence of drink or drugs, he shall not be liable to be convicted of the offence.”)

★7 Insert the following new Clause—

“ .—(1) A person shall not be convicted under section fifteen of the Act of 1930 on the ground that at a time when he was in charge of a motor vehicle he was unfit to drive if he proves— Amendment
of s. 15 of
Act of 1930.

(a) that at the time at which the offence is charged as having been committed the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive; and

(b) that between his becoming unfit to drive and the time at which the offence is charged as having been committed he had not driven the vehicle on a road or other public place.

(2) In this section the expression ‘ unfit to drive ’ means under the influence of drink or a drug to such an extent as to be incapable of having proper control of a motor vehicle.”)

Clause 4

BY THE LORD LUCAS OF CHILWORTH

8 Page 5, line 2, leave out from (“ engaged ”) to end of line and insert (“ on police duties,”)

Amend-
ment
No.

Clause 4—continued

BY THE EARL OF SELKIRK

- 9 Page 5, line 7, leave out (“ twenty ”) and insert (“ ten ”)
10 Page 5, line 9, leave out (“ fifty ”) and insert (“ twenty-five ”)

After Clause 4

BY THE LORD LUCAS OF CHILWORTH

- 11 Insert the following new Clause—

“ . In paragraph (a) of section forty-nine of the Act of 1930 as amended by section forty of the Act of 1934 and the Third Schedule thereto (which section among other things empowers a police officer regulating traffic to make a vehicle proceed in or keep to a particular line of traffic) after the words ‘ particular line of traffic ’ there shall be added the words ‘ or follow such alternative route as may be indicated to him ’.”)

Clause 5

BY THE EARL OF SELKIRK

- 12 Page 5, line 42, at end insert—
 (“ (4) For subsection (8) of the said section eighteen there shall be substituted the following subsection:—
 ‘ (8) Any person who contravenes any regulations made under this section shall be guilty of an offence and liable to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty-five pounds.’ ”)

Clause 6

BY THE EARL OF SELKIRK

- 13 Page 6, line 45, after (“ section ”) insert (“ and in section sixteen of the said Act of 1933 ”)
14 Page 6, line 46, leave out (“ the said Act of 1933 ”) and insert (“ that Act ”)
15 Page 7, line 3, at end insert (“ and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, is in the possession of the holder of the licence under an agreement for hire or loan or, if a trailer, belongs to him or is in his possession under an agreement for hire purchase, hire or loan.”)

Clause 8

BY THE LORD BURDEN

★16 Page 7, line 43, at end insert—

“(3) Any person aggrieved by the refusal of a licensing authority to grant him a provisional licence may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides and on any such appeal the Court may confirm the refusal of the said licensing authority or may order the licensing authority to issue the said licence.”)

Clause 10

BY THE EARL OF SELKIRK

17 Page 8, line 17, at end insert—

“(2) A length of trunk road or of classified road shall not be deemed for the purposes of the Act of 1934 to be a road in a built-up area by reason only of the system of street lighting provided thereon if the system was provided after the coming into operation of this section.

(3) The purposes for which the erection and maintenance of traffic signs may be required under subsection (7) of the said section one shall include the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether a length of road is or is not deemed to be a road in a built-up area.

(4) Where no system of street lighting furnished by lamps placed two hundred yards or less apart is provided on any length of road but that length of road is deemed to be a road in a built-up area a person shall not be convicted of an offence under section ten of the Act of 1930 committed on that length of road in contravention of section one of the Act of 1934 unless the fact that it is deemed to be such a road is indicated by means of such traffic signs as are mentioned in the said subsection (7).

(5) In any proceedings for an offence under section ten of the Act of 1930 committed in contravention of section one of the Act of 1934—

(a) a certificate of an officer of the highway authority for any road stating whether any system of street lighting was provided on any length of that road before or after the coming into operation of this section; and

(b) a certificate of an officer of the Minister that any road is a trunk road or a classified road,

shall be evidence of the facts certified; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (a) or (b) of this subsection shall be deemed to be such a certificate unless the contrary is shown.

Amend-
ment
No.

Clause 10—continued

17
cont.

(6) In this section the expression 'classified road' means a road classified by the Minister under the Ministry of Transport Act, 1919 in Class I or Class II or in any class declared by him to be not inferior to those classes."

After Clause 10

BY THE LORD LUCAS OF CHILWORTH

18 Insert the following new Clause—

(" . The Minister may make regulations providing that vehicles the weight and dimensions of which, together with their loads, exceed the limits for the time being prescribed by regulations made by him in accordance with the powers in that behalf contained in sections three and thirty of the Act of 1930, shall be permitted to move by road only in accordance with the terms of a licence to be issued by the Minister or other competent authority (such terms may include direction as to time of movement and route to be followed) and on payment of such fee as he shall determine having regard to the nature of the vehicle and load and to the distance to be travelled: Movement by road of vehicles carrying abnormal loads.

Provided that the Minister may by order direct that this clause shall not apply to any class or type of vehicle which does not comply with the said regulations but the use of which on roads has been authorised by an order made by him under subsection (1) (b) of section three of the Act of 1930."

19 Insert the following new Clause—

(" . If owing to the presence of any dog not under proper control on a road an accident occurs whereby damage or injury is caused to any person or vehicle the owner of the dog, and the person for the time being in charge thereof and the person allowing the same to be on the road shall be guilty of an offence under this section and shall be liable to a fine not exceeding five pounds." Control of dogs on highway.

20 Insert the following new Clause—

(" . If any person brings a dog on to a road upon which a substantial volume of traffic is reasonably to be expected, or if any person brings or causes a dog to be on a verge or footpath adjoining such road, he shall keep such dog under proper control, and if he fails to do so, shall be guilty of an offence under this section and shall be liable to a fine not exceeding five pounds." Control of dogs on highway.

After Clause 10—*continued*

21 Insert the following new Clause—

- (“ .—(1) A mechanically propelled vehicle to which this section applies—
- (a) shall for the purposes of the Road Traffic Acts, 1930 to 1955 be treated as not being a motor vehicle;
 - (b) shall for the purposes of the Road Transport Lighting Acts, 1927 to 1953 be treated as a vehicle propelled by hand.
- (2) This section applies—
- (a) to any implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose;
 - (b) to such other vehicles controlled by pedestrians as may be specified for the purposes of this section by regulations made by the Minister by statutory instrument.
- (3) Regulations under this section shall not have effect unless approved by resolution of each House of Parliament.”)

Exemption
of
pedestrian-
controlled
grass
cutters.

Clause 11

BY THE LORD LUCAS OF CHILWORTH

22 Page 8, line 26, at end insert (“ but no such order shall be made which would designate as a parking place any part of the carriage way of a trunk or class I road.”)

23 Page 8, line 26, at end insert—

(“ Provided that no order shall be made under this section unless and until the local authority making such application shall have provided or have submitted plans to provide parking places off the carriage ways to accommodate such number of vehicles as may be specified by the Minister or the Minister is satisfied that alternative facilities exist.”)

BY THE EARL OF SELKIRK

24 Page 8, line 26, at end insert—

(“ (2) The matters to which the Minister shall have regard in determining what parking places are to be designated under this section shall include—

- (a) the need for maintaining the free movement of traffic, and
- (b) the extent to which parking accommodation otherwise than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.”)

Amend-
ment
No.

Clause 11—continued

BY THE EARL OF SELKIRK

25 Page 9, line 14, leave out subsection (5).

BY THE EARL HOWE

26 Leave out Clause 11.

Clause 12

BY THE EARL HOWE

27 Leave out Clause 12.

Clause 13

BY THE EARL OF SELKIRK

28 Page 12, line 10, leave out lines 10 to 23.

BY THE EARL HOWE

29 Leave out Clause 13.

After Clause 13

BY THE LORD SWAYTHLING

30 Insert the following new Clause—

(“ . Any vehicles or vehicles of any class or description when standing or parked within twenty yards of a street lamp or on road verges or any places specially set aside for the purpose shall not be required to show any light.”)

Lights on
parked
vehicles not
required
under
certain
conditions.

Clause 14

BY THE EARL HOWE

31 Leave out Clause 14.

Clause 15

BY THE EARL HOWE

32 Leave out Clause 15.

Amend-
ment
No.

Clause 15

BY THE EARL OF SELKIRK

33 Page 13, line 23, leave out from (“ applied ”) to end of line 29 and insert (“ for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority with the consent of the Minister so determine any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year.”)

34 Page 13, line 31, leave out (“ first ”)

35 Page 13, line 35, leave out (“ next ”)

36 Page 13, line 38, leave out (“ next ”)

After Clause 15

BY THE EARL OF SELKIRK

37 Insert the following new Clause—

(“ .—(1) In the provisions of this Act relating to parking **Parking places:** places the expression ‘ prescribed ’ means prescribed by order **supplemen-** of the Minister. **tary pro-** **visions.**

(2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save as otherwise expressly required, be prescribed or done either by an order designating parking places or by a general order.

(3) Any power to make an order conferred by the provisions of this Act relating to parking places shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”)

Clause 16

BY THE EARL HOWE

38 Page 14, line 15, at end insert (“ if three years or less have elapsed between the dates of the convictions ”)

39 Page 14, line 41, at end insert (“ if three years or less have elapsed between the dates of the convictions ”)

BY THE LORD TEYNHAM

40 Page 15, line 18, leave out lines 18 to 22.

BY THE EARL OF SELKIRK

41 Page 15, line 18, leave out (“ and the ”) and insert (“ (3) The ”)

42 Page 15, line 23, leave out subsection (3).

After Clause 16

BY THE EARL OF SELKIRK

43 Insert the following new Clause—

(“ .—(1) Where under the Act of 1930 the court is empowered or required to order a person to be fully disqualified, that is to say to be disqualified for holding or obtaining a licence under Part I of that Act to drive a motor vehicle, then if the court thinks fit the court may, in lieu of ordering him to be fully disqualified for any period, by order impose for the like period a limited disqualification, that is to say a disqualification for driving a motor vehicle otherwise than in the course of his employment by some other person. Limited driving disqualifications.

(2) Where under the Act of 1930 a person is fully disqualified for any period by virtue of a conviction, the court by or before whom he is convicted may (without prejudice to the power of the court to order a longer period of disqualification) by order substitute for that disqualification a limited disqualification for the like period.

(3) Paragraph (b) of subsection (1), and subsection (2), of section six and subsection (3) of section seven of the Act of 1930 (which relate to endorsements, appeals and the removal of disqualifications) and subsection (3) of the last foregoing section shall apply to limited disqualifications, but subsection (1) of the said section seven (which provides that on disqualification a licence is suspended) shall not apply to limited disqualifications.

(4) Where the court imposes a limited disqualification for any period, and also orders the offender by virtue of subsection (3) of section six of the Act of 1934 to be disqualified until he has passed the prescribed test of competence, the period of the limited disqualification shall be a period beginning with the time when he passes the test.

(5) The foregoing provisions of this section shall not apply where the person convicted holds a provisional, and no other, licence under Part I of the Act of 1930 or no licence under the said Part I; and in relation to the holding or obtaining of a provisional licence a limited disqualification for any period shall have effect as if it were a full disqualification for the like period.

(6) The proviso to subsection (1) of section six of the Act of 1930 (which empowers the court to limit a disqualification for holding a licence to disqualification for holding a licence to drive a motor vehicle of the same class or description as that in relation to which an offence was committed) shall cease to have effect.”)

Amend-
ment
No.

Clause 17

BY THE EARL OF SELKIRK

44 Page 15, line 27, leave out (" under the Act of 1930 ")

BY THE LORD TEYNHAM

★45 Page 15, line 32, at end insert—

(" (2) The following subsection shall be substituted for subsection (2) of section six of the Act of 1930—

' (2) A person who by virtue of an order of a court or of a conviction under this part of this Act is disqualified for holding or obtaining a licence may appeal against such disqualification in the same manner as against a conviction, and pending the appeal the operation of the sentence of disqualification shall be suspended.' ")

BY THE EARL OF SELKIRK

46 Page 15, line 36, at end add (" or disqualification by virtue of the last foregoing section ")

After Clause 17

BY THE LORD TEYNHAM

47 Insert the following new Clause—

(" . A person disqualified by virtue of a conviction under the Act of 1930 may appeal against the disqualification in the same manner as against a conviction, and the court by or before whom he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.")

Appeal
against
finding of
no special
reasons for
not
disqualify-
ing.

BY THE LORD WALERAN

★48 Insert the following new Clause—

(" . Section twenty-one of the Act of 1930 (which provides that a person may not be convicted of excessive speed, reckless or dangerous driving, or careless driving unless either warned at the time of the possibility of his being prosecuted or within fourteen days thereafter either summoned for the offence or notified that he is to be prosecuted) shall apply to offences under sections forty-nine and fifty of that Act (which relate respectively to failure to obey traffic directions or to conform with instructions given by traffic signs and to leaving vehicles on roads in dangerous positions).")

Extension
of provi-
sions as to
warning of
intended
prosecu-
tion.

After Clause 19

BY THE EARL HOWE

★49 Insert the following new Clause—

“(1) At the end of subsection (i) of section eight of the Act of 1934 (which prohibits the sale or supply of vehicles for delivery in a condition in which their use on a road would be unlawful by virtue of section three of the Act of 1930) there shall be added the words ‘or by virtue of any provision made as respects brakes, steering gear or tyres by regulations under section thirty of that Act’.

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

‘(5) Nothing in the preceding provisions of this section shall affect the validity of any contract or any rights arising under a contract.’”)

After Clause 21

BY THE EARL OF SELKIRK

50 Insert the following new Clause—

“(1) Where the holder of a road service licence makes application to the commissioners to exercise their powers under subsection (4) of section seventy-two of the Act of 1930 to vary the conditions attached to the licence, then in any case in which the Minister notifies the commissioners that the application ought to be entertained it shall be the duty of the commissioners to consider whether they shall exercise the said powers. Appeals relating to road service licences.

(2) Where the commissioners (whether or not in consequence of a notification under the last foregoing subsection) entertain an application for them to exercise their said powers, but refuse to vary the conditions attached to the licence, the holder of the licence or, if they have made representations in favour of the exercise of those powers, any of the following persons, that is to say—

- (a) the council of any county, county borough or county district in whose area the route to which the licence relates or any part of that route is situated, or
- (b) any person providing transport facilities along or near that route or any part thereof,

may within the time and in the manner prescribed under section eighty-one of the Act of 1930 appeal to the Minister; and on any such appeal the Minister shall have power to make such order, binding upon the commissioners, as he thinks fit.”)

After Clause 21—continued

BY THE LORD TEYNHAM

51

Insert the following new Clause—

(“ . In the Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) for the provision for one member to be appointed by the Minister to represent the interests of certain persons providing or using mechanically propelled road vehicles there shall be substituted the following provisions:—

Constitution
of London
and Home
Counties
Traffic
Advisory
Committee.

‘ Two—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than such persons as are hereinafter mentioned and other than the British Transport Commission and any Executive) providing or using mechanically propelled road vehicles within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are holders of public carriers’ licences and limited carriers’ licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers’ licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area ’.”)

In the Schedules

First Schedule

BY THE EARL OF SELKIRK

52

Page 21, line 24, at end insert—

(“ (2) On applying for such an order a local authority shall take such other steps as appear to the authority reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers

Amend-
ment
No.

First Schedule—continued

52 *cont.* of land adjacent to the parking places, information as to the matters specified in heads (a) to (c) of the last foregoing sub-paragraph.”)

53 Page 21, line 32, at end insert—

(“ Provided that where it appears to the Minister that before the application is referred as aforesaid the local authority should take further steps for the purpose mentioned in sub-paragraph (2) of the last foregoing paragraph, he may direct the authority to take such further steps for that purpose as he may specify, and if he does so the period within which a copy of the order and plan may be inspected, and objections may be made, shall be deemed to be extended by such time as the Minister may direct.”)

BY THE EARL HOWE

54 Leave out the First Schedule.

Second Schedule

BY THE LORD LUCAS OF CHILWORTH

55 Page 23, line 33, leave out from (“ who ”) to end of line 36 and insert (“ is travelling for any purpose other than that for which the journey has been arranged ”)

56 Page 24, line 5, at end insert—

(“ (c) a notice displayed in any periodical published for the information of, and circulated wholly or mainly among persons who are, members of the organisation upon whose behalf the journey is being arranged.”)

Third Schedule

57 * * * * *

BY THE EARL OF SELKIRK

58 Page 25, line 6, at end insert—

(“ 1. The following enactments that is to say—

- (a) section six of the Locomotive Act, 1861 (which restricts the use of locomotives over suspension and other bridges),
- (b) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and
- (c) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that

Amend-
ment
No.**Third Schedule—continued**58
cont.

(b) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and

(c) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that Act (which prohibits locomotives being driven so as to pass one another on bridges)

shall cease to have effect.”)

BY THE EARL OF SELKIRK

59

Page 25, line 23, leave out (“ subsection (2) of section six of the Act of 1930 ”) and insert (“ paragraph (b) of subsection (1) of section six of the Act of 1930 (which requires disqualifications to be endorsed on licences), after the word ‘ disqualified ’ there shall be inserted the word ‘ either ’ and after the words ‘ a licence ’ there shall be inserted the words ‘ or for driving otherwise than in the course of his employment by some other person ’

(2) In subsection (2) of the said section six ”).

60

Page 25, line 27, after (“ motor vehicle ”) insert (“ after the word ‘ licence ’ there shall be inserted the words ‘ or who by virtue of an order made under section (Limited Driving Disqualifications) of the Road Traffic Act, 1955, is disqualified for driving as therein mentioned ’ and ”)

61

Page 25, line 28, after (“ court ”) insert (“ by or ”)

62

Page 25, line 32, at end insert—

(“ 5.—(1) In subsection (1) of section seven of the Act of 1930 after the word ‘ Act ’ there shall be inserted the words ‘ for holding or obtaining a licence ’.

(2) In subsection (3) of the said section seven, after the word ‘ licence ’ where it first occurs there shall be inserted the words ‘ or who under section (Limited Driving Disqualifications) of the Road Traffic, 1955, is disqualified from driving as therein mentioned ’ and in the paragraph following the proviso after the words ‘ if any ’ there shall be inserted the words ‘ held or ’.

(3) In subsection (4) of the said section seven the words from ‘ or, if the disqualification ’ to ‘ that class or description ’ shall cease to have effect and after the words ‘ on a road ’ there shall be inserted the words ‘ or if any person while he is disqualified from driving under section (Limited Driving Disqualifications) of the Road Traffic Act, 1955, drives a motor vehicle on a road except in the course of his employment as mentioned in that section ’, and for the words ‘ as aforesaid ’ there shall be substituted the words ‘ for holding or obtaining a licence ’.”)

Third Schedule—continued

- 63** Page 26, line 6, leave out from first (“ words ”) to end of line 8, and insert—

(“ “ the date whereof falls more than three years after the date of the first conviction ” shall be inserted after the words “ in the case of a second conviction ”.”)

- 64** Page 26, line 39, at end insert—

(“ 10. Section seventy-nine of the Act of 1930 (which relates to procedure on applications for licences) shall apply to applications for the exercise by the commissioners of their power to vary the conditions attached to licences and to the determination of questions in connection with the exercise of that power where such applications are made.

11.—(1) A local authority shall not be entitled to appeal to the Minister under section eighty-one of the Act of 1930 against the grant of a road service licence or any condition attached to such a licence, or against any variation of the conditions attached to such a licence, unless the licence relates to a route situated wholly or partly in the area of the authority.

(2) A person providing transport facilities shall not be entitled under the said section eighty-one to appeal to the Minister against any of the matters aforesaid unless the road service licence relates to a route along or near which or some part of which he is providing transport facilities.

(3) For the avoidance of doubt it is hereby declared that the right conferred by the said section eighty-one to appeal against the variation of the conditions attached thereto includes the right to appeal, where the variation was made on an application, if aggrieved by the variation differing from that applied for.

(4) In paragraph (b) of subsection (1) of the said section eighty-one for the words from ‘ opposed ’ to ‘ licence ’ there shall be substituted the words ‘ made representations with respect to the grant of a road service licence or the variation of the conditions attached thereto ’.

(5) In paragraph (e) of the said subsection (1) for the word ‘ proposed ’ there shall be substituted the word ‘ imposed ’.

(6) In subsection (2) of the said section eighty-one for the words ‘ (including an order revoking a licence) ’ there shall be substituted the words ‘ for giving effect to his decision on the appeal ’.

Amend-
ment
No.

Third Schedule—continued

64
cont.

(7) Regulations of the Minister relating to appeals under the said section eighty-one may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to exclude, wholly or partly, the operation of subsection (4) of that section (which provides that on an appeal against the variation of the conditions of a licence the variations shall not have effect until the appeal has been disposed of.”)

BY THE EARL OF SELKIRK

65

Page 26, line 49, at end insert—

“ 14.—(1) Regulations under section sixteen of the Road and Rail Traffic Act, 1933 (which relates to the keeping of records) may exempt the holder of the licence from recording information as respects himself when acting as driver or statutory attendant in such circumstances as may be specified in the regulations.

(2) Regulations under the said section sixteen may require separate information to be recorded as to the time spent by a person in work in connection with the vehicle or its load or such description of such work as may be specified in the regulations and the time spent by him in other work.”)

66

Page 27, line 8, at end insert—

“ 16. Section thirty of the Road and Rail Traffic Act, 1933, shall come into operation on the coming into operation of this paragraph.”)

67

Page 27, line 26, leave out from (“ order ”) to (“ or ”) in line 28 and insert (“ disqualifying him for a fixed period either for holding or obtaining a licence to drive a motor vehicle or for driving a motor vehicle otherwise than in the course of his employment by some other person ”)

68

Page 27, line 30, leave out from (“ section ”) to end of line 33.

Fourth Schedule

BY THE EARL OF SELKIRK

69

Page 29, line 4, at end insert—

“ 24 & 25 Vict. | The Locomotive Act, | Sections six and seven.”)
c. 70. | 1861. |

70

Page 29, line 9, at end insert—

“ 61 & 62 Vict. | The Locomotives Act, | The whole Act, so far as still
c. 29. | 1898. | in force.”)

Amend-
ment
No.

Fourth Schedule—continued

- 71 Page 29, line 10, column 3, after (“ In ”) insert (“ section six, in subsection (1), the proviso; in section seven, in subsection (4), the words from ‘ or if the disqualification ’ to ‘ that class or description ’; in section eight, in subsection (6), the second paragraph; in ”)
- 72 Page 29, line 31, column 3, after (“ one ”) insert (“ in subsection (4) the words ‘ notwithstanding that such a system of lighting as aforesaid is provided thereon ’ and the words ‘ notwithstanding that such a system of lighting as aforesaid is not provided thereon ’ ”)
- 73 Page 29, line 38, column 3, leave out (“ and ”)
- 74 Page 29, line 40, column 3, at end insert (“ and in the Third Schedule, the entry relating to section eighty-one of the Act of 1930 ”)

Road Traffic Bill [H.L.]

[AS AMENDED ON REPORT]

ARRANGEMENT OF CLAUSES

General Provisions relating to Road Traffic

Clause

1. Tests of satisfactory condition of vehicles.
2. Amendment of s. 59 (1) of Act of 1930.
3. Causing death by reckless or dangerous driving.
4. Application to pedal cyclists of provisions relating to reckless, dangerous and careless driving.
5. Duty of pedestrians to comply with traffic directions given by constables.
6. Amendments as to pedestrian crossings.
7. Amendment of safety provisions of 23 & 24 Geo. 5. c. 53.
8. Definition of "goods" in 23 & 24 Geo. 5. c. 53.
9. Amendments as to provisional driving licences.
10. Road-safety information and road training.
11. S. 1 of Act of 1934 to be permanent.
12. Exemption of pedestrian-controlled grass cutters.

Provision of parking places

13. Provision of parking places where charges made.
14. Amount of charges for parking and method of payment.
15. General provisions for regulation of parking places.
16. Offences relating to parking places.
17. Parking places: financial provisions.
18. Parking places: supplementary provisions.

Provisions as to enforcement

19. Penalties and disqualifications.
20. Operation of driving disqualifications.
21. Appeal against finding of no special reasons for not disqualifying.
22. Extension of provisions as to warning of intended prosecution.
23. Additional provisions as to production and surrender of driving licences, etc.
24. Extension of s. 113 (3) of Act of 1930.

Public service vehicles

Clause

25. Meaning of “public service vehicle”, “stage carriage”, “express carriage” and “contract carriage”.
26. Circumstances affecting classification of vehicles under last foregoing section.
27. Appeals relating to road service licences.
28. Constitution of London and Home Counties Traffic Advisory Committee.

Miscellaneous and Supplementary Provisions

29. Minor and consequential amendments.
30. Financial provisions.
31. Application to Crown.
32. Interpretation.
33. Short title, commencement, repeals, savings and extent.

SCHEDULES:

First Schedule—Procedure for orders designating parking places.

Second Schedule—Conditions affecting classification of vehicles.

Part I—Race meetings, public gatherings, etc.

Part II—Conditions relating to certain journeys for vehicles carrying four passengers or less.

Part III—Parties of overseas visitors.

Part IV—Alternative conditions affecting classification.

Part V—Supplementary.

Third Schedule—Minor and consequential amendments.

Fourth Schedule—Enactments repealed.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith. A.D. 1955

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

5 *General Provisions relating to Road Traffic*

1.—(1) For the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment are complied with, the Minister may make provision for the examination, by inspectors appointed by the Minister, of vehicles submitted for examination under this section and for the issue, where it is found on such an examination that the said requirements are complied with, of a certificate (hereinafter referred to as a "test certificate") that at the date of the examination the requirements were complied with in relation to the vehicle.

Tests of satisfactory condition of vehicles.

(2) Where a test certificate is refused on an examination under the foregoing subsection, the inspector carrying out the examination shall issue a notification of the refusal stating the grounds thereof, and any person aggrieved by the refusal or the grounds thereof may appeal to the Minister; and on any such appeal the Minister shall cause a further examination to be made and either issue a test certificate or issue such a notification as aforesaid.

A.D. 1955 (3) For the purposes of his functions under this section the Minister may provide and maintain stations where examinations under this section may be carried out and apparatus for carrying out such examinations.

(4) Any person who uses on a road or causes or permits to be so used a motor vehicle as respects which no test certificate has been issued within the last twelve months, or such shorter period as may be prescribed, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months: 5 10

Provided that this subsection shall not apply—

- (a) to public service vehicles adapted to carry eight or more passengers, to tramcars or to trolley vehicles, 15
- (b) to vehicles of such other classes or descriptions as may be prescribed,
- (c) to the use of vehicles for such purposes as may be prescribed.

(5) If any person with intent to deceive falsely represents himself to be an inspector he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both such fine and such imprisonment. 20

(6) The Minister may make regulations for the purpose of giving effect to the foregoing provisions of this section, and in particular as to— 25

- (a) the conditions under which manner in which and apparatus with which examinations are to be carried out, the maintenance of that apparatus in an efficient condition, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out; 30
- (b) the manner in which applications may be made for the examination of vehicles under subsection (1) of this section, the manner in which and time within which appeals may be brought under subsection (2) of this section, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application or appeal, and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Minister that there were substantial grounds for contesting the whole or part of the decision appealed against; 40 45

- (c) the form of, and particulars to be contained in, test certificates and notifications of the refusal thereof; A.D. 1955
- (d) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue thereof;
- 5 (e) the keeping by inspectors of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;
- 10 (f) the keeping of records by inspectors and the furnishing by them of returns and information to the Minister;
- (g) the production, on an application for a licence under the Vehicles (Excise) Act, 1949, of a test certificate issued as mentioned in subsection (4) of this section, subject however to such exceptions as may be provided by the regulations,
- 15

and regulations under this section may make different provision in relation to different cases or classes of cases.

(7) Subsections (1), (3) and (4) of section one hundred and twelve of the Act of 1930 (which relate to forgery and other offences committed as respects certificates of insurance and other documents) shall apply to test certificates as they apply to certificates of insurance.

20

(8) If any person fails to comply with the requirements of regulations made by virtue of paragraph (e) or (f) of subsection (6) of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

25

(9) The powers conferred by this section to make regulations shall be exercisable by statutory instrument, and regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

30

(10) In this section the expression "prescribed" means prescribed by regulations under this section.

35 **2.—(1)** In paragraph (c) of subsection (1) of section fifty-nine of the Act of 1930 as amended by section twenty-two of the Act of 1934 (which paragraph empowers the Minister by regulations to provide among other things for the removal from roads, and safe custody, of vehicles which have been allowed to remain at rest on a road so as to be likely to cause danger to other persons using the road or to appear to have been abandoned) after the word "custody" there shall be inserted the words "or for the moving from one position on a road to another position on that or another road", and for the words "or to" there shall be substituted the words "or as to cause obstruction to such persons or as to".

45

Amendment of s. 59 (1) of Act of 1930.

A.D. 1955 (2) In subsection (3) of the said section fifty-nine (which provides for the recovery of expenses incurred in the execution of duties imposed by such regulations as aforesaid) for the word "incurred" there shall be substituted the words "reasonably incurred".

5

Causing death by reckless or dangerous driving.

3.—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years.

(2) An offence against this section shall not be triable by quarter sessions; and where proceedings are taken before the sheriff the maximum term of imprisonment which may be imposed on conviction shall not exceed two years.

(3) Section twenty of the Coroners (Amendment) Act, 1926 (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

(4) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under section eleven of the Act of 1930, whether or not the requirements of section twenty-one of that Act (which relates to notice of prosecutions) have been satisfied as respects that offence.

Application to pedal cyclists of provisions relating to reckless, dangerous and careless driving.

4.—(1) The following enactments, that is to say—

- (a) subsection (1) of section eleven of the Act of 1930 (which penalises reckless and dangerous driving),
- (b) subsection (1) of section twelve of that Act (which penalises careless driving),
- (c) section twenty of that Act (which confers powers to stop drivers and to obtain their names and addresses and to arrest them in certain cases), except so much of that section as relates to the production of licences,
- (d) section twenty-one of that Act (which requires the giving of warnings of proposed prosecutions) except in so far as it relates to offences of exceeding a maximum speed and refers to registered owners,

(e) section thirty-four of the Act of 1934 (which enables a driver charged with manslaughter to be convicted of reckless or dangerous driving), and A.D. 1955

5 (f) section thirty-five of the Act of 1934 (which enables a charge of careless driving to be substituted on the hearing of a charge of reckless or dangerous driving), shall subject to the provisions of this section apply to persons riding bicycles and tricycles, not being motor vehicles, as they apply to the drivers of motor vehicles, and references in those
10 enactments to motor vehicles, drivers and driving shall be construed accordingly.

(2) The maximum penalties which may be imposed on a conviction by virtue of this section for an offence under section eleven or twelve of the Act of 1930 shall be as follows:—

15 (a) in the case of a summary conviction under the said section eleven, a fine of thirty pounds or, if the conviction is a second or subsequent conviction, a fine of thirty pounds or imprisonment for a term of three months;

20 (b) in the case of a conviction on indictment under the said section eleven, imprisonment for a term of six months, or a fine, or both;

25 (c) in the case of a conviction under the said section twelve, a fine of ten pounds or, if the conviction is a second or subsequent conviction, twenty pounds.

(3) In determining whether a conviction under the said section eleven or twelve is a second or subsequent conviction,—

30 (a) where it is a conviction in connection with the driving of a motor vehicle any previous conviction by virtue of this section shall be disregarded,

(b) where it is a conviction by virtue of this section any previous conviction in connection with the driving of a motor vehicle shall be disregarded.

35 5.—(1) Where a police constable in uniform is for the time being engaged in the regulation of vehicular traffic in a road, any person on foot who proceeds across or along the road in contravention of a direction to stop given by the constable, in the execution of his duty, either to persons on foot or to traffic generally shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds, or in the case
40 of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

(2) A constable may require any person committing an offence against the last foregoing subsection to give his name and address, and if that person fails to do so he shall be guilty
45 of an offence against this subsection and liable on summary conviction to a fine not exceeding five pounds.

A.D. 1955
Amendments
as to
pedestrian
crossings.

6.—(1) The power conferred by subsection (3) of section eighteen of the Act of 1934 (which relates to crossings for foot-passengers) to make different regulations in different circumstances shall include power to make regulations applying only to a particular crossing or particular crossings specified in the regulations. 5

(2) A scheme such as is mentioned in subsection (4) of the said section eighteen (which relates to proposals for the establishment of crossings) may, after such consultation and giving of notice as is mentioned in that subsection, be submitted to the Minister at any time, notwithstanding that the period within which the submission thereof is required has elapsed and notwithstanding any earlier submission of a statement of reasons for considering the establishment of crossings to be unnecessary; and the provisions of the said section eighteen, other than the said subsection (4), shall apply to a scheme submitted under this subsection as they apply to a scheme submitted under that subsection. 10 15

This subsection shall be deemed always to have had effect.

(3) The power of the Minister under the said section eighteen to make regulations with respect to the indication of the limits of a crossing by marks on the roadway or otherwise shall include, and be deemed always to have included, power to make regulations with respect to the indication, by marks or devices on or near the roadway or otherwise, of any matter relating to the crossing: 20 25

Provided that this subsection shall not affect any proceedings pending at the commencement of this Act.

(4) For subsection (8) of the said section eighteen there shall be substituted the following subsection:— 30

“(8) Any person who contravenes any regulations made under this section shall be guilty of an offence and liable to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty-five pounds.” 35

Amendment
of safety
provisions of
23 & 24 Geo. 5.
c. 53.

7.—(1) The grounds on which a licence under Part I of the Road and Rail Traffic Act, 1933, may be revoked or suspended under subsection (1) of section thirteen of that Act (which provides for the revocation or suspension of such a licence on the ground that any of the conditions of the licence have not been complied with) shall include the ground that the holder of the licence or any servant or agent of his has, in relation to an authorised vehicle, been convicted of contravening or failing to comply with any statutory provision (however expressed) relating to— 40 45

(a) the maintenance of vehicles in a fit and serviceable condition, or

- (b) limits of speed and weight, laden and unladen, and the loading of goods vehicles, or
- (c) the time for which drivers of such vehicles as are regulated by section nineteen of the Act of 1930 may remain continuously on duty and the hours which they are to have for rest, or
- (d) the keeping by holders of licences under the said Act of 1933 of records as to hours of work, journeys, loads and other matters,

10 or that the use of an authorised vehicle has been prohibited under section seventeen of the said Act of 1933:

Provided that the licensing authority shall not revoke or suspend a licence by virtue of this subsection unless he is satisfied, after holding a public inquiry if the holder of the licence requests him so to do, that owing to the frequency of such convictions or prohibitions, or the wilfulness of the act or omission leading to the conviction or prohibition, or the danger to the public involved in that act or omission, the licence should be suspended or revoked.

20 (2) The objections which under subsection (2) of section eleven of the said Act of 1933 the licensing authority has a duty (subject to the proviso to that subsection) to consider on an application for the grant or variation of a licence under that Act shall include objections on the ground that in relation to such a licence held by the applicant there has been any such conviction or prohibition as is mentioned in the last foregoing subsection.

30 (3) Subsection (1) of section eight of the said Act of 1933 (which makes licences under that Act subject to conditions relating to the matters mentioned in paragraphs (a) to (d) of subsection (1) of this section) shall cease to have effect; and accordingly subsection (2) of section nine of that Act (which excludes the operation of the conditions of a licence while an authorised vehicle is being used for a purpose for which no licence is required) shall not affect the operation of any such statutory provision as is mentioned in subsection (1) of this section.

40 (4) In this section and in section sixteen of the said Act of 1933 the expression " authorised vehicle " means, in relation to a licence under that Act, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which such a licence is required; and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, is in the possession of the holder of the licence under an agreement for hire or loan or, if a trailer, belongs to him or is in his possession under an agreement for hire purchase, hire or loan:

A.D. 1955 Provided that a dual purpose vehicle (which expression shall have the meaning assigned to it in subsection (1) of section twenty-five of this Act) shall be deemed not to be an authorised vehicle whilst for the time being adapted for the carriage of passengers and in use for a purpose for which a licence under the said Act of 1933 is not required. 5

Definition of "goods" in 23 & 24 Geo. 5. c. 53. 8. In subsection (1) of section thirty-six of the Road and Rail Traffic Act, 1933, there shall be inserted after the words "Goods" includes goods or burden of any description" the words "save the following:— 10

(a) samples carried in a dual purpose vehicle as defined in subsection (1) of section thirty-two of the Road Traffic Act, 1955, used by a commercial traveller for the purpose of soliciting orders but not for the purpose of advertisement or of the sale or delivery of goods; 15

(b) medicines, instruments or apparatus carried in a dual purpose vehicle by a medical practitioner, state registered nurse, state certified midwife, dentist or veterinary surgeon and necessary for his or her use in carrying on his or her profession as a medical practitioner, nurse midwife, dentist or veterinary surgeon, as the case may be; 20

(c) such other articles as the Minister may by regulation prescribe." 20

Amendments as to provisional driving licences.

9.—(1) Where application is made to a licensing authority for the grant under subsection (3) of section five of the Act of 1930 of a provisional licence with a view to the passing of a test under the said section five or under section six of the Act of 1934 and the authority are satisfied that such a licence has been granted to the applicant (whether by them or by another authority) within the last twelve months, then if it appears to them that the applicant does not intend to submit himself to the said test within a reasonable time, they may refuse to grant the licence. 25 30

(2) In the said subsection (3) (which provides for the grant on payment of a fee of five shillings, of provisional licences to drive for a period of three months) for the words "a fee of five shillings" there shall be substituted the words "such fee not exceeding ten shillings as may be prescribed" and for the word "three" there shall be substituted the word "six". 35 40

Road-safety information and road training.

10.—(1) The Minister may with the approval of the Treasury provide for promoting road safety by disseminating information or advice relating to the use of roads.

(2) A local authority shall have power to make arrangements for the purposes of the last foregoing subsection or for giving practical training to road users or any class or description of 45

road users and to make contributions towards the cost of like arrangements made by other authorities or bodies; and the Minister may with the approval of the Treasury make contributions towards the cost of any such arrangements as are mentioned in this subsection. A.D. 1955.

(3) In this section the expression "local authority" means—

(a) as respects England and Wales, the council of a county, a borough or an urban district, or the Common Council of the City of London,

10 (b) as respects Scotland, a county council or town council.

11.—(1) Section one of the Act of 1934 (which provides for a general speed limit in built-up areas) shall have permanent effect and accordingly subsection (10) of that section (which relates to the duration thereof) is hereby repealed. S. 1 of Act of 1934 to be permanent.

15 (2) A length of trunk road or of classified road shall not be deemed for the purposes of the Act of 1934 to be a road in a built-up area by reason only of the system of street lighting provided thereon if the system was provided after the coming into operation of this section.

20 (3) The purposes for which the erection and maintenance of traffic signs may be required under subsection (7) of the said section one shall include the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether a length of road is or is not deemed to be a road in a built-up area.

25 (4) Where no system of street lighting furnished by lamps placed two hundred yards or less apart is provided on any length of road but that length of road is deemed to be a road in a built-up area a person shall not be convicted of an offence under section ten of the Act of 1930 committed on that length of road in
30 contravention of section one of the Act of 1934 unless the fact that it is deemed to be such a road is indicated by means of such traffic signs as are mentioned in the said subsection (7).

(5) In any proceedings for an offence under section ten of the Act of 1930 committed in contravention of section one of the
35 Act of 1934—

(a) a certificate of an officer of the highway authority for any road stating whether any system of street lighting was provided on any length of that road before or after the coming into operation of this section; and

40 (b) a certificate of an officer of the Minister that any road is a trunk road or a classified road,

shall be evidence of the facts certified; and a document purporting to be such a certificate and to be signed by such an officer as is mentioned in paragraph (a) or (b) of this subsection shall be
45 deemed to be such a certificate unless the contrary is shown.

A.D. 1955 (6) In this section the expression "classified road" means a road classified by the Minister under the Ministry of Transport Act, 1919 in Class I or Class II or in any class declared by him to be not inferior to those classes.

Exemption of pedestrian-controlled grass cutters.

12.—(1) A mechanically propelled vehicle to which this section applies— 5

(a) shall for the purposes of the Road Traffic Acts, 1930 to 1955 be treated as not being a motor vehicle ;

(b) shall for the purposes of the Road Transport Lighting Acts, 1927 to 1953 be treated as a vehicle propelled 10 by hand.

(2) This section applies—

(a) to any implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose ; 15

(b) to such other vehicles controlled by pedestrians as may be specified for the purposes of this section by regulations made by the Minister by statutory instrument.

(3) Regulations under this section shall not have effect unless approved by resolution of each House of Parliament. 20

Provision of parking places

Provision of parking places where charges made.

13.—(1) The Minister may by order made on the application of the local authority in accordance with the provisions of the First Schedule to this Act designate parking places on highways in the Metropolitan Police District or the City of London for 25 vehicles or vehicles of any class or description specified in the order, and the local authority may make charges for vehicles left in the parking places of such amount as is hereinafter specified.

(2) The matters to which the Minister shall have regard in 30 determining what parking places are to be designated under this section shall include—

(a) the need for maintaining the free movement of traffic, and

(b) the extent to which parking accommodation otherwise 35 than on highways is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.

(3) The exercise by a local authority of its functions under this 40 section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(4) In this and the four next following sections the expression “local authority” means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough; and the expression “the local authority”, in relation to a parking place or proposed parking place on any site, means that one of the said councils in whose area the site is:

A.D. 1955

Provided that in the case of a site in a metropolitan borough—

- 10 (a) an application for an order under subsection (1) of this section may be made by the London County Council, and references in the First Schedule to this Act to a local authority shall be construed accordingly;
- 15 (b) subject to the next following paragraph, the London County Council shall be the local authority if the parking place is designated by an order made on their application;
- 20 (c) at any time after the making of an order designating the parking place the council of a metropolitan borough and the London County Council may apply to the Minister for an order directing that such one of the councils as is not the local authority shall become the local authority for that parking place, and the Minister may, if he thinks fit, make an order accordingly.

25 (5) The Minister may by order provide that subsection (1) of this section shall apply to any such area, in addition to the Metropolitan Police District and the City of London, as may be specified in the Order; and as respects any such area in Scotland the expression “local authority” in this and the four next following sections means a county council or a town council.

30 (6) Nothing in this section or an order under the last foregoing subsection shall affect the operation of section ten of the London Traffic Act, 1924, section sixty-eight of the Public Health Act, 1925, or section one hundred and twenty of the Act of 1930 (which relate to the designation of parking places).

35 **14.**—(1) The amount of the charge for a vehicle left in a parking place designated under this Act shall be calculated as follows. Amount of charges for parking and method of payment.

(2) There shall be a prescribed standard period for each parking place, and subject as hereinafter provided the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the “initial charge”) shall be such amount (hereinafter referred to as the “standard amount”) as may be prescribed and the initial charge shall be payable on the leaving of the vehicle in the parking place:

45 Provided that—

- (a) if it is so prescribed, the initial charge for a vehicle left for a time not exceeding one half of the standard period shall be one half of the standard amount, and

A.D. 1955

(b) where the last foregoing paragraph has effect, and it is further so prescribed, then if before the end of the time mentioned in that paragraph a further payment of one half of the standard amount is made the two payments shall be treated as a single payment of an initial charge of the standard amount made on the leaving of the vehicle. 5

(3) If a vehicle is left in the parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such additional amount (hereinafter referred to as the "excess charge") as may be prescribed, and the excess charge shall be payable in such manner and at such time as may be prescribed. 10

(4) The measurement of the time for which a vehicle is left in a parking place up to the expiration of the period for which payment was made by the initial charge may, if it is so provided in the order designating the parking place, be made by an apparatus (hereinafter referred to as a "parking meter") of such description as may be prescribed; and where parking meters are in use payment of initial charges (including such further payments as are mentioned in the proviso to subsection (2) of this section) shall be made by the insertion of coins in the parking meters. 15 20

(5) Where parking meters are not in use, the order designating the parking place may provide that the initial charge shall be payable on the vehicle being taken away from the parking place, and where such provision is made subsection (3) of this section shall apply with the substitution, for the reference to the period for which payment was made by the initial charge, of a reference to the standard period. 25 30

(6) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) by such persons as may from time to time be appointed by the Minister and for recording in the prescribed manner the date on which and persons by whom a meter has been tested, and where it is so prescribed the local authority shall pay for the testing of parking meters such fee as may be prescribed. 35 40

General provisions for regulation of parking places.

15.—(1) An order under this Act designating a parking place shall specify whether the parking place may be used for the leaving of vehicles at all times or between such hours only as may be specified in the order, and may provide that the parking place may be used only during a specified period of the year, 45

or may not be used on specified days, or may be used only on such days as may be specified ; and— A.D. 1955

5 (a) as respects any time during which provision is not made by the order for the leaving of vehicles in the parking place, it shall be treated for the purposes of the last foregoing and next following sections as if it were not designated under this Act, without prejudice, however, to any proceedings for an offence otherwise than under the next following section ;

10 (b) where a vehicle is left in the parking place at any such time and remains there after the beginning of the next period during which the leaving of vehicles in the parking place is authorised under this Act, the vehicle shall be treated for the purposes of the last foregoing and next following sections as if it had been left in
15 the parking place at the beginning of that period.

(2) Such an order as aforesaid may revoke the designation of any place as a parking place under any of the Acts specified in subsection (6) of section thirteen of this Act, or may provide
20 that the designation shall not have effect as respects any time during which provision is made by the order for the leaving of vehicles in that place.

(3) Such an order as aforesaid may contain provision as to the manner in which vehicles shall stand in, or be driven into
25 or out of, the parking place.

(4) The Minister may by order provide that the time for which a vehicle may be left in a parking place designated under this Act after the excess charge has been incurred shall not exceed such time as may be prescribed ; but any such provision of an
30 order shall be without prejudice to the liability to the excess charge.

(5) The Minister may by order provide that a vehicle which has been taken away from the place where it was left in a parking place designated as aforesaid shall not again be left
35 in that parking place until after the expiration of such interval as may be prescribed.

(6) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order to suspend the use of a parking place or any
40 part thereof on such occasions or in such circumstances as may be determined by or under the order and to provide for the temporary removal of any parking meters installed at a parking place.

(7) The Minister may by order make such incidental or con-
45 sequential provision as appears to him requisite for the purposes of the satisfactory operation of parking places designated under

A.D. 1955 this Act, including in particular (but without prejudice to the generality of this subsection) provision—

- (a) for prohibiting or restricting the carrying on of trades or other activities, or the doing of any other thing, by persons using or resorting to the parking places, 5
- (b) for altering the position in a parking place of vehicles left there in contravention of the provisions of an order of the Minister as to the manner in which vehicles shall stand therein, and for the removal from parking places, and safe custody, of vehicles left there in contravention of the provisions of such an order as to the time for which vehicles may be left there and the recovery of the cost of removal and safe custody, 10
- (c) for conferring on the local authority powers of acquiring (whether by purchase or hiring) and installing parking meters, of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place. 15

Offences relating to parking places.

16.—(1) Any person who—

- (a) being the driver of a vehicle, leaves the vehicle in a parking place designated under this Act otherwise than as authorised by an order thereunder or leaves the vehicle therein for longer after the excess charge has been incurred than the time prescribed under subsection (4) of the last foregoing section, or fails to pay the initial or any excess charge when it is due, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or 20 30
- (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order of the Minister under this Act relating to a parking place, 35

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.

(2) Any person who, with intent to defraud, interferes with any parking meter, or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination, shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 40

(3) Where, in any proceedings for an offence under subsection (1) of this section, it is proved that at any time a parking meter relating to the space in which a vehicle was standing indicated 45

in the prescribed manner that a period for which payment was made by the initial charge had expired, it shall be assumed, unless the contrary is shown, that the initial charge had been paid for the vehicle and that the period for which the payment was so made had then expired. A.D. 1955

(4) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any apparatus provided in a parking place for measuring the time for which a vehicle is left therein, being an apparatus operated by the insertion of coins, is of the prescribed description.

(5) In England or Wales the local authority may institute proceedings for any offence under this section in connection with a parking place for which they are the local authority.

17.—(1) A local authority shall keep an account of their income and expenditure in respect of parking places designated under this Act for which they are the local authority. Parking places:
financial
provisions.

(2) At the end of each financial year any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied for all or any of the purposes specified in the next following subsection, and in so far as not so applied shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to the carrying out thereof:

Provided that if the local authority with the consent of the Minister so determine any amount not applied in any financial year may instead of being or remaining appropriated as aforesaid be carried forward in the account kept under subsection (1) of this section to the next financial year.

(3) The said purposes are the following, that is to say:—

(a) the making good to the general rate fund of any payments made out of that fund under the last foregoing subsection in the four years immediately preceding the financial year in question;

(b) the provision and maintenance by the local authority of parking accommodation for vehicles otherwise than on highways;

(c) the making to other local authorities, to any county council, or, with the consent of the Minister, to other persons of contributions towards the cost of the provision and maintenance by them in the area of the local authority or elsewhere of parking accommodation for vehicles otherwise than on highways.

(4) This section shall apply to the London County Council with the substitution for references to the general rate fund of references to the county fund.

A.D. 1955
 Parking places: supplementary provisions.

18.—(1) In the provisions of this Act relating to parking places the expression “prescribed” means prescribed by order of the Minister.

(2) Anything authorised or required by the said provisions to be prescribed or to be done by order of the Minister may, save as otherwise expressly required, be prescribed or done either by an order designating parking places or by a general order. 5

(3) Any power to make an order conferred by the provisions of this Act relating to parking places shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. 10

Provisions as to enforcement

Penalties and disqualifications.

19.—(1) The following provisions shall have effect as respects penalties and disqualifications which a person is liable to incur on a conviction for an offence under section ten (speeding), section eleven (reckless or dangerous driving), section twelve (careless driving) or section fifteen (driving under the influence of drink or a drug) of the Act of 1930 in connection with the driving of a motor vehicle, that is to say:—

- (a) a fine imposed on a first conviction for an offence under the said section ten (not being a conviction to which subsection (5) of that section applies) may be of an amount not exceeding thirty pounds, and subsection (2) of that section (which prevents the court from disqualifying an offender on a first or second conviction) shall not apply to a second conviction if three years or less have elapsed between the dates of the convictions; 20 25
- (b) a fine imposed on summary conviction for a first offence under the said section eleven may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court; and any imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months; 30 35
- (c) the disqualification required to be imposed by subsection (3) of the said section eleven (which requires the court, except in special circumstances, to impose a disqualification on a second or subsequent conviction for an offence under that section) shall be for a period of not less than nine months unless more than three years have elapsed since the offender’s last conviction under that section; 40
- (d) a fine imposed on a first conviction for an offence under the said section twelve may be of an amount not 45

A.D. 1955

5 exceeding forty pounds and a fine imposed on a second conviction for such an offence may be of an amount not exceeding eighty pounds and may be imposed in addition to any imprisonment awarded by the court, and subsection (2) of that section (which limits the period for which the court may disqualify an offender on a first or second conviction) shall not apply to a second conviction ;

10 (e) a fine imposed on summary conviction for a first offence under the said section fifteen may be of an amount not exceeding one hundred pounds and may be imposed in addition to any imprisonment awarded by the court and the imprisonment awarded on summary conviction for a second or subsequent offence under that section may be for a term not exceeding six months ; and any imprisonment awarded on a conviction on indictment for an offence under that section may be for a term not exceeding two years ;

20 and a fine imposed on a conviction for contravening an order made under subsection (1) of section forty-six of the Act of 1930 (under which orders may be made prohibiting or restricting the use of vehicles on specified roads) may be of an amount not exceeding, in the case of a first conviction, twenty pounds and in the case of a second or subsequent conviction, fifty
25 pounds.

(2) Subsection (3) of section six of the Act of 1934 (which empowers a court, on the conviction of a person for an offence of reckless, dangerous or careless driving, to order that he be disqualified from driving until he has passed a driving test)
30 shall apply to offences under section fifteen of the Act of 1930 (which relates to driving under the influence of drink or a drug), and the court shall make an order under the said subsection (3) in any case where it makes an order under section six of the Act of 1930 disqualifying for any period a person convicted of
35 any such offence as aforesaid, or where a person so convicted is so disqualified by virtue of the conviction.

(3) A disqualification imposed under subsection (3) of section six of the Act of 1934 may, if the court thinks fit, be limited to the driving of a motor vehicle of the same class or description as
40 the vehicle in relation to which the offence was committed.

20.—(1) In calculating the period for which a person is disqualified on a conviction or by an order made in consequence of a conviction, or the time after which under section seven of the Act of 1930 a person may apply for the removal of such
45 a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Operation of driving dis-qualifications.

A.D. 1955 (2) In this section references to disqualification are references to disqualification for holding or obtaining a licence under Part I of the Act of 1930 to drive a motor vehicle or disqualification by virtue of the last foregoing section.

Appeal against finding of no special reasons for not disqualifying. 21. A person disqualified by virtue of a conviction under the Act of 1930 may appeal against the disqualification in the same manner as against a conviction, and the court by or before whom he was convicted may, if it thinks fit, pending the appeal suspend the disqualification. 5

Extension of provisions as to warning of intended prosecution. 22. Section twenty-one of the Act of 1930 (which provides that a person may not be convicted of excessive speed, reckless or dangerous driving, or careless driving unless either warned at the time of the possibility of his being prosecuted or within fourteen days thereafter either summoned for the offence or notified that he is to be prosecuted) shall apply to offences under sections forty-nine and fifty of that Act (which relate respectively to failure to obey traffic directions or to conform with instructions given by traffic signs and to leaving vehicles on roads in dangerous positions). 10 15

Additional provisions as to production and surrender of driving licences, etc. 23.—(1) Where a person's licence to drive has been revoked under subsection (4) of section five of the Act of 1930 (which provides for the revocation of licences on grounds of safety) then if he fails to deliver the licence as required by that subsection a police constable may require him to produce it and may on production seize it and deliver it to the licensing authority for cancellation. 20 25

(2) Where a police constable has reasonable cause to believe that the person to whom a licence has been granted under Part I of the Act of 1930, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it to him; and subsection (4) of section one hundred and twelve of the Act of 1930 (which provides for the seizure and disposal of documents in relation to which an offence has been committed under that section) shall apply in relation to a licence produced in pursuance of this subsection as it applies in relation to documents produced in pursuance of the provisions of that Act. 30 35

(3) If any person required under the foregoing provisions of this section to produce a licence fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds: 40

Provided that if within five days after the production of his licence was so required he produces the licence in person at

such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

A.D. 1955

(4) Subsection (5) of section four and subsection (1) of section forty of the Act of 1930 (under which a person driving a motor vehicle on a road may be required by a police constable to produce his licence for examination and to give his name and address and the name and address of the owner of the vehicle and to produce his certificate of insurance or similar document) shall have effect as if the references therein to a person driving a motor vehicle included references to—

(a) any person whom a police constable has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road ;

(b) any person whom a police constable has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road ; and

(c) any person who accompanies the holder of a provisional licence granted under subsection (3) of section five of the Act of 1930 while the holder is driving a motor vehicle on a road or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

and, in relation to a vehicle as respects which a test certificate is required by subsection (4) of section one of this Act, as if references to a certificate of insurance included references to a test certificate issued as mentioned in that subsection :

Provided that so much of the said subsection (1) as requires the production of the certificate shall not apply to any such person as is specified in paragraph (c) of this subsection.

24. Subsection (3) of section one hundred and thirteen of the Act of 1930 (which gives powers to obtain information as to the identity of the driver of a vehicle who is alleged to have committed an offence under that Act) shall apply to offences under the Road Transport Lighting Acts, 1927 to 1953, offences under subsection (4) of section one of this Act or the provisions of this Act relating to parking places, offences against regulations made under section ten of the London Traffic Act, 1924, and offences against any other enactment relating to the use of vehicles on roads ; and references in the said subsection (3) to the driver of a vehicle shall include references to the person riding a bicycle or tricycle, not being a motor vehicle.

Extension of
s. 113 (3) of
Act of 1930.

A.D. 1955

Public service vehicles

Meaning of
“ public
service
vehicle ”,
“ stage
carriage ”,
“ express
carriage ” and
“ contract
carriage ”

25.—(1) For the purposes of the Act of 1930 the expressions “ public service vehicle ”, “ stage carriage ”, “ express carriage ” and “ contract carriage ” shall have the meanings assigned to them respectively by the provisions of this section, subject however to the provisions of the next following section; and any enactment (other than the Act of 1930) or instrument in which apart from this Act those expressions would have the same meanings as in the Act of 1930 or meanings derived therefrom shall be construed accordingly. 5 10

(2) A public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—

(a) is carrying passengers at separate fares, or

(b) is not carrying passengers at separate fares but is adapted to carry eight or more passengers. 15

In this subsection the expression “ motor vehicle ” does not include a tramcar or a trolley vehicle.

(3) A stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.

(4) An express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling; and for the purposes of this subsection—

(a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and 25

(b) no account shall be taken of any fare which is charged in the case of children, workmen or students if a fare of one shilling or more is charged for the like service in the case of all passengers not falling within any of those descriptions. 30

(5) A contract carriage is a public service vehicle not carrying passengers at separate fares.

(6) The Minister may by regulations under the Act of 1930 provide that subsection (4) of this section shall have effect as if for the references therein to one shilling there were substituted references to such greater sum as may be specified in the regulations. 35

Circumstances affecting classification of vehicles under last foregoing section.

26.—(1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Second Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers. 40

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage

carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Second Schedule to this Act are fulfilled. A.D. 1955

(3) For the purposes of this and the last foregoing section and 5 of the Second Schedule to this Act—

- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made;
- 10 (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
- 15 (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised;
- 20 (d) in any case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.

25 **27.**—(1) Where the holder of a road service licence makes application to the commissioners to exercise their powers under subsection (4) of section seventy-two of the Act of 1930 to vary the conditions attached to the licence, then in any case in which the Minister notifies the commissioners that the application ought to be entertained it shall be the duty of the commissioners to consider whether they shall exercise the said powers. Appeals relating to road service licences.

30 (2) Where the commissioners (whether or not in consequence of a notification under the last foregoing subsection) entertain an application for them to exercise their said powers, but refuse to vary the conditions attached to the licence, the holder of the licence or, if they have made representations in favour of the 35 exercise of those powers, any of the following persons, that is to say—

- (a) the council of any county, county borough or county district in whose area the route to which the licence relates or any part of that route is situated, or
- 40 (b) any person providing transport facilities along or near that route or any part thereof,

may within the time and in the manner prescribed under section eighty-one of the Act of 1930 appeal to the Minister; and on any such appeal the Minister shall have power to make such 45 order, binding upon the commissioners, as he thinks fit.

A.D. 1955
 Constitution
 of London
 and Home
 Counties
 Traffic
 Advisory
 Committee.

28. In the Twelfth Schedule to the London Passenger Transport Act, 1933 (which sets out the constitution of the London and Home Counties Traffic Advisory Committee) for the provision for one member to be appointed by the Minister to represent the interests of certain persons providing or using mechanically propelled road vehicles there shall be substituted the following provisions:—

“ Two—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than such persons as are hereinafter mentioned and other than the British Transport Commission and any Executive) providing or using mechanically propelled road vehicles within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are holders of public carriers' licences and limited carriers' licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons who are holders of private carriers' licences under the Road and Rail Traffic Act, 1933, carrying on business within the London Traffic Area.

One—By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the British Transport Commission and any Executive) who are the holders of licences authorising them to operate public service vehicles within the London Traffic Area.”

Miscellaneous and Supplementary Provisions 35

Minor and
 consequential
 amendments.

29. The enactments specified in the Third Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

Financial
 provisions.

30.—(1) The expenses of the Minister under this Act shall be defrayed out of moneys provided by Parliament, and any receipts of the Minister thereunder shall be paid into the Exchequer.

(2) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949 in

respect of a fine recovered under this Act or regulations made thereunder shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

A.D. 1955

5 (3) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Local Government Act, 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 shall be defrayed out of moneys so provided.

10 **31.**—(1) Subsection (2) of section one hundred and twenty one of the Act of 1930 (which provides for the application of Parts I and III of that Act to vehicles and persons in the public service of the Crown) shall apply in relation to this Act. Application to Crown.

15 (2) In the application of the said subsection (2) in relation to section four of this Act, references to the driver of a vehicle shall include references to the person riding a bicycle or tricycle.

20 (3) Subsection (1) of section forty of the Act of 1930, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with any vehicle as respects which a test certificate is required by subsection (4) of section one of this Act notwithstanding that he or the vehicle is or was at any material time in the public service of the Crown.

25 **32.**—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:— Interpretation.

“ Act of 1930 ” means the Road Traffic Act, 1930 ;

“ Act of 1934 ” means the Road Traffic Act, 1934 ;

“ dual purpose vehicle ” means a motor car which—

30 (a) does not exceed two tons in weight unladen ;

(b) has to the rear of the driver’s seat roofed accommodation fitted with side windows or is constructed or adapted for the fitting of side windows ;

35 (c) is constructed so as to be adaptable both for the carriage of passengers and for the carriage of goods ;

40 (d) has, in that part of it which is to the rear of the driver’s seat, seating, which may be collapsible, for at least two passengers sitting side by side and facing to the front or rear of the vehicle such seating being fitted with back rests (either folding or fixed) attached permanently to the vehicle ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

45 “ public service vehicle ” has the meaning assigned to it by section twenty-five of this Act ;

- A.D. 1955
- “road” means any highway and any other road to which the public has access;
- “statutory”, in relation to any requirement or provision, means contained in, or having effect under, any enactment; 5
- “tramcar” includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896;
- “trolley vehicle” means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source. 10

(2) Any power conferred by the foregoing provisions of this Act to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke an order.

(3) References in this Act to any enactment shall be construed, 15 except where the context otherwise requires, as references to that enactment as amended by any subsequent enactment, including this Act.

Short title, commencement, repeals, savings and extent.

33.—(1) This Act may be cited as the Road Traffic Act, 1955, and this Act and the Road Traffic Acts, 1930 to 1947 may be 20 cited together as the Road Traffic Acts, 1930 to 1955.

(2) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint; and—

- (a) different days may be appointed for different provisions 25 of this Act, and
- (b) different days may be appointed for the coming into operation of subsection (4) of section one of this Act in relation to different classes or descriptions of vehicles.

(3) The enactments specified in the Fourth Schedule to this 30 Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) The repeal of section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which empowers a local authority to make byelaws in respect of highways within their jurisdiction), or of paragraphs (1) and (3) of section three hundred and 35 eighty-five of the Burgh Police (Scotland) Act, 1892 (which among other things permits a town council to regulate traffic in a burgh) shall not affect any byelaw made under any of those enactments, but any such byelaw shall have effect as if it were 40 an order made under section forty-six of the Act of 1930.

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

SCHEDULES

A.D. 1955

FIRST SCHEDULE

Section 13.

PROCEDURE FOR ORDERS DESIGNATING PARKING PLACES

1. Before applying for an order under section thirteen of this Act
5 a local authority shall consult with the chief officer of police.

2.—(1) On applying for such an order a local authority shall
publish in the London Gazette and in at least one newspaper
circulating in the locality an advertisement—

10 (a) stating the general effect of the proposed order, the where-
abouts of the parking places to be designated thereby, the
classes or descriptions of vehicles for which they are to
be designated, the charges to be made for use of the
parking places, and the provisions of the order applied
for as to the times when the parking places may be used ;

15 (b) specifying a place or places where a copy of the proposed
order, and a plan showing the precise location of the
parking places to be designated, may be inspected at
reasonable times specified in the advertisement during a
period so specified of not less than twenty-eight days from
20 the publication or first publication of the advertisement ;

(c) stating that any person wishing to object to the making of
the order may do so by sending to the Minister, within the
said period, notice in writing of his objection stating the
grounds thereof.

25 (2) On applying for such an order a local authority shall take
such other steps as appear to the authority reasonably practicable
for the purpose of bringing specifically to the knowledge of persons
likely to be specially affected, as the occupiers of land adjacent
to the parking places, information as to the matters specified in
30 heads (a) to (c) of the last foregoing sub-paragraph.

3. —(1) On such an application as aforesaid the Minister shall, after
the period for objecting to the making of the order has expired, refer
the application, together with any objection duly made, to the
London and Home Counties Traffic Advisory Committee (hereinafter
35 referred to as "the Advisory Committee"), and the Advisory Com-
mittee shall consider the application and any objections duly made
thereto and report to and advise the Minister thereon ; and the
Minister shall consider their report and advice :

40 Provided that where it appears to the Minister that before the
application is referred as aforesaid the local authority should take
further steps for the purpose mentioned in sub-paragraph (2) of the
last foregoing paragraph, he may direct the authority to take such
further steps for that purpose as he may specify, and if he does
so the period within which a copy of the order and plan may be
45 inspected, and objections may be made, shall be deemed to be
extended by such time as the Minister may direct.

(2) Section three of the London Traffic Act, 1924 (which relates
to the holding of inquiries) and section sixty of the London Passenger
Transport Act, 1933 (which relates to evidence) shall apply for the
50 purposes of the last foregoing sub-paragraph ; and the Minister may

A.D. 1955
1st Sch.
—cont.

require the Advisory Committee for those purposes to cause an inquiry to be held under the said section three or if the Advisory Committee do not hold an inquiry may himself do so.

4. After compliance with the provisions of the last foregoing paragraph the Minister may make an order, either as applied for or with such modifications as he thinks fit: 5

Provided that where the local authority applying for the order is not the highway authority he shall not make the order except with the consent of the highway authority.

5.—(1) In relation to an application made, by virtue of an order under subsection (5) of section thirteen of this Act, for an order under that section designating a parking place outside the London Traffic Area, the foregoing provisions of this Schedule shall have effect subject to the following modifications. 10

(2) Paragraph 3 shall not apply, and— 15

(a) the Minister shall, after the period for objecting to the making of the order has expired, consider an application and any objections duly made thereto and may hold a public inquiry :

(b) paragraph 4 shall apply with the substitution of a reference to head (a) of this sub-paragraph for the reference to the said paragraph 3. 20

(3) In relation to an application relating to a parking place in Scotland paragraph 2 shall have effect with the substitution for the reference to the London Gazette of a reference to the Edinburgh Gazette. 25

6. The provisions of section forty-seven of the Road and Rail Traffic Act, 1933 shall apply in relation to inquiries held by the Minister for the purposes of this Schedule as they apply to inquiries held for the purposes of that Act. 30

Section 26.

SECOND SCHEDULE

CONDITIONS AFFECTING CLASSIFICATION OF VEHICLES

PART I

Race meetings, public gatherings etc.

1. The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion. 35

PART II

Conditions relating to certain journeys for vehicles carrying four passengers or less. 40

2. The number of passengers carried must not exceed four.

3. The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey: 45

Provided that the agreement may have been initiated by the driver or owner, if the passengers are not being carried in the course of a business of carrying passengers.

A.D. 1955
2ND SCH.
—cont.

4. The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.

5. The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.

6. The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

PART III

Parties of overseas visitors

7. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

PART IV

Alternative conditions affecting classification

8. Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—

(a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,

(b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

9. The journey must be made without previous advertisement to the public of the arrangements therefor.

10. All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

11. No differentiation of fares for the journey on the basis of distance or of time must be made.

12. In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

A.D. 1955
2ND SCH.
—cont.

PART V

Supplementary

13. For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say—

- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or
- (b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there.

14.—(1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as the Minister may by regulations under the Act of 1930 prescribe, the holder of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be so prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be so prescribed.

(2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form as may be prescribed by the Minister by regulations under the Act of 1930 and containing such particulars as may be so prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified.

(3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do he shall be liable on summary conviction to a fine not exceeding twenty pounds or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(4) A person who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph.

(5) If, with intent to deceive, any person alters an entry in a record made under this paragraph he shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years;

(b) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

A.D. 1955
2ND SCH.
—cont.

5 (6) Any regulations made for the purposes of section twenty-five of the Act of 1934 and in force at the commencement of this Act shall continue in force as if made by virtue of this paragraph.

10 15. In this Schedule the expression "owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

THIRD SCHEDULE

Section 29.

MINOR AND CONSEQUENTIAL AMENDMENTS

1. The following enactments that is to say—

15 (a) section six of the Locomotive Act, 1861 (which restricts the use of locomotives over suspension and other bridges),
(b) section seven of that Act (which relates to the making good of damage to bridges caused by locomotives or their trailers), and

20 (c) section seven of the Locomotives Act, 1898 (which enables owners of locomotives to appeal against restrictions on passing over bridges), and section eight of that Act (which prohibits locomotives being driven so as to pass one another on bridges)

25 shall cease to have effect.

2.—(1) Section one hundred and four of the Roads and Bridges (Scotland) Act, 1878 (which enables local authorities to make bye-laws for the regulation of traffic on highways) shall cease to have effect.

30 (2) Schedule (C) to that Act shall have effect, in relation to a vehicle to which section three of the Act of 1930 applies, as if in section XCVI (which provides penalties for persons committing various nuisances on highways) the words "or more than one foot laterally beyond the wheel of such carriage", and section CVIII,
35 were omitted.

3. In the Burgh Police (Scotland) Act, 1892, paragraph (50) of section three hundred and eighty-one (which provides for the labelling of carriages and carts) shall cease to have effect in relation to vehicles to which section three of the Act of 1930 applies, and
40 paragraphs (1) and (3) of section three hundred and eighty-five shall cease to have effect.

4. In subsection (2) of section six of the Act of 1930 (which provides that a court may, pending the appeal for which provision is made by that subsection, suspend the operation of the order dis-
45 qualifying a person for holding or obtaining a licence to drive a motor vehicle) for the words "the court may" to the end of the subsection there shall be substituted the words "a court by or before

A.D. 1955
3RD SCH.
—cont.

whom a person is convicted of an offence whereby he is so disqualified (whether by virtue of the conviction or by an order of the court) may, if it thinks fit, pending the appeal against the conviction or order suspend the disqualification ”.

5.—(1) In section ten of the Act of 1930, in subsection (1A), for the word “twenty” there shall be substituted the word “thirty”, and in subsection (2) of that section the words “or second” shall be omitted, and after the word “Enactment” there shall be inserted the words “or a second such conviction the date whereof falls more than three years after the date of the first conviction ”. 10

(2) In paragraph (a) of subsection (1) of section eleven of the said Act for the words from “fifty” to “aforesaid” there shall be substituted the words “one hundred pounds or to imprisonment for a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months ”. 15

(3) In subsection (3) of the said section eleven for the words “having regard to the lapse of time” there shall be substituted the words “by reason of three years or more having elapsed” and at the end of that subsection there shall be added the words—

“The disqualification required to be imposed by this subsection shall be for a period of not less than nine months unless more than three years have elapsed since the offender’s last conviction under this section ”. 20

(4) In section twelve of the said Act, at the end of subsection (1) there shall be added the words “and liable to a fine not exceeding forty pounds, and in the case of a second or subsequent conviction to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment ”; and in subsection (2) the words “or second”, the words “in the case of a first conviction” and the words “or in the case of a second conviction, three months” shall be omitted. 30

(5) In subsection (1) of section fifteen of the said Act, in paragraph (a) for the words from “fifty” to “aforesaid” there shall be substituted the words “one hundred pounds or to imprisonment for a term not exceeding, in the case of a first conviction four, and in the case of a second or subsequent conviction, six months,”; and in paragraph (b) for the words “six months” there shall be substituted the words “two years”. 35

(6) In section forty-six of the said Act, after subsection (4) there shall be inserted the following subsection:— 40

“(4A) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under subsection (1) of this section shall be liable, in the case of a first conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.”; 45

and in subsection (6) for the words “this section” there shall be substituted the words “subsection (2) of this section”.

6. The power to make regulations conferred by section fifty-nine of the Act of 1930 shall include power to make regulations applying in such circumstances only as may be specified in the regulations.

A.D. 1955
3RD SCH.
—cont.

7. In section sixty of the Act of 1930 (which provides for the application of Part III of that Act to Scotland), for paragraphs (a) and (b) there shall be substituted the following paragraph:—

“(a) Section forty-six of this Act shall apply to a county council and to a town council”.

8. Subsection (3) of section sixty-eight of the Act of 1930 (which provides that a certificate of fitness, unless previously revoked or cancelled, shall continue in force for five years or such shorter period as may be specified in the certificate) shall have effect with the substitution of the words “seven years” for the words “five years”.

9. Section seventy-nine of the Act of 1930 (which relates to procedure on applications for licences) shall apply to applications for the exercise by the commissioners of their power to vary the conditions attached to licences and to the determination of questions in connection with the exercise of that power where such applications are made.

10.—(1) A local authority shall not be entitled to appeal to the Minister under section eighty-one of the Act of 1930 against the grant of a road service licence or any condition attached to such a licence, or against any variation of the conditions attached to such a licence, unless the licence relates to a route situated wholly or partly in the area of the authority.

(2) A person providing transport facilities shall not be entitled under the said section eighty-one to appeal to the Minister against any of the matters aforesaid unless the road service licence relates to a route along or near which or some part of which he is providing transport facilities.

(3) For the avoidance of doubt it is hereby declared that the right conferred by the said section eighty-one to appeal against the variation of the conditions attached thereto includes the right to appeal, where the variation was made on an application, if aggrieved by the variation differing from that applied for.

(4) In paragraph (b) of subsection (1) of the said section eighty-one for the words from “opposed” to “licence” there shall be substituted the words “made representations with respect to the grant of a road service licence or the variation of the conditions attached thereto”.

(5) In paragraph (e) of the said subsection (1) for the word “proposed” there shall be substituted the word “imposed”.

(6) In subsection (2) of the said section eighty-one for the words “(including an order revoking a licence)” there shall be substituted the words “for giving effect to his decision on the appeal”.

(7) Regulations of the Minister relating to appeals under the said section eighty-one may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to

A.D. 1955
3RD SCH.
—cont.

exclude, wholly or partly, the operation of subsection (4) of that section (which provides that on an appeal against the variation of the conditions of a licence the variations shall not have effect until the appeal has been disposed of.

11. Notwithstanding anything in section ninety-five of the Act of 1930 (which restricts the institution of proceedings for an offence under Part IV of that Act) proceedings for an offence under section seventy-five of that Act (which relates to the keeping of accounts and records and the making of returns) may in England be instituted by or on behalf of the Minister. 5
10

12. Section sixty-one of the London Passenger Transport Act, 1933 (which relates to approved routes) shall not apply to a vehicle so long as it is not a public service vehicle or is to be treated as a contract carriage by virtue of section twenty-six of this Act.

13.—(1) Regulations under section sixteen of the Road and Rail Traffic Act, 1933 (which relates to the keeping of records) may exempt the holder of the licence from recording information as respects himself when acting as driver or statutory attendant in such circumstances as may be specified in the regulations. 15

(2) Regulations under the said section sixteen may require separate information to be recorded as to the time spent by a person in work in connection with the vehicle or its load or such description of such work as may be specified in the regulations and the time spent by him in other work. 20

14. The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which a licence under the said Act of 1933 is required. 25
30

15. Section thirty of the Road and Rail Traffic Act, 1933, shall come into operation on the coming into operation of this paragraph.

16. In subsection (4) and in subsection (6) of section one of the Act of 1934 (which confers power to revoke directions defining built-up areas) after the words "may be revoked" there shall be inserted the words "or varied", and in subsection (5) of that section after the word "revoke" there shall be inserted the words "or vary", after the word "revoked" there shall be inserted the words "or varied", for the words "or revoking" there shall be substituted the words "revoking or varying", and for the words "or ought not to be revoked" there shall be substituted the words "revoked or varied". 35
40

17. In subsection (3) of section six of the Act of 1934 (which confers power to disqualify an offender until he has undergone a driving test) after the words "careless driving)" there shall be inserted the words "or under section fifteen of the principal Act (which relates to driving under the influence of drink or a drug)", 45

the words from "and whether" to the next "motor vehicle" shall be omitted, and at the end there shall be inserted the words "and where the court makes an order under section six of the principal Act disqualifying him for holding or obtaining a licence to drive a motor vehicle or where he is so disqualified by virtue of the conviction the court shall exercise the power conferred by this subsection. A disqualification imposed under this subsection may, if the court thinks fit, be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed".

A.D. 1955
3RD SCH.
—cont.

18. The maximum for the fee which may be specified in regulations under paragraph (b) of subsection (5) of section six of the Act of 1934 (which provides for the payment of fees by persons submitting themselves to driving tests) shall be increased to one pound; and accordingly in that paragraph for the words "ten shillings" there shall be substituted the words "one pound".

19. In section twenty-six of the Act of 1934 (which makes special provision as to the carriage of passengers in motor vehicles belonging to associations) for the words "the principal Act and this Act" there shall be substituted the words "the provisions of the Road Traffic Act, 1955 relating to public service vehicles".

20. The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners established for each traffic area by section sixty-three of the Act of 1930, or of traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, without modification; and section two of the Chairmen of Traffic Commissioners, etc. (Tenure of Office) Act, 1937 (which applied the Superannuation Acts, 1834 to 1935, to the said chairmen subject to certain modifications) shall cease to have effect.

21. Section one hundred and seventeen of the Transport Act, 1947 (which provides that traffic commissioners appointed for any area under Part IV of the Act of 1930 shall be known as the Licensing Authority for Public Service Vehicles, and that the licensing authority for the purposes of Part I of the Road and Rail Traffic Act, 1933 shall be known as the Licensing Authority for Goods Vehicles) shall cease to have effect; and accordingly, as from the commencement of this Act,—

(a) traffic commissioners appointed under the said Part IV for any area other than the metropolitan traffic area shall be known as Traffic Commissioners for the area for which they are appointed, and the traffic commissioner appointed for the metropolitan traffic area shall be known as the Traffic Commissioner for the Metropolitan Traffic Area; and

(b) the authority charged with the duty of granting licences under Part I of the Road and Rail Traffic Act, 1933 shall be known as the Licensing Authority.

A.D. 1955

FOURTH SCHEDULE

Section 33.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal	
24 & 25 Vict. c. 70.	The Locomotive Act, 1861.	Sections six and seven.	5
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section one hundred and four.	
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section three hundred and eighty-five, paragraphs (1) and (3).	10
61 & 62 Vict. c. 29.	The Locomotives Act, 1898.	The whole Act, so far as still in force.	
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section ten, in subsection (2) the words "or second"; in section twelve, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second con- viction, three months"; section sixty-one; in section one hun- dred and fifteen, in subsection (1) the words from "and for the purposes" to the end of the sub- section; and in section one hundred and twenty-one the definition of "public service vehicle".	15 20 25
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section sixty-one, subsection (7).	30
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	In section eight, subsection (1); and in section thirteen, in sub- section (1) the words from "or to the danger" to "breach".	
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In section one, in subsection (4) the words "notwithstanding that such a system of lighting as aforesaid is provided thereon" and the words "notwithstanding that such a system of lighting as aforesaid is not provided there- on", subsection (10); in section two, in subsection (3) the words "or second"; in section five, in subsection (2) the words "or second", "in the case of a first conviction" and "or, in the case of a second conviction, three months"; sections twenty- four and twenty-five; and in the Third Schedule, the entry relating to section eighty-one of the Act of 1930.	35 40 45 50
1 Edw. 8. & 1 Geo. 6. c. 44	The Road Traffic Act, 1937.	Section one.	55

Session and Chapter	Short Title	Extent of Repeal
5 1 Edw. 8. & 1 Geo. 6. c. 52	The Chairman of Traffic Commissioners, etc. (Tenure of Office) Act, 1937.	Section two.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	Section one hundred and seventeen.

A.D. 1955
4TH SCH.
—cont.

A.D. 1955

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Locomotive Act, 1861	24 & 25 Vict. c. 70.
Roads and Bridges (Scotland) Act, 1878 ...	41 & 42 Vict. c. 51.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Locomotives Act, 1898	61 & 62 Vict. c. 29.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
London Traffic Act, 1924	14 & 15 Geo. 5. c. 34.
Public Health Act, 1925... ..	15 & 16 Geo. 5. c. 71.
Coroners (Amendment) Act, 1926	16 & 17 Geo. 5. c. 59.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
London Passenger Transport Act, 1933 ...	23 & 24 Geo. 5. c. 14.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Road Traffic Act, 1934	24 & 25 Geo. 5. c. 50.
Road Traffic Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 44.
Chairmen of Traffic Commissioners, etc. (Tenure of Office) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 52.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.

Road Traffic [H.L.]

A

BILL

[AS AMENDED ON REPORT]

INTITLED

An Act to amend the law relating to road traffic, the provision of parking places, driving licences and certificates of insurance, the licensing of vehicles and the regulation of public service vehicles; and for purposes connected therewith.

The Earl of Selkirk

Ordered to be printed 15th March 1955

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

(32)

(38047)

Road Traffic Bill [H.L.]

Amend-
ment
No.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON THIRD READING

Clause 1

BY THE EARL OF SELKIRK

- 1 Page 2, line 6, after (“ vehicle ”) insert (“ to which this subsection applies and ”)
- 2 Page 2, line 13, leave out (“ Provided that this ”) and insert—
 (“ (5) The last foregoing subsection applies to motor vehicles of such classes or descriptions as may be specified by order of the Minister:
 Provided that the said ”)
- 3 Page 2, line 16, leave out paragraph (*b*).
- 4 Page 3, line 29, after (“ make ”) insert (“ orders and ”)
- 5 Page 3, line 30, after (“ and ”) insert—
 (“ (*a*) an order under subsection (5) of this section shall not have effect unless approved by resolution of each House of Parliament,
 (*b*) ”)

After Clause 3

BY THE LORD WINSTER

- 6 Insert the following new Clause—
 (“ . Where a person is charged before a court of summary jurisdiction with an offence under section eleven of the Act of 1930 (which relates to reckless or dangerous driving) and the court is of opinion that the offence is not proved it shall be lawful for the court, if it is satisfied that he is guilty of an offence under section twelve of the said Act (which relates to careless driving or driving without reasonable consideration for other persons using the road), to find him guilty of that offence.”)

After Clause 9

**BY THE EARL OF SELKIRK
AND THE EARL HOWE**

Insert the following new Clause—

- 7 (“ .—(1) At the end of subsection (1) of section eight of the Act of 1934 (which prohibits the sale or supply of vehicles for delivery in a condition in which their use on a road would be unlawful by virtue of section three of the Act of 1930) there shall be added the words ‘ or by virtue of any provision made as respects brakes, steering gear or tyres by regulations under section thirty of that Act ’. Amendment of s. 8 of Act of 1934.

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

‘ (5) Nothing in the preceding provisions of this section shall affect the validity of any contract or any rights arising under a contract ’.”)

Clause 11

BY THE EARL OF SELKIRK

- 8 Page 9, line 18, leave out (“ the system was provided after ”) and insert (“ no relevant system of street lighting was provided thereon before ”)
- 9 Page 9, line 25, leave out from (“ no ”) to (“ is ”) in line 26 and insert (“ relevant system of street lighting ”)
- 10 Page 9, line 37, leave out from (“ whether ”) to end of line 38 and insert (“ a relevant system of street lighting was provided on any length of that road before ”)
- 11 Page 10, line 4, at end insert (“ and the expression ‘ relevant system of street lighting ’ means a system of street lighting furnished by lamps placed two hundred yards or less apart.”)

Clause 20

BY THE EARL OF SELKIRK

- 12 Page 18, line 3, leave out from (“ vehicle ”) to end of line 4.

(3)

Amend-
ment
No.

Clause 25

BY THE EARL OF SELKIRK

13 Page 20, line 8, after (“Act ”) insert (“ any of ”)

Clause 33

BY THE EARL OF SELKIRK

14 Page 24, line 26, leave out from (“Act ”) to end of line 29.

Road Traffic Bill [H.L.]

MARSHALLED LIST
OF
AMENDMENTS
TO BE MOVED ON
THIRD READING

23rd March, 1955

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

(32 **)

(38079)

Rural Water Supplies and Sewerage Bill

EXPLANATORY MEMORANDUM

The purpose of the Bill is to enable Exchequer contributions under the Rural Water Supplies and Sewerage Act, 1944 to be made either by lump sum or by periodical payments towards revenue expenditure, instead of by lump sum only as, except in certain special cases, the Act requires.

Where an undertaking to pay by lump sum has been given before the Bill comes into force, equivalent periodical payments may be substituted for any amounts not already paid.

A

B I L L

INTITULED

An Act to amend the requirements of the Rural Water Supplies and Sewerage Act, 1944, with respect to undertakings under section one of that Act to make contributions towards expenses incurred by local authorities in connection with water supplies, sewerage and sewage disposal in rural localities; and for purposes connected with the matters aforesaid. A.D. 1955

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

- 5 1.—(1) Any undertaking given by the Minister of Housing and Local Government or the Secretary of State after the commencement of this Act under section one of the Rural Water Supplies and Sewerage Act, 1944, to make a contribution towards the expenses incurred by a local authority in connection with water supplies, sewerage and sewage disposal in a rural locality shall provide for the making of the contribution in the form of such lump sum payment or payments, or such periodical payments towards revenue expenditure, as may appear to the said Minister or, as the case may be, to the Secretary of State to be appropriate; and accordingly subsections (2) and (3) of the said section one are hereby repealed.
- Government contributions under Rural Water Supplies and Sewerage Act, 1944.
7 & 8 Geo. 6.
c. 26.

(2) Where, before the commencement of this Act, an undertaking has been given under the said section one to make a contribution in the form of a lump sum payment or payments, the said Minister or, as the case may be, the Secretary of State

A.D. 1955 may, if he thinks fit, substitute for any payment or payments remaining to be paid in pursuance of that undertaking such periodical payments towards revenue expenditure as may appear to him to be equivalent thereto.

(3) For the purposes of the limit on the aggregate amount of contributions under the said section one imposed by subsection (5) of that section as amended by the Rural Water Supplies and Sewerage Act, 1951 (or, as the case may be, by the said subsection (5) as read with section seven of the said Act of 1944 and as amended by section twenty-one of the Water (Scotland) Act, 1949), in a case where contributions are made by way of a series of periodical payments there shall be taken into account only the capital amount which would be represented by those periodical payments if—

- (a) those payments were instalments of principal and interest combined; and
- (b) the interest were calculated, with half-yearly rests, at such rate as, at the date when the undertaking to make the contributions in question is given, is in force for a loan to the local authority in question from the Local Loans Fund; and
- (c) the said capital amount were calculated as at the date falling six months before the first payment of the series.

(4) In the valuation for rating purposes—

- (a) in England or Wales, of any hereditaments occupied by water undertakers; and
- (b) in Scotland, of any lands and heritages of water undertakers,

any contributions under the said section one shall be left out of account. 30

(5) Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under the said section one, under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954, shall be paid out of moneys so provided. 35

Citation,
and extent.

2.—(1) This Act may be cited as the Rural Water Supplies and Sewerage Act, 1955.

(2) This Act, the Rural Water Supplies and Sewerage Acts, 1944 and 1951, and section twenty-one of the Water (Scotland) Act, 1949, may be cited together as the Rural Water Supplies and Sewerage Acts, 1944 to 1955. 40

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

**Rural Water Supplies and
Sewerage**

A

B I L L

INTITULED

An Act to amend the requirements of the Rural Water Supplies and Sewerage Act, 1944, with respect to undertakings under section one of that Act to make contributions towards expenses incurred by local authorities in connection with water supplies, sewerage and sewage disposal in rural localities; and for purposes connected with the matters aforesaid.

Brought from the Commons 8th March 1955

Ordered to be printed 8th March 1955

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

(31)

(38024)

Transport (Borrowing Powers) Bill

EXPLANATORY MEMORANDUM

1. The purpose of the Bill is to increase the borrowing powers of the British Transport Commission.

2. The aggregate amount which the Commission, with the consent of the Minister of Transport and Civil Aviation and the approval of the Treasury, may borrow temporarily or by the issue of British Transport stock to meet their capital needs is limited by section 26 of the Transport Act, 1953, to a maximum of £275 million outstanding at any one time. This Bill increases that limit to £600 million. Amounts already borrowed and still outstanding will count against the new maximum. The Treasury's power under section 90 of the Transport Act, 1947, to give guarantees in respect of redemption or repayment of, and payment of any interest on, stock issued and moneys temporarily borrowed by the Commission extends to the new borrowings under the Bill.



A

B I L L

INTITULED

An Act to increase the limit imposed by paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953, on the amount outstanding in respect of borrowings of the British Transport Commission. A.D. 1955

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

5 1. In paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953 (which imposes, subject to the provisions of that subsection, a limit of two hundred and seventy-five million pounds on the aggregate amount outstanding in respect of the principal of British transport stock issued otherwise than to satisfy or raise money for compensation and in respect of temporary loans raised by the British Transport Commission) for the words "two hundred and seventy-five million pounds" there shall be substituted the words "six hundred million pounds"; and the other provisions of that Act, and of the Transport Act, 1947, shall have effect accordingly, and in particular the provisions which authorise the Treasury to give guarantees with respect to stock or loans and which provide for charging sums required for fulfilling any such guarantee on the Consolidated Fund and for paying into the Exchequer any sums received by way of repayment of sums so required or by way of interest thereon. Extension of borrowing powers.
1 & 2 Eliz. 2.
c. 13.
10 & 11 Geo. 6.
c. 49.

2. This Act may be cited as the Transport (Borrowing Powers) Act, 1955. Short title.

Transport (Borrowing Powers)

A

B I L L

INTITULED

An Act to increase the limit imposed by paragraph (b) of subsection (1) of section twenty-six of the Transport Act, 1953, on the amount outstanding in respect of borrowings of the British Transport Commission.

Brought from the Commons 24th February 1955

Ordered to be printed 24th February 1955

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

(22)

(37986)

A

B I L L

INTITULED

An Act to amend the law relating to the superannuation benefits payable in respect of service with trustee savings banks and their inspection committee. A.D. 1955

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

5 1.—(1) The Treasury may, after consulting the National Debt Commissioners, by order extend or modify the superannuation benefits payable under sections sixty-four to sixty-nine of the Trustee Savings Banks Act, 1954 (which authorise trustee savings banks and the Inspection Committee to pay pensions and similar benefits). Power to make orders as to superannuation benefits. 2 & 3 Eliz. 2. c. 63.

(2) The Treasury may, in particular, by an order under this section authorise the payment of superannuation benefits corresponding to those payable under the Superannuation Acts, 1834 to 1950, or under any other enactment, whether past or future, which relates to the superannuation benefits payable in respect of the service of civil servants, but shall not make an order which in their opinion would authorise the payment of superannuation benefits superior to those payable in respect of the service of civil servants.

A.D. 1955 (3) Subject to the restrictions imposed by the last foregoing subsection, an order under this section may in particular—

(a) authorise the granting of pensions for widows, children and other dependants of deceased employees, and of lump sums payable on retirement, or on death before retirement, and 5

7 & 8 Geo. 6.
c. 21.

(b) authorise the increase of pensions in cases corresponding to those where civil service pensions have been increased by the Pensions (Increase) Act, 1944, or any subsequent Act relating to the increase of current pensions, and 10

(c) make provision as to the kinds of service which may be treated as pensionable service, and as to payments in respect of employees transferred from one service to another, and

(d) amend any of the provisions of the said sections sixty-four to sixty-nine of the Trustee Savings Banks Act, 1954, and 15

(e) make provision for transitional, supplemental or incidental matters,

12, 13 & 14
Geo. 6. c. 44.

and an order making provision corresponding to Part I or II of 20 the Superannuation Act, 1949 (which provides for the payment of contributions in return for the benefits thereby conferred), may apply section three hundred and eighty-four of the Income Tax Act, 1952 (which provides that relief from income tax shall not be allowed in respect of such contribu- 25 tions).

15 & 16 Geo. 6.
c. 10.

(4) An order under this section may be varied or revoked by a subsequent order and the power of making such orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of 30 Parliament.

(5) In this section “civil servant” has the meaning assigned to it by subsection (2) of section sixty-three of the Superannuation Act, 1949.

Short title
and extent.

2.—(1) This Act may be cited as the Trustee Savings Banks 35 (Pensions) Act, 1955.

(2) This Act shall extend to Northern Ireland, the Isle of Man and the Channel Islands.

**Trustee Savings Banks
(Pensions)**

A

B I L L

INTITLED

An Act to amend the law relating to the superannuation benefits payable in respect of service with trustee savings banks and their inspection committee.

Brought from the Commons 28th February 1955

Ordered to be printed 28th February 1955

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

(24)

(38002)

Wedgwood Benn (Renunciation) Bill [H.L.]

EXPLANATORY MEMORANDUM

The Bill gives effect to the Instrument of Renunciation signed by Anthony Neil Wedgwood Benn in which he declared his irrevocable desire to renounce all his rights to the Viscounty of Stansgate to which he is heir male next in succession.

The preamble states the present position and draws attention to the fact that the Lord Mayor, Aldermen and Burgesses of Bristol will have petitioned both Houses of Parliament praying that legislation may be introduced to enable Anthony Neil Wedgwood Benn to renounce his rights to the Viscounty, so that he can continue as one of the Members of Parliament for Bristol. The last paragraph of the preamble explains why the Bill is introduced as a Public Bill by stating the dictum of Lord Shaftesbury in 1678 that "the whole Kingdom has an interest in the Peerage" and by quoting the Report from the Personal Bills Committee (H.L. 23) on the petition for the Wedgwood Benn (Renunciation) Bill, 1955, that the object of the Bill "raises questions of general importance". It also affirms that each case should be considered on its merits.

Clause 1 gives effect to the Instrument of Renunciation and provides that on the death of the present Viscount the peerage shall be deemed to have gone into abeyance for as long as Anthony Neil Wedgwood Benn is alive. On his death the peerage is restored fully to the heir male next in succession at that time exactly as if Anthony Neil Wedgwood Benn had himself held the peerage.

Clause 2 provides that the Bill shall lapse if Anthony Neil Wedgwood Benn dies before his father and that it shall not affect the succession of property nor deprive any of the descendants of Anthony Neil Wedgwood Benn of any of their rights to the title.

Clause 3 lays down that any future individual renunciation Bills may follow the same form and manner of presentation. It adds the proviso that this shall not preclude renunciation measures from being introduced in any other way.

The Schedule contains the Instrument of Renunciation.

The Bill thus leaves the present position unchanged with the exception that, during such time as Anthony Neil Wedgwood Benn may survive his father (the present Viscount), the peerage shall be in abeyance.

The Bill is a Public Bill in part based on precedents from earlier legislation.

A

B I L L

INTITULED

An Act to give effect to Anthony Neil Wedgwood Benn's
declaration of renunciation; and for purposes connected
therewith.

A.D. 1955

WHEREAS His late Majesty King George VI did, by letters
patent dated the twelfth day of January nineteen hundred
and forty-two, confer a viscounty of the United Kingdom
upon the Right Honourable William Wedgwood Benn as Viscount
5 Stansgate of Stansgate in the County of Essex to have and to
hold unto him and the heirs male of his body lawfully begotten:

And whereas Anthony Neil Wedgwood Benn, being the heir
male next in succession to the said Viscount Stansgate is one of
the members of the Commons House of Parliament representing
10 the City of Bristol:

And whereas if the said Anthony Neil Wedgwood Benn
succeeds to the said title the Burgesses of Bristol will then be
deprived of one of their present representatives freely elected
according to law:

15 And whereas the Lord Mayor, Aldermen and Burgesses of the
City and County of Bristol have petitioned the Lords Spiritual and
Temporal and the Commons, in this present Parliament assembled
humbly praying that provision may be made by Act of Parliament
enabling their member the aforesaid Anthony Neil Wedgwood
20 Benn to renounce irrevocably the name, state, degree, style,
dignity, title and honour of Viscount Stansgate and all the rights,
privileges, pre-eminences, immunities and advantages that would

A.D. 1955 otherwise descend to him by virtue of the said Letters Patent, so that he may be enabled to continue to serve Her Majesty's loyal subjects the Burgesses of Bristol as a commoner in the Commons House of Parliament for so long as he may be elected one of their representatives according to law: 5

And whereas Anthony Neil Wedgwood Benn has for that purpose executed the instrument of renunciation set out in the Schedule to this Act:

And whereas even matters affecting only individual peerages, because of the questions of general importance which they raise 10 (that are of interest to the whole kingdom) ought to be decided in each case upon their merits by Public Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows:—

Effect of the
declaration of
renunciation.

1. On the date of the passing of this Act, the Instrument of Renunciation executed by Anthony Neil Wedgwood Benn on the fifteenth day of February nineteen hundred and fifty-five set out in the Schedule to this Act, shall have effect; and thereupon the 20 said Anthony Neil Wedgwood Benn shall cease to be the heir male next in succession to the name, state, degree, style, dignity, title and honour of the Viscount Stansgate of Stansgate in the County of Essex and accordingly upon the death of the Right Honourable William Wedgwood Benn the first and present 25 Viscount Stansgate the said title of Viscount Stansgate shall be deemed to go into abeyance and shall remain in abeyance during the lifetime of the aforesaid Anthony Neil Wedgwood Benn; and upon his death the title shall be fully restored and shall 30 descend to the heir male next in succession at that time and thereafter according to the provisions of the Letters Patent creating the said Viscounty of Stansgate.

Savings.

2.—(1) In the event that Anthony Neil Wedgwood Benn predeceases the aforesaid first and present Viscount the provisions of this Act shall lapse and expire and it shall be deemed never 35 to have been passed.

(2) Nothing in this Act shall affect the title or succession of any person to any estates or other property.

(3) Nothing in this Act shall deprive any of the descendants of Anthony Neil Wedgwood Benn, whether born before or after 40 the passing of this Act, of any rights which they would have enjoyed as heirs to the Viscounty of Stansgate if this Act had never been passed.

3. The form and manner of presentation of this Act shall be A.D. 1955 held to be a proper form and manner for the presentation to Form of Parliament hereafter of legislative measures designed to give enactment. effect to any individual instrument of peerage renunciation:

5 Provided that this section shall not be interpreted in any way so to preclude the presentation to Parliament or enactment by Parliament of any Bill for this purpose drawn up in any other form or manner.

4. This Act may be cited as the *Wedgwood Benn (Renunciation)* Short title.
10 Act, 1955.

SCHEDULE

Section 1.

1, Anthony Neil Wedgwood Benn do hereby declare my irrevocable desire to renounce all my rights and privileges to the name, state, degree, style, dignity, title and honour of Viscount Stansgate of 15 Stansgate in the County of Essex to which I am the heir male.

In token whereof I have hereunto set my hand this fifteenth day of February nineteen hundred and fifty-five in the presence of the witnesses whose signatures are subscribed.

Signed at Westminster

20 in the presence of

WILLIAM WHITELEY

M. BERYL SKELLY

C. R. ATTLEE

ANEURIN BEVAN

25 JO GRIMOND

JULIAN AMERY

ANTHONY NEIL WEDGWOOD BENN

Wedgwood Benn
(Renunciation) [H.L.]

A

B I L L

INTITULED

An Act to give effect to Anthony Neil Wedgwood Benn's declaration of renunciation; and for purposes connected therewith.

The Viscount Stansgate

Ordered to be printed 17th March 1955

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

(34)

(38076)

Wireless Telegraphy (Validation of Charges) Bill

EXPLANATORY MEMORANDUM

The general purpose of the Bill is to validate certain charges in respect of licences under the Wireless Telegraphy Acts, 1904 to 1926, which were not authorised by those Acts.

Subsections (1) to (3) of clause 1 relate to charges already received by the Postmaster-General. Subsection (4) relates to charges which are outstanding, and which, but for the question of their invalidity, fell due between the 1st January, 1953 and the 31st May, 1954 (after which date Regulations under section 2 of the Wireless Telegraphy Act, 1949, came into force).

Subsections (2) and (3) of clause 1 make subsection (1) retrospective for the purposes of proceedings begun on or after the 11th November, 1954 (the date when the Government's intention to introduce the Bill was announced), and enable a final order made in any such proceedings before the passing of the Bill to be rescinded.

A

B I L L

INTITULED

An Act to validate certain charges in respect of licences under the Wireless Telegraphy Acts, 1904 to 1926, and for purposes connected with the matter aforesaid. A.D. 1954

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

5 1.—(1) Where before the passing of this Act a payment was received by the Postmaster-General as being money payable in respect of the grant, renewal or variation of a licence under the Wireless Telegraphy Acts, 1904 to 1926 (in this Act referred to as "the former Acts"), or otherwise as being money payable under such a licence, and the payment was not one which the Postmaster-General was authorised to require by virtue of those Acts, the payment shall be deemed to have been lawfully required and received by the Postmaster-General by virtue of those Acts. Validation of charges of charges for wireless licences.

15 (2) The preceding subsection shall have effect for the purposes of any proceedings begun on or after the eleventh day of November, nineteen hundred and fifty-four, whether before or after the passing of this Act, but shall not affect any proceedings begun before that day.

20 (3) Where any proceedings have been begun on or after the eleventh day of November, nineteen hundred and fifty-four, and a final order has been made in the proceedings before the passing

A.D. 1954 of this Act, then if, on the application of a party to those proceedings, the court by which the order was made determines that the order would not have been made if this Act had been in operation when the proceedings were begun, the court shall rescind the order, and, if any sum has been paid thereunder 5 before the rescission takes effect, shall make an order directing the sum to be repaid.

(4) Where a sum—

(a) was expressed, in a licence issued under the former Acts, or in a licence as re-issued thereunder on a variation 10 of the licence, to be payable on a date falling within the period beginning with the first day of January, nineteen hundred and fifty-three, and ending with the thirty-first day of May, nineteen hundred and fifty-four, or 15

(b) was expressed to be payable in a notification to the licensee renewing such a licence on a date within that period,

and the sum (whether expressed to be payable unconditionally or subject to any question as to its being authorised by virtue 20 of the former Acts) is not one which the Postmaster-General was authorised to require by virtue of those Acts, then if payment of the sum (in so far as it remains unpaid) is required by or on behalf of the Postmaster-General after the passing of this Act, it shall be deemed to be lawfully required, and the sum (or, as 25 the case may be, the unpaid balance thereof) shall be recoverable by the Crown accordingly.

(5) In this Act “ order ” includes a judgment and a decree, and references to the making of an order shall be construed 30 accordingly.

Short title
and extent.

2.—(1) This Act may be cited as the Wireless Telegraphy (Validation of Charges) Act, 1954.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) This Act shall extend to the Channel Islands, and the 35 Royal Courts of the Channel Islands shall register this Act accordingly.

(4) This Act shall extend to the Isle of Man.

**Wireless Telegraphy
(Validation of Charges)**

A

B I L L

INTITULLED

An Act to validate certain charges in respect of licences under the Wireless Telegraphy Acts, 1904 to 1926, and for purposes connected with the matter aforesaid.



Brought from the Commons 17th December 1954

Ordered to be printed 17th December 1954

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

(9)

(37833)

