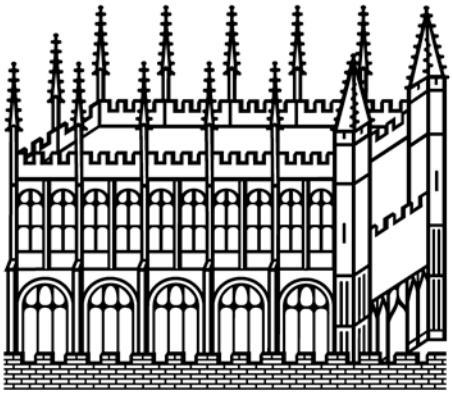

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THE

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VOL. IV

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(Four Volumes.)

THE SUBJECTS ALPHABETICALLY ARRANGED

RAI - - WID

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

1936

A

B I L L

INTITULED

An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the thirtieth day of November, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty. A.D. 1935.

WHEREAS the agreement set out in the Schedule to this Act was made on the thirtieth day of November, nineteen hundred and thirty-five, between the Treasury, the Great Western Railway Company, the London Midland and Scottish Railway Company, the London and North Eastern Railway Company and the Southern Railway Company:

And whereas, with a view to enabling effect to be given to the said agreement, it is expedient to authorise the Treasury to guarantee the payment of the principal of and interest on securities to be issued by the company to be formed in pursuance of clause 3 of the said agreement and to provide that stamp duty shall not be payable upon the agreements hereinafter mentioned:

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

Power of Treasury to guarantee securities.

1.—(1) The Treasury may guarantee in such manner and on such conditions as they think fit the payment of the principal of and the interest on securities issued as aforesaid:

A.D. 1935.

Provided that the amount of the principal of the securities to be so guaranteed shall not in the aggregate exceed an amount sufficient to raise twenty-six million, five hundred thousand pounds.

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

(3) As soon as may be after any guarantee is given under this Act, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this Act out of the Consolidated Fund or the growing produce thereof, the Treasury shall, as soon as may be after the end of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued and of all sums at any time received by way of repayment of any sums so issued, and a similar account shall be laid in like manner in every subsequent year unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

(5) If the said agreement is amended by any further agreement or by a certificate of the Minister of Transport, the Treasury shall, as soon as may be, lay a copy of the further agreement or certificate before both Houses of Parliament.

Exemption of agreements from stamp duty.

2. Stamp duty shall not be chargeable and shall be deemed not to have been chargeable on the agreement set out in the Schedule to this Act or any other agreement mentioned in paragraph (*b*) of clause 2 thereof.

Short title.

3. This Act may be cited as the Railways (Agreement) Act, 1935.

A.D. 1935.

SCHEDULE.

AN AGREEMENT made this thirtieth day of November 1935 BETWEEN THE COMMISSIONERS OF HIS MAJESTY'S TREASURY (hereinafter called " the Treasury ") of the first part and THE GREAT WESTERN RAILWAY COMPANY of the second part the LONDON MIDLAND AND SCOTTISH RAILWAY COMPANY of the third part THE LONDON AND NORTH EASTERN RAILWAY COMPANY of the fourth part and the SOUTHERN RAILWAY COMPANY of the fifth part (all of which railway companies are collectively hereinafter referred to as " the Railway Companies ").

WHEREAS His Majesty's Government are desirous that the facilities for transport of passengers and merchandise provided by the Railway Companies may be increased by the electrification of lines the provision of new equipment and improvement of railway works as set out in relation to each of the Railway Companies in the First Schedule hereto and that the works therein specified should be commenced as speedily as possible with a view to the early provision of the new and improved public services and facilities which it is intended shall result therefrom :

AND WHEREAS the total cost of the execution of the said works is estimated at £29,500,000 and the Railway Companies are unable to undertake at the present time the whole of the work involved without the financial assistance from His Majesty's Government provided for in this Agreement :

AND WHEREAS having regard to the public advantages to accrue from the early execution of the said works His Majesty's Government are willing subject to the sanction of Parliament to assist the Railway Companies in raising moneys for that purpose by giving such guarantee as is hereinafter provided.

NOW THEREFORE IT IS AGREED as follows :—

1. Each of the Railway Companies shall as soon as practicable in the next available Session apply to Parliament for and use its best endeavours to obtain (in so far as it does not already possess such powers) the statutory powers hereinafter referred to and all such other statutory powers (if any) as may be necessary to enable this Agreement to be carried into effect and subject to the necessary statutory powers being obtained shall execute the works to be

A.D. 1935. undertaken by it in accordance with the First Schedule hereto as speedily as may be and shall complete such works not later than the 1st day of January 1941 or within such further period as the Minister of Transport may allow. Provided that if any one of the Railway Companies shall hereafter satisfy the Minister of Transport that it is desirable that any of the works comprised in the First Schedule hereto which it is intended it shall carry out should be varied or that additional work should be added thereto the said Schedule shall be deemed to be amended to the extent to which the Minister shall certify that he is so satisfied and shall have effect accordingly.

2. In consideration of the premises and of the further provisions of this Agreement the Treasury will in the next Session cause to be submitted to Parliament a Bill—

(*a*) conferring on the Treasury such statutory powers as may be necessary to enable the Treasury to guarantee the payment of the principal of a loan not exceeding £26,500,000 to be raised by the Finance Company to be formed in accordance with Clause 3 of this Agreement and interest thereon; and

(*b*) providing that stamp duty shall not be payable upon this Agreement or upon any Agreement in variation of this Agreement or upon any Agreements which shall be made by the Railway Companies or any of them with the said Finance Company providing for or securing the repayment of the advances to be made by the said Finance Company to the Railway Companies respectively or otherwise for giving effect to the provisions of this Agreement.

3. As soon as the powers contemplated by the preceding clause have been obtained from Parliament the Treasury will cause a company (in this Agreement referred to as " the Finance Company ") to be formed with a nominal share capital for the purpose of raising and lending to the Railway Companies a sum or sums not exceeding in the aggregate £26,500,000 as aforesaid.

The said sum or sums shall be raised at such time or times as the Treasury may determine by the issue of securities of the Finance Company guaranteed as to principal and interest by the Treasury in accordance with the terms of an agreement to be entered into between the Treasury and the Finance Company. The said securities shall mature for repayment at par on such date as may be fixed by the Treasury not being less than fifteen or more than twenty-five years from the date of issue thereof and shall be issued at such price and carry interest at such rate as may be approved by the Treasury and the Railway Companies and shall otherwise be issued upon such terms as the Finance Company and the Treasury may agree after consultation with

the Railway Companies and such terms may include an option to the Finance Company to redeem the whole or any part of the securities at a date prior to the date fixed by the Treasury as aforesaid (upon notice to the holders of such securities) at any time after the expiration of such period from the date of such issue as the said terms may provide.

4. To the extent to which and as soon as they have obtained or obtain the necessary powers herein provided for the respective Railway Companies shall borrow from the Finance Company such sums not exceeding in the aggregate £26,500,000 as shall be raised by the Finance Company under the foregoing provisions of this Agreement for the purposes of :—

(*a*) the payment of the cost of such of the works comprised in the First Schedule hereto as they respectively may be authorised to carry out and of such further works as they may undertake with the approval for this purpose of the Minister of Transport;

(*b*) the payment of the costs and expenses for which they respectively are liable under Clause 10 hereof so far as properly chargeable to capital;

(*c*) the payment of interest on moneys borrowed which they may be authorised to pay out of or charge to capital or to pay or provide out of advances; and

(*d*) the payment of any sums for which they respectively are liable under the provisions of Clauses 8 and 9 hereof.

The said sums shall be borrowed by the respective Railway Companies in the proportions set out opposite their respective names in the Second Schedule hereto which proportions may be varied by agreement between the Railway Companies with the approval of the Treasury the said proportions with such variations as aforesaid (if any) being hereinafter referred to as the "agreed proportions."

5. Each of the Railway Companies shall pay interest on the moneys borrowed by it from the Finance Company at the effective rate at which those moneys are raised by the Finance Company under Clause 3 hereof taking into account any premium or discount at which the securities in respect thereof were issued. The first payment of interest shall be calculated from the date when the money is borrowed to the next half-yearly date for payment of interest by the Finance Company on the said securities and shall be payable three days in advance of such half-yearly date. Thereafter interest shall be payable by half-yearly instalments calculated up to the half-yearly dates for payment of interest by the Finance Company on the said securities but payable three days in advance thereof.

A.D. 1935.

6. In the case of default in payment of any interest under the last preceding clause the Finance Company may with the consent of the Treasury give notice thereof to the Railway Company so defaulting and if such interest is not paid within seven days after receipt of such notice the whole of the moneys borrowed by that Railway Company and then outstanding shall become immediately due and payable.

7. So much of the sums raised under Clause 3 hereof as shall not for the time being be lent to the Railway Companies shall be invested by the Finance Company to such an extent and in such manner as the Finance Company (after consultation with the Treasury) may think fit.

8. The Railway Companies shall pay to the Finance Company such sums as together with the interest payable under Clause 5 hereof on the moneys borrowed by them and any income from the investment of the unborrowed moneys under Clause 7 hereof (including any realised profits from investments) will provide the amount required to discharge the interest payable by the Finance Company in respect of the sums raised under Clause 3 of this Agreement. Provided that in computing the sums payable by the Railway Companies under this clause no account shall be taken of any part of the sums so raised as aforesaid (or of any of the income from investment as aforesaid which the Treasury determine to be fairly attributable to the investment of such part) if such part cannot be borrowed under this Agreement by reason of the refusal of Parliament to grant the borrowing powers in respect thereof in this Agreement provided for.

The sums payable under this clause shall be paid in the agreed proportions and shall be due three clear days before the interest payable by the Finance Company on its securities becomes due. The Finance Company shall be at liberty to deduct any sum payable under this clause from the unborrowed proceeds of its securities and may as soon as the requisite borrowing powers have been obtained by the Railway Company by whom it is payable either recover the sum from that Railway Company or treat such sum as money borrowed by that Railway Company.

9. Any losses on capital account which may be made by the Finance Company in the investment of the unborrowed proceeds of its securities (except such losses as the Treasury may determine to be fairly attributable to the investment of moneys in respect of which Parliament has refused to grant borrowing powers) shall be treated as moneys borrowed by the Railway Companies under this Agreement to be apportioned between them in the agreed proportions.

10. The Railway Companies agree to defray the costs and expenses of and incidental to the formation administration and

winding-up of the Finance Company and to the creation issue underwriting (if any) and management of its securities. Such costs and expenses shall be apportioned between the Railway Companies in the agreed proportions. The Railway Companies shall respectively receive credit for any stamp duties paid by them on any securities issued by the Finance Company in respect of any moneys which any of them may be unable to borrow by reason of the refusal of Parliament to grant borrowing powers to that Company in respect thereof.

11. Each of the Railway Companies shall deposit in an account to be opened at the Bank of England in the joint names of the Railway Company so making the deposit and the Finance Company all moneys borrowed by it and then outstanding one calendar month before the date of final maturity of the securities issued by the Finance Company out of the proceeds of which such moneys were advanced. Provided that if the Finance Company has an option to redeem its securities in whole or in part at any prior date any of the Railway Companies may request the Finance Company to exercise its option to such extent as such Railway Company may require and in that event such Company will one calendar month before the date fixed by the Finance Company for such redemption deposit in manner aforesaid such part of the moneys borrowed by such Railway Company as will enable the Finance Company to redeem the securities in respect of which the option has been exercised.

The moneys so deposited shall be released by the Railway Company to the Finance Company on the day prior to the date fixed for the redemption of such securities but the Railway Company shall pay to the Finance Company interest on the money so deposited at the rate provided for in Clause 5 hereof up to the date so fixed. Any interest earned by the moneys in the deposit account shall be for the account of the Railway Company. If the sums raised by the Finance Company were raised by the issue of its securities at a discount the amount of such discount shall for the purposes of this clause and of Clauses 6 and 13 hereof be added to and be deemed to form part of the moneys borrowed by the Railway Company.

12. Each of the Railway Companies will in the next Session of Parliament promote a Bill and will use its best endeavours to procure it to be passed into law providing (inter alia) :—

(*a*) for the creation by virtue of the Act itself of such an amount of 4 per cent. Debenture Stock of the Railway Company as at its nominal or par value shall be equivalent to the total amount which the Railway Company shall borrow from the Finance Company under this Agreement;

A.D. 1935.

(*b*) for the issue by the Railway Company to the Finance Company from time to time of such Debenture Stock as collateral security for such moneys as shall be borrowed by the Railway Company as aforesaid and for such Debenture Stock to be issued at such time or times and in such amount or amounts as the Finance Company with the approval of the Treasury first obtained may direct but providing also that the Railway Company shall not be required to issue to the Finance Company in the aggregate a greater amount of the said Debenture Stock than at its nominal or par value is equivalent to the moneys so borrowed by the Railway Company as aforesaid and for the time being outstanding nor to issue any of the said Stock to the Finance Company unless that Company first obtain the approval of the Treasury;

(*c*) for power for the Railway Company to borrow to the extent in the manner and for the purposes set out in this Agreement;

(*d*) for the redemption by the Railway Company of any of the said Debenture Stock so charged as collateral security as aforesaid upon payment under the terms of this Agreement of the whole of the moneys it may borrow as aforesaid and upon such redemption or upon the release of any of the said Debenture Stock from the said charge pursuant to Clause 14 hereof for right and power to the Directors of the Railway Company to cancel the stock so redeemed or released and to create and issue stock in the capital of the Company equal in value to the Debenture Stock so redeemed or released either as a redeemable or irredeemable stock of any description and carrying such rate or varying rates of interest as they may think fit;

(*e*) if and so far as such powers may be necessary or expedient for power to the Railway Company to carry out the works to be undertaken by it in accordance with the First Schedule hereto and to acquire compulsorily or by agreement such lands and properties easements or other interests in lands as may be necessary for the purpose;

(*f*) for power to the Railway Company to treat all sums payable under Clause 8 of this Agreement as if they were interest on advances made under this Agreement;

(*g*) that the Railway Company shall not be charged with or be liable to loan capital duty on the Debenture Stock to be created by them as aforesaid or with any duty

in respect of the issue thereof as collateral security until upon such Debenture Stock being released from the said charge the Railway Company shall issue or re-issue such Stock.

Any such Bill may if any of the Railway Companies so desire contain a provision conferring power on the Railway Company to charge to capital during construction interest on so much of the moneys borrowed under this Agreement as is expended on works the cost whereof is properly chargeable to capital account.

13. As collateral security for the repayment of the sums borrowed from the Finance Company each of the Railway Companies shall charge in favour of the Finance Company the 4 per cent. Debenture Stock to be created under the Bills to be promoted by them respectively under Clause 12 hereof. Such charge shall be in the usual form to be approved by the Treasury and shall provide for the issue at the request of the Finance Company made with the consent of the Treasury of the said Stock to the Finance Company or its nominee as the request may direct and for the usual power of sale of such Stock.

14. As the cost of the works to be provided for out of the moneys borrowed under this Agreement by each of them the London Midland and Scottish Railway Company and the London and North Eastern Railway Company includes the cost of anticipating the replacement of certain wasting equipment each of them the London Midland and Scottish Railway Company and the London and North Eastern Railway Company will provide the amounts of £1,250,000 and £896,580 respectively by annual instalments over a period not exceeding 15 years from the date of the first issue of securities by the Finance Company. The annual sums so provided shall be invested from time to time in the securities of the Finance Company if purchased at or below par or in such other securities as may be approved by the Treasury. Such securities shall be charged in favour of the Finance Company as collateral security for the sum borrowed by the respective Railway Company under this Agreement and for the time being outstanding and upon such charge being given the 4 per cent. Debenture Stock of the Railway Company of a nominal amount equal to the actual sum invested in the securities so charged shall be released from the charge to be given under Clause 13 of this Agreement.

15.—(*a*) If any of the Railway Companies are refused by Parliament any of the powers referred to in Clause 12 hereof (other than those in paragraph (*d*) thereof) in respect of any part of the works to be undertaken by it in accordance with the First Schedule hereto or any money to be borrowed in respect thereof such Company shall at its option be relieved of its obligations

A.D. 1935. under this Agreement as regards that part of the works in respect of which such powers have been refused.

(*b*) If the London and North Eastern Railway Company are refused by Parliament any such powers as aforesaid in respect of the work numbered 1 (Electrification of the line from Manchester to Sheffield including provision of rolling stock and other equipment) specified in Part III of the First Schedule hereto or any money to be borrowed in respect thereof the London and North Eastern Railway Company shall not only be relieved of its obligations under this Agreement as regards the said work but also shall at its option be relieved of its obligations under this Agreement with regard to all or any of the other works specified in Part III of the said Schedule.

16. In the execution of the works comprised in the First Schedule hereto the following conditions shall be observed by the Railway Companies :—

(*a*) all plant machinery and materials required in connection with the said works shall so far as practicable be of United Kingdom origin and all manufactured articles shall (unless the Treasury shall otherwise agree in writing) be wholly manufactured in the United Kingdom (preference being given other things being equal to firms in the Special Areas as defined in the First Schedule to the Special Areas (Development and Improvement) Act 1934) and all contracts relating to the said works shall require the contractors to certify on their own behalf and on behalf of their sub-contractors that such stipulations shall be carried out and the Railway Companies shall take all reasonable steps to ensure that such stipulations are observed by their contractors and shall report to the Treasury any modification of or failure to give such Certificate;

(*b*) in all contracts connected with the carrying out of the said works a clause shall be inserted requiring all contractors and sub-contractors employed on any such works to pay rates of wages and to observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or in the absence of such recognised wages and hours those which in practice prevail among good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further the conditions of employment generally accepted in the district in the

trade concerned shall be taken into account in considering how far the terms of this clause are being observed. The Railway Companies shall take all reasonable steps to secure the observance of the terms of this clause by all contractors and sub-contractors and for the exhibition of notices at the works of all contractors and sub-contractors regarding fair wages for the information of workpeople and for the inspection of wages books in order to see that the terms of this clause have been properly adhered to;

(*c*) if any of the work is carried out by any of the Railway Companies by direct labour the wages and other conditions of employment of such labour shall be those in force in the Company's service on similar work;

(*d*) all additional labour required for carrying out the works shall be selected from suitable workpeople submitted by the Employment Exchanges. Provided always that whenever the Employment Exchanges are unable to submit suitable workpeople within a reasonable period the Railway Company may make other arrangements for the engagement of such workpeople. Provided also that the Railway Companies shall be entitled to engage direct for the purpose of these works any specially qualified workpeople usually employed by them to do work of a specialised character;

(*e*) if work is carried out by contractors they shall be required to enter into contracts embodying provisions in terms similar mutatis mutandis to the last preceding paragraph of this clause.

17. Each of the Railway Companies shall give and so far as lies in its power procure to be given to the Treasury all such information as the Treasury may reasonably require with regard to the progress of the said works undertaken by it and the purchase of plant machinery and materials therefor the amount actually expended thereon the number of workmen of different trades or grades employed in connection therewith and generally all such other information as the Treasury may reasonably require and as the Company may be in a position to give or obtain.

18. Each of the Railway Companies shall as soon as may be enter into such agreement with the Finance Company as may be necessary to ensure that they are under such obligations to the Finance Company as are specified in the foregoing provisions of this Agreement.

A.D. 1935.

IN WITNESS whereof The Right Honourable NEVILLE CHAMBERLAIN and ARCHIBALD RICHARD JAMES SOUTHBY, Commander, R.N., two of the Commissioners of His Majesty's Treasury have hereunto set their hands and seals and the Common Seals of the Companies parties hereto respectively of the second third fourth and fifth parts have been hereunto affixed the day and year first before written.

THE FIRST SCHEDULE.

PART I.

Work to be undertaken by the Great Western Railway Company.

1. Construction of a new line from near St. Germans to Looe, including provision of diesel cars for the local services and other development works in connection with the line.

2. Construction of a new deviation line from Dawlish Warren to Newton Abbot.

3. Doublings of certain sections of line, lengthening of platforms and crossing places and provision of new loops on the Barnstaple, Minehead, Newquay and Porthcawl Branch lines.

4. Reconstruction and enlargement of important stations, including Banbury, Exeter, Llanelly, Oxford, Paignton, Penzance, Plymouth (North Road) and Weymouth, and minor improvements including the provision of loop lines at a number of other stations throughout the system.

5. Enlargement of marshalling yards, goods depots and carriage sheds at Brentford, Cannock Road, Hockley, Old Oak Common and Severn Tunnel Junction and minor improvements at other places throughout the system.

6. Adaptation of certain lines for use by heavier engines.

7. Alterations of passenger rolling stock.

8. Extension of automatic train control and track circuiting and provision of improved signalling, telegraph and telephone arrangements.

PART II.

Work to be undertaken by the London Midland and Scottish Railway Company.

1. Electrification of portions of the Company's railway in the Wirral Peninsula and the establishment of through passenger train working over that railway and the Mersey Railway between Liverpool and New Brighton and Liverpool and West Kirby (including the provision of rolling stock and other equipment).

2. Conversion of Stonebridge Park (Wembley) Power Station to 50 cycles frequency and alterations of sub-stations and other works and equipment.

3. Construction of 369 new steam locomotives.

4. Construction of 270 new carriages.

5. Reconstruction and replanning of the Euston terminus.

6. Installation of colour light signalling between Euston and Willesden Junction and at Birmingham, Crewe, Preston, Rugby, Stafford, Warrington and Wigan, provision of intermediate block sections at three points between Crewe and Euston, extension of track circuiting and other signalling works.

7. Improvement of accommodation at various passenger and goods stations.

PART III.

Work to be undertaken by the London and North Eastern Railway Company.

1. Electrification of the line from Manchester to Sheffield (including provision of rolling stock and other equipment).

2. Improvements to the following lines :—

Colchester to Clacton (including doubling between Thorpe-le-Soken and Clacton);

Felixtowe Branch (including doubling between Westerfield and Felixtowe Town);

Shenfield Junction to Southend;

Ely to Newmarket.

3. Provision of running loops at ten places between Grantham and Doncaster (with colour light signalling between Grantham and Barkston) and four places between Edinburgh and Berwick (with colour light signalling between Prestonpans and Berwick).

4. Provision of additional carriage and storage sidings at Edinburgh, Craigendoran and Cowlairs and additional facilities at Bathgate Junction and Broxburn.

A.D. 1935.

5. Station improvements, including colour light signalling at Doncaster and York and structural improvements at King's Cross.

6. Construction of 43 new steam locomotives.

7. Construction of additional passenger carriages and conversion of gaslit rolling stock to electric lighting.

8. Colour light signalling between York and Darlington and at Newcastle-on-Tyne, Edinburgh (East) and Cowlairs.

9. Extension of safety precautions (track circuiting and automatic train control).

10. Additional accommodation for the fish trade at Hull and Grimsby Docks.

PART IV.

Work to be undertaken by the Southern Railway Company.

1. Electrification of the following lines (including provision of rolling stock and other equipment) :—

(*a*) Hampton Court Junction to Portsmouth, via Woking and Guildford.

(*b*) Woking to Farnham.

(*c*) Weybridge to Staines.

(*d*) Dorking to Arundel Junction and West Worthing to Havant, including the branches to Littlehampton and Bognor.

(*e*) Sevenoaks to Hastings, via Tunbridge Wells.

(*f*) Gravesend and Swanley Junction to Chatham and Gillingham.

(*g*) Strood to Maidstone.

2. Construction of portion of a new railway from Motspur Park to Leatherhead.

3. Reconstruction of Templecombe, Twickenham and other Stations.

THE SECOND SCHEDULE.

The Proportions referred to in Clause 4 hereof.

Great Western Railway Company -	Eleven fifty-third parts.
London Midland and Scottish Railway Company.	Eighteen fifty-third parts.
London and North Eastern Railway Company.	Twelve fifty-third parts.
Southern Railway Company - -	Twelve fifty-third parts.

A.D. 1935.

SIGNED SEALED AND DELIVERED by The Right Honourable NEVILLE CHAMBERLAIN, one of the Commissioners of His Majesty's Treasury, in the presence of—
J. D. B. FERGUSON,
Treasury Chambers, S.W.1.
Civil Servant.

N. CHAMBERLAIN.

L.S.

SIGNED SEALED AND DELIVERED by ARCHIBALD RICHARD JAMES SOUTHBY, Commander, R.N., one of the Commissioners of His Majesty's Treasury, in the presence of—
C. J. HARRIS,
12, Downing Street, S.W.1.
Civil Servant.

ARCHIBALD R. J. SOUTHBY.

L.S.

THE COMMON SEAL of the Great Western Railway Company was hereunto affixed in the presence of—
F. R. DAVIS,
Secretary.
16081.

Seal.

THE COMMON SEAL of the London Midland and Scottish Railway Company was hereunto affixed in the presence of—
O. GLYNNE ROBERTS,
Secretary.

Seal.

THE COMMON SEAL of the London and North Eastern Railway Company was hereunto affixed in the presence of—
P. J. DOWSETT,
Assistant Secretary.
6988.

Seal.

THE COMMON SEAL of the Southern Railway Company was hereunto affixed in the presence of—
F. H. WILLIS,
Secretary.

Seal.

Railways (Agreement).

A

B I L L

INTITULED

An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the thirtieth day of November, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty.

(*Brought from the Commons* 17*th December* 1935.)

Ordered to be printed 17th December 1935.

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(18)

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Transport under the Reading Corporation Act, 1935, relating to Reading Corporation trolley vehicles. A.D. 1936.

WHEREAS under the authority of section twelve of the Reading Corporation Act, 1935 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed: 25 & 26 Geo. 5. c. xc.

And whereas a Provisional Order made by the Minister of Transport under the authority of the said section is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

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

1. This Act may be cited as the Reading Corporation (Trolley Vehicles) Order Confirmation Act, 1936. Short title.

2. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act. Confirmation of Order in schedule.

BODLEIAN 30 JUN 1936

A.D. 1936.

SCHEDULE.

READING CORPORATION (TROLLEY VEHICLES).

Order authorising the mayor aldermen and burgesses of the borough of Reading to use trolley vehicles upon additional routes in the borough of Reading and in the parish of Tilehurst in the rural district of Bradfield in the county of Berks.

Short and collective titles.

1.—(1) This order may be cited as the Reading Corporation (Trolley Vehicles) Order 1936.

(2) The Reading Corporation Act 1914 the Reading Corporation Act 1935 and this Order may be cited together as the Reading Corporation (Trolley Vehicles) Acts and Order 1914 to 1936.

Interpretation.

2. In this Order the following expressions have the meanings hereby assigned to them respectively (that is to say) :—

"The Corporation" means the mayor aldermen and burgesses of the borough of Reading;

"The borough" means the county borough of Reading;

"The Act of 1935" means the Reading Corporation Act 1935;

"Trolley vehicle" has the meaning assigned to it by section 4 (Interpretation) of the Act of 1935.

Power to use trolley vehicles upon certain routes.

3. Subject to the provisions of this Order and of the Act of 1935 so far as such provisions relate to trolley vehicles and are applicable to this Order the Corporation may use trolley vehicles upon the following routes (in the borough except where otherwise stated) in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say) :—

Route No. 1 (3 furlongs 2·20 chains or thereabouts in length) commencing at the termination of Route No. 4 authorised by the Act of 1935 at the junction of Wokingham Road with St. Peter's Road proceeding along Wokingham Road to and terminating at its junction with Holmes Road;

A.D. 1936.

Route No. 2 (1 mile 4 furlongs 4·89 chains or thereabouts in length) commencing by a junction with Route No. 5 authorised by the Act of 1935 at the junction of London Street with Mill Lane proceeding along London Street London Road Craven Road Erleigh Road Addington Road and Crescent Road to and terminating by a junction with Route No. 4 authorised by the Act of 1935 at the junction of Crescent Road with Wokingham Road;

Route No. 3 (2 furlongs 4·45 chains or thereabouts in length) commencing by a junction with Route No. 2 hereinbefore described at the junction of Silver Street with London Road proceeding along Silver Street and Mount Pleasant to and terminating by a junction with Route No. 3 authorised by the Act of 1935 at the junction of Mount Pleasant with Whitley Street;

Route No. 4 (2 miles 0 furlongs 3·49 chains or thereabouts in length) commencing at the termination of Route No. 3 authorised by the Act of 1935 at the junction of Whitley Street with Christchurch Road proceeding along Whitley Street Basingstoke Road and Whitley Wood Lane to and terminating at the junction of that lane with Whitley Wood Road;

Route No. 5 (6 furlongs 9·78 chains or thereabouts in length) commencing by a junction with Route No. 4 hereinbefore described at the junction of Buckland Road with Basingstoke Road proceeding along Buckland Road Northumberland Avenue and Callington Road to and terminating at the junction of that road with Basingstoke Road;

Route No. 6 (1 furlong 4 chains or thereabouts in length) commencing by a junction with Route No. 5 hereinbefore described at the junction of Cressingham Road with Northumberland Avenue proceeding along Cressingham Road to and terminating at its junction with Staverton Road;

Route No. 7 (2 miles 0 furlongs 2·69 chains or thereabouts in length to be situate in the borough and in the parish of Tilehurst in the rural district of Bradfield) commencing at the termination of Route No. 2 authorised by the Act of 1935 at the junction of Norcot Road with Oxford Road proceeding along Norcot Road School Road Park Lane and Langley Hill to and terminating at a point 1·45 chains or thereabouts south of the junction of Langley Hill with Park Lane;

A.D. 1936.

Route No. 8 (1 mile 2 furlongs 0·74 chains or thereabouts in length) commencing at the termination of Route No. 2 authorised by the Act of 1935 at the junction of Oxford Road with Norcot Road proceeding along Oxford Road to and terminating at a point 8·15 chains or thereabouts north-west of its junction with Elsley Road;

Route No. 9 (1 furlong 3·46 chains or thereabouts in length) commencing at the termination of Route No. 1 authorised by the Act of 1935 at the junction of Caversham Road with Thames Side Promenade proceeding along Caversham Road across Caversham Bridge along Bridge Street to and terminating at the junction of that street with Church Street;

Route No. 10 (1 mile 4 furlongs 3·50 chains or thereabouts in length) commencing by a junction with Route No. 3 authorised by the Reading Corporation Act 1914 at the junction of Prospect Street with Church Street proceeding along Prospect Street Peppard Road and Kidmore End Road to and terminating at the junction of the last-mentioned road with Brooklyn Drive:

Provided that before equipping any route to include a turning point or arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and in the case of a turning point outside the borough shall also submit a copy of such plans to the chief constable of Berkshire and before approving any such plans the Minister of Transport shall give to the chief constable an opportunity of making representations with reference thereto and shall consider any such representations which may be made.

Period for completion of trolley vehicle equipment.

4. If the Corporation shall not have commenced to use trolley vehicles upon each of the routes authorised by this Order within five years from the passing of the Act confirming this Order or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Order shall so far as they relate to the use of trolley vehicles upon any route upon which the Corporation shall not have commenced to use trolley vehicles cease to be exerciseable.

Borrowing powers.

5.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Corporation may determine not exceeding those

respectively mentioned in the third column of the said table (namely) :—

(1) Purpose.	(2) Amount.	(3) Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
	£	
(*a*) The provision of trolley vehicles	70,200	Ten years.
(*b*) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles along the routes authorised by this Order.	49,568	Twenty years.
(*c*) The payment of the costs charges and expenses of this Order.	The sum requisite.	Five years from the confirmation of this Order.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the said provisions of the Local Government Act 1933 to the borrowing of any further money for the purposes of this Order the Minister of Transport shall be the sanctioning authority.

Costs of Order.

6. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

Retail Meat Dealers' Shops (Sunday Closing) Bill.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON THIRD READING.

6th July 1936.

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(119 **)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to provide, with certain exceptions, for the compulsory closing of retail meat traders' shops and stalls on Sundays. A.D. 1936.

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

Business of retail dealer in meat not to be carried on on Sunday.

1. Subject to the provisions of this Act, it shall not be lawful for any person to carry on the business of a retail dealer in butchers' meat on Sunday, and where the business is carried on in a shop the shop shall for the purposes of that business be closed for the serving of customers on Sunday.

Exemption as respects Jewish retail dealers in meat.

2. Notwithstanding anything in this or any other Act, any person of the Jewish religion may carry on the business of a retail dealer in Kosher meat and may keep open a shop for the serving of customers for the purposes of that business on Sunday, on condition that he complies with the following provisions (that is to say) :—

(*a*) he must be licensed by the local Board of Shechita, or in the absence of any such Board by the local Jewish congregation, for the sale of Kosher meat;

(*b*) he shall not carry on the business either of a retail dealer in Kosher meat or of a retail

BODLEIAN 16 JUN 1936

A.D. 1936.

dealer in butchers' meat on Saturday and, if he carries on the business in a shop, he shall not keep open the shop for the purpose of the business on Saturday;

(*c*) he shall previously give notice to the local authority of his intention to carry on the business of a retail dealer in Kosher meat on Sunday; and

(*d*) if he carries on the business in any shop, he shall cause to be kept conspicuously posted in the shop a notice stating that it is open on Sunday for the purposes of retail dealing in Kosher meat, but is not open on Saturday.

Modification of Shops Act, 1912.

3. As respects any shop in which any such person carries on the said business on Sunday in compliance with the provisions of the foregoing section, the Shops Act, 1912, shall have effect subject to the following modifications (that is to say):—

(*a*) Subsection (1) of section one of that Act (which relates to the hours of employment of shop assistants) shall have effect as if it required a shop assistant not to be employed about the business of a shop after half-past one o'clock in the afternoon on at least one day in every week other than Saturday; and

(*b*) Section four of that Act (which relates to the closing of shops on weekly half-holidays) shall have effect as if—

(i) subsection (1) required every shop to be closed for the serving of customers not later than one o'clock in the afternoon on one day in every week other than Saturday; and

(ii) in subsection (2) the word "Friday" were substituted for the word "Saturday" wherever the last mentioned word occurs.

Provisions as to delivery of goods.

4. It shall not be lawful to dispatch any butchers' meat from a shop or to deliver any butchers' meat so dispatched at any time when under the provisions of this Act the shop may not be open for the serving of customers.

Saving for ships.

5. Nothing in this Act shall prevent the sale, dispatch, or delivery of butchers' meat or Kosher meat required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome.

Penalties and enforcement of Act.

6.—(1) Any person who contravenes the provisions of this Act shall be liable to a penalty not exceeding in the case of a first offence five pounds and in the case of a second or subsequent offence twenty pounds.

(2) Sections thirteen and fourteen of the Shops Act, 1912 (which relate to the enforcement of that Act), shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act.

Interpretation.

7. In this Act the expressions "local authority," "shop," and "shop assistant" have respectively the same meanings as in the Shops Act, 1912, the expression "butchers' meat" means beef, mutton, veal, lamb or pork (including livers, heads, feet, hearts, lights, kidneys or sweet-breads), whether fresh, chilled, frozen or salted, and the expression "Kosher meat" means butchers' meat killed and prepared by the Jewish ritual method.

Short title, commencement and extent.

8.—(1) This Act may be cited as the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936, and shall come into operation on the first day of January, nineteen hundred and thirty-seven.

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

Retail Meat Dealers' Shops (Sunday Closing).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to provide, with certain exceptions, for the compulsory closing of retail meat traders' shops and stalls on Sundays.

(*Brought from the Commons 5th May* 1936.)

Ordered to be printed 11th June 1936.

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(119)

A

B I L L

INTITULED

An Act to amend the law in relation to the issue of motor driving licences. A.D. 1936.

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

Exemption of steersmen from certain provisions as to issue of licences.

1.—(1) Notwithstanding the provisions of subsection (1) of section four of the Road Traffic Act, 1930, a person who is not the holder of a licence to drive a motor vehicle issued under Part I of that Act may act as steersman of a motor vehicle (being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section ten of that Act) under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of the Road Traffic Acts, 1930 to 1934, and a person may employ a person who is not the holder of such a licence so to act.

(2) Notwithstanding the provisions of subsection (1) of section thirty-one of the Road Traffic Act, 1934, a person who is not licensed as mentioned in that subsection may act as aforesaid in relation to such a vehicle as aforesaid being a heavy goods vehicle, and a person

A.D. 1936.

may employ a person who is not licensed as mentioned in that subsection so to act.

Issue of provisional licences with a view to testing of heavy vehicle drivers.

2.—(1) Notwithstanding the provisions of subsection (7) of section thirty-one of the Road Traffic Act, 1934, whereby it is enacted that a licence to drive a heavy goods vehicle granted under that section shall, unless previously revoked, continue in force for three years, the licensing authority may, for the purpose of enabling an applicant to learn to drive such a vehicle with a view to passing a test under subsection (5) of that section, issue such a licence so as to continue in force, unless previously revoked, for three months from the date on which it is expressed to take effect.

(2) A licence issued as aforesaid shall be issued as a provisional licence subject to the prescribed conditions, and if any person to whom a licence is issued as aforesaid fails to comply with any of the conditions subject to which it is issued, he shall be guilty of an offence.

(3) A person to whom a licence is issued as aforesaid shall not be deemed by virtue of his being the holder of that licence to be the holder of a licence within the meaning of subsection (9) of the said section thirty-one (which relates to appeals by holders of licences).

Issue of licences appropriate to test.

3.—(1) Where, under section six of the Road Traffic Act, 1934, any person is required to pass the prescribed test of competence to drive, and the test passed by him is a test prescribed under subsection (5) of that section with respect only to the driving of any specified class or description of vehicles, the licence granted to him under Part I of the principal Act shall specify that class or description of vehicles, and he shall be deemed not to be the holder of a licence granted under that Part of that Act to drive motor vehicles of any other class or description.

(2) For the purpose of enabling the licensing authority where an applicant for a licence under section thirty-one of the Road Traffic Act, 1934, is subjected to a test to limit the licence to a class or classes of vehicles to which that test is appropriate, the Minister may make regulations prescribing the class or classes of vehicles to which such licences may be limited under subsection (4) of that section.

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A.D. 1936.

Short title, citation, construction and extent.

4.—(1) This Act may be cited as the Road Traffic (Driving Licences) Act, 1936, and this Act and the Road Traffic Acts, 1930 to 1934, may be cited together as the Road Traffic Acts, 1930 to 1936.

(2) Subsection (1) of section one of this Act shall be construed as one with Part I of the Road Traffic Act, 1930, and subsection (2) of section one, and section two, of this Act shall be construed as one with Part IV of that Act.

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

Road Traffic (Driving Licences).

A

B I L L

INTITULED

An Act to amend the law in relation to the issue of motor driving licences.

(*Brought from the Commons* 12*th May* 1936.)

Ordered to be printed 12th May 1936.

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(76)

Road Traffic (Driving Licences) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE EARL OF PLYMOUTH.

Clause 3, page 2, line 30, leave out ("principal " Act") and insert ("Road Traffic Act, 1930,")

Clause 4, page 3, line 5, after ("one") insert ("and " subsection (1) of section three")

line 7, leave out ("and section " two") and insert (" section two and subsection (2) of " section three")

Road Traffic (Driving Licences) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE EARL OF PLYMOUTH.

19th June 1936.

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(76 *a*)

A

B I L L

INTITULED

An Act to make better provision for safeguarding the Public against the dangers arising from the use of motor vehicles on roads. A.D. 1935.

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

Motor vehicles to be fitted with speedometers.

1.—(1) Every motor vehicle shall be provided with an efficient speedometer which shall be of such a character and so fitted to the vehicle as to enable the driver of the vehicle to be at all times aware of the speed at which it is travelling.

(2) If any person uses on a road a motor vehicle in respect of which the requirements of this section are not complied with, he shall be guilty of an offence under the Road Traffic Act, 1930 (in this Act referred to as "the principal Act").

Control of vehicle when road not clear.

2. The driving of a motor vehicle on a road at such a speed or otherwise in such a manner as not to make it possible for the vehicle to be brought to a standstill within the distance for which the driver can see the road to be clear shall be deemed to be reckless driving within the meaning of section eleven of the principal Act.

A.D. 1935.

Motor vehicle not to be driven on road not at least twice as wide as vehicle.

3.—(1) Subject to the provisions of this section it shall not be lawful for a motor vehicle to be driven on any stretch of road where the width of the carriageway is not at least double the overall width of the vehicle.

(2) If it can be shown to the satisfaction of the Minister of Transport that grave public inconvenience would be caused by the application of subsection (1) of this section to any specified stretch of road, he may, by order, exempt such stretch of road from the operation of this section for a period not exceeding two years.

(3) If any person drives a motor vehicle in contravention of the provisions of this section he shall be guilty of an offence under the principal Act.

Short title, construction, commencement and extent.

4.—(1) This Act may be cited as the Road Traffic (Safeguarding of the Public) Act, 1935, and this Act and the Road Traffic Acts, 1930 to 1934, may be cited together as the Road Traffic Acts, 1930 to 1935.

(2) References in this Act to the principal Act or to any enactment contained therein shall be construed as references to that Act or to that enactment as amended by any subsequent enactment.

(3) This Act shall come into operation on the day of , nineteen hundred and thirty .

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

Road Traffic (Safeguarding of the Public). [H.L.]

A

B I L L

INTITULED

An Act to make better provision for safeguarding the Public against the dangers arising from the use of motor vehicles on roads.

The Lord Mottistone.

Ordered to be printed 18th December 1935.

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(19)

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Rothesay Corporation Gas. A.D. 1935.

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47. 23 & 24 Geo. 5. c. 37. 16 & 17 Geo. 5. c. 18.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Rothesay Corporation Gas Order Confirmation Act 1935. Short title.

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A.D. 1935.

SCHEDULE.

ROTHESAY CORPORATION GAS.

Provisional Order to authorise the Corporation to carry on their gas undertaking and to make the necessary financial arrangements therefor and for other purposes.

WHEREAS the provost magistrates and councillors of the royal burgh of Rothesay in the county of Bute (hereinafter called " the Corporation " and " the burgh " respectively) are the local and sanitary authority within the burgh and are also the owners of the gas undertaking which supplies gas to the burgh and the adjoining districts of Port Bannatyne and Ascog :

And whereas in the year one thousand eight hundred and forty-three the Corporation purchased the gas undertaking of the Rothesay Gas Light Company which then supplied gas within the burgh and to certain premises in the Ascog district outwith the burgh the purchase money being provided out of the common good of the burgh :

And whereas the Kamesburgh Gas Company bought gas in bulk from the Corporation and supplied it in Port Bannatyne which adjoins but is outwith the burgh :

And whereas in the year one thousand nine hundred and twenty-six the Corporation purchased the undertaking of the Kamesburgh Gas Company :

And whereas the Corporation have from time to time extended their gas undertaking as circumstances demanded :

And whereas the Corporation have from time to time borrowed for the purposes of their gas undertaking upon the security of the common good sums amounting to eighty-one thousand eight hundred and eighty pounds of which the sum of thirty-five thousand four hundred and ninety-one pounds six shillings and three pence is at present outstanding and have expended for the purposes of the undertaking on capital account a sum amounting

A.D. 1935.

to one hundred and eleven thousand two hundred and forty-three pounds ten shillings and five pence:

And whereas there is a pension scheme for the weekly wage earners permanently employed in the gas works of the Corporation and it is expedient that provision should be made in reference thereto:

And whereas it is expedient that the several powers and provisions in relation to their gas undertaking hereinafter in this Order contained should be conferred upon the Corporation and made as by this Order provided:

And whereas it is expedient that the Corporation should be authorised to borrow moneys for the purposes of their gas undertaking as hereinafter in this Order provided:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Acts 1899 and 1933:

Now in pursuance of the powers contained in the last mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

Short title.

1. This Order may be cited for all purposes as the Rothesay Corporation Gas Order 1935.

Commencement of Order.

2. The Order shall come into operation on the date of the passing of the Act confirming the same hereinafter referred to as "the commencement of this Order".

Interpretation of terms.

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

(*a*) the several words and expressions to which meanings are assigned by the Gas Undertakings Acts 1920 to 1934 or by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings; and

A.D. 1935.

(*b*) the following words and expressions shall have the meanings assigned to them in this section (that is to say) :—

"the Corporation" means the provost magistrates and councillors of the royal burgh of Rothesay;

"the burgh" means the royal burgh of Rothesay;

"the limits of supply" means the limits within which the Corporation are for the time being authorised to supply gas;

"the undertaking" means the gas undertaking of the Corporation for the time being authorised;

"the sheriff" means the sheriff of the sheriffdom of Renfrew and Bute or his substitute at Rothesay;

"statutory securities" means any security in which trustees in Scotland are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money but does not include securities of the Corporation;

"the Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act amending the same.

Incorporation of Acts.

4. The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order (namely) :—

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands;

The Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 (relating to accounts); and

A.D. 1935.

The Gasworks Clauses Act 1871 except section 6 (relating to the sale of superfluous lands) section 8 (relating to appointment of a receiver) and section 35 (relating to accounts).

For the purpose of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "undertakers" shall mean the Corporation.

Vesting of existing gas undertaking.

5. The undertaking of the Corporation already established and carried on by them shall continue vested in the Corporation and be held used and enjoyed by them Provided that as from the commencement of this Order the said undertaking shall be administered by the Corporation under the provisions of this Order.

Limits of supply.

6.—(1) The limits of supply shall be and include the areas described in the First Schedule to this Order which said areas are more particularly delineated on a map signed by Philip Francis Wood counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 which said map shall be deposited at the Scottish Office within one month after the passing of the Act confirming this Order.

(2) If there be any discrepancy between the said map and the description in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

General powers of gas supply.

7. The Corporation may subject to the provisions of this Order manufacture and supply gas for lighting heating motive power and other purposes within the limits of supply and generally may carry on the business usually carried on by a gas undertaking and may sell or dispose of the residual products arising from the manufacture of gas by them.

Power to continue gasworks &c.

8.—(1) Subject to the provisions of this Order the Corporation may upon the lands described in the Second Schedule to this Order so long as they are possessed of the same continue erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up and convert residual products arising directly or indirectly from the manufacture of gas by them or purchased by

A.D. 1935.

them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Corporation may purchase from any source and use such material as is required to work up and convert any such residual products.

(2) The Corporation may continue maintain and use any gas mains pipes and other works belonging to or vested in them within the limits of supply as if the same had been laid down or constructed under the powers of this Order.

Declaration of calorific value.

9.—(1) The Corporation shall within three months from the commencement of this Order give notice by advertisement in the Edinburgh Gazette of the calorific value of the gas which they intend to supply (in this Order called "the declared calorific value") and of the date (in this Order called "the declared date") from which they will supply gas of the declared calorific value which date shall not be more than one month from the date of the notice.

(2) The charges which the Corporation may make in respect of the supply of gas shall be such charges as are by this Order authorised for thermal units supplied in the form of gas Provided that this subsection shall have effect as respects the charges to any particular consumer as from the first reading by the Corporation of that consumer's meter after the declared date and not earlier.

(3) A copy of the notice referred to in subsection (1) of this section shall be sent to every local authority and to every consumer and to the Board of Trade.

Measure of therms supplied.

10. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by his meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Variation of declared calorific value.

11. If at any time the Corporation intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of the notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Order.

A.D. 1935.

The notice required by this section shall comply with the requirements of this Order with regard to the notice in which the calorific value was originally declared.

Adjustment of consumers' burners.

12. If and so often as the Corporation shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Pressure.

13.—(1) If the declared calorific value is less than three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure at which the gas may be supplied shall be two and one-half inches.

(2) If the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees.

Price of gas.

14. The Corporation shall from time to time fix the charges to be made by them for gas to be supplied Provided that the Corporation shall as far as can be estimated so regulate the charges that the proceeds of the sale of gas along with the other revenues of the undertaking may one year with another produce the amount of money required for carrying on the undertaking including the payment of interest on borrowed money and the repayment of such borrowed money by instalments or by sinking fund Provided always that in any year there may be paid out of the revenue of the gas undertaking to the common good of the burgh a sum not exceeding one hundred pounds but such sum shall not be paid in any year in which it is necessary to resort to the gas contingent guarantee assessment under the section of this Order the marginal note of which is " Gas contingent guarantee assessment."

Differential charges.

15. The Corporation may charge a higher rate for gas supplied by them outwith the burgh but such higher rate shall not exceed by more than twopence per therm the rate charged to the same class of consumer within the burgh.

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Charge for gas supplied by means of prepayment meters.

16.—(1) (*a*) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

for a prepayment meter and fittings (including a cooking stove) three decimal five pence per therm;

for a prepayment meter and fittings (not including a cooking stove) three pence per therm.

(*b*) The charge for the hire of a prepayment meter without fittings shall be a sum of money not exceeding twenty per centum per annum on the cost of the meter.

(*c*) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith.

(2) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Power to purchase lands by agreement.

17. The Corporation may for the purposes of the undertaking purchase or acquire by agreement and hold in addition to the lands described in the Second Schedule to this Order any lands and heritages not exceeding in the whole five acres for the purposes of or in connection with the undertaking Provided that the Corporation shall not create or permit a nuisance on any such lands and heritages and that no lands and heritages shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Order.

Retention and disposal of lands.

18. Notwithstanding anything in any Act or Order to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell feu lease excamb or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of a feuduty or of a ground annual rent or of any payment in any other form any lands or any interest therein acquired by them for the

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purposes of the undertaking under this Order and may sell excamb or dispose of any rents reserved on the sale feuing lease excambion or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale feu lease excambion or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Secretary of State sell feu lease excamb or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

Proceeds of sale of surplus lands.

19. The proceeds of the sale of any lands or other property of the Corporation under the powers of this Order and the fines and premiums on any leases granted by the Corporation under this Order shall be distinguished as capital in the accounts of the undertaking and shall be applied in discharge of any money borrowed by the Corporation under this Order to which such capital money would be properly applicable or if there shall be no money owing under this Order such proceeds shall be applied in or towards paying off any other money for the time being owing by the Corporation in respect of the undertaking but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Secretary of State and borrowed money discharged by the application of such sums shall not be reborrowed.

As to streets forming boundary of limits of supply.

20.—(1) Where the limits of supply are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as

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are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance by the Corporation of the like conditions to those imposed on an exercise of such powers within the said limits.

(2) Nothing in this section shall entitle or require the Corporation to supply gas for any premises outside the limits of supply.

(3) In this section the word " street " includes any square court or alley highway lane road thoroughfare or public place or passage.

Power to lay pipes in private streets.

21. The Corporation may on the application of the owner or occupier of any premises within the limits of supply and abutting on any private street within the burgh supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Service pipes in tenements.

22.—(1) The Corporation may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners fit up lay and maintain service pipes in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be doing as little damage as may be and making good any damage done Provided that any difference thereanent between any owner or occupier on the one hand and the Corporation on the other hand shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

Power to lay pipes against buildings.

23. The Corporation may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring

and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus. A.D. 1935.

Power to supply gas fittings &c.

24.—(1) The Corporation may purchase supply sell loan or let for hire or fix repair or remove gas meters and fittings engines stoves ranges pipes and other fittings or appliances for lighting motive power heating ventilating cooking or any other purposes for which gas or gas residuals (but restricted as regards gas residuals to fittings or appliances or other things generally in use in connection with a gas undertaking) can or may be used (all of which are in this section referred to as "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon and may enter into agreements with others to do all or any of the things referred to in this section upon such terms and subject to such conditions as the Corporation may think fit.

(2) Any fittings loaned or let for hire under the provisions of this section shall not be subject to poinding or distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and notwithstanding that such fittings may be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises they shall at all times continue to be the property of and removable by the Corporation Provided that this subsection shall only apply to any fittings marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

As to construction and placing of pipes &c.

25. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those

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premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry:

(2) (*a*) The Corporation shall publish once in the Edinburgh Gazette and once in each of two newspapers circulating within the limits of supply a notice in a form to be approved by the Board of Trade of any application made by them to the Board of Trade for approval of any specification which notice shall specify a place within the limits of supply at which a copy of the proposed specification has been deposited for public inspection and shall contain an intimation that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice;

(*b*) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval;

(*c*) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the gas office of the Corporation and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy:

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(3) When at any time after such specification has come into force any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used:

(4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification:

(5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen:

(6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with:

(7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's

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main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building:

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(*a*) elsewhere than between the main of the Corporation and the meter; or

(*b*) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over:

(9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

Charges for special reading of meters.

26. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

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Notice to Corporation before interfering with mains.

27. Except so far as is otherwise provided by statute the gas mains and pipes of the Corporation laid within any streets shall not (except in cases of emergency) be uncovered or interfered with until after the service of written notice on the Corporation at least forty-eight hours before such operations are commenced.

Tenants' liability for sub-tenants' gas supply.

28. The Corporation may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sub-lets his house furnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the Corporation in connection with the gas supply by such sub-tenant during such sub-tenancy but the Corporation shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he shall have given written notice to the Corporation of the date of the commencement of the sub-tenancy and the duration thereof.

Relief from obligation to supply.

29. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbiter appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Order; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation :

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Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as " the applicant ") shall enter into a written contract with the Corporation—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or

(ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all monies which may become due under the contract as the Corporation may reasonably demand.

If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbiter to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbiter shall be final and binding.

In determining any such question as aforesaid the arbiter shall have regard to the following among other considerations (that is to say):—

(*a*) the total annual quantity of gas required by the applicant the maximum quantity required per

hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;

(*b*) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

Power to compel repairs of piping or appliances &c. in dangerous condition.

30.—(1) If the Corporation shall at any time serve notice upon any consumer within the burgh to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If such consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation as a civil debt.

(2) For the purposes of this section the Corporation shall subject to the provision of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

Notices to Corporation.

31. A notice to the Corporation from a consumer (*a*) for the discontinuance of a supply of gas or (*b*) in accordance with the provisions of this Order shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office of the Corporation or be given by the consumer personally at the said office.

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Removal of meters.

32. The Corporation may on giving twenty-four hours' previous notice remove from any house or premises any meters of the Corporation which the Corporation consider to be unsuitable for such house or premises and may substitute for such meters so removed such other meter or meters as are in the Corporation's opinion sufficient for the supply of such house or premises with gas Provided that in the event of any person desiring to retain any such meter of which notice for removal has been so given the Corporation may charge such person a yearly rent for such use as the Corporation think fit.

Power to lay pipes for ancillary purposes.

33. The Corporation may within the limits of supply lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the persons having the control or management of the street or being responsible for the repair thereof having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Corporation and such persons shall be determined by an arbiter to be appointed by the sheriff on the application of either party.

As to showrooms &c.

34. The Corporation may in connection with and for the purposes of the undertaking continue provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas or resulting from the manufacture of gas and give demonstrations of the uses to which gas or gas residuals can be put and may appoint and pay persons for the purposes

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aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or gas residuals and may subscribe or contribute to the funds of any body or company who do all or any of these things whether in connection specially with the undertaking of the Corporation or otherwise and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or gas residuals.

Dwelling-houses and other buildings in connection with undertaking.

35. The Corporation may erect purchase or take on lease dwelling-houses for such of their officers or servants employed in connection with the undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed and they may also erect purchase or take on lease such buildings as they deem requisite for the purposes of the undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of the undertaking.

Corporation to pay interest on money deposited as security.

36. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Corporation shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to take licences for use of patents.

37. The Corporation may subject to the provisions of this Order but only for the purposes of the undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply distribution or use of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Authentication and service of notices by Corporation.

38. Any notice to be served by the Corporation on a person supplied with gas shall be sufficiently authenticated by the signature of the clerk or other officer of the Corporation for the time being authorised in writing by the Corporation being affixed thereto in

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writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Power to borrow.

39.—(1) It shall be lawful for the Corporation with the sanction of the Secretary of State to borrow by way of mortgage or otherwise any money which may be necessary for the purposes of the undertaking.

(2) Any money borrowed under this section shall be repaid within such period or periods and by such method or methods as the Secretary of State may prescribe.

(3) In relation to any sanction to be given by the Secretary of State to the borrowing of money by the Corporation under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

(4) If after having borrowed any sum of money the Corporation pay off the same otherwise than by a sinking fund or out of the proceeds of the sale of land it shall be lawful for them to reborrow the amount so paid off and so from time to time Provided that any money so reborrowed shall for the purpose of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Application of revenue.

40. Subject to the provisions of this Order the Corporation may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the undertaking and the maintenance management and improvement thereof and the payment of expenses in connection therewith and the aforesaid interest on borrowed money and repayment thereof by

instalments or by sinking fund out of the revenue of the undertaking or if that shall be insufficient out of moneys to be raised by means of the assessment by this Order authorised to be imposed and levied.

Gas contingent guarantee assessment.

41. Subject to the provisions of this Order the Corporation may and shall if and so far as the revenue of the undertaking is insufficient to provide the moneys mentioned in the section of this Order of which the marginal note is "Application of revenue" charge (in equal proportions) all owners and occupiers of lands and heritages within the burgh with an assessment (to be called "the gas contingent guarantee assessment") of such amount as will make good the said insufficiency which assessment shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts (other than the limitation of rate) with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised.

As to form of mortgage and procedure in connection with mortgages.

42. The provisions hereinafter specified of the Acts hereinafter mentioned shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the undertaking and to the Corporation in respect thereof as fully and effectually as if the same had been re-enacted in this Order with reference thereto (that is to say):—

Burghs Gas Supply (Scotland) Act 1876—

Section 28 (Form of mortgage) and Schedule (C);

Section 29 (Mortgages may be accompanied with interest warrants) and Schedule (D);

Section 30 (Commissioners may borrow on credit of a cash account);

Section 32 (Arrears may be enforced by appointment of a judicial factor);

Section 33 (Power and duties of judicial factor);

Section 34 (Mortgages to be personal estate);

Section 35 (Discharge of mortgages) and Schedule (E):

Provided that in the application of the said provisions the forms of mortgage interest warrant and

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discharge shall refer to this Order in lieu of the Burghs Gas Supply (Scotland) Act 1876.

As to execution of mortgages.

43. All mortgages to secure any money borrowed under the provisions of this Order shall be signed and otherwise executed in accordance with the Town Councils (Scotland) Act 1900.

Corporation not to regard trusts.

44. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them under this Order may be subject but the receipt of the person in whose name any such loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Reserve fund for undertaking.

45.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the undertaking by setting aside out of the revenue of the undertaking such an amount as they may from time to time think reasonable and investing the amounts set aside in statutory securities and accumulating them until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation on the undertaking.

(2) The said fund shall be applicable to meet any deficiency at any time happening in the income of the Corporation from the undertaking or any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if the fund be at any time reduced it may thereafter be restored again to the prescribed maximum and so from time to time as often as such reduction happens.

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(3) Resort may be had to the reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

Saving for existing securities

46. Nothing in this Order shall prejudicially affect any bonds mortgages and securities granted by the Corporation in connection with the undertaking and subsisting at the date of the commencement of this Order Provided that all such bonds mortgages and securities shall be deemed to have been granted under this Order but shall be repaid within the repayment period or periods at present applicable thereto.

Pensions for weekly wage earners.

47. The Corporation may arrange with the weekly wage earners employed in the undertaking that they shall retire at sixty-five years of age and on such retiral shall be paid a pension at the following rates (viz.) :—

For service of 10–20 years - 12*s.* 6*d.* per week.
For service of 20–25 years - 15*s.* 0*d.* per week.
For service of 25–30 years - 17*s.* 6*d.* per week.

Provided that the power conferred upon the Corporation by this section shall cease if and when the officers and servants of the Corporation become subject to a superannuation scheme under any General Act of Parliament.

Saving for existing agreements.

48. Nothing in this Order shall prejudicially affect any agreement to which the Corporation are a party and subsisting at the date of the commencement of this Order and all such agreements shall remain in full force and effect as if the undertaking were the undertaking of the Corporation as hitherto carried on by them.

Recovery of sums due.

49. Proceedings for the recovery of any sum due to the Corporation under the authority of any Act or Order from time to time relating to the undertaking whether provision is or is not made for the recovery in any specified court or manner may be taken in any court of competent jurisdiction.

Recovery of penalties.

50. Save as otherwise expressly provided by any Act or Order from time to time relating to the undertaking all offences against any such Act or Order in relation to the undertaking and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under any byelaw made in pursuance thereof may be

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prosecuted and recovered in a summary manner in the sheriff court :

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered as civil debts.

As to local rates for purposes of Electricity Acts.

51. In the application of the Electricity Supply Acts 1882 to 1935 within the burgh the local rate referred to in the schedule to the Electric Lighting Act 1882 as amended by the Electric Lighting (Scotland) Act 1890 shall mean the police or burgh assessment or rate of the nature of the burgh assessment.

Works below high-water mark not to be constructed without consent of Board of Trade.

52. The Corporation shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such cost and charge shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Costs of Order.

53. The costs charges and expenses incurred in preparing for and obtaining this Order and the confirmation thereof and incidental thereto shall be paid out of moneys which the Corporation may borrow for that purpose under this Order or out of the revenue of the undertaking Provided that if such costs charges and expenses are paid out of borrowed money the same shall be repaid within five years from the day of the passing of the Act confirming this Order.

The SCHEDULES referred to in the foregoing Order. A.D. 1935.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Limits of supply.")

I.—THE LANDS INCLUDED WITHIN THE BOUNDARIES OF THE ROYAL BURGH OF ROTHESAY.

BOUNDARIES OF THE BURGH OF ROTHESAY.

From Ascog Mill at the seashore along the bed of Ascog Burn to Ascog Loch thence along the north-west side to the head of the loch thence along the burn or watercourse which separates the lands of Lochend from Kerrycrusoch till it joins the Cotton Mill aqueduct thence along the aqueduct to the Burn of Barnauld thence along that burn till it joins Loch Fad thence to and through the centre of Loch Fad to the north-east end thereof where the loch joins the lands of Chapelton thence by the water issuing from the said loch in a cut or watercourse until it reaches the embankment of the Cotton Mill reservoir commonly called the Kirk Dam thence along the said embankment to where the burn from Barone Park Distillery falls into the said reservoir thence along the said burn until it reaches the east corner of Craigbirach Plantation thence along the north march fence of the said plantation four hundred and fifty feet or thereby thence along a hedge fence separating Barone Meadow from the lands on the north-west thereof until the said fence reaches the western side of the public highway leading from Rothesay to Cummermenoch thence crossing the highway and proceeding along the north-east side thereof two hundred and thirty-two feet in a southern direction to where it meets the watercourse conveying the water from the higher lands of Little Barone to the Kirk Dam thence along the said watercourse towards its source one thousand and thirty-six feet thence in a straight line to the north-east end of Greenan Loch thence along the march fence separating the farm of Eskechraggan from the farm of Breckoch until it reaches the farm of Gartnakelly thence along the march fence of Eskechraggan till it reaches the Burgh West Common thence along the march fence of the said West Common till it reaches the southern boundary of the lands of Lenimolloch part of the lands of Easter Kames thence along the said boundary till it reaches the channel and thence along the channel by which the water from the said common runs until it joins the burn called Point House Burn thence along the said burn to the sea thence along the seashore to the point first described.

A.D. 1935.

II.—THE LANDS WITHIN THE PARISH OF NORTH BUTE (INCLUDING THE VILLAGE OF PORT BANNATYNE).

The area in the parish of North Bute defined within the following boundaries viz.—Commencing from a line drawn from the sea and across the road Route A 844 following the west boundary of the recreation ground and thereafter westwards along the north boundary of the tramway company's property to meet and follow the south boundary of the road leading south-east to Bannatyne Mains Farm and thereafter continuing on the south boundary of Bannatyne Mains Road to the wall of the hydropathic grounds thence south-east along the said wall and continuing along the south boundary of the hydropathic and the east boundary of Kames Hill Plantation to and including Rullecheddan Farm buildings and eastwards along a fence to join the farm road and continuing along the south side of this farm road to join the Gortans Road thence north-east along the east boundary of the said road to meet the south-west boundary of Mount Clare and along this boundary to the boundary of the burgh of Rothesay and thence following the last-mentioned boundary in a north-easterly direction to the sea and westwards along the coast line to join the starting-point.

III.—THE LANDS WITHIN THE PARISH OF KINGARTH (COMPRISING THE ASCOG LIGHTING DISTRICT).

The area in the parish of Kingarth defined within the following boundaries viz.—Beginning at the boundary of the burgh of Rothesay in the centre of the Kingarth public road at Millhole (Route A 844) thence in a straight line eastward to the seashore thence in a southerly direction along the seashore to a point opposite the south boundary of Hawkstone Lodge thence in a westerly direction to and along the said south boundary and along a fence in continuation thereof first in a westerly thence in a north-westerly and thence in a northerly direction until it reaches the road from the shore past Balmory thence across the said road continuing in a northerly direction along a fence being the western boundary of field number 51 on Ordnance survey map (1919 edition) until it joins the road to Upper Ascog Farm steading thence eastwards along the centre of the said road to a road or track leading northwards and along the centre of the said road or track in a northerly direction to a point opposite the north-west boundary corner of Millbrae thereafter in a north-easterly direction over waste land and old quarry to join the boundary of the burgh of Rothesay to the south of Burnside Cottage thence along the said burgh boundary to the centre of the Kingarth Public Road at Millhole (Route A 844).

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is " Power to continue gasworks &c.")

DESCRIPTION OF GROUND ON WHICH THE GAS WORKS STAND.

All and whole that piece of ground lying on the west side of High Street in the burgh of Rothesay and county of Bute bounded as follows On the north by a piece of ground belonging to the Marquis of Bute and now partially feued out along which it extends seven hundred and five feet or thereby on the east by the said High Street along which it extends one hundred and seventy-eight feet or thereby on the south by property belonging to the Corporation along which it extends seven hundred and forty-three feet or thereby and on the west by the Lade or watercourse along which it extends one hundred and ninety-three feet three inches or thereby.

Rothesay Corporation Gas Order Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Rothesay Corporation Gas.

The Lord Strathcona and Mount Royal.

Ordered to be printed 5th December 1935.

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A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Agriculture and Fisheries under the Sea Fisheries Act, 1868, for the establishment and maintenance of a several mussel fishery in the estuary of the river Ribble, in the county of Lancaster. A.D. 1936.

WHEREAS under the provisions of the Sea Fisheries Act, 1868, the Minister of Agriculture and Fisheries has made an Order which needs confirmation by Parliament: 31 & 32 Vict. c. 45.

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

1. The Order as set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Sea Fisheries (Ribble) Order Confirmation Act, 1936. Short title.

BODLEIAN 7 JUL 1936 LIBRARY

A.D. 1936.

SCHEDULE.

RIBBLE MUSSEL FISHERY ORDER 1936.

Order for the establishment and maintenance of a several mussel fishery in the estuary of the river Ribble in the county of Lancaster.

Grantees of Order.

1. The county council for the administrative county of the county palatine of Lancaster (in this Order called " the Grantees ") shall be the Grantees under this Order.

Limits of fishery.

2. The following are the description and limits of the fishery (as shown on the plan sealed by the Minister of Agriculture and Fisheries and marked " Ribble Mussel Fishery Order 1936 ") namely all those parts of the foreshore and bed of the estuary of the river Ribble adjacent to the boroughs of Lytham St. Anne's and Southport and the parish of North Meols all in the county of Lancaster and containing an area of about 13,540 acres enclosed within a line drawn along the line of high-water mark of medium or ordinary tides from the pier at Lytham to the pier at St. Anne's and thence straight to a point situated in latitude 53° 42′ 12″ north longitude 3° 7′ 30″ west at present marked by the Bar Buoy in the Ribble Estuary thence straight to a point situated in latitude 53° 40′ 26″ north longitude 3° 3′ 57″ west at present marked by the Penfold No. 2 Buoy thence straight to the 7 mile lamp on the south training wall of the river Ribble and thence straight to the pier at Lytham.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 are hereby incorporated with this Order.

Several fishery.

4. This Order confers on the Grantees a right of several mussel fishery within the limits hereinbefore mentioned Provided that subject to the provisions of this Order the right of fishing for or taking mussels shall not be exercised by the Grantees themselves.

Power to grant permits or licences.

5. The Grantees may grant permits or licences to fish for mussels within the whole or any specified part or parts of the fishery to any persons or associations of persons applying for the same upon such terms for such periods and subject to such conditions as may be determined by the Grantees Provided that no such permit or licence shall be granted for any period terminating after the date on which this Order ceases to operate as provided in article 13 hereof.

A.D. 1936.

Reserves or layings.

6. The Grantees may from time to time and as occasion may require—

(*a*) with the written consent of the Minister and the Preston Corporation acting as the harbour authority for the port of Preston (hereinafter referred to as "the harbour authority") set and mark out as reserves such portions of the area within the limits of this Order as they may think necessary for experimental or scientific purposes in connection with the propagation cultivation breeding fattening or gathering of mussels and may use such reserves for the purposes aforesaid; and

(*b*) with the like consent set and mark out such portions (in this Order referred to as "layings") of the area within the limits defined by this Order as they may think fit so that the same may be leased as lays or layings or breeding or fattening grounds for the cultivation of mussels.

Leasing of layings.

7.—(1) The Grantees may lease layings or offer leases of layings to any persons or associations of persons upon such terms for such periods and subject to such conditions as may be determined by the Grantees provided that no such lease shall be granted for any period terminating after the date on which this Order ceases to operate as provided in article 13 hereof.

(2) Upon the execution of a lease or agreement for a lease of a laying the person to whom such lease is granted or with whom such agreement is made (hereinafter called "the tenant") shall have as respects the laying the right of several fishery therein as if he were the grantee of an Order under the Sea Fisheries Acts 1843 to 1893 conferring on him a right of several mussel fishery within the laying and as if any regulations restrictions terms and conditions comprised in the lease or agreement were restrictions and exceptions contained in that Order.

(3) The execution of any such lease or agreement shall except as may otherwise be provided thereby be taken to be a consent on behalf of the tenant to all byelaws under the Sea Fisheries Regulation Acts 1888 to 1930.

Marking out limits.

8.—(1) The limits of the fishery defined by this Order and of every reserve and laying in respect of which a lease has been granted or an agreement for a lease made under this Order shall be marked out by notice boards buoys or otherwise by the Grantees or if they so arrange in the case of a reserve or laying by the tenant provided however that the written consent of the harbour authority shall first be obtained to such markings.

(2) If any notice and notice board buoy or other mark placed and maintained by the Grantees shall be removed or obliterated

A.D. 1936.

or damaged it shall forthwith be replaced or restored or renewed as the case may be by the Grantees.

Maintenance of boundaries.

9. The Grantees or their tenants may construct and maintain such works as may be necessary for marking the boundaries of or between any reserves and layings under this Order Provided however that the written consent of the harbour authority shall first be obtained to the construction of such works.

Consent to works of Minister and Board of Trade.

10. No buildings erections embankments or other works shall at any time be commenced or executed by the Grantees or their tenants within the limits defined by this Order without the previous consent in writing of the Minister and the Board of Trade after consultation with the harbour authority.

Application of revenue.

11. The Grantees shall apply the rents and revenues under this Order to all or any of the following purposes :—

(1) Placing and maintaining the notices notice boards and other marks above mentioned and in setting and marking out constructing and maintaining the divisions or boundaries of or between reserves and layings :

(2) Marking and maintaining mussel beds and propagating cultivating breeding fattening and gathering mussels for that purpose :

(3) Payment of their costs and expenses incidental to obtaining this Order to the management and improvement of the several fishery and to any other purposes of this Order.

Accounts.

12. The Grantees shall render to the Minister accounts of their income and expenditure under this Order and shall furnish to the Minister all other information required by him with reference to the fishery in such form and at such times as the Minister may require and shall allow the Minister or any person appointed by him to inspect the fishery and all books and documents in their possession relating thereto and shall give to the Minister or to such person all such information relating thereto as he may require.

Duration of Order.

13. Subject to the provisions of section 45 of the Sea Fisheries Act 1868 and of section 2 of the Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2) this Order shall continue in operation for sixty years from the date of its confirmation by Act of Parliament and no longer.

Crown rights.

14. Nothing in this Order contained shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Grantees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or

any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade (as the case may be) on behalf of His Majesty first had and obtained for that purpose.

Saving of rights of Southport Corporation.

15. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the Southport Corporation with regard to the foreshore owned by the Corporation within the limits defined by this Order.

Saving of rights of Lytham St. Anne's Corporation.

16. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the Lytham St. Anne's Corporation with regard to the foreshore owned by the Corporation within the limits defined by this Order.

Saving of rights of persons to fish for shrimps.

17. Nothing in this Order shall affect any right of any person to fish within the limits defined by this Order for shrimps with or by means of hand nets or hose nets or boat shanking or cart shanking.

Saving of rights of the harbour authority.

18. Nothing in this Order shall affect prejudicially any of the rights powers and authorities of the harbour authority.

Saving of rights of River Crossens Catchment Board.

19. Nothing in this Order contained shall affect prejudicially any of the rights powers and authorities of the River Crossens Catchment Board with regard to the area under the Board's jurisdiction within the limits defined by this Order.

Saving of rights of owners of certain parts of the shore or bed of the sea &c. within the area.

20. Save in so far as may be necessary for the purposes of the exercise of the right of fishery hereby conferred nothing in this Order shall affect prejudicially the owners of the shore or the bed of the sea or of any river channel creek bay or estuary situate within the limits defined by this Order and in or adjoining the township manor or liberties of North Meols or the exercise by them of any rights of or incidental to the ownership thereof.

Short title.

21. This Order may be cited as the Ribble Mussel Fishery Order 1936.

Sea Fisheries Provisional Order (No. 1).

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B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Agriculture and Fisheries under the Sea Fisheries Act, 1868, for the establishment and maintenance of a several mussel fishery in the estuary of the river Ribble, in the county of Lancaster.

(*Brought from the Commons 30th June* 1936.)

Ordered to be printed 30th June 1936.

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A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Minister of Agriculture and Fisheries under the Sea Fisheries Act, 1868, for the regulation by the Corporation of the city of Truro of an oyster and mussel fishery in part of the Truro River in the county of Cornwall. A.D. 1936.

WHEREAS under the provisions of the Sea Fisheries Act, 1868, the Minister of Agriculture and Fisheries has made an Order which needs confirmation by Parliament: 31 & 32 Vict. c. 45.

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

1. The Order which as amended is set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Sea Fisheries (Truro) Order Confirmation Act, 1936. Short title.

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A.D. 1936.

SCHEDULE.

TRURO PORT FISHERY ORDER 1936.

Order for the regulation by the Corporation of the city of Truro of the oyster and mussel fishery in part of the Truro River in the county of Cornwall.

THE Minister of Agriculture and Fisheries in pursuance of the powers vested in him by the Sea Fisheries Act 1868 and the Board of Agriculture and Fisheries Act 1903 the Ministry of Agriculture and Fisheries Act 1919 and all other powers enabling him in this behalf hereby makes the following Order :—

Undertakers.

1. The mayor aldermen and citizens of the city of Truro acting by their council (in this Order called " the Corporation ") shall be the undertakers of this Order.

Limits of fishery.

2. The following are the description and limits of the fishery comprised in this Order (as shown on the plan deposited with and sealed by the Minister of Agriculture and Fisheries and marked " Truro Port Fishery Order 1936 ") (namely) :—

All those parts of the bed of Truro River containing an area of 1,743 acres or thereabouts bounded as follows (that is to say) on the south and east by the line of low-water of ordinary or medium tides from the point known as Victoria Point in the parish of Saint Clement in the said county of Cornwall to a point called Messick Point in the parish of Saint Just in Roseland in the same county such boundary being adjacent to the several parishes of Saint Clement Rural Merther Saint Michael Penkivel Lamorran Ruan Lanihorne Philleigh and Saint Just in Roseland respectively in the same county on the south by an imaginary line drawn from the said point called Messick Point to a point on the shore approximately 200 yards south of Penarrow Point in the parish of Mylor in the said county at present marked by a pillar on the west by the line of low-water of ordinary or medium tides from the said point at present marked by a pillar to a point called Sunset in the parish of Kea in the same county such last-mentioned boundary being adjacent to the several parishes of Mylor Feock Perranarworthal and Kea respectively in the same county and on the north by an imaginary line drawn from the said point called Sunset to the said point called Victoria Point.

Dredging for oysters or mussels during certain months prohibited.

3. Subject to the provisions contained in article 11 of this Order no person shall dredge or fish for or take oysters or mussels within the said fishery during the months of April May June July August and September in any year.

Power to close portions of fishery.

4. The Corporation may from time to time make byelaws for closing any portion or portions of the said fishery so far as relates to the fishing for oysters or mussels for such periods as they may deem necessary but subject to the conditions following :—

(1) No portion shall be closed for a longer continuous period than two years :

(2) No greater extent in the whole than one third of the oyster beds and one third of the mussel beds respectively shall be closed at any one time :

(3) One month's previous notice at least of the portion or portions to be closed shall be given by an advertisement in the London Gazette and in some local newspaper and by affixing such notice on the town hall at Truro and in some conspicuous place or places in or adjoining the portion or portions of the fishery proposed to be closed :

(4) A certificate in writing signed by a secretary or by an assistant secretary of the Minister of Agriculture and Fisheries or by any other person authorised by him in that behalf stating whether any portion or portions is or are or is not or are not or have been or have not been duly closed under the provisions of this Order shall be taken as conclusive evidence of the fact stated in such certificate.

Dredging within closed portions prohibited.

Subject to the provisions contained in article 11 of this Order no person shall dredge fish for or take any oysters or mussels within the said fishery in contravention of any byelaw of the Corporation whereof notice has been given as aforesaid.

Power to make byelaws with approval of Minister.

5. The Corporation with the approval of the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") may make byelaws and regulations for regulating the fishery generally in terms not inconsistent with this Order Such byelaws and regulations shall be revised from time to time when and as required by the Minister and any byelaw or regulation not so revised may at any time be cancelled by the Minister and shall then cease to have effect.

All byelaws and regulations made by the Corporation which are in force in the fishery immediately before the Port Truro Order 1876 ceases to have effect shall apply to the fishery until revised or cancelled in pursuance of the provisions of this section.

Dredging boats to be licensed.

6. No person shall dredge fish for or take oysters or mussels within the said fishery in any boat not licensed in that behalf by the Corporation Licences in that behalf shall be granted by

A.D. 1936.

the Corporation to any person applying for the same on his paying the tolls in this Order specified and every such licence shall include both oyster fishing and mussel fishing.

Office for granting licences.

7. The office for granting licences shall be the office (for the time being) of the town clerk of the city of Truro who shall be entitled to a fee of two shillings and sixpence for preparing and issuing every such licence.

Tolls and fees payable on licences.

8. There shall be paid in respect of such licences and before they are granted the following tolls :—

	s.	*d.*
For a licence for one season (being a period of six months)—		
For every registered ton the licensed boat is capable of carrying - - - - -	3	0
And for every dredge used in such boat -	10	0
For a licence to fish for three months—		
For every registered ton the licensed boat is capable of carrying - - - - -	1	0
And for every dredge used in such boat -	10	0

Provided that every licence for a smack shall include the use of one row boat such row boat to be used when fishing only by the regular crew of the smack and fishing shall not be carried on by the crew of the row boat and smack independently at the same time.

Where a licence has been lost or accidentally destroyed a new licence by way of substitution may be issued on the payment of a fee of one shilling.

The person in charge of any boat (not being a row boat belonging to a smack) fishing within the limits of the fishery shall when required by any water bailiff produce the licence of such boat or else desist from fishing until the same is produced.

Taking of small mussels and oysters prohibited.

9. Save as in this Order expressly provided and subject to the provisions contained in article 11 of this Order no person shall at any time remove from the said fishery or from one portion of the fishing grounds to another any mussels of less size than two inches in length or any oyster which will pass through a circular ring of two and five-eighths inches in diameter.

Power reserved to remove brood of mussels and oysters.

10. For the purpose only of better cultivating the fishery the Corporation or any person or persons duly authorised by them may remove any brood of mussels and any spat or small-sized oysters from one portion of the fishery to another at such times as the Corporation may direct.

A.D. 1936.

Power reserved to cancel or vary prohibitions.

11. The Minister may from time to time by a certificate under the hand of one of his secretaries or assistant secretaries or other person authorised by him in that behalf repeal alter or vary any of the prohibitions contained in articles 3 4 and 9 of this Order.

Power to appoint water bailiff.

12. The Corporation may from time to time appoint suspend or remove and again appoint a water bailiff or bailiffs to enforce the provisions of this Order and the byelaws and regulations made under this Order and generally to regulate the fishery.

Every such water bailiff shall have the following powers that is to say he may enter any smack fishing boat or row boat within the limits of the fishery he may examine the catches dredges nets and fishing implements and gear of any such boat he may seize oysters or mussels illegally taken within the limits of the fishery and he may do all other lawful acts for giving effect to the provisions of this Order and the byelaws and regulations made under this Order.

For such purposes he shall be deemed to be a constable and shall have within the fishery the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.

Any person considered by a water bailiff to have offended against any of the provisions of this Order or against any byelaw or regulation made thereunder shall when required by such water bailiff state correctly his name and place of abode.

Any person refusing or omitting when required to state correctly his name and place of abode or wilfully continuing to offend after having been required by a water bailiff to desist may be apprehended by any water bailiff or any person acting by order of a water bailiff and conveyed before a justice of the peace to be dealt with according to law.

Tolls and fees to be applied in maintaining and improving the fishery or in repayment of advances by the Corporation.

13. The whole of the money received by the Corporation from licences tolls fees or otherwise under this Order shall after the repayment to the general rate fund of the city of all expenses incurred in and incidental to the obtaining of this Order be applied to the maintenance and improvement of the fishery in accordance with the provisions of this Order and under the powers and provisions of the Sea Fisheries Act 1868 or in repayment to the Corporation of such sums as they may expend in putting or endeavouring to put the fishery into a more profitable state.

Marking of limits.

14. The limits of the said fishery shall be marked out in manner described in article 2 of this Order or in such other manner as the Minister with the consent of the Board of Trade may from time to time direct.

A.D. 1936.

Works not to be commenced without sanction of the Minister and Board of Trade.

15. No buildings erections embankments or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Minister and the Board of Trade.

Undertakers to give accounts of expenditure and income and other information.

16. The Corporation shall render annually to the Minister on the thirty-first day of August in every year accounts of their expenditure and income under this Order and all other information required by the Minister with reference to the subject of this Order in such form as the Minister may from time to time require and shall allow the Minister or any person appointed by him to inspect the fishery and all books accounts and other documents in the possession of the Corporation relative to the fishery and shall give to the Minister or such person all such information relating thereto as he may require.

Power to grant several oyster and mussel fishery within the prescribed limits reserved.

17. The Minister may at any time make a grant or grants of a several oyster and mussel fishery of any ground within the limits comprised within this Order and all the powers and provisions contained in this Order shall be subject to the power of the Minister to make such grant and to any alterations which may be consequent on such grant or on any order made in pursuance of such grant.

Duration of Order.

18. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament and no longer.

Power to revise tolls with consent of Minister.

19. The Corporation may but not without the consent of the Minister from time to time revise the tolls leviable under this Order either by increasing or diminishing the amount thereof or by varying the mode and times in and for which the same are levied or otherwise Provided that public notice of such revised tolls shall be given either by advertisement or otherwise in such manner as the Minister shall direct.

Crown rights.

20. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Saving rights of Harbour Commissioners.

21. Nothing in this Order contained shall prejudice or affect the powers conferred on the Falmouth Harbour Commissioners by the Falmouth Harbour Order 1870 or any other rights or powers vested in or exerciseable by them.

Rights of inspection by Cornwall sea fisheries committee and their servants or agents.

22. Nothing in this Order contained or in the byelaws or regulations made thereunder shall preclude the members of the local fisheries committee of the Cornwall sea fisheries district and their servants or agents from having access at all reasonable times to the area within the limits of the fishery or to preclude the fishery officer of the said local fisheries committee from entering any smack fishing boat or row boat within the limits of the fishery and examining the catches dredges nets and fishing implements and gear of any such boat.

Short title.

23. This Order may be cited as the Truro Port Fishery Order 1936.

Shops Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF IDDESLEIGH.

24th February 1936.

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(25 *b*)

Shops. [H.L.]

[AS AMENDED IN COMMITTEE]

EXPLANATORY MEMORANDUM.

The purpose of this Bill is to make it clear that lending libraries shall be subject to the provisions of the Shops Acts.

The Bill contains exemption for public libraries and libraries established for charitable or educational purposes from which no private profit is derived.

BODLEIAN
29 FEB 1936
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B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to provide for the application of the Shops Acts, 1912 to 1934, to premises and places where the business of lending books or periodicals is carried on for reward. A.D. 1936.

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

Extension to lending libraries of the Shops Acts, 1912 to 1934. 2 & 3 Geo. 5. c. 3.

1.—(1) For the purposes of the Shops Acts, 1912 to 1934, the expression "retail trade or business" shall include the lending for reward of books or periodicals; and accordingly subsection (1) of section nineteen of the Shops Act, 1912, shall be amended by inserting after the words "or intoxicating liquors" the words "the lending for reward of books or periodicals."

(2) Subsection (2) of the said section nineteen shall be amended by inserting after the words "from which no private profit is derived" the words following :—

"or to any libraries established under the provisions of the Public Libraries Acts, 1892 to 1919, or to any libraries provided for charitable or educational purposes from which no private profit is derived."

A.D. 1936.

Short title, citation, extent and commencement.

2.—(1) This Act may be cited as the Shops Act, **1936,** and this Act and the Shops Acts, 1912 to 1934, may be cited together as the Shops Acts, 1912 to 1936.

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

(3) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

Shops. [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to provide for the application of the Shops Acts, 1912 to 1934, to premises and places where the business of lending books or periodicals is carried on for reward.

The Earl of Iddesleigh.

Ordered to be printed 25th February 1936.

LONDON
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Shops Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF FEVERSHAM.

Clause 1, page 1, line 16, leave out from ("any") to the end of the clause and insert ("library at which the "lending for reward of books or periodicals is not "carried on for purposes of gain if no other retail trade "or business is carried on at the same premises")

Shops Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF FEVERSHAM.

29th February 1936.

BODLEIAN LIBRARY
19 MAR 1936

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(38 *a*)

Shops Bill. [H.L.]

COMMONS AMENDMENTS.

[*The References are to Bill No.* 38.]

In the Title.

Leave out ("reward") and insert ("purposes of "gain")

Clause 1.

Page 1.

Line 8, leave out from ("the") to the end of the line and insert ("business of lending books or "periodicals when carried on for purposes of gain")

Line 11, leave out from the second ("the") to the end of line 12 and insert ("business of lending "books or periodicals when carried on for purposes "of gain")

Line 16, leave out from ("the") to the end of line 19 and insert ("business of lending books or periodicals is not carried on for purposes of gain other than that of making profits for some philanthropic or charitable object (including any religious or educational object) or for any club or institution which is not itself carried on for purposes of gain.

(3) Notwithstanding anything in the foregoing provisions of this Act, the Shops Acts, 1912 to 1934, shall not apply to any library which, on the first day of January, nineteen hundred and thirty-six, was carried on by a society registered under the Industrial and Provident Societies Acts, 1893 to 1928, mainly for the purpose of

BODLEIAN 10 JUL 1936 LIBRARY

Clause 1.

Page 1.

affording to its members means of education or recreation, so long as the following conditions are complied with, that is to say :—

(*a*) That the library continues to be carried on by the society mainly for the purpose aforesaid;

(*b*) That no pecuniary profit is directly derived from the lending of books or periodicals at or from the library;

(*c*) That no person employed about the business of any shop occupied by the society is engaged about the business of the library.")

Shops Bill. [H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 7th July 1936.

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(158)

Shops (Sunday Trading Restriction) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Closing of shops on Sunday.
2. Exemption for certain trades or businesses.
3. Partial exemption orders.
4. Procedure with respect to the making and revocation of orders.
5. Provision for Jewish traders.
6. Special provisions for London.
7. Provisions as to delivery of goods.
8. Miscellaneous savings.
9. Provisions respecting shop assistants.
10. Notices.
11. Enforcement.
12. Extension of provisions of this Act to retail trading elsewhere than in shops.
13. Interpretation.
14. Repeals.
15. Short title, citation, application and commencement.

SCHEDULES :

First Schedule.—Trades and Businesses exempted from the provisions of section one.

Second Schedule.—Trades and Businesses in respect of which a partial exemption order may be made.

BODLEIAN
25 MAY 1936
LIBRARY

A

B I L L

INTITULED

An Act to restrict the opening of shops and trading on Sunday; and for other purposes connected therewith. A.D. 1936.

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

Closing of shops on Sunday.

1. Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers on Sunday.

Exemption for certain trades or businesses.

2.—(1) The provisions of the foregoing section shall not apply to any shop in which there is carried on a trade or business which is for the time being and as respects that shop excepted from the provisions of section one of this Act :

Provided that, where there is carried on in the same shop any trade or business which is so excepted together with any other trade or business which is not so excepted, the exemption conferred by this section shall apply to the shop only so far as the carrying on of the trade or business so excepted is concerned, and subject to such conditions as may be prescribed.

(2) Subject to the provisions of this subsection, the trades or businesses set out in the First and Second Schedules to this Act shall be excepted from the provisions of section one of this Act :

Provided that the trades or businesses set out in the Second Schedule to this Act shall, except in so far as

A.D. 1936. —

they are included in any of the trades or businesses set out in the First Schedule, and subject to any order made by the local authority under the next following section, cease to be so excepted on the expiration of nine months from the commencement of this Act.

Partial exemption orders.

3.—(1) The local authority may by order (in this Act referred to as a " partial exemption order ") made in accordance with the provisions of this Act provide that all shops in which there are carried on such of the trades or businesses mentioned in the Second Schedule to this Act as are specified in the order, being shops situated in the area of the authority or such part thereof as is so specified, may be open for the serving of customers on Sunday subject to the limitations hereafter provided.

(2) Subject to the provisions of this subsection, a partial exemption order shall not authorise a shop to be open for the serving of customers after ten o'clock on Sunday morning :

Provided that—

(*a*) an order affecting shops situated in places frequented as holiday resorts during certain seasons of the year may, for such period or periods as may be specified therein (not exceeding in the aggregate more than four months in any year), authorise the shops to which the order applies to be open until such hour later than ten o'clock on Sunday morning, not being later than one o'clock on Sunday afternoon, as may be so specified;

(*b*) an order may authorise the serving of customers after ten o'clock on Sunday morning, or after such later hour as may be specified as aforesaid, in shops to which the order applies in cases of emergency and in such other cases as may be specified in the order.

(3) Where there is carried on in the same shop any trade or business specified in a partial exemption order applying to the shop together with any other trade or business which is not so specified and is not for the time being and as respects that shop excepted from the provisions of section one of this Act, the exemption conferred by the order shall apply to the shop only so

far as the carrying on of the trade or business so specified is concerned and subject to such conditions as may be so specified.

(4) A partial exemption order may contain such incidental, supplemental or consequential provisions as may appear to the local authority necessary or proper.

Procedure with respect to the making and revocation of orders.

4.—(1) The local authority shall, before making any order under the foregoing provisions of this Act, give public notice in the prescribed manner of their intention to make the order, specifying in the notice a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they have received, the local authority are satisfied that it is expedient to make the order and that the occupiers of not less than two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining whether the occupiers of not less than two-thirds in number of the shops to be affected by any order approve the order, be considered as carried on in the shop, unless the occupier thereof satisfies the local authority that it forms a substantial part of the business carried on in the shop.

(3) Any such order as aforesaid may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

Provisions for Jewish traders.

5.—(1) Where any shop is occupied by persons of the Jewish religion or members of any other religious body regularly observing the Jewish Sabbath, then, notwithstanding anything in this or in any other Act, the shop may be kept open on Sunday until two o'clock on Sunday afternoon, so long as the shop continues to be occupied by persons of the Jewish religion or members of any such body as aforesaid and on condition that the following provisions are complied with (that is to say) :—

(*a*) a notice shall previously be given to the local authority in such form as may be prescribed

A.D. 1936.

by or on behalf of the occupiers of the shop of their intention to keep the shop open on Sunday, and the notice shall be accompanied by such statutory or other declarations, undertakings and certificates as may be prescribed and made by such persons and in such manner and in such form as may be prescribed and in particular by statutory declarations made by all the persons of the Jewish religion or members of such other body as aforesaid who are occupiers of the shop or, in the case of a shop occupied by a company, by all the directors of the company who are persons of that religion or members of any such religious body as aforesaid; to the effect that they conscientiously object on religious grounds to carrying on business on the Jewish Sabbath; and

(*b*) if, after the said notice has been given, there is any change in the occupation of the shop or, in the case of a shop occupied by a company, any change in the directorship of the company, a further notice shall be given in such form as may be prescribed within fourteen days of the date when the change in the occupation of the shop or in the directorship, as the case may be, occurred.

(2) Where such a notice as aforesaid is given to a local authority as respects any shop, then until the notice is revoked—

(*a*) neither that shop nor any other shop occupied by the occupiers of that shop or any of them shall be kept open on Saturday; and

(*b*) there shall be kept conspicuously placed in the shop a notice stating that it is open on Sunday but not on Saturday.

(3) Any such notice as aforesaid may be revoked by a further notice in writing given to the local authority by or on behalf of the occupiers of the shop, but no such notice shall be revoked before the expiration of six months from the date when the notice was given, and

where a notice has been revoked a new notice shall not be given under subsection (1) of this section :

Provided that where the local authority are satisfied that there has been a change in the occupation of the shop, they may, if they think fit, allow a notice to be revoked before the expiration of the said period of six months, or a new notice to be given, in respect of the shop.

(4) Where the occupier of a shop is convicted of a contravention of any of the provisions of this section the court may direct, in addition to any other penalty provided for by this Act, that any notice under this section for the time being in force in respect of the shop shall cease to have effect, and the notice shall then be deemed to have been revoked in accordance with the provisions of this section.

(5) In the case of a shop occupied by a partnership or company, the shop shall be deemed to be occupied by persons of the Jewish religion or by members of any other religious body regularly observing the Jewish Sabbath if not less than half in number of the partners or of the directors, as the case may be, are persons of the Jewish religion or members of any such religious body as aforesaid.

(6) As respects any shop which is kept open on Sunday in accordance with the provisions of this section the Shops Acts, 1912 to 1934, shall have effect subject to the following modifications (that is to say),—

(*a*) subsection (1) of section one and subsection (1) of section four of the Shops Act, 1912, shall have effect as if for references therein to weekdays there were substituted references to weekdays other than Saturdays; and

(*b*) subsection (2) of the said section four shall have effect as if the word " Friday " were substituted for the word " Saturday " wherever the last-mentioned word occurs.

Special provisions for London.

6.—(1) If the common council of the City of London or the London County Council are satisfied that any part of their respective areas—

(*a*) is a district in which it was, before the first day of January, nineteen hundred and thirty-six, customary to hold street markets on Sunday; or

A.D. 1936.

(*b*) is a district, being a district within the metropolitan boroughs of Bethnal Green, Shoreditch, or Stepney, in which it was customary before the said date for the majority of the shops in the district to be kept open on Sunday and that, having regard to the character and habits of the population in the district, the application of the provisions of this Act requiring shops to be closed on Sunday would cause undue hardship,

they may, by order made in accordance with the provisions of this section, authorise such shops or classes of shops as may be specified in the order, being shops other than bakers', confectioners', hairdressers' and barbers' shops, situated in the district or in such parts of the district as may be so specified to be open for the serving of customers on Sunday until two o'clock on Sunday afternoon subject to the conditions hereinafter mentioned.

(2) Any order made under this section authorising shops to be kept open for the serving of customers on Sunday shall fix a week-day upon which such shops must be closed (in this section referred to as " the closing day"), and may fix different days for different classes of shops, and the occupier of a shop who intends to keep open the shop on Sunday in pursuance of the order shall give notice in writing to the common council or to the London County Council, as the case may be, of his intention so to do, and he shall not keep open the shop on Sunday unless such notice has been given and the shop has been closed on the closing day in the preceding week:

Provided that—

(*a*) the closing day so fixed shall be a day other than the day fixed for the weekly half-holiday by an order made under section four of the Shops Act, 1912, and the occupier of a shop shall not be entitled to keep his shop closed for the purposes of the weekly half-holiday required by the provisions of that section on the closing day:

(*b*) where the closing day so fixed is a day other than Saturday the order shall provide for enabling Saturday to be substituted as the closing day as respects any shop.

A.D. 1936.

(3) Any order made under this section shall contain such provisions as may be necessary or expedient to secure—

(*a*) that where a notice has been given under the last foregoing subsection to the common council or to the London County Council by the occupiers of a shop, the shop shall not be kept open on the closing day during a period of not less than six months from the date when the notice was given; and

(*b*) that so long as the shop is kept open on Sunday in pursuance of the order, such notices as the common council or the London County Council, as the case may be, may require, shall be kept exhibited in the shop.

(4) The common council or the London County Council shall, before making any order under this section, give public notice of their intention to make the order defining by reference to a map the district or parts of the district to which the order is to apply and the times and places at which the map may be inspected, and specifying a period (not being less than four weeks) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they have received the common council or the London County Council are satisfied that it is expedient to make the order, they may make the order, and the provisions of subsections (2) and (3) of section six of the Shops Act, 1912 (which relate to the disallowance and confirmation of closing orders), and the provisions of section sixteen of that Act (which relate to local inquiries) shall have effect as if any such order, or any order varying or revoking such an order, were a closing order under that Act:

Provided that the Common Council of the City of London or the London County Council shall not make an order applying to any district referred to in paragraph (*b*) of subsection (1) of this section unless they are satisfied that the occupiers of not less than two-thirds in number of the shops to be affected by the order approve the order.

(5) An order made under this section may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

A.D. 1936.

Provisions as to delivery of goods.

7. It shall not be lawful to dispatch any goods from a shop, or to deliver any goods so dispatched, at any time when under the provisions of this Act a customer could not be served with those goods in that shop:

Provided that the provisions of this section shall not apply—

(*a*) on any Sunday being also Christmas Day; or

(*b*) on any Sunday when the succeeding Monday is Christmas Day.

Miscellaneous savings.

8.—(1) Nothing in this Act shall prevent—

(*a*) the sale, dispatch or delivery of victuals, stores or other necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome;

(*b*) the sale, dispatch or delivery of goods to a person carrying on a trade or business specified in the First Schedule to this Act for the purpose of such trade or business or to a club for the purposes of the club;

(*c*) the cooking on Sunday, before half-past one o'clock in the afternoon, at any shop of any food brought to that shop by a customer and required by him for consumption on that day, or the dispatch or delivery not later than the hour aforesaid of any such food so cooked.

(2) Where any person is charged with keeping open a shop for the serving of customers, or with dispatching or delivering goods, in contravention of this Act, it shall be a good defence to prove that reasonable grounds existed for believing that the goods supplied, dispatched or delivered were required in the case of illness.

(3) Where any person is charged with keeping open for the serving of customers in contravention of this Act a shop which is permitted to be open until a certain hour by reason of his having served a customer after that hour, it shall be a good defence to prove that the customer was in the shop before that hour and left the shop not later than half-an-hour after that hour.

(4) Notwithstanding anything in this Act, any person carrying on the business of a hairdresser or barber

may, at any time, for the purposes of that business attend any person—

(*a*) in any place, if that person is unable, by reason of bodily or mental infirmity, to go to the place where such business as aforesaid is carried on; or

(*b*) in any hotel or club, if that person is resident therein.

(5) This Act shall not apply to any shop, or to the carrying on of any trade or business, in any sea-going ship.

Provisions respecting shop assistants.

9.—(1) Save as is otherwise hereinafter provided, no person shall be employed on Sunday in a shop which is open for the serving of customers on that day unless the following requirements are complied with—

(*a*) in the case of a person employed for more than four hours on Sunday, that person must have received on a weekday of the previous week, or must receive on a weekday of the week commencing with that Sunday, a whole holiday in addition to any weekly half-holiday to which he may be entitled under the provisions of the Shops Acts, 1912 to 1934 (hereinafter referred to as a "statutory half-holiday") and the person so employed shall not be employed on more than three Sundays in any one calendar month; or

(*b*) in the case of a person employed for not more than four hours on Sunday that person must have received on a weekday of the previous week, or must receive on a weekday of the week commencing with that Sunday, a half-holiday in addition to any statutory half-holiday:

Provided that this subsection shall not apply—

(i) to any person employed wholly or mainly in connection with the sale of intoxicating liquor; or

(ii) to any shop assistant employed in any premises for the sale of refreshments to whom the provisions of paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (1) of section one of the Shop

A.D. 1936.

Act, 1913, apply by virtue of an election made under that subsection by the occupier of the premises; or

(iii) to any person employed in connection with the sale or distribution of milk and other farm produce; or

(iv) to any person wholly employed in the transaction of post office business; or

(v) to any registered pharmacist within the meaning of the Pharmacy and Poisons Act, 1933, employed in connection with the sale or supply of medicines or medical or surgical appliances in any premises required to be kept open on Sunday for the serving of customers in pursuance of a contract between the occupier of the premises and an insurance committee within the meaning of the National Health Insurance Acts, 1924 to 1935, if he is not employed for more than two hours on that Sunday, and has not been employed on the previous Sunday, and if on a week-day (other than the day of the statutory half-holiday) of the previous week or of the week commencing with the Sunday on which he is so employed, either he has not been, or will not be, employed before half-past ten o'clock in the morning, or has not been, or will not be, employed after six o'clock in the afternoon.

(2) Nothing in this Act shall authorise the employment of any person at any time when it would under the Shops Acts, 1912 to 1934, or the Sunday Entertainments Act, 1932, be unlawful for him to be so employed.

22 & 23 Geo. 5. c. 51.

(3) For the purposes of this section—

(*a*) a person who works about the business of a shop for the occupier thereof shall be deemed to be employed in the shop, and to be so employed notwithstanding that he receives no reward for his labour;

(*b*) the expression "half-holiday" means, except in the case of a statutory half-holiday, a day on which the employment either does not begin before, or ceases at, half-past one o'clock in the afternoon of that day.

A.D. 1936.

Notices.

10. The occupier of any shop which by virtue of this Act is open for the serving of customers on Sunday shall—

(*a*) cause to be kept conspicuously posted in the shop a notice in the prescribed form stating the terms of any order applying to the shop; and

(*b*) keep in the prescribed form and in the prescribed manner a record of the names of and the hours worked by all the persons employed in the shop on Sunday and of the respective days of the week upon which those persons receive the holidays prescribed by the foregoing section of this Act:

Provided that the provisions of paragraph (*a*) of this section shall not apply as respects any place in which retail trade or business is carried on, not being a shop.

Enforcement.

11.—(1) In the case of any contravention of, or failure to comply with, any of the provisions of this Act, the occupier of the shop (or other place where retail trade or business is carried on not being a shop) shall be liable to a fine not exceeding—

(*a*) in the case of a first offence, five pounds;

(*b*) in the case of a second or subsequent offence twenty pounds;

and sections thirteen and fourteen of the Shops Act, 1912, which relate to the enforcement of that Act shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act, save that in those sections the word "shop" shall, in their application to the provisions of this Act which apply to retail trade or business carried on in any place not being a shop, include a reference to any such place.

(2) A person who carries on the business of a shop, or carries on retail trade or business at any place not being a shop, on Sunday in accordance with the provisions of this Act, shall not be deemed to commit an offence against the Sunday Observance Act, 1677, as amended by any subsequent enactment, or against the Act of the third year of His late Majesty King Charles the First, chapter three, for the further reformation of sundry abuses committed on the Lord's Day commonly called Sunday.

29 Car. 2, c. 7.
3 Car. 1, c. 3.

A.D. 1936.

Extension of provisions of this Act to retail trading elsewhere than in shops.

12. The provisions of this Act relating to the times at which, the areas in which, or the purposes for which, shops either must be closed or may be kept open for the serving of customers, or goods may be dispatched and delivered from shops, shall apply with respect to the times at which, the areas in which, and the purposes for which, retail trade or business may be carried on in any place not being a shop, or goods may be dispatched or delivered from any such place, and the provisions of this Act relating to the employment of persons about the business of a shop shall apply to the employment of persons in connection with any such retail trade or business carried on as aforesaid, and references to the occupier of a shop shall, save as otherwise provided, be deemed to include references to the person by whom the retail trade or business is carried on:

Provided that the provisions of section two of this Act shall, as applied by this section, have effect as if there were included in the First Schedule to this Act the sale by fishermen of freshly caught fish (including shell-fish).

Interpretation.

13. In this Act, unless the context otherwise requires, the expressions "local authority," "retail trade or business," "shop," and "week" have the meanings respectively assigned to them by the Shops Act, 1912, and the expression "prescribed" means prescribed by regulations made under section seventeen of that Act.

Repeals.

14. The Hairdressers' and Barbers' Shops (Sunday Closing) Act, 1930, and so much of the provisions of—

6 & 7 Will. 4. c. 37.

(*a*) section fourteen of the Bread Act, 1836; and

(*b*) section sixteen of the local Act of the third year of His late Majesty King George the Fourth, chapter one hundred and six, to repeal the Acts now in force relating to bread to be sold in the City of London and the liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange, and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal flour and bread within the limits aforesaid;

as relates to the sale or exposure for sale of any bread, rolls or cakes of any sort or kind, or the delivery of any

meat, pudding, pie, tart or victuals, on Sunday, are hereby repealed. A.D. 1936.

Short title, citation, application and commencement.

15.—(1) This Act may be cited as the Shops (Sunday Trading Restriction) Act, 1936, and this Act and the Shops Acts, 1912 to 1934, may be cited together as the Shops Acts, 1912 to 1936.

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

(3) This Act shall come into operation on the first day of January nineteen hundred and thirty-seven.

A.D. 1936.

SCHEDULES.

FIRST SCHEDULE.

TRADES AND BUSINESSES EXEMPTED FROM THE PROVISIONS OF SECTION ONE.

The sale by retail of intoxicating liquors for consumption on or off the premises.

The sale of meals or refreshments for consumption on the premises, including the business carried on at a railway station refreshment room, but not including the business carried on at a fried fish and chip shop, except in the case of seaside and holiday resorts during the months of June to October inclusive. The sale of meals or refreshments for consumption off the premises at any such premises as aforesaid (other than at a fried fish shop) if the sale of meals or refreshments for consumption on those premises forms a substantial part of the business carried on therein.

The sale of table waters, sweets, chocolates, sugar confectionery and ice-cream (including wafers and edible containers).

The sale of necessary aircraft, motor or cycle supplies or accessories.

The business of funeral undertakers.

The sale of newspapers, periodicals and magazines.

The sale of medicines and medical and surgical appliances by any person who has entered into a contract with an insurance committee under the National Health Insurance Act, 1924, for the supply of drugs and appliances.

The sale of fresh milk and fresh cream.

The sale of fresh fruit, fresh vegetables (including mushrooms) and flowers.

The sale of tobacco and smokers' requisites.

The transaction of post office business.

The sale of guide books, postcards, photographs, and souvenirs at any gallery or museum under the control of a public authority or university, and, if and to the extent that the local

authority certify that such sale is desirable in the interests of the public, at any other gallery or museum, or at any place of natural beauty or historic interest, or at any zoological, botanical, or horticultural gardens, or at any aquarium.

The sale of photographs for passports.

The sale of requisites for any game or sport at any premises or place where that game or sport is played or carried on.

SECOND SCHEDULE.

TRADES AND BUSINESSES IN RESPECT OF WHICH A PARTIAL EXEMPTION ORDER MAY BE MADE.

The sale of bread and flour confectionery, including rolls and fancy bread.

The sale of fish (including shell-fish).

The sale of groceries and other provisions commonly sold in grocers' shops.

Shops (Sunday Trading Restriction).

A

B I L L

INTITULED

An Act to restrict the opening of shops and trading on Sunday; and for other purposes connected therewith.

(*Brought from the Commons* 12*th May* 1936.)

Ordered to be printed 12th May 1936.

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(77)

Shops (Sunday Trading Restrictions) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF ABERDEEN AND TEMAIR.

Clause 6, page 6, line 12, after ("than") insert ("grocers, provision dealers, corn dealers, domestic "store keepers")

Shops (Sunday Trading Restrictions) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF ABERDEEN AND TEMAIR.

22nd June 1936.

LONDON
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(77 *a*)

Shops (Sunday Trading Restriction) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD MARLEY.

Clause 5, page 3, line 37, leave out ("two") and insert ("five")

Clause 6, page 6, line 16, leave out ("two") and insert ("five")

BY THE LORD MOYNE.

First Schedule, page 14, lines 32 and 33, leave out ("and souvenirs") and insert ("souvenirs and photo- "graphic films and plates")

(77 l)

Shops (Sunday Trading Restriction) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD MARLEY

AND

THE LORD MOYNE

25th June 1936.

LONDON
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
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(77 6)

Shops (Sunday Trading Restriction) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF MUNSTER.

Clause 1, page 1, line 7, at end insert:

(" Provided that a shop may be open for the serving of customers on Sunday—

(*a*) for the purposes of any transaction mentioned in the First Schedule to this Act; and

(*b*) until after the expiration of nine months from the commencement of this Act for the purposes of any transaction mentioned in the Second Schedule to this Act.")

line 8, leave out clause 2.

Clause 3, page 2, line 9, leave out from the beginning to (" be ") in line 13 and insert (" after the expiration of " nine months from the commencement of this Act shops " situated in their area or in such part thereof as is speci- " fied in the order may for the purposes of such of the " transactions mentioned in the Second Schedule to this " Act as may be so specified ")

line 20, leave out paragraph (*a*).

line 36, leave out subsection (3).

After clause 3 insert the following new clauses:

" (.—(1) Where the local authority are satisfied that the occupiers of shops or any class of shops which, by virtue of the provisions of this Act, may be open for the serving of customers on Sunday for the purpose of the sale of meals or refreshments for consumption elsewhere than at the shop at which they are sold, are desirous that such shops shall no longer be entitled to be so open, the local

Special provisions in respect of the sale of meals and refreshments off the premises.

authority may by order made in accordance with the provisions of this Act provide that such shops or any class of such shops specified in the order, being shops situated in their area or in such part thereof as may be so specified, shall cease to be entitled to be open for the serving of customers on Sunday for that purpose :

Provided that no order made under this section shall—

(*a*) apply to shops in which the sale of meals or refreshments for consumption at the shop forms a substantial part of the business carried on therein; or

(*b*) prevent the sale on Sunday of meals and refreshments elsewhere than at a shop except to such extent and subject to such conditions as may be specified in the order.

(2) An order under this section may provide for the provisions thereof being in force throughout the year or during such periods as may be specified in the order, and may be made subject to such conditions as may be so specified.

Provisions as to shops where several trades or businesses are carried on.

. Where several trades or businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that if they were the only transactions carried on in the shop the provisions of this Act requiring the shop to be closed for the serving of customers for the whole or any part of Sunday would not apply to the shop, the shop may be kept open for the whole or any part of Sunday, as the case may be, for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.

Special provisions for holiday resorts.

.—(1) Where the area or any part of the area of a local authority is a district which is frequented as a holiday resort during certain seasons of the year, the local authority may by order provide that on such Sundays as may be specified in the order, shops or any class of shops, being shops situated in the district or in such part thereof as may be so specified may, subject to such conditions and during such hours as may be so specified, be open for the serving of customers for the purpose of any of the transactions specified in the Third Schedule to this Act or such of them as may be specified in the order :

Provided that the Sundays specified in any such order shall not be more than eighteen in any year.")

Clause 4, page 3, line 17, after ("shops") insert ("or classes of shops")

Clause 5, page 3, line 33, leave out clause 5 and insert:

Special provisions for persons observing the Jewish Sabbath.

"(.—(1) Subject to the provisions of this section, the occupier of any shop who is a person of the Jewish religion shall be entitled, upon making to the local authority an application in accordance with the provisions of this section, to have the shop registered under this section by the local authority, and so long as the shop is so registered then—

(*a*) the shop shall be closed for all purposes connected with trade or business on Saturday; and

(*b*) the provisions of this Act requiring the shop to be closed for the serving of customers on Sunday shall not apply until two o'clock in the afternoon; and

(*c*) there shall be kept conspicuously placed in the shop a notice stating that it will be closed on Saturday and, if the shop will be open for the serving of customers on Sunday after two o'clock in the afternoon for the purposes of any transaction for which it is permitted under this Act to be so open, specifying the hours during which and the purposes for which it will be so open.

(2) Any application for the registration of a shop under this section shall be in the prescribed form and shall be accompanied—

(*a*) by a statutory declaration made by the occupier of the shop specifying the name of the religious body of which he is a member, and declaring that he conscientiously objects on religious grounds to carrying on trade or business on the Jewish Sabbath; and

(*b*) by such further statutory or other declarations and certificates, if any, made by such persons, and in such form, as may be prescribed.

(3) For the purposes of this section, a shop occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion if not less than

half the number of partners or of the directors, as the case may be, are persons of that religion, but not otherwise; and such a shop shall not be registered under this section unless the statutory declaration required by paragraph (*a*) of the last foregoing subsection is made by at least half the number of partners or directors and specifies the names and addresses of all the other partners or directors.

(4) If for the purpose of procuring the registration of any shop under this section any person knowingly or recklessly makes an untrue statement or untrue representation he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(5) So long as a shop is registered under this section—

(*a*) no other shop occupied by the same occupier shall be kept open for any purpose connected with trade or business on Saturday;

(*b*) no person by whom the statutory declaration aforesaid has been made in connection with the application for the registration of the shop shall be employed or engaged on the Jewish Sabbath about the business of any shop or shall so employ, or be directly concerned in the control or management of any partnership or company which so employs, any person.

(6) Where any person is convicted of an offence under this section the court may, in addition to any other penalty, order the registration of any shops occupied by him or by any partnership or company in the control or management of which he is directly concerned to be revoked:

Provided that the court shall not order the registration of any shop not occupied by the person convicted to be revoked except after affording an opportunity to the occupier to appear and be heard.

(7) If upon representations made to them it appears to the local authority that there is reason to believe—

(*a*) that the occupier of any shop registered under this section is not a person of the Jewish religion; or

(*b*) that a conscientious objection on religious grounds to carrying on business on the Jewish Sabbath is not genuinely held by the occupier of the shop, or in the case of a shop occupied by a partnership or company by at least one-half of the number of partners or of the directors, as the case may be;

the local authority may furnish particulars of the case to such tribunal as may, after consultation with the London Committee of Deputies of the British Jews, be prescribed, and if that tribunal, after considering the case in accordance with such rules as may be prescribed report to the local authority that in their opinion the occupier of the shop is not a person of the Jewish religion or that such a conscientious objection is not so held as aforesaid, the local authority shall revoke the registration of the shop, and upon the revocation thereof the registration under this section of all other shops occupied by the same occupier, whether in the area of that local authority or elsewhere, shall be deemed to be also revoked.

(8) In the event of any change in the occupation of a shop registered under this section it shall be the duty of the person who becomes the occupier to serve on the local authority notice of the change, and in the event of any change in any partnership or among the directors of any company by which such a shop is occupied, it shall be the duty of the partnership, or of the company, as the case may be, to serve on the local authority a notice giving particulars of the change, and, whether or not such a notice is served, the registration of the shop shall, upon the expiration of a period of fourteen days from the date on which the change occurred, be deemed to be cancelled, unless within that period, or within such further time as may be allowed by the local authority, a fresh application under this section is made in respect of the shop :

Provided that, where such a fresh application is made by reason of a change in any partnership or among the directors of any company by which the shop is occupied, the local authority may dispense with the statutory or other declaration or certificates required by paragraph (*a*) of subsection (2) and by subsection (3) of this section in the case of any person who has made such a declaration in connection with a former application in respect of the shop.

(9) The registration of any shop under this section shall be cancelled upon application in that behalf being

Clause 5—*continued.*

(9) The registration of any shop under this section shall be cancelled upon application in that behalf being made to the local authority by the occupier of the shop but shall not be so cancelled during the period of twelve months from the date on which an application for registration of the shop was last made.

(10) Where an application is made to a local authority in accordance with the provisions of this section for the registration of a shop under this section—

(*a*) the local authority shall refuse to register the shop if the registration of that shop has been revoked or has been cancelled under the last foregoing subsection while the shop was in the occupation of the applicant; and

(*b*) the local authority may refuse so to register the shop if the registration of that shop or of any other shop occupied or formerly occupied by the applicant, or by any partnership or company of which he was a partner or director, has been revoked or cancelled.

(11) Where the local authority refuse to register a shop in accordance with the provisions of paragraph (*b*) of the foregoing subsection, they shall serve notice of their refusal upon the applicant, and, if the applicant is aggrieved by such refusal, he may, within twenty-one days of the date when the notice was so served upon him, appeal against such refusal to a court of summary jurisdiction for the petty sessional division in which the shop is situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(12) This section shall apply to persons who are members of any religious body regularly observing the Jewish Sabbath as it applies to persons of the Jewish religion, and references therein to persons of the Jewish religion shall be construed accordingly as including any person who is a member of such a body, and in the application of this section to such persons this section shall have effect as if for the reference therein to the London Committee of Deputies of the British Jews there were substituted a reference to such body as appears to the Secretary of State to represent such persons.

Clause 5—*continued.*

(13) As respects any shop which is for the time being registered under this section the Shops Acts, 1912 to 1934, shall have effect subject to the following modifications (that is to say)—

(*a*) subsection (1) of section one and subsection (1) of section four of the Shops Act, 1912, shall have effect as if for references therein to weekdays there were substituted references to weekdays other than Saturdays; and

(*b*) subsection (2) of the said section four shall have effect as if the word 'Friday' were substituted for the word 'Saturday' wherever the last-mentioned word occurs.")

THE VISCOUNT BERTIE OF THAME proposes to amend the above amendment as follows:

In line 3 of subsection (3), leave out (" not less than " half the number ") and insert (" the majority ")

In line 8 of subsection (3), leave out (" at least half " the number ") and insert (" the majority ")

* In line 11 of subsection (5) after (" directly ") insert (" or indirectly ")

* In line 5 of subsection (6) after (" directly ") insert (" or indirectly ")

In line 5 of paragraph (*b*) of subsection (7) leave out (" at least one-half ") and insert (" the majority ")

Clause 6.

BY THE VISCOUNT BERTIE OF THAME.

Page 5, line 37, leave out (" common council ") and insert (" Common Council ")

BY THE EARL OF MUNSTER.

Page 6, line 1, after (" within ") insert (" the City " of London or ")

line 12, leave out from (" shops ") to the end of line 13.

Clause 6—*continued.*

THE MARQUESS OF ABERDEEN AND TEMAIR.

Page 6, line 12, after ("than") insert ("grocers, " provision dealers, corn dealers, domestic store keepers")

BY THE LORD MARLEY
AND THE LORD MOUNT TEMPLE.

Page 6, line 16, leave out ("two") and insert ("five")

BY THE EARL OF MUNSTER.

Page 6, line 17, at end insert:

(" Provided that before making an order applying to any district referred to in paragraph (*b*) of this subsection the council shall take steps to ascertain the wishes of the occupiers of such shops as appear to them to be likely to be affected, and if they are satisfied that a majority of the occupiers of any class of such shops are opposed to the making of the order the council shall exclude that class of shops from the operation of the order.")

BY THE VISCOUNT BERTIE OF THAME.

Page 6, line 25, leave out (" common council ") and insert (" Common Council of the City of London ")

line 29, leave out (" on ") and insert (" during the whole of ")

line 42, after (" any ") insert (" class of ")

Page 7, line 5, leave out (" common council ") and insert (" Common Council of the City of London ")

line 16, leave out (" common council ") and insert (" Common Council of the City of London ")

line 23, after (" objections ") insert (" (which shall be in writing and signed by the person " objecting thereto) ")

line 25, leave out (" common council ") and insert (" Common Council of the City of London ")

Clause 6—*continued.*

BY THE EARL OF MUNSTER.

Page 7, leave out lines 35 to 41.

Clause 7.

BY THE EARL OF MUNSTER.

Page 8, line 1, leave out from the beginning to (" at ") " in line 2 and insert (" Goods sold retail to a customer " shall not be delivered or despatched for delivery from " a shop ")

Clause 8.

BY THE EARL OF MUNSTER.

Page 8, line 16, leave out from (" goods ") to (" to ") in line 19.

line 41, after (" on ") insert (" or employed " in ")

Page 9, line 8, leave out from (" any ") to (" sea- " going ") in line 9.

Clause 9.

BY THE EARL OF MUNSTER.

Page 9, line 12, leave out (" in ") and insert (" about " the business of ")

line 15, after (" person ") insert (" so ")

line 19, leave out from (" holiday ") to (" and ") in line 23 and insert (" on a day other than " that of his statutory half holiday, if any,")

line 24, after the second (" employed ") insert (" about the business of a shop ")

line 27, after (" person ") insert (" so ")

Clause 9---*continued.*

Page 10, line 4, leave out from (" employed ") to (" or ") in line 6 and insert (" wholly or mainly as " a milk roundsman ")

line 33, after (" this ") insert (" and " the next following ")

line 36, leave out from (" employed ") to (" notwithstanding ") in line 37

line 39, leave out from the beginning to (" half-past ") in line 42 and insert:

(" (*b*) in relation to any person employed about the business of a shop the following expressions have the meanings hereby respectively assigned to them, that is to say, ' whole holiday ' means a day on which that person is not employed about the business of that shop; ' statutory half holiday ' means a day on which under section one of the Shops Act, 1912, he is not employed about the business of that shop after half-past one o'clock in the afternoon; ' half holiday ' means a day on which he is either not employed before, or not employed after ").

Clause 10.

BY THE EARL OF MUNSTER.

Page 11, line 9, leave out (" in ") and insert (" about " the business of ")

Leave out lines 14 to 16.

After Clause 10.

BY THE EARL OF MUNSTER.

Insert the following new clause:

Extension of provisions of this Act to retail

(" . Subject as hereinafter provided, the provisions of this Act shall extend to any place where any retail trade or business is carried on as if that place were a shop, and

After Clause 10—*continued.*

as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop: trading elsewhere than in shops.

Provided that—

(*a*) the following provisions of this Act shall extend only to shops, that is to say, those provisions of section four and of the proviso to subsection (4) of section six which relate to the approval by occupiers of shops of orders made under those sections, the provisions of paragraph (*b*) of subsection (2) of section five and the provisions of paragraph (*a*) of section ten;

(*b*) the provisions of section nine of this Act shall in relation to any place not being a shop apply only to persons wholly or mainly employed in connection with the retail trade or business carried on therein;

(*c*) the provisions of section one of this Act shall, as applied by this section, have effect as if there were included in the First Schedule to this Act the sale by fishermen of freshly caught fish (including shell-fish), and the sale at a farm, smallholding, allotment or similar place, of fresh produce produced thereon.")

BY THE LORD PHILLIMORE.

Insert the following new clause:

(" . The provisions of section one of this Act shall, as applied by this section, have effect as if there were included in the First Schedule to this Act the sale by fishermen of freshly caught fish (including shell-fish), and the sale at a farm, smallholding, allotment or similar place, of produce produced thereon.")

Clause 11.

BY THE EARL OF MUNSTER.

Page 11, line 19, leave out from ("shop") to ("shall") in line 20.

line 37, leave out from ("against") to ("the") in line 38 and insert ("any of the following "enactments, namely—

(*a*) the Act of the twenty-seventh year of His late Majesty King Henry the Sixth, chapter Five (which restricts the holding of fairs and markets on certain days); or

(*b*) ")

line 42, at end insert (" ; or

(*c*) the Sunday Observance Act, 1677 ").

Clause 12.

BY THE EARL OF MUNSTER.

Leave out clause 12.

Clause 13.

BY THE VISCOUNT BERTIE OF THAME.

Page 12, line 28, at end insert (" The expression " 'horse' has the same meaning as in the Army Act, " 1881 ")

BY THE EARL OF MUNSTER.

Page 12, line 28, at end insert:

(" (2) 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 any subsequent enactment, including this Act.")

Clause 14.

BY THE EARL OF MUNSTER.

Leave out clause 14.

Clause 15.

BY THE EARL OF MUNSTER.

Page 13, line 10, at end insert:

(" (4) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.")

In the Schedules.

First Schedule.

BY THE LORD MOUNT TEMPLE.

Page 14, line 14, leave out from (" shop ") to the end of line 16 at the end of sentence.

line 17, after (" chocolates ") insert (" flour and ")

line 19, leave out (" necessary ")

line 27, leave out (" fresh ") in both places and after (" milk ") insert (" milk products ")

line 28, leave out (" fresh ") in both places

line 29, at end insert (" bulbs and plants ")

BY THE LORD MOYNE.

Page 14, lines 32 and 33, leave out (" and souvenirs ") and insert ("souvenirs and photographic films and plates")

First Schedule—*continued.*

BY THE LORD MOUNT TEMPLE, THE LORD MOYNE AND THE LORD MILDMAY.

Page 15, line 7, at end insert (" The sale of fodder " and other supplies or accessories for horses and " required for immediate use ")

BY THE LORD MOUNT TEMPLE.

Page 15, line 7, at end insert (" the sale of products " of rural industries or home-made articles ")

line 7, at end insert (" The sale of books " and stationery at such terminal or main line railway " or omnibus stations or at such aerodromes as may from " time to time be approved by the Secretary of State ")

BY THE EARL OF MUNSTER.

Leave out the First Schedule and insert the following new Schedule:

*(" FIRST SCHEDULE.

TRANSACTIONS FOR THE PURPOSES OF WHICH A SHOP MAY BE OPEN FOR THE SERVING OF CUSTOMERS ON SUNDAY.

1. The sale of—

(*a*) intoxicating liquors;

(*b*) meals or refreshments whether or not for consumption at the shop at which they are sold but not including the sale of fried fish and chips at a fried fish and chip shop;

(*c*) newly cooked provisions and cooked or partly cooked tripe;

(*d*) table waters, sweets, chocolates, sugar confectionery and ice-cream (including wafers and edible containers);

(*e*) flowers, fruit and vegetables (including mushrooms) other than tinned or bottled fruit or vegetables;

(*f*) milk and cream not including tinned or dried milk or cream, but including clotted cream whether sold in tins or otherwise;

First Schedule—*continued.*

(*g*) medicines and medical and surgical appliances by any person who has entered into a contract with an insurance committee under the National Health Insurance Acts, 1924 to 1935, for the supply of drugs and appliances;

(*h*) aircraft, motor or cycle supplies, or accessories for immediate use;

(*i*) tobacco and smokers' requisites;

(*j*) newspapers, periodicals and magazines;

(*k*) books and stationery from the bookstalls of such terminal and main line railway or omnibus stations, or at such aerodromes as may be approved by the Secretary of State;

(*l*) guide books, postcards, photographs, reproductions, photographic films and plates, and souvenirs at any gallery, museum, garden, park or ancient monument under the control of a public authority or university, and, if and to the extent that the local authority certify that such sale is desirable in the interests of the public, at any other gallery or museum, or at any place of natural beauty or historic interest, or at any zoological, botanical or horticultural gardens or at any aquarium;

(*m*) photographs for passports;

(*n*) requisites for any game or sport at any premises or place where that game or sport is played or carried on.

(2) The transaction of—

(*a*) Post Office business;

(*b*) The business carried on by a funeral undertaker.")

THE VISCOUNT BERTIE OF THAME proposes to amend the above amendment as follows:

After paragraph (*h*) insert the following new paragraph:

(" (*i*) Fodder and other supplies or accessories for horses for immediate use ").

A.D. 1936.

1ST SCH. —*cont.*

(*l*) guide books, postcards, photographs, reproductions, photographic films and plates, and souvenirs—

(i) at any gallery, museum, garden, park or ancient monument under the control of a public authority or university; or

(ii) at any other gallery or museum, or any place of natural beauty or historic interest, or any zoological, botanical or horticultural gardens, or aquarium, if and to the extent that the local authority certify that such sale is desirable in the interests of the public; or

(iii) in any passenger vessel within the meaning of Part II of the Finance (1909–1910) Act, 1910, while engaged in carrying passengers;

(*m*) photographs for passports;

(*n*) requisites for any game or sport at any premises or place where that game or sport is played or carried on;

(*o*) fodder for horses, mules, ponies and donkeys at any farm, stables, hotel or inn.

(2) The transaction of—

(*a*) post office business;

(*b*) the business carried on by a funeral undertaker.

Sections 1, 2.

SECOND SCHEDULE.

TRANSACTIONS IN RESPECT OF WHICH A PARTIAL EXEMPTION ORDER MAY BE MADE UNDER SECTION TWO OF THIS ACT.

The sale of —

(*a*) bread and flour confectionery, including rolls and fancy bread;

(*b*) fish (including shell-fish);

(*c*) groceries and other provisions commonly sold in grocers shops;

in so far as such sales are not included amongst the transactions mentioned in the First Schedule to this Act.

Section 5.

THIRD SCHEDULE.

TRANSACTIONS IN RESPECT OF WHICH AN ORDER MAY BE MADE UNDER SECTION FIVE OF THIS ACT.

The sale of—

(*a*) any articles required for the purposes of bathing or fishing;

(*b*) photographic requisites;

(*c*) toys, souvenirs and fancy goods;

(*d*) books, stationery, photographs, reproductions and postcards;

(*e*) any article of food.

FOURTH SCHEDULE.

Section 16.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
3 Geo. 4. c. cvi.	An Act to repeal the Acts now in force relating to bread to be sold in the City of London and the liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange, and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal flour and bread within the limits aforesaid.	In section sixteen, the words from " or shall on any other part of the said day " to " of any sort or kind "; the words " or deliver "; " or delivered "; and the proviso.
6 & 7 Will. 4. c. 37.	The Bread Act, 1836 -	In section fourteen, the words from " or shall on any other part of the said day " to " of any sort or kind "; the words " or deliver "; " or delivered "; the words from " provided nevertheless " to " in this Act contained ".
20 & 21 Geo. 5. c. 35.	The Hairdressers and Barbers Shops (Sunday Closing) Act, 1930.	The whole Act.

Shops (Sunday Trading Restriction).

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to restrict the opening of shops and trading on Sunday; and for other purposes connected therewith.

(*Brought from the Commons* 12*th May* 1936.)

Ordered to be printed 14th July 1936.

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(167)

Shops (Sunday Trading Restriction) Bill.

COMMONS AMENDMENT TO THE LORDS AMENDMENTS AND CONSEQUENTIAL AMENDMENT.

(*The References are to Bill No.* 167.)

The Commons have amended the New First Schedule inserted by the Lords as follows :

Page 17, line 27, leave out (" Acts, 1924 to 1935 ") and insert (" Act, 1936 ")

The Commons have made the following consequential amendment to the Bill :

Clause 11, page 13, line 18, leave out (" Acts, " 1924 to 1935 ") and insert (" Act, 1936 ")

(182)

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Shops (Sunday Trading Restriction) Bill.

COMMONS AMENDMENT TO THE LORDS AMENDMENTS AND CONSEQUENTIAL AMENDMENT.

Ordered to be printed 28th July 1936.

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(182)

Solicitors. [H.L.]

ARRANGEMENT OF CLAUSES.

PART I.

AMENDMENTS OF PART II OF THE SOLICITORS ACT, 1932.

Articles of Clerkship.

Clause.

1. Solicitor to practise five years before taking articled clerk.
2. Evidence of good character and suitability by persons entering into articles.
3. Amendment of Schedule I of the principal Act as to term of service under articles.
4. Fee payable on registration of articles.
5. Power of Society to discharge articles in certain cases.

Examinations.

6. Amendments as to exemption from preliminary examination.
7. Amendments of s. 32 of the principal Act as to attendance at a law school before final examination.

General.

8. Supplemental.

PART II.

MISCELLANEOUS.

9. Production of Orders of Court to Registrar, and power of Registrar to draw up certain orders.
10. Amendment of s. 37 (1) (*a*) of the principal Act.
11. Amendment of s. 38 of the principal Act.
12. Extension of time for instituting proceedings in cases of certain offences.
13. Provisions as to service of documents at solicitor's place of business.

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Clause.

14. Evidence in proceedings before disciplinary committee.
15. Evidence as to solicitors in Scotland.
16. Amendments of principal Act consequential on the passing of the Solicitors (Scotland) Act, 1933.
17. Short title, construction, commencement and extent.

SCHEDULE:

Amendments of the Principal Act consequential on the passing of the Solicitors (Scotland) Act, 1933.

A

B I L L

INTITULED

An Act to amend the enactments relating to solicitors, and for purposes connected therewith. A.D. 1936.

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

PART I.

AMENDMENTS OF PART II OF THE SOLICITORS ACT, 1932.

Articles of Clerkship.

Solicitor to practise five years before taking articled clerk.

1.—(1) No solicitor who has not at some time been in continuous practice as a solicitor for a period of five years shall, without the special leave in writing of the Society, take any articled clerk.

(2) Service by an articled clerk to a solicitor who has taken him in contravention of the provisions of subsection (1) of this section shall not, unless the Master of the Rolls sees fit to direct otherwise, be deemed to be good service by the clerk under his articles.

Evidence of good character and suitability by persons entering into articles.

2.—(1) Not less than six weeks before any person becomes bound by articles of clerkship he shall give notice to the Society of his intention so to do, and shall furnish the Society with such evidence as to his character, and his fitness and suitability for service under articles, as the Society may by regulations require.

A.D. 1936.

PART I. —*cont.*

(2) The Society, if they are satisfied with the evidence so furnished, shall issue to the person in question their written consent to his entry into articles.

(3) The Registrar shall refuse to register any articles produced to him under section sixteen of the Solicitors Act, 1932, (in this Act referred to as " the principal Act ") unless the articles are accompanied by a consent issued under this section and dated not earlier than six months before the date of the production of the articles.

22 & 23 Geo. 5. c. 37.

(4) Service by a clerk under articles of which registration has been refused under this section shall not be deemed to be good service by the clerk under his articles.

Amendment of Schedule I of the principal Act as to term of service under articles.

3.—(1) The following paragraph shall be substituted for paragraph seven of the First Schedule to the principal Act—

" (7) The Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice, or of one of them, may make regulations directing that, in the case of any person who has passed any examination held in or by a university specified in the Second Schedule to this Act or any college or educational institution specified in the regulations the term shall be four and a half years, and that, in the case of any person who has passed any such two of the said examinations as may be specified in that behalf in the regulations, the term shall be four years."

(2) Nothing in this subsection shall affect any person who immediately before the commencement of this Act was by virtue of having passed any examination entitled to claim the benefit of the said paragraph seven as originally enacted.

Fee payable on registration of articles.

4. The fee payable to the Registrar by a person producing articles for registration under subsection (1) of section sixteen of the principal Act shall be twenty shillings, and accordingly in subsection (3) of the said section for the word " five " there shall be substituted the word " twenty ".

A.D. 1936.

PART I. —*cont.*

Power of Society to discharge articles in certain cases.

5.—(1) If—

(*a*) during the term of any articles either the clerk or the solicitor has been continuously absent from the solicitor's place of business for a period of three months or longer; or

(*b*) the Society are for any other reason of opinion that the articles ought to be discharged,

the Society may, on the application either of the solicitor or of the clerk, discharge the articles upon such terms, including terms as to return of premium, as they think fit, and determine what period, if any, of service by the clerk under the articles shall be deemed to be good service :

Provided that so much of any period during which a clerk is absent from the solicitor's place of business as is ascribable to any such employment as is mentioned in section twenty of the principal Act (which relates to the reckoning of service as a pupil with the solicitor's London agent or with a barrister) shall be left out of account for the purposes of this subsection.

(2) In subsection (1) of section twenty-five of the principal Act (which enables a clerk to be bound by fresh articles in certain cases, including the case where his articles are discharged by the High Court), after the words "by the High Court" there shall be inserted the words "or the Society", and in subsection (2) of the said section the reference to the foregoing provisions of Part II of the principal Act with respect to the registration of articles shall be construed as including a reference to the provisions of this Part of this Act with respect to the registration of articles.

Examinations.

Amendments as to exemption from preliminary examination.

6.—(1) In paragraph (*a*) of subsection (1) of section twenty-eight of the principal Act (which exempts from the preliminary examination persons who have taken degrees in arts or law at certain universities), for the words "or law" there shall be substituted the words "law or science".

(2) In paragraph (*b*) of the said subsection (1) (which exempts from the preliminary examination persons

A.D. 1936.

PART I. —*cont.*

who have passed matriculation examinations at certain universities, or examinations accepted by those universities as exempting from matriculation examinations), after the words " or any examination accepted by any such university as exempting from those examinations " there shall be inserted the words " and approved by the Society ".

(3) A person shall not, by virtue of paragraph (*b*) of subsection (1) of the said section twenty-eight or by virtue of subsection (3) of that section, be exempted from the preliminary examination by reason that he has passed, at any date after one year has expired from the commencement of this Act, any examination, unless Latin was one of the subjects of the examination and he satisfied the examiners in that subject.

(4) Nothing in this section shall affect the power of the Master of the Rolls and the Lord Chief Justice under section twenty-nine of the principal Act to grant special exemptions from the preliminary examination, or any part thereof.

Amendments of s. 32 of the principal Act as to attendance at a law school before final examination.

7.—(1) In the case of a person articled after the commencement of this Act, the attendance at a course of legal education at a law school required by section thirty-two of the principal Act shall, except with the consent in writing of the Society, commence not later than fifteen months after the execution of his articles, and if any person fails to comply with the provisions of this subsection the period which elapses between the expiration of the said period of fifteen months and the date on which he commences his attendance at such a course shall be left out of account in computing, for the purposes of the principal Act, the terms during which he has served under his articles.

For the purposes of this subsection a person shall be deemed to commence to attend at a course on the first day of the first term during which he complies with the requirements of the Society as to attendance at such a course, and the head of any law school provided by the Society, or approved by the Society for the purposes of the said section thirty-two, shall at the end of any term, if required by any person so to do, certify, if it be the fact, that that person has during that term complied with the said requirements of the Society, and certify also

the date of the commencement of that term, and the certificate shall be conclusive evidence for the purposes of this subsection of the facts therein certified.

(2) The Society may by regulations require persons attending courses of legal education in pursuance of the said section thirty-two to submit themselves to such tests at the expiration of such periods as may be specified in the regulations, for the purpose of satisfying the Society of their diligence and application during those periods, and if on any such test a person fails so to satisfy the Society, the Society may refuse to count the whole or any part of the period to which that test relates as part of the period of one year mentioned in the said section thirty-two.

(3) The said section thirty-two shall not apply—

(*a*) to a person who has been called to the Bar in England or Northern Ireland, or has been admitted a member of the Faculty of Advocates in Scotland, or is a solicitor in Scotland, or is enrolled as a solicitor in Northern Ireland;

(*b*) to a person articled after the commencement of this Act who proves to the satisfaction of the Society, or on appeal to the satisfaction of the Master of the Rolls, that he has taken a degree at any university specified in the Second Schedule to the principal Act after passing any such examination in law as may be specified in regulations to be made by the Society under section twenty-six of the principal Act.

Paragraph (*i*) of proviso (*c*) to subsection (1) of the said section thirty-two (which exempts certain persons who have taken degrees in law from the provisions of the section) shall cease to have effect except as respects persons articled before the commencement of this Act.

(4) The Society shall supply a list of law schools provided by the Society, or for the time being approved by the Society for the purposes of the said section thirty-two, to any person who applies for such a list, and to

A.D. 1936.

PART I. —*cont.*

every person to whom a consent to enter into articles is issued by the Society under the foregoing provisions of this Act.

Subsection (2) of the said section thirty-two shall cease to have effect.

General.

Supplemental.

8. The provisions of this Part of this Act shall have effect as if they formed part of Part II of the principal Act, and the provisions of subsections (4) and (5) of section twenty-six of the principal Act shall apply to regulations made by the Society under this Part of this Act as they apply to the regulations made under that section.

PART II.

MISCELLANEOUS.

Production of orders of Court to Registrar, and power of Registrar to draw up certain orders.

9.—(1) Where on an application made by any person under the principal Act an order is made by the High Court or the Court of Appeal that the name of a solicitor be removed from, or struck off, the Roll, or that a solicitor be suspended from practice, the proper officer of the Court shall forthwith send to the Registrar a copy of the order, and the Registrar shall enter a note thereof on the Roll in connection with the name of the solicitor and, where the order so directs, shall remove, or strike off, the name.

(2) Section eleven of the principal Act shall cease to have effect.

(3) In section ten of the principal Act (which relates to the power of the Registrar to draw up orders), after the words " the High Court " there shall be inserted the words " or the Court of Appeal ".

Amendment of s. 37 (1)(*a*) of the principal Act.

10. Subsection (1) of section thirty-seven of the principal Act, which provides that the declaration required to be delivered to the Registrar by, or by an agent of, a person applying for a practising certificate may, if the applicant's place of business is more than twenty miles from London, be signed by his London agent on his behalf, shall have effect as if for the words " more

than twenty miles from London " there were substituted the words " not within ten miles from the General Post Office in the City of London."

11. In section thirty-eight of the principal Act (which confers on the Registrar a discretion to refuse a practising certificate in certain special cases), after paragraph (*c*) there shall be inserted the following paragraphs— Amendment of s. 38 of the principal Act.

" or

(*d*) having failed to obtain a practising certificate within the twelve months next following the date of his admission to the Roll, first applies for such a certificate; or

(*e*) applies for a practising certificate whilst he is a person to whom the powers and provisions of Part IV of the Lunacy Act, 1890, relating to management and administration apply." 53 & 54 Vict. c. 5.

12. Proceedings in respect of an offence under section forty-eight of the principal Act (which relates to unqualified practitioners preparing certain documents for the purposes of the Land Registration Act, 1925), or an offence under section forty-nine of the said Act (which relates to unqualified practitioners acting in the preparation of papers for probate), may, notwithstanding anything in the Summary Jurisdiction Acts, be brought at any time within two years next after the commission of the offence or within six months next after the first discovery thereof by the prosecutor, whichever period is the shorter. Extension of time for instituting proceedings in cases of certain offences. 15 & 16 Geo. 5. c. 21.

13.—(1) For the purpose of facilitating the service of notices and other documents, every solicitor who holds, or has applied for, a practising certificate shall give notice to the Registrar of any change in his place or places of business within fourteen days after the date on which the change takes effect, and every such notice shall be deemed to be, and shall be recorded by the Registrar as, an amendment of the latest declaration delivered by the solicitor to the Registrar under section thirty-seven of the principal Act. Provisions as to service of documents at solicitor's place of business.

(2) Any notice or other document which is required or authorised by or under the principal Act to be served on a practising solicitor may, without prejudice to any other method of service, be served by sending it in a

A.D. 1936.

PART II. —*cont.*

registered letter addressed to him at any place specified as his place of business, or one of his places of business, in the latest declaration so delivered by him as amended by any such notice as aforesaid.

Evidence in proceedings before disciplinary committee.

14.—(1) For the removal of doubts it is hereby declared that an application to, or an inquiry or other proceeding before, a disciplinary committee appointed under section four of the principal Act, or under any corresponding provision in the enactments relating to solicitors in Northern Ireland, is a "legal proceeding" within the meaning of that expression as used in the Bankers Books Evidence Act, 1879.

42 & 43 Vict. c. 11.

(2) This section extends to Scotland and Northern Ireland.

Evidence as to solicitors in Scotland.

15. For the purposes of the principal Act—

(*a*) a letter purporting to be signed by or on behalf of the Registrar of Solicitors in Scotland stating that a person specified therein is or is not a solicitor in Scotland shall be evidence that that person is or, as the case may be, is not a solicitor in Scotland; and

(*b*) a letter purporting to be signed by or on behalf of the Comptroller of Stamps and Taxes at Edinburgh stating with respect to a person and a period specified in the letter that no stamped certificate covering any part of that period was issued in Scotland to that person under section forty-seven of the Stamp Act, 1891, shall be evidence that that person was not during any part of that period a duly certificated solicitor in Scotland.

54 & 55 Vict. c. 39.

Amendments of principal Act consequential on the passing of the Solicitors (Scotland) Act, 1933.

23 & 24 Geo. 5. c. 21.

16. The amendments specified in the Schedule to this Act, being amendments consequential on the passing of the Solicitors (Scotland) Act, 1933, shall be made in the provisions of the principal Act referred to in that Schedule.

A.D. 1936.

PART II. —*cont.*

Short title, construction, commencement and extent.

17.—(1) This Act may be cited as the Solicitors Act, 1936, and the Solicitors Acts, 1932 to 1934, and this Act shall be construed together as one Act and may be cited together as the Solicitors Acts, 1932 to 1936.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

(3) This Act, save in so far as the contrary is expressly provided, shall not extend to Scotland or Northern Ireland.

A.D. 1936.

Section 16.

SCHEDULE.

AMENDMENTS OF THE PRINCIPAL ACT CONSEQUENTIAL ON THE PASSING OF THE SOLICITORS (SCOTLAND) ACT, 1933.

In subsection (6) of section thirty-five, after the words "as a law agent" there shall be inserted the words "or as a solicitor," and for the words "remaining a law agent" there shall be substituted the words "remaining a solicitor."

In subsection (1) of section forty-seven, for the words "law agent, writer to the signet" there shall be substituted the words "solicitor in Scotland."

In subsection (1) of section eighty-one, after the definition of "Solicitor" there shall be inserted the following definition:

> "'Solicitor in Scotland' means a person enrolled or deemed to have been enrolled as a solicitor in pursuance of the Solicitors (Scotland) Act, 1933."

In paragraph 5 of Schedule 1, for the words "or has been admitted and enrolled as a Writer to the Signet, or as a solicitor in the Supreme Courts of Scotland, or as a Procurator before any of the Sheriff Courts of Scotland" there shall be substituted the words "or become a solicitor in Scotland."

A

B I L L

INTITULED

An Act to amend the enactments relating to solicitors, and for purposes connected therewith.

The Lord Wright.

Ordered to be printed 3rd March 1936.

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(41)

Solicitors Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD WRIGHT.

Schedule, page 10, line 9, leave out ("writer to the "signet")

line 16, leave out ("or has been "admitted and enrolled as a Writer to the Signet")

Solicitors Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD WRIGHT.

20th March 1936.

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(41 *a*)

Solicitors Bill. [H.L.]

COMMONS AMENDMENTS.

Clause 3.

Page 2.

Line 25, leave out ("and that")

Line 28 at end insert:

("and

(*c*) in the case of any person who, before entering into articles, has attended a course of legal instruction specified in the regulations and has passed any examination so specified as a qualifying examination in relation to that course, the term shall be four years.")

Clause 14.

Page 8.

Line 10, after ("in") insert ("Scotland and")

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Solicitors Bill. [H.L.]

COMMONS AMENDMENTS.

Ordered to be printed 30th June 1936.

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(142)

A

B I L L

INTITULED

An Act to authorise the Treasury to make an agreement with a company to be incorporated by the name of the Special Areas Reconstruction Association Limited and to make payments to the company in accordance with that agreement; and for purposes connected with the matters aforesaid. A.D. 1936.

WHEREAS it is intended that a company should be incorporated under the Companies Act, 1929, by the name of the Special Areas Reconstruction Association Limited (hereinafter referred to as "the company") with the object (among other objects) of providing as a temporary and special expedient a means of affording financial facilities to persons setting up or carrying on business in the areas specified in the First Schedule to the Special Areas (Development and Improvement) Act, 1934, who satisfy the company that, whilst having reasonable expectation of ultimate success on an economic basis, they are not for the time being in a position to obtain financial facilities from banks or financial institutions primarily engaged in providing financial facilities for long or medium term periods:

And whereas it is expedient to give assistance to the company in carrying out the said objects:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this

BODLEIAN 13 MAY 1936

A.D. 1936. present Parliament assembled, and by the authority of the same, as follows :—

Power of Treasury to enter into and make payments under an agreement.

1.—(1) If the company is so incorporated as aforesaid in accordance with arrangements approved by the Treasury, the Treasury may enter into an agreement with the company providing for the matters set out in the Schedule to this Act and, subject to the provisions of this section, may modify the said agreement by any further agreement with the company.

(2) In the event of the capital of the company being increased with the written consent of the Treasury, the provisions of the said agreement made in accordance with paragraphs 5 and 6 of the Schedule to this Act may be modified by a further agreement in such manner as may be expedient having regard to the increase of capital, but save as aforesaid no modifications shall be made in the said agreement which are inconsistent with the provisions of the said Schedule.

(3) The Treasury shall, as soon as may be, lay before Parliament a copy of the said agreement and of any further agreement by which it is modified.

(4) Any sums required by the Treasury for making the annual payments specified in paragraph 2 of the said Schedule shall be defrayed out of moneys provided by Parliament, and any sums required by the Treasury for making the other payments specified in the said Schedule shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by the Treasury under the said agreement shall be paid into the Exchequer.

Exclusion of 63 & 64 Vict. c. 51 and 17 & 18 Geo. 5. c. 21.

2. If the company is so incorporated as aforesaid in accordance with arrangements approved by the Treasury, the Board of Trade shall make an order under section six of the Moneylenders Act, 1900, exempting the company from that Act and the Moneylenders Act, 1927.

Short title.

3. This Act may be cited as the Special Areas Reconstruction (Agreement) Act, 1936.

SCHEDULE.

MATTERS TO BE PROVIDED FOR IN AN AGREEMENT BETWEEN THE TREASURY AND THE SPECIAL AREAS RECONSTRUCTION ASSOCIATION LIMITED.

1. The payment by the Treasury of the preliminary expenses of the company and of the costs and expenses of and incidental to the winding up of the company.

2. The payment by the Treasury to the company in respect of every year of the amount expended by the company in administration expenses in respect of that year, or of a contribution of twenty thousand pounds towards those expenses, whichever is the less.

3. The setting aside by the company of reserves against losses, and the payment by the Treasury, as a contribution to those reserves, of sums equal to the amounts from time to time lent by the company after the making of the agreement, up to a limit of one hundred thousand pounds.

4. The payment by the Treasury to the company upon the winding up of the company—

(*a*) in respect of the first million pounds lent by the company after the making of the agreement (hereinafter referred to as " the company's first loans "); and

(*b*) in respect of any amount lent by the company after, and in addition to, the company's first loans (hereinafter referred to as " the company's additional loans ");

of sums equal to the amount, if any, by which the losses of capital attributable respectively to the company's first loans or to the company's additional loans (as the case may be) exceed the amount of the reserves mentioned in paragraph 3 of this Schedule which is available to meet those losses respectively so, however, that the sum payable by the Treasury in accordance with the provisions of this paragraph in respect of the company's first loans and the sum so payable in respect of the company's additional loans shall neither of them exceed one quarter of the amount of the loans in respect of which it is payable.

5. The payment to the Treasury upon the winding up of the company, by way of refund of the sums paid by the Treasury

A.D. 1936.

in accordance with paragraph 3 of this Schedule, of a sum not exceeding one hundred thousand pounds, out of the amount, if any, by which the assets of the company remaining after the discharge of the liabilities of the company exceed the amount paid-up on the first one million pounds of the share capital of the company.

6. The repayment to the Treasury upon the winding up of the company of any sums paid by them in accordance with the provisions of paragraph 1 of this Schedule out of the amount, if any, of the assets of the company remaining after—

(*a*) the discharge of the company's liabilities;

(*b*) the payment of any sums due to the Treasury in accordance with the provisions of the last foregoing paragraph of this Schedule;

(*c*) the repayment of the amount paid-up on the first one million pounds of the share capital of the company including any arrears of dividend payable to the holders of not more than nine hundred thousand redeemable three and a half per cent. cumulative preference one pound shares of the company; and

(*d*) the payment to the holders of not more than one hundred thousand ordinary one pound shares of the company of such sums as, together with the amount of the dividends previously received by them in respect of those shares, are equal to simple interest at three per cent. per annum on the sums from time to time paid up by them respectively in respect of those shares, from the dates on which those sums were so paid up until the date of the commencement of the winding up of the company.

7. The certification, in such manner as may be approved by the Treasury, of the amounts of the payments to be made by and to the Treasury under the agreement.

8. The cessation of the liability of the Treasury to make further payments under the agreement in the event of there being made, without the written consent of the Treasury, any alteration in the memorandum and articles of association of the company which, in the opinion of the Treasury, affects the matters specified in the foregoing provisions of this Schedule.

9. Such additional, consequential, or supplementary matters as appear to the Treasury and to the company to be necessary or expedient.

Special Areas Reconstruction (Agreement).

A

B I L L

INTITULED

An Act to authorise the Treasury to make an agreement with a company to be incorporated by the name of the Special Areas Reconstruction Association Limited and to make payments to the company in accordance with that agreement; and for purposes connected with the matters aforesaid.

(*Brought from the Commons* 13*th May* 1936.)

Ordered to be printed 13th May 1936.

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(92)

Sugar Industry (Reorganization) Bill.

ARRANGEMENT OF CLAUSES.

Establishment of the Sugar Commission.

Clause.
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2. Staff, expenses, and procedure, of Commission.

Reorganization of British Sugar Industry.

3. Amalgamation of existing factories into British Sugar Corporation Limited.
4. Power of Treasury to guarantee debentures of Corporation.
5. Functions of Corporation as to purchase of home-grown beet.
6. Functions of Corporation as to production and marketing of white sugar.
7. Registration of refiners of sugar.
8. Sugar Refining Agreement.
9. Schemes as to Sugar Refining Agreements.

Financial Provisions.

10. Assistance to British Sugar Corporation.
11. Conditions for receipt of assistance.
12. Duty of Corporation as to reserves.
13. Power of Minister to withhold assistance.
14. Calculation of effective rates of assistance.
15. Supplementary payments in respect of poor crops.
16. Allowances in respect of sugar manufactured during the period between 31st August, 1935, and 1st September, 1936.
17. Duty of Commission to report as to rates of excise duty on sugar produced from home-grown beet.

Additional Functions of Sugar Commission as to Reorganization of Sugar Industry.

18. Schemes as to research and education.
19. Schemes as to licensing of registered refiners.

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Supplementary Provisions as to Schemes.

Clause.
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23. Wages and conditions of employment of persons employed.

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24. Claims for payment and repayment of amounts improperly obtained.
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26. Duty of Corporation and of registered refiners to furnish information to Commission.
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Part II.—Provisions as to schemes for amalgamation in default of agreement.
Second Schedule.—Minimum prices of home-grown beet received by the Corporation in the year beginning on 1st April, 1936.
Third Schedule.—Matters to be provided for in a Sugar Refining Agreement.
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Fifth Schedule.—Calculation of Supplementary Payments.
Sixth Schedule.—Table for determining equal quantities of sugar of different polarisations, and for determining the appropriate proportion in relation to rates of assistance.

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B I L L

[AS AMENDED ON REPORT.]

INTITULED

An Act to provide for the establishment of a Sugar Commission; for the amalgamation into a single corporation of companies manufacturing sugar from home-grown beet; for granting financial assistance to that corporation and to the companies aforesaid; and otherwise for the reorganization of the sugar industry. A.D. 1936.

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

Establishment of the Sugar Commission.

Constitution of Sugar Commission.

1.—(1) There shall be constituted a commission to be called "the Sugar Commission" (hereinafter referred to as "the Commission") who shall be charged with the duties of keeping under review the growing of sugar beet, and the manufacture, refining, marketing, and consumption of sugar in the United Kingdom, and of advising and assisting the Minister and the Treasury in such matters relating to the sugar industry as he or they may require of them, and of exercising such other functions as are imposed upon them by or under this Act or by any agreement approved thereunder by the Minister.

(2) The Commission shall consist of a chairman and not more than four other commissioners appointed by the Minister with the consent of the Treasury, and, subject to the provisions of this section, each of the commissioners shall hold and vacate office in accordance with the terms of the instrument appointing him.

A.D. 1936.

(3) No member of the Commission shall be capable of being elected to or of sitting in the House of Commons.

(4) No person shall be appointed to be a commissioner if, within the last five years before the appointment is made, he has been engaged in carrying on the business of manufacturing or refining sugar, or been a director, officer, or servant of any undertaking carrying on either of those businesses.

(5) A commissioner shall within three months after his appointment sell or dispose of any interest or securities which he may hold in his own name, or in the name of a nominee, for his own benefit in any undertaking carrying on the business of growing sugar beet or sugar cane or of manufacturing or refining sugar; and it shall not be lawful for a commissioner while he holds office to acquire for his own benefit any interest or securities in any such undertaking, and if a commissioner, under any will or succession or otherwise becomes entitled for his own benefit to any interest or securities in any such undertaking, he shall sell or dispose of it or them within three months after he has so become entitled thereto :

Provided that, if a commissioner satisfies the Minister that any interest in any such undertaking as aforesaid which the commissioner holds, or proposes to acquire, or to which he has become entitled, is so remote or otherwise of such a nature that the holding thereof will not affect him in the exercise of his functions as a commissioner, the Minister may direct in writing that he be excused from compliance with the provisions of this subsection as respects that interest.

(6) If a commissioner becomes disqualified for holding office or, without being so excused as aforesaid, fails to comply with the provisions of the last foregoing subsection, the Minister shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit and thereupon the office shall become vacant.

Staff, expenses, and procedure, of Commission.

2.—(1) The Minister may appoint a secretary to the Commission, and the Commission may appoint such other officers and such servants as the Minister may, with the consent of the Treasury, determine; and the Commission from time to time may employ such technical and professional agents, and may constitute such advisory committees, as they consider necessary or desirable for the discharge of their functions under this Act.

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Staff, expenses, and procedure, of Commission.

2.—(1) The Minister may appoint a secretary to the Commission, and the Commission may appoint such other officers and such servants as the Minister may, with the consent of the Treasury, determine; and the Commission from time to time may employ such technical and professional agents, and may constitute such advisory committees, as they consider necessary or desirable for the discharge of their functions under this Act.

(2) There shall be paid to the commissioners and to the officers and servants of the Commission such salaries and allowances, and to any agents employed by the Commission such remuneration, and to the members of any advisory committee constituted by the Commission such travelling or other allowances, as the Minister may, with the consent of the Treasury, determine.

(3) The expenses of the Commission, to such an amount as may be approved by the Treasury (including salaries, allowances, and remuneration payable under the last foregoing subsection), shall be paid by the Minister as part of his expenses under this Act.

(4) Every document purporting to be an instrument issued by the Commission and to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

(5) The Commission shall, subject to any rules made under this Act, have power to regulate their own procedure (including the determination of the number necessary to form a quorum) and may act notwithstanding a vacancy in their number:

Provided that the procedure of the Commission shall be such as to secure due consideration of any representations made to the Commission by persons appearing to them to represent interests concerned in the growing of sugar beet, or the manufacture, refining, marketing, or consumption of sugar, in the United Kingdom, or in other matters relating to the sugar industry.

(6) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act; and if the Minister is satisfied that for the purposes of an inquiry into any definite matter it is necessary so to do, he may by order, specifying the matter to be inquired into, direct that in

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respect of any meeting of the Commission at which not less than three of the commissioners are present for the purpose of inquiring into that matter, the Tribunals of Inquiry (Evidence) Act, 1921 (other than paragraph (*a*) of section two thereof), shall apply to the Commission as if they were a tribunal established in manner provided by that Act and as if that Act had been applied to them in the manner thereby provided.

Reorganization of British Sugar Industry.

Amalgamation of existing factories into British Sugar Corporation Limited.

3.—(1) The companies specified in the first column of Part I of the First Schedule to this Act (hereinafter referred to as "the transferor companies") shall, in accordance with arrangements approved by the Minister with the consent of the Treasury, be amalgamated into a company limited by shares and registered under the Companies Act, 1929, to be formed, with the like approval and consent, for that purpose, by the name of the British Sugar Corporation Limited (hereinafter referred to as "the Corporation"), and, in accordance with such arrangements, the undertakings carried on by the transferor companies at the factories specified in the second column of the said Part of the said Schedule, and such property and liabilities of those companies as may be provided for by the arrangements shall be transferred to the Corporation.

(2) If at the expiration of one month after the passing of this Act the transferor companies have not been so amalgamated and the said undertakings, property and liabilities so transferred as aforesaid by agreement, the Minister shall, unless he is satisfied that the amalgamation and transfer will be completed with all reasonable dispatch, require the Commission to make and submit to him schemes for the amalgamation and transfer thereof, and any such scheme when confirmed by an order of the Minister made with the consent of the Treasury, shall come into force on such date as may be specified in the order. The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the preparation, contents, making, confirmation and effect of any such scheme.

(3) No arrangements or scheme shall be approved or confirmed under this section unless the arrangements or scheme make such provision as appears to the Minister

reasonable dispatch, require the Commission to make and submit to him schemes for the amalgamation and transfer thereof, and any such scheme when confirmed by an order of the Minister made with the consent of the Treasury, shall come into force on such date as may be specified in the order. The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the preparation, contents, making, confirmation and effect of any such scheme. A.D. 1936.

(3) No arrangements or scheme shall be approved or confirmed under this section unless the arrangements or scheme make such provision as appears to the Minister and the Treasury to be expedient for securing that the affairs of the Corporation will be conducted with due regard to the public interest and to the efficient manufacture in Great Britain of sugar from home-grown beet and to the efficient marketing of such sugar; and after such approval or confirmation as aforesaid neither the memorandum nor articles of association of the Corporation shall be altered without the approval of the Minister given with the consent of the Treasury.

(4) Any action taken for the purposes of, or in connection with, the transfer to the Corporation of the undertaking, or of any property or liabilities, of a transferor company, in pursuance of arrangements approved or of a scheme confirmed under this section, shall be deemed to be within the powers of the company, and no such action shall give rise to a right on the part of the holders of any debentures or other securities of a transferor company, or of any persons on their behalf, to enforce the security.

(5) Where by any arrangements approved or scheme confirmed under this section provision is made for the substitution of any securities of the Corporation for securities of a transferor company, any trustee or other person acting in a fiduciary capacity who at the date of the formation of the Corporation held and was entitled to hold any securities of the transferor company shall be entitled to hold the securities of the Corporation which may be substituted therefor.

Power of Treasury to guarantee

4.—(1) If the Treasury are satisfied that any debentures proposed to be issued by the Corporation are to be issued for the purpose of providing working capital

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received by way of repayment of any sums so issued shall be paid into the Exchequer.

(3) As soon as may be after any guarantee is given under this Act, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this Act out of the Consolidated Fund of the United Kingdom or the growing produce thereof, the Treasury shall, as soon as may be after the end of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued and of all sums at any time received by way of repayment of any sums so issued, and a similar account shall be laid in like manner in every subsequent year unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

Functions of Corporation as to purchase of home-grown beet.

5.—(1) Subject to the provisions of this section it shall be the duty of the Corporation to enter into contracts for the purchase by the Corporation of home-grown beet upon such terms and conditions as may be determined by an agreement made, after consultation with the Commission, between the Corporation and a Sugar Beet Marketing Board, or, where there is no such board, any body which in the opinion of the Commission is substantially representative of the growers of home-grown beet or, where there is no such agreement, upon such terms and conditions as may be determined by an order made by the Commission:

Provided that, with a view to securing that the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in every year will be, as nearly as may be, the standard quantity, the Commission shall for every year determine the acreage of land in respect of the produce of which such contracts as aforesaid may be entered into by the Corporation for delivery in that year, and the Corporation shall not enter into such contracts in respect of beet grown for delivery in that year on more than that acreage.

(2) With a view to securing that the acreage in respect of which such contracts as aforesaid may be entered into by the Corporation for delivery in any year is not exceeded, provision for the determination from time to time of the quantity of home-grown beet

every year will be, as nearly as may be, the standard quantity, the Commission shall for every year determine the acreage of land in respect of the produce of which such contracts as aforesaid may be entered into by the Corporation for delivery in that year, and the Corporation shall not enter into such contracts in respect of beet grown for delivery in that year on more than that acreage.

(2) With a view to securing that the acreage in respect of which such contracts as aforesaid may be entered into by the Corporation for delivery in any year is not exceeded, provision for the determination from time to time of the quantity of home-grown beet that may be acquired from any person by the Corporation shall be made with the approval of the Commission; and such provision as aforesaid shall be made either by a scheme under the Agricultural Marketing Acts, 1931 to 1933, limiting the quantity of home-grown beet that may be sold by any person to the Corporation, or by arrangements made by the Corporation limiting the quantity of home-grown beet that may be purchased by the Corporation from any person.

(3) Any contracts for the purchase by the Corporation of home-grown beet entered into as respects the year beginning on the first day of April, nineteen hundred and thirty-six—

(*a*) shall comply with the provisions as to prices contained in the Second Schedule to this Act; and

(*b*) if entered into upon terms and conditions determined in a manner approved, whether before or after the passing of this Act, by the Minister, shall be deemed to have been entered into in accordance with the provisions of this section and shall have effect as if they had been entered into in accordance with determinations made by or with the approval of the Commission.

Functions of Corporation as to production and marketing of white sugar.

6.—(1) It shall be the duty of the Corporation to submit to the Commission not less than one month before the end of every year proposals in a form approved by the Commission showing the arrangements proposed as to the production and marketing by the Corporation of white sugar during the year next following, and the Commission shall by order approve the arrangements

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with such modifications, if any, as the Commission, after consultation with the Corporation consider necessary in the public interest.

(2) Any order of the Commission approving such arrangements as aforesaid for any year, may at any time during the year be varied by any subsequent order made by them after consultation with, or upon representations made by, the Corporation.

Registration of refiners of sugar.

7.—(1) It shall be the duty of the Commission to keep a register of refiners of sugar and to enter therein the name and address of every refiner of sugar.

(2) If, after compliance with the provisions of this section as to notice and the hearing of objections, the Commission are satisfied that any refiner of sugar is not registered under this section they shall enter his name and address in the register.

(3) If, after compliance with the provisions of this section as to notice and the hearing of objections, the Commission are satisfied that any person registered under this section has ceased to be a refiner of sugar they shall remove his name and address from the register.

(4) If as a result of representations made to the Commission it appears to them—

(*a*) that any person being a refiner of sugar is not registered under this section; or

(*b*) that any person registered under this section has ceased to be a refiner of sugar;

the Commission shall (except where the representations were made by that person) serve on him a notice of their intention to enter his name and address in the register, or to remove his name and address therefrom, as the case may be, unless within such period as may be specified in the notice (not being less than fourteen days nor more than twenty-eight days after service thereof) notice of his objection is served on the Commission, and if any such notice of objection is duly served on the Commission they shall, before deciding the matter, give the objector an opportunity of being heard.

(5) If any person makes application to the Commission, for the entry of his name and address in the register, or for the removal thereof from the register upon the ground that he has ceased to be a

refiner of sugar, the Commission shall, before deciding the matter, give him an opportunity of being heard. A.D. 1936.

(6) The Commission shall serve notice of every decision made by them under this section upon the person affected by the decision, and if any such person is aggrieved by a decision of the Commission he may, within such time after service upon him of notice thereof as may be limited by rules of court, appeal to the High Court and the decision of that Court shall be final.

(7) The register kept under this section shall be open for inspection at the office of the Commission during office hours and any person shall be entitled on payment of a fee of one shilling to be supplied with a certificate issued by the Commission and signed by the secretary of the Commission or by any other officer of the Commission duly authorised to act in that behalf, certifying that the person named therein is or is not a registered refiner, and, in the case of a person who is or was a registered refiner, specifying the date on which he became or ceased to be registered and any such certificate shall be evidence of the facts therein stated.

Sugar Refining Agreement.

8.—(1) As soon as may be after the completion of an agreement made between the Corporation and any other refiners of sugar providing for the matters set out in the Third Schedule to this Act it shall be the duty of the Corporation to submit the agreement to the Minister for his approval, and the agreement when approved by an order of the Minister made after consultation with the Commission and with the consent of the Treasury shall have effect notwithstanding any rule of law relating to agreements in restraint of trade.

(2) After the expiration of three months from the date of the passing of this Act, no such agreement as aforesaid shall be of any effect unless it has been approved by such an order as aforesaid.

(3) Any Order made under this section shall be laid before Parliament as soon as may be after it is made, together with a copy of the agreement thereby approved.

Schemes as to Sugar Refining Agreemer

9.—(1) As soon as may be after any Sugar Refining Agreement has been approved under the last foregoing section, the Commission shall after consultation with all registered refiners make and submit to the Minister a scheme providing for the assessment of contributions to be made by all registered refiners other than the

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Corporation, whether parties to the agreement or not, in such manner as to apportion between them the liability to make (whether before or after the coming into force of the scheme) all or any of the payments to be made to the Corporation under the agreement, and providing for the payment of such contributions to the Corporation in satisfaction of sums payable under the agreement.

(2) The Commission may, after consultation with all registered refiners, at any time make and submit to the Minister a scheme apportioning among registered refiners or any of them, whether parties to the agreement or not, any liability, other than that mentioned in the last foregoing subsection, arising under any Sugar Refining Agreement, and any such scheme shall provide for the reference of disputes arising in connection therewith to one or more arbitrators appointed in such manner as may be provided by the scheme.

Financial Provisions.

Assistance to British Sugar Corporation.

10.—(1) Subject to the provisions of this Act, and to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be paid to the Corporation in respect of every hundredweight of sugar manufactured by the Corporation in Great Britain on and after the first day of September, nineteen hundred and thirty-six, from home-grown beet, assistance at the effective rates for the time being in force under this Act:

Provided that assistance shall not be paid under this Act in respect of a greater quantity of sugar manufactured from home-grown beet received by the Corporation in any year than the standard quantity; and if a greater quantity of sugar is manufactured by the Corporation in Great Britain from home-grown beet received by the Corporation in any year, assistance shall be paid in respect of the earliest sugar so manufactured.

(2) The amount of the assistance payable to the Corporation shall be calculated in respect of the amount of sugar manufactured by the Corporation from home-grown beet received by it in each year, but payments on account calculated in accordance with rules made under this Act in respect of the sugar so manufactured in each week shall be made from time to time.

than such minimum price as may have been provided as respects that beet by the contracts entered into in accordance with the provisions of subsection (1) of section five of this Act;

(*b*) that the arrangements approved by the Commission under this Act with respect to the production and marketing of white sugar by the Corporation are complied with;

(*c*) that no equipment, machinery, plant, material or other article not wholly manufactured in the United Kingdom, has, in contravention of any order of the Commission made under this section, been installed or used in the factory in which the sugar was manufactured.

(2) For the purposes of paragraph (*c*) of the last foregoing subsection, the Commission may, by order, prohibit the installation or use without their consent of all or any class or description of equipment, machinery, plant, material or other article not wholly manufactured in the United Kingdom, and any such order may be revoked or varied by any subsequent order made by the Commission.

Duty of Corporation as to reserves.

12.—(1) The Corporation shall comply with any directions given by the Minister with the consent of the Treasury as to the placing to reserves, kept for the purpose of providing pensions for persons employed by the Corporation, or of meeting contingencies, or of equalising dividends, of such portion of the profits earned by the Corporation in any year as may be specified in the directions, and shall in accordance with directions given in like manner, in any year in which assistance is paid under this Act, place to a depreciation reserve, kept for the purpose of meeting the cost of the renewal of premises, equipment, machinery, and plant, of the Corporation, an amount not less than that determined by order of the Minister made after consultation with the Commission and with the consent of the Treasury.

(2) Where directions given by the Minister under this section require the investment of any sums placed to reserve the Corporation shall comply with any requirements specified in the directions as to the manner in which such sums are to be invested.

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(2) Where directions given by the Minister under this section require the investment of any sums placed to reserve the Corporation shall comply with any requirements specified in the directions as to the manner in which such sums are to be invested.

Power of Minister to withhold assistance.

13. If it appears to the Minister, after consultation with the Commission, that the Corporation has contravened any provisions of this Act or of any rules made thereunder, he may withhold payment of any assistance payable to the Corporation until he is satisfied that the provision has been complied with, or where compliance with the provision will not make good any default or deficiency arising by reason of the contravention that the default or deficiency has been or will be made good as far as possible.

Calculation of effective rates of assistance.

14.—(1) For the purpose of enabling the effective rate of assistance in force in respect of sugar of any polarisation to be calculated in accordance with the provisions of this section, the Minister shall annually, after consultation with the Commission and with the consent of the Treasury, by order prescribe for every year a rate per hundredweight (hereinafter referred to as "the prescribed rate") in respect of white sugar, and that rate shall be determined upon the basis that the standard conditions specified in paragraph two of the Fourth Schedule to this Act will exist throughout the year:

Provided that the prescribed rate for the year beginning on the first day of April, nineteen hundred and thirty-six, shall be five shillings and threepence.

(2) The standard rate of assistance in respect of sugar manufactured in any year shall in the case of white sugar, and, unless the order prescribing the prescribed rate for the year otherwise directs, in the case of sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees, be the prescribed rate; and the standard rate of assistance in the case of sugar of any lower polarisation shall be a rate per hundredweight bearing the appropriate proportion to the prescribed rate.

(3) The effective rate of assistance in force under this Act in respect of sugar of any polarisation shall be the standard rate in the case of that sugar adjusted in respect of variations from the said standard conditions in accordance with the provisions of paragraph three of the Fourth Schedule to this Act.

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(4) With a view to encouraging the Corporation to effect all practicable economies and to attain the highest practicable standard of efficiency in the business carried on by it the Minister may, after consultation with the Commission, and with the consent of the Treasury, enter into agreements with the Corporation for securing that, during such period as may be specified in any such agreement, the prescribed rates will be calculated in accordance with the provisions of the agreement so as to permit such proportion of the saving in the cost of assistance attributable to economies effected, and improved standards of efficiency attained, by the Corporation as may be determined by the agreement to enure for the benefit of the Corporation :

Provided that as soon as may be after making any such agreement the Minister shall lay a copy thereof before Parliament and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the copy has been laid before it resolves that the agreement be annulled, the agreement shall forthwith be void, but without prejudice to the making of any new agreement.

(5) The following provisions shall have effect with respect to orders made under this section determining the prescribed rate for any year :—

(*a*) the prescribed rate shall, subject to the provisions of any agreement made under the last foregoing subsection, be determined as if, having regard to the time that has elapsed since the amalgamation of the transferor companies into the Corporation, all practicable economies resulting from that amalgamation had been effected and as if the highest practicable standard of efficiency in the business carried on by the Corporation had been attained :

(*b*) the prescribed rate shall, subject to the provisions of any agreement made under the last foregoing subsection, be such as will, in the opinion of the Treasury, be sufficient to encourage the Corporation to continue to effect all practicable economies and attain the highest practicable standard of efficiency in the business carried on by it, and shall be such as will, in the opinion of the Treasury, be sufficient to enable the Corporation (after complying with the directions of

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the Minister as to reserves and making such provision, if any, as may be necessary for any other matter approved by the Treasury) to earn profits equivalent to such rates of interest as the Treasury consider reasonable, having regard to the circumstances existing when the order is made;

(*c*) every such order shall specify the minimum sum to be placed by the Corporation to a depreciation reserve in accordance with the provisions of this Act;

(*d*) every such order shall specify an estimate of the average raw sugar price and of the maximum quota income for the year;

(*e*) if, during the year, a Sugar Refining Agreement or any provision thereof ceases to be in force, or any alteration is made in the terms thereof, the order may be revoked by a subsequent order of the Minister made after consultation with the Commission and with the consent of the Treasury, and such a subsequent order may determine the prescribed rate for the remainder of the year;

(*f*) every such order shall be laid before Parliament as soon as may be after it is made and shall come into operation on such date as may be specified in the order.

Supplementary payments in respect of poor crops.

15.—(1) If by reason of poverty of the crop of home-grown beet in any year due to adverse farming conditions the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from such beet received by it in that year falls short of the standard quantity, then, subject to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be made to the Corporation a supplementary payment of an amount calculated in accordance with the provisions of the Fifth Schedule to this Act.

(2) The amount of the supplementary payment received by the Corporation in respect of any year shall be apportioned by the Corporation with the approval of the Commission among the growers of home-grown beet with whom contracts have been entered into for that year in accordance with the provisions of section five

of this Act, in proportion to the sums payable in pursuance of those contracts to each of those persons, and the sum so apportioned to any person shall be recoverable by him from the Corporation summarily as a civil debt.

Allowances in respect of sugar manufactured during the period between 31st August, 1935 and 1st Sept., 1936.

16.—(1) Subject to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be paid in respect of sugar manufactured during the period between the thirty-first day of August nineteen hundred and thirty-five and the first day of September nineteen hundred and thirty-six, in respect of which subsidy is payable under the British Sugar (Subsidy) Acts, 1925 to 1935, the allowances following, that is to say:—

(*a*) to the Corporation, an allowance of two hundred and forty thousand pounds, in respect of depreciation during that period of the premises, equipment, machinery and plant of the factories transferred to the Corporation under this Act; and

(*b*) to the transferor companies, allowances not exceeding in the aggregate three hundred and fifteen thousand pounds, in respect of interest on capital.

(2) The Corporation shall place to a depreciation reserve, kept for the purpose of meeting the cost of renewal of the premises, equipment, machinery, and plant of the Corporation, an amount equal to the allowance paid to the Corporation under this section.

(3) The aggregate amount of the allowances to be paid under this section to the transferor companies in respect of such sugar as aforesaid shall be distributed among the several companies in such proportions as may be determined by agreement between them with the approval of the Minister or, in default of such agreement, by the Minister; and the sum payable to each company shall be paid after arrangements have been approved, or a scheme confirmed, under this Act, for the amalgamation of the transferor companies into the Corporation.

Duty of Commission to report as to rates of

17.—(1) It shall be the duty of the Commission to consider and report to the Treasury, not later than the thirty-first day of March nineteen hundred and forty-one, whether it is expedient in the public interest that

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excise duty on sugar produced from home-grown beet.

any change should be made in the difference between the rates of excise duty respectively chargeable on white sugar and on sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees in the case of sugar manufactured from home-grown beet, and if they consider that any such change is expedient their report shall contain a specific recommendation as to the change which, in their opinion, should be made.

(2) In exercising their functions under this section, the Commission shall have regard to the need for avoiding undue dislocation in the sugar industry and in particular in the part of it concerned with the manufacturing, refining and marketing of sugar.

Additional Functions of Sugar Commission as to Reorganization of Sugar Industry.

Schemes as to research and education.

18.—(1) As soon as may be after the passing of this Act the Commission shall, after consultation with the Sugar Beet Marketing Board (or, where there is no such Board, with any body which in the opinion of the Commission is substantially representative of the growers of home-grown beet), and with the Corporation, and with all other registered refiners, make and submit to the Minister and to a Secretary of State a scheme making provision for the encouragement, promotion, and conduct, of research and education in all or any of the following matters, that is to say, matters affecting the growing of home-grown beet, or the manufacturing, refining, marketing, or consumption of sugar.

(2) A scheme made under this section shall, in particular, provide—

(*a*) for the submission to the Minister, and to the Department of Agriculture for Scotland, at least once in each year of a programme for the carrying out of such research and education as aforesaid, and of an estimate of the amount of the expenditure to be incurred in carrying out the programme;

(*b*) for the amount required to defray such estimated expenditure as aforesaid being apportioned by the Commission as between the growers of home-grown beet, the Corporation, and all other registered refiners, having regard to the extent

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to which, in the opinion of the Commission, the programme relates to their respective interests;

(*c*) for the assessment of the contributions to be made by every grower of home-grown beet, by the Corporation, and by every other registered refiner, towards the payment of the amount of such expenditure as aforesaid and for the collection of such contributions:

Provided that the contributions to be made towards the amount of such expenditure as aforesaid in any year shall not exceed a sum equal—

(i) in the case of any grower of home-grown beet, to one penny for every ton of home-grown beet sold by him for delivery to the Corporation in that year;

(ii) in the case of the Corporation, to sixpence for every quantity of sugar manufactured or refined by the Corporation in that year equal to one ton of white sugar;

(iii) in the case of any other registered refiner, to sixpence for every quantity of sugar refined by him in that year equal to one ton of white sugar.

(3) All contributions paid in accordance with the requirements of a scheme made under this section shall be paid into a research and education fund which shall be under the control of the Commission, and all expenditure certified by the Minister and by the Department of Agriculture for Scotland to have been properly incurred in carrying out any programme approved by the Minister and the said Department under such a scheme (including any expenditure incurred by the Commission or by or on behalf of the Minister, the Secretary of State, or the Department of Agriculture for Scotland) shall be defrayed out of that fund.

(4) As soon as may be after the end of each year the Commission shall cause an account in a form approved by the Minister and the Department of Agriculture for Scotland to be prepared and submitted to the Minister and to the Secretary of State showing the revenue and expenditure of the research and education fund attributable to that year, and that account shall, not later than the thirtieth day of November in the year following that to which it relates, be transmitted to the Comptroller and Auditor General, who shall examine

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and certify the accounts and lay copies thereof together with his report thereon before Parliament.

(5) In relation to any scheme not extending to Scotland this section shall have effect as if references to the Secretary of State and to the Department of Agriculture for Scotland were omitted therefrom.

Schemes as to licensing of registered refiners.

19.—(1) If at any time the Commission are satisfied that, with a view to the prevention of inefficient or uneconomical refining and marketing of sugar, it is expedient in the public interest (due regard being had to the interests of consumers) that control should be exercised as to the establishments at which the business of refiners of sugar may be carried on, the Commission may, with the concurrence of the Minister given after consultation with the Board of Trade, make and submit to him a scheme (hereinafter referred to as a "licensing scheme") requiring that no person shall carry on business as a refiner of sugar—

(*a*) at any premises in the United Kingdom unless there is in force in respect of those premises a licence (hereinafter referred to as a "refiner's licence") authorising the carrying on of that business at those premises, granted by a licensing authority constituted by the scheme consisting of persons appointed by the Minister; or

(*b*) otherwise than in accordance with any conditions attached to the licence under powers conferred by the scheme.

(2) Any licensing scheme shall provide—

(*a*) for securing that no person shall be appointed to be a member of the licensing authority unless the Minister, after consultation with the Commission, is satisfied that he has no such interest in any undertaking carrying on the business of manufacturing or refining sugar as to affect him in the exercise of his functions as such a member;

(*b*) for the expenses of the licensing authority (including any fees, salaries or allowances payable to the members thereof) being defrayed as part of the expenses of the Commission under the scheme;

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(*c*) that the grant of a refiner's licence in respect of any premises at which the business of a refiner of sugar was being carried on at any time within six months before the date on which the scheme was submitted to the Minister shall not be refused before the expiration of such period as may be specified in the scheme, not being less than twelve months nor more than twenty-four months from the date on which the scheme comes into force;

(*d*) that the grant of a refiner's licence in respect of any premises shall not be refused except on such grounds as may be specified in the scheme;

(*e*) for empowering the licensing authority to attach to the grant, renewal, or transfer, of a licence such conditions only as, having regard to any directions given by the Commission, the licensing authority think necessary for promoting the efficient or economical refining or marketing of sugar, and to revoke the licence in the event of any contravention of such conditions;

(*f*) for securing that a refiner of sugar, or a person desirous of carrying on in the United Kingdom the business of a refiner of sugar, who is aggrieved by any act or omission of the licensing authority may appeal to the Commission;

(*g*) for empowering the licensing authority, or on appeal the Commission, to direct the payment of compensation in respect of loss suffered by any person in consequence of any refusal to renew or transfer a licence or in consequence of any conditions attached to such a renewal or transfer, for the assessment of the amount of any such compensation by one or more arbitrators appointed in such manner as may be provided by the scheme, and for the payment of any such compensation as part of the expenses incurred by the Commission under the scheme;

(*h*) for all expenses incurred by the Commission under or in connection with the scheme being

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defrayed by means of contributions to be made by refiners of sugar, and for the assessment and collection of such contributions;

(*i*) for exempting from all or any of the provisions of the scheme such classes or descriptions of refiners of sugar, if any, or refiners of sugar of such classes or descriptions, if any, as may be specified in the scheme or determined by the Commission;

(*j*) for empowering any person authorised in writing by the Commission in that behalf, on production of his authority, to enter and inspect at any reasonable time any premises specified in the authority, being premises which the Commission have reason to believe to be used for carrying on the business of a refiner of sugar.

Supplementary Provisions as to Schemes.

General provisions as to schemes.

20.—(1) Any scheme made under this Act making provision as to the assessment of contributions to be made thereunder by any person, shall make provision—

(*a*) for securing that any person who is aggrieved by the assessment of his contribution may refer the matter to one or more arbitrators appointed in such manner as may be provided by the scheme; and

(*b*) for the recovery of such contributions from persons by whom they are payable summarily as a civil debt but without prejudice to any other remedy for the recovery thereof.

(2) Any scheme made under this Act may make provision for requiring any person to whom the scheme applies to keep such records and to furnish to the Commission, or to any officer of the Commission duly authorised to require them, such estimates, returns, accounts and other information as the Commission consider necessary for the operation of the scheme, and may make provision for such further matters as they consider necessary for giving effect to, or enforcing, the provisions of the scheme or to be incidental to, or consequential on, the provisions thereof.

(3) The provisions of the Arbitration Acts, 1889 to 1934, shall not apply to any arbitration under any scheme

made under this Act except in so far as they may be applied by the scheme, or by rules made under this Act. A.D. 1936.

(4) Any scheme made under this Act may be amended by a subsequent scheme made, submitted and approved or confirmed, in like manner as the original scheme, and the provisions of this Act as to schemes shall apply accordingly to any such amending scheme, except that an amending scheme need not contain provisions other than those necessary for amending any former scheme, so, however, that the provisions of this Act relating to the matters which must be contained in any scheme shall apply to the original scheme as amended by any subsequent scheme.

(5) Any person who contravenes any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions, shall, if the scheme provides that a contravention of that provision is to be deemed to be an offence, be guilty of an offence under this Act and shall be liable on summary conviction to a fine of such amount as may be specified in the scheme in relation to that offence, not being greater, in the case of a first offence than one hundred pounds, and, in the case of a second or subsequent offence, than five hundred pounds.

This subsection shall have effect in addition to, and not in derogation of, any provision which may be made by a scheme for the enforcement, otherwise than by way of fine, of any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions.

(6) Nothing in this section applies to any scheme made under section three of this Act.

Provisions as to the making, approval, and revocation, of licensing schemes.

21.—(1) The following provisions shall have effect in the case of any licensing scheme—

(*a*) after preparing the scheme the Commission shall send a copy thereof to every registered refiner and shall consider any objections or representations with respect thereto made by any registered refiner within twenty-eight days, or such further time as the Commission may allow, after the copy of the scheme was sent to him, and if modifications in the scheme are made by the Commission with a view to meeting any such objections or representations the Commission

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shall give notice of the modifications to all registered refiners;

(*b*) before submitting to the Minister the scheme made by them the Commission shall cause to be given, in such manner as the Minister may direct, public notice that they have made the scheme, and every such notice shall specify the place where the scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Minister) at which such copies will be supplied and of the time (not being less than twenty-eight days after publication of the notice) within which written objections and representations with respect to the scheme may be sent to the Minister;

(*c*) when submitting the scheme to the Minister, the Commission shall transmit to him any objection or representation with respect to the scheme made to them which has not been withdrawn;

(*d*) when the scheme has been submitted to the Minister, he shall consider any objections and representations with respect thereto duly made or transmitted to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he thinks proper:

Provided that—

(i) where an objection has been duly made with respect to the scheme by any person appearing to the Minister to be affected thereby and has not been withdrawn, the Minister unless he considers the objection to be frivolous or unless the scheme has been modified as required by the objection shall, before taking any further action with respect to the scheme, direct a public inquiry to be held in accordance with rules made under this Act and consider the report of the person who held the inquiry; and

(ii) if modifications in the scheme are made by the Minister, he shall require the Commission to give to every registered refiner notice of the modifications made;

(*e*) unless after the foregoing provisions of this section have been complied with, both of the necessary majorities of registered refiners notify the Minister that they assent to the scheme, as modified by any modifications made therein, the Minister shall take no further action with respect to the scheme;

(*f*) subject to the foregoing provisions of this section, if the Minister is satisfied, after consultation with the Board of Trade, that the scheme is in the public interest and will conduce to the greater efficiency of the sugar refining industry and that the scheme makes due provision for the interests of consumers, he may lay before Parliament a draft of the scheme, and if each House resolves that the scheme be approved, the Minister shall make an order approving the scheme in terms of the draft and the scheme shall come into force on such date as may be specified in the order.

(2) If at any time both of the necessary majorities of registered refiners notify the Minister that they desire that the scheme shall be revoked the Minister shall, unless after consultation with the Board of Trade he is satisfied that it would not be in the public interest so to do, by order revoke the scheme and the scheme shall cease to be in force as from such date as may be specified in the order.

(3) For the purposes of paragraph (*e*) of subsection (1) of this section and for the purposes of the last foregoing subsection the necessary majorities of registered refiners are—

(*a*) the registered refiners who, in the opinion of the Minister, are capable of producing more than one-half of the quantity of refined sugar that all the registered refiners are capable of producing;

(*b*) more than one-half of the number of registered refiners.

(4) If at any time it appears to the Minister to be expedient so to do, he may require the Commission to give, in such manner as he may direct, public notice of his intention to consider the revocation of any licensing scheme in force, and every such notice shall specify the time within which written objections and representations with respect to the revocation of the scheme may be sent

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to the Minister, and if, after considering any such objections and representations duly made to him and after holding such inquiries (if any) as he thinks fit, and after consultation with the Board of Trade and with the Commission, the Minister is satisfied that any provision of the scheme or any act or omission of the licensing authority constituted thereunder is contrary to the interest of consumers or to the interest of a substantial number of persons affected by the scheme and is not in the public interest, he shall lay before Parliament a draft of an order revoking the scheme, and if each House resolves that the order be approved the Minister shall make an order revoking the scheme in terms of the draft and the scheme shall cease to be in force on such date as may be specified in the order.

(5) The revocation of any licensing scheme shall be without prejudice to the making and approval of any subsequent licensing scheme under this Act.

Provisions as to the making and confirmation of schemes other than licensing schemes.

22.—(1) The following provisions shall have effect in the case of any scheme made under this Act, not being a scheme made under section three thereof or a licensing scheme—

(*a*) before submitting to the Minister the scheme made by them, the Commission shall send copies thereof to all persons and bodies that they were required by this Act to consult before the scheme was made, and shall consider any objections or representations with respect thereto made by any such person or body within fourteen days, or such further time as the Commission may allow, after the copy of the scheme was sent to that person or body, and when submitting the scheme to the Minister the Commission shall transmit to him any such objection or representation which has not been withdrawn;

(*b*) when the scheme has been submitted to the Minister, he shall consider any objections and representations with respect thereto duly transmitted to him and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he thinks proper:

Provided that, if modifications in the scheme are made by the Minister, he shall require the Commission to give to every person and body

to whom or to which a copy of the scheme was required by the foregoing provisions of this section to be sent, notice of the modifications made and shall consider any objections or representations with respect thereto made to him within such time as may be specified in the notice;

(*c*) after the foregoing provisions of this section have been complied with, the Minister may by order confirm the scheme and, when so confirmed, the scheme shall come into force on such date as may be specified in the order;

(*d*) as soon as may be after making an order confirming the scheme, the Minister shall lay the scheme and the order before Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the order has been laid before it resolves that the order be annulled the order shall forthwith be void but without prejudice to the validity of anything previously done thereunder or to the making and confirmation of a new scheme.

(2) In relation to any scheme as to research and education extending to Scotland as well as to England and Wales, references in this section to the Minister shall be construed as including references to the Secretary of State.

Wages and Conditions of Employment.

Wages and conditions of employment of persons employed.

23.—(1) The wages paid by the Corporation to persons employed by it in connection with the manufacture of sugar in respect of which assistance is payable under this Act or by any person carrying on business as a refiner of sugar under a refiner's licence to persons employed by him in connection with that business and the conditions of employment of persons so employed shall, unless agreed upon by the employer and by organisations representative of the persons employed or by a joint industrial council representing them, not be less favourable to the persons employed than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments, and if any dispute arises as to what wages ought to be paid or what conditions

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ought to be observed in accordance with this section it shall, if not otherwise disposed of, be referred by the Minister to the industrial court for settlement.

(2) Where any matter is referred to the industrial court under this section the court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board, or other similar body, or in an agreement between organisations representative of employers and workpeople.

(3) Where any award has been made by the industrial court upon a dispute referred to that court under this section then, as from the date of the award or from such later date as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid or the conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Miscellaneous and General.

Claims for payment, and repayment of amounts improperly obtained.

24.—(1) All claims for payment of assistance, supplementary payments, or allowances, shall be made to and determined by the Minister in accordance with rules made under this Act, and any decision of the Minister given with respect to, or in connection with, any such claim, shall be final and conclusive.

(2) The power of the Commissioners of Customs and Excise to make regulations under paragraph (4) of Part III. of the Second Schedule to the Finance Act, 1928, shall include power to make regulations with a view to verifying claims for assistance, supplementary payments and allowances; and accordingly in that paragraph for the words " or subsidy " there shall be inserted the words " subsidy, assistance, supplementary payments, or allowances."

(3) If it is found at any time that any person has obtained any payment by way of assistance, supplementary payment, apportionment of supplementary payment, or allowance, to which or to part of which

he was not lawfully entitled, the amount of that payment or of that part of the payment may, without prejudice to the recovery thereof as a debt due to the Crown, and without prejudice to the criminal liability, if any, of any person, be recovered by the Minister summarily as a civil debt.

Penalties for false statements.

25.—(1) If for the purpose of obtaining any payment by way of assistance, supplementary payment, apportionment of supplementary payment, or allowance, either for himself or for any other person any person makes any untrue statement or untrue representation, he shall be guilty of an offence under this Act and shall, in respect of each offence, 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 imprisonment, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the statement or representation was untrue.

(2) If proceedings for an offence under this section are instituted by the Commissioners of Customs and Excise the fine for the offence shall be deemed to be an excise penalty, and shall be recoverable accordingly.

Duty of Corporation and of registered refiners to furnish information to Commission.

26.—(1) It shall be the duty of the Corporation at such times as may be directed by the Commission, to furnish to the Commission, and to any accountant appointed by them with the approval of the Treasury such estimates, returns, accounts and other information relating to the business of the Corporation as the Commission may require, and any expenses incurred by the Commission in connection with the obtaining of any such estimates, returns, accounts or information as aforesaid shall be defrayed by the Corporation.

(2) Any officer of, or accountant or other technical or professional agent appointed by, the Commission duly authorised in writing by the Commission in that behalf may, on production of his authority, enter at all reasonable times any premises of the Corporation and inspect and take copies of any accounts, books, or other documents, for the purpose of obtaining information required by the Commission, and if any person obstructs any such officer, accountant, or agent in the exercise of his powers under this subsection or refuses to produce any accounts, books or other documents under his control which he is required to produce by any such officer,

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accountant, or agent he shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of every registered refiner to furnish to the Commission, at such times as may be directed by them, such information with respect to sales and purchases of sugar by that refiner as the Commission may require for the purpose of assisting the Commission in the discharge of their functions under this Act; and if any registered refiner makes default in furnishing any such information as aforesaid he shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Offences by bodies corporate.

27. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Annual report.

28. It shall be the duty of the Commission to submit to the Minister as soon as may be after the end of every year a report on the discharge of their functions under this Act during that year, and the report shall contain such accounts of the Corporation (including a balance sheet and a profit and loss account) as may be prescribed by rules made under this Act, and all such reports and accounts shall be laid before Parliament.

Power to make rules.

29. The Minister may, with the consent of the Treasury, make rules for any matter with respect to which rules are required by the provisions of this Act, and for such consequential or supplementary matters as may be necessary for the purposes of this Act, and in particular such rules may make provision as to—

(*a*) the costs of any inquiry held under this Act and as to the persons by whom any expenses of the Minister in connection with such an inquiry are to be defrayed;

(*b*) the form in which any estimates, returns, accounts or other information are to be furnished to the Commission or to the Minister.

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Expenses of Minister and payments into Exchequer.

30.—(1) Any expenses incurred by the Minister under this Act, except any expenses for which other provision is made by this Act or by any scheme or rules made thereunder shall be defrayed out of moneys provided by Parliament.

(2) All sums received by the Commission in the discharge of their functions under this Act, except any sums as to which other provision is made by this Act or by any scheme made thereunder, shall be paid into the Exchequer.

Application to Scotland.

31. This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say—

(*a*) references to the High Court shall be construed as references to the Court of Session;

(*b*) section fifteen shall have effect as if the word "summarily" in subsection (2) thereof were omitted therefrom;

(*c*) in relation to any scheme as to research and education extending only to Scotland, section eighteen shall be construed as if references to the Minister were omitted therefrom, and section twenty-two shall be construed as if for references therein to the Minister there were substituted references to the Secretary of State;

(*d*) in its application to any scheme, in so far as the scheme extends to Scotland, section twenty shall have effect as if the word "summarily" in subsection (1) thereof were omitted therefrom;

(*e*) section twenty-four shall have effect as if the word "summarily" in subsection (3) thereof, were omitted therefrom;

(*f*) section twenty-five shall have effect as if subsection (2) thereof were omitted therefrom.

Interpretation.

32.—(1) In this Act, unless the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Appropriate proportion" means, in relation to the rates of assistance payable in respect of sugar of any degree of polarisation, the proportion which the figure specified in respect of sugar of that polarisation in the last column of the table set

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out in the Sixth Schedule to this Act (or of such other table as may be substituted therefor in accordance with the provisions hereinafter contained in this section) bears to one hundred;

"Contravention" in relation to any provision includes a failure to comply with that provision, and "contravene" shall be construed accordingly;

"Home-grown beet" means sugar beet grown in Great Britain;

"Liabilities" includes duties;

"Manufacture," in relation to sugar, means the making of sugar of any polarisation from sugar beet or sugar cane; and the expression "manufactured" shall be construed accordingly;

"Maximum quota income" means, in relation to any year, the income which in pursuance of the Sugar Refining Agreement, and of any scheme apportioning the liability thereunder, the Corporation would receive in the year if the Corporation were to sell to other refiners of sugar the whole of its allocation of quotas under the Agreement;

"Minister" means the Minister of Agriculture and Fisheries;

"Polarisation" means the polarisation indicated by sugar when tested by a polariscope;

"Property" includes property, rights and powers of every description;

"Raw sugar price" and "average raw sugar price" mean respectively the raw sugar price, and the average raw sugar price, determined in accordance with the provisions hereinafter contained in this section;

"Refiner of sugar" means a person who carries on in the United Kingdom the business of refining sugar and of selling the refined sugar otherwise than as a constituent part of any other product manufactured by him in the premises in which the sugar was refined;

"Registered refiner" means a person whose name and address are for the time being, entered in the register of refiners of sugar kept under this Act;

"Securities" includes stocks and shares, and "debentures" includes debenture stock;

"Standard quantity" means a quantity equal to five hundred and sixty thousand tons of white sugar;

"Sugar Beet Marketing Board" means a board administering a scheme under the Agricultural Marketing Acts, 1931 to 1933, regulating the marketing of sugar beet;

"Sugar Refining Agreement" means an agreement providing for the matters set out in the Third Schedule to this Act made between the Corporation and other refiners of sugar and approved by order of the Minister made after consultation with the Commission and with the consent of the Treasury, and includes any such agreement;

"White sugar" means sugar of a polarisation exceeding ninety-nine degrees;

"Year" means a period beginning on the first day of April and ending with the thirty-first day of March next following.

(2) For the purposes of this Act, the quantity of sugar which is equal to any given quantity of white sugar shall be calculated upon the assumption that one hundred hundredweights of sugar of any polarisation mentioned in the first column of the table set out in the Sixth Schedule to this Act (or of such other table as may be substituted therefor in accordance with the provisions hereinafter contained in this section) is equal to the quantity of white sugar mentioned in the second column of that table in respect of sugar of that polarisation.

(3) If at any time the quantities of sugar of different polarisations which are equal to a given quantity of white sugar are determined for the purposes of the charge of excise duties or of customs duties in accordance with a scale other than that set out in the table contained in the Sixth Schedule to this Act, the Minister may, by order made after consultation with the

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Commission and with the consent of the Treasury, direct that this Act shall have effect as if for the table set out in the said Sixth Schedule there were substituted such other table (being, as respects sugar of any polarisation not exceeding ninety-eight degrees, a table corresponding with the scale in accordance with which such duties are determined) as may be specified in the order, and upon the coming into force of any such order this Act shall have effect accordingly.

(4) For the purposes of this Act the sugar content of beet shall be ascertained by means of the cold water digestion method.

(5) No calculation made for determining rates of assistance for the purposes of this Act shall be carried further than one place of decimals of a penny.

(6) The Commission, after consultation with an advisory committee constituted by them consisting of representatives of both buyers and sellers of sugar, shall from time to time determine, in accordance with rules made under this Act, a daily raw sugar price per hundredweight, and, subject to such provisions as may be contained in the rules, the raw sugar price for any day shall be so determined by reference to the prices at which raw sugar on which the full rate of customs duty is chargeable could have been bought on that day; and the average raw sugar price for any period shall be the aggregate of the prices so determined as aforesaid for days in that period divided by the number of days in the period, being days for which such a price was so determined.

Short title and extent.

33.—(1) This Act may be cited as the Sugar Industry (Reorganization) Act, 1936.

(2) Save as therein expressed to extend to the United Kingdom this Act shall not extend to Northern Ireland.

SCHEDULES.

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FIRST SCHEDULE.

AMALGAMATION OF COMPANIES MANUFACTURING SUGAR FROM HOME-GROWN BEET.

PART I.

LIST OF COMPANIES AND FACTORIES TO BE AMALGAMATED.

Name of Company.	*Name of Factory.*
English Beet Sugar Corporation, Ltd.	Cantley, Norfolk.
Home Grown Sugar, Ltd.	Kelham, Nottinghamshire.
Ely Beet Sugar Factory, Ltd.	Ely, Cambridgeshire.
Ipswich Beet Sugar Factory, Ltd.	Ipswich, Suffolk.
King's Lynn Beet Sugar Factory, Ltd.	King's Lynn, Norfolk.
Anglo-Scottish Beet Sugar Corporation, Ltd.	Colwick, Nottinghamshire. Spalding, Lincolnshire.
Second Anglo-Scottish Beet Sugar Corporation, Ltd.	Poppleton, Yorkshire. Felstead, Essex. Cupar, Fifeshire.
West Midland Sugar Co., Ltd.	Kidderminster, Worcestershire.
United Sugar Co., Ltd.	Bury St. Edmunds, Suffolk.
Central Sugar Co., Ltd.	Peterborough, Northamptonshire.
Yorkshire Sugar Co., Ltd.	Selby, Yorkshire.
Shropshire Beet Sugar Co., Ltd.	Allscott, Shropshire.
Lincolnshire Sugar Co., Ltd.	Bardney, Lincolnshire.
Second Lincolnshire Sugar Co., Ltd.	Brigg, Lincolnshire.
British Sugar Manufacturers, Ltd.	Wissington, Norfolk.

PART II.

PROVISIONS AS TO SCHEMES FOR AMALGAMATION IN DEFAULT OF AGREEMENT.

1. Any scheme prepared by the Commission under section three of this Act may contain such provisions as may be necessary or expedient for giving effect to the purposes of the scheme,

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1ST SCH. —*cont.*

and in particular, but without prejudice to the generality of the foregoing provision may provide for all or any of the following matters, that is to say,—

(*a*) for the formation and registration of the Corporation under the Companies Act, 1929, and as to the membership, capital, control, and management thereof;

(*b*) for vesting in the Corporation such property and liabilities of the transferor companies as may be provided for by the scheme; and for disposing of, or otherwise dealing with, any property or liabilities not so vested;

(*c*) for the consideration to be given to the several transferor companies and generally as to the terms and conditions of the transfer, and for that consideration consisting in whole or in part of securities of the Corporation;

(*d*) for the winding up of the transferor companies and for the holder of securities of any transferor company receiving on the winding up of that company, in substitution therefor and in satisfaction of all claims arising thereunder, such securities of the Corporation and of such amounts as may be specified in the scheme;

(*e*) for any of the matters for which provision is made in Part V of the Railways Clauses Act, 1863;

and any such scheme may make such incidental, consequential and supplementary provisions as appear necessary or expedient.

2. The Commission may give such directions as they think fit as to the publication of advertisements of any such scheme, the giving of notices and the holding of meetings of companies affected, and of any classes of shareholders and debenture-holders of any such companies, and before any such scheme is made the Commission shall take into consideration all objections to the scheme prepared which may have been made by any person or by any class or body of persons within such time and in such manner as may have been directed by the Commission, and where any objections have been so made shall hear any objectors whom they consider entitled to appear.

3. The Commission after hearing such objectors as aforesaid (if any) with reference to any scheme may make the scheme and submit it to the Minister who may with the consent of the Treasury confirm the scheme either without modification or subject to such modifications as the Minister and the Treasury think fit:

Provided that—

(*a*) before submitting to the Minister a scheme made by them the Commission shall furnish a copy thereof to each of the transferor companies and to any objector whom they consider to be affected;

(*b*) when submitting any such scheme to the Minister the Commission shall transmit to him any objection with respect thereto made to them which has not been withdrawn; and

(*c*) before modifications are made in a scheme submitted by the Commission to the Minister the Minister shall give to the Commission, to each of the transferor companies, to any objector whose objection has been transmitted to him and to such other persons, if any, as he thinks proper, notice of the modifications proposed to be made and shall take into consideration any representations made to him with respect thereto within such time as may be specified in the notice.

4. No scheme shall provide for the allocation to any person of securities subjecting the holder thereof to any liability for calls in excess of the liability (if any) to which he was subject as the holder of the securities for which the allocated securities are to be substituted.

5. Any scheme making provision as to the allocation of the securities or other assets of the Corporation as between the transferor companies or as between classes of the shareholders and debenture-holders of any of those companies shall provide that if any of those companies or any shareholder or debenture-holder of any of those companies considers that the allocation is inequitable, the transferor company, shareholder or debenture-holder (as the case may be), may, within such period (not being less than two months from the date on which the scheme comes into force) as may be specified in the scheme, appeal to the High Court; and upon any such appeal the Court may make such alteration in the provisions of the scheme relating to the allocation of the securities or other assets of the Corporation between the transferor companies or between such classes as aforesaid, as to the Court may seem just, and the order of the Court shall have effect notwithstanding the provisions of this Act as to the coming into force of the scheme when confirmed by the Minister with the consent of the Treasury, but without prejudice to the validity and operation on and after the date of such confirmation of any other provisions of the scheme.

6. There shall be paid to the Minister by the Corporation a sum equal to such amount as may be certified by the Minister to be the amount of the expenses incurred, whether before or after the passing of this Act by him and by any other Government Department and by the Commission in connection with the preparation, making or confirmation of any scheme made under section three of this Act or in connection with any proceedings relating to such a scheme.

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Section 5.

SECOND SCHEDULE.

MINIMUM PRICES OF HOME-GROWN BEET RECEIVED BY THE CORPORATION IN THE YEAR BEGINNING ON 1ST APRIL 1936.

1. Subject as hereinafter provided the minimum prices of home-grown beet received by the Corporation in the year beginning on the first day of April, nineteen hundred and thirty-six, shall be—

	Price per ton.
(*a*) in the case of beet properly loaded with not more than fifteen per cent. tare into railway trucks at the growers' nearest railway station consigned to the factory situated at Cupar	34*s*.
(*b*) in the case of beet delivered into the factory sidings or flumes at the factory situated at Bardney, Bury St. Edmunds, Cantley, Colwick, Ely, Felstead, Ipswich, Kelham, King's Lynn, Peterborough, Spalding, or Wissington	35*s*.
(*c*) in the case of beet delivered into the factory sidings or flumes at the factory situated at Allscott, Brigg, Kidderminster, Poppleton, or Selby	36*s*.

Provided that if the quantity of white sugar equal to the quantity of sugar manufactured from home-grown beet received by the Corporation in the said year is greater than the standard quantity the minimum prices aforesaid may be reduced by such amounts as may be provided by the contracts entered into in accordance with the provisions of subsection (1) of section five of this Act.

2. For the purposes of this Schedule—

(i) the expression "price" means the price payable as in respect of beet properly topped and washed, having a sugar content of fifteen and one-half per cent.;

(ii) where the sugar content of any beet is greater or less than fifteen and one-half per cent. there shall be made an addition to or deduction from the minimum price at the rate of threepence in respect of each 0·1 per cent. above or below fifteen and one-half, as the case may be.

THIRD SCHEDULE.

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Sections 8, 32.

MATTERS TO BE PROVIDED FOR IN A SUGAR REFINING AGREEMENT.

1. The purchase by refiners of sugar other than the Corporation of raw sugar manufactured by the Corporation from home-grown beet.

2. The allocation of quotas to the Corporation and other refiners of sugar and the apportionment of sales of sugar between the Corporation and other refiners by reference to quotas.

3. The purchase by refiners of sugar other than the Corporation of quotas which the Corporation desires to sell, being quotas allocated to the Corporation under the Agreement.

4. The modification by the Commission after consultation with the Minister and with the consent of the Treasury of any of the provisions of the Agreement at the request of the parties thereto.

FOURTH SCHEDULE.

Section 14.

STANDARD BASIS OF PRESCRIBED RATES AND ADJUSTMENTS IN RESPECT OF VARIATIONS THEREFROM.

Definitions.

1. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"Duty advantage" means, subject as hereinafter provided, the amount by which the excise duty chargeable in respect of a hundredweight of sugar of any polarisation wholly manufactured from home-grown beet is less than the full rate of customs duty chargeable in respect of a hundredweight of imported foreign sugar

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4TH SCH. —*cont.*

of that polarisation, so, however, that the duty advantage shall be computed as if the full rate of customs duty chargeable on foreign sugar were, in the case of sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees a rate of eight shillings and ninepence and six-tenths of a penny per hundredweight, and, in the case of sugar of a polarisation exceeding ninety-nine degrees a rate of nine shillings and fourpence per hundredweight:

Provided that if before the making of any order determining the prescribed rate for any year any change in the rates of excise duty or of customs duty respectively chargeable on sugar has been made since the determination of the prescribed rate then in operation, the Minister may by order made with the consent of the Treasury make such modifications in the foregoing definition as may be necessary to correspond with the change;

"Appropriate percentage" means such percentage as may be determined in accordance with rules made under this Act, so, however, that the percentage for any year shall be determined by reference to the effect which variations in the factors that under the Sugar Refining Agreement determine the maximum quota income, would have had on the total income of the Corporation, if the Corporation had in that year sold the maximum amount of white sugar consistent with the terms of that agreement.

Standard Conditions.

2. The standard conditions upon the basis of which the prescribed rate for every year is to be determined are the following conditions, that is to say:—

(*a*) that the duty advantage in respect of sugar of any polarisation will be of the same amount as that which exists when the prescribed rate is determined;

(*b*) that the average raw sugar price for each week in the year will in the case of the year beginning on the first day of April nineteen hundred and thirty-six be four shillings and sixpence, and in the case of any subsequent year be a price equal to the estimate thereof specified in the order determining the prescribed rate for the year;

(*c*) that the quantity of sugar manufactured by the Corporation in Great Britain from home-grown

beet received by it in the year will be the standard quantity;

(*d*) that the maximum quota income for the year will be of an amount equal to the estimate thereof specified in the order determining the prescribed rate for that year.

Adjustments in prescribed rates in respect of variations from the standard conditions.

3. In determining the effective rates of assistance in force under this Act the following adjustments shall be made in respect of variations from the standard conditions :—

(i) If in any week in which sugar is manufactured from home-grown beet the amount of the duty advantage in respect of sugar of any polarisation exceeds or falls short of the amount of that advantage when the prescribed rate in operation was determined, the effective rate of assistance payable in respect of sugar of that polarisation so manufactured in that week shall be calculated as if the standard rate in the case of sugar of that polarisation had been decreased or increased by one-tenth of a penny for each complete tenth of a penny by which the duty advantage exceeds or falls short of the duty advantage when the prescribed rate was determined :

(ii) If in any week in which sugar is manufactured from home-grown beet the average raw sugar price for that week exceeds or falls short of the estimated rate specified in the order determining the prescribed rate for the year, the effective rates of assistance payable in respect of sugar so manufactured in that week shall be calculated as if the prescribed rate had been decreased or increased by one-tenth of a penny for each complete one-tenth of a penny by which the said average price exceeds or falls short of the said estimated rate :

(iii) If the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in any year falls short of the standard quantity by seven and one-half per cent. or more, the total amount of assistance payable in respect of sugar manufactured from home-grown beet received by it in that year shall be calculated—

(*a*) where the quantity has fallen short by less than fifteen per cent., as if the prescribed rate had been increased by one penny;

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4TH SCH. —*cont.*

(*b*) where the quantity has fallen short by fifteen per cent. or more, as if the prescribed rate had been increased by twopence:

(iv) If the maximum quota income for any year exceeds or falls short of the estimate thereof specified in the order determining the prescribed rate for that year, there shall be deducted from or added to the total amount of assistance payable in respect of sugar manufactured from home-grown beet received by the Corporation in that year, an amount which, subject as hereinafter provided, shall be equal to the appropriate percentage of the difference between the maximum quota income and the said estimate:

Provided that if in respect of any year the Treasury after consultation with the Commission are satisfied that the addition of an amount equal to the said appropriate percentage would be insufficient to enable the Corporation to earn profits equivalent to such rates of interest as the Treasury consider reasonable having regard to the circumstances existing when the adjustment under this paragraph is to be made, then, the amount to be added to the total amount of assistance aforesaid shall be such as the Minister may with the consent of the Treasury think fit not exceeding the amount by which the total income of the Corporation has been diminished by reason of the variations by reference to the effect of which the appropriate percentage was determined.

Section 15.

FIFTH SCHEDULE.

CALCULATION OF SUPPLEMENTARY PAYMENTS.

The amount of the supplementary payment payable in respect of poverty of the crop of home-grown beet in any year shall be calculated in the manner following, that is to say,—

(*a*) there shall be ascertained the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in the year;

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5TH SCH. —*cont.*

(*b*) there shall be deducted from or added to the amount of assistance payable in respect of the quantity of sugar so manufactured as aforesaid, an amount equal to that by which the assistance was increased or decreased in accordance with the provisions of sub-paragraphs (iii) and (iv) of paragraph 3 of the Fourth Schedule to this Act and there shall be calculated the rate per hundredweight of white sugar obtained by dividing the sum so ascertained by an amount equal to the quantity ascertained under paragraph (*a*) of this Schedule;

(*c*) there shall be ascertained the additional sum which would have been payable to the Corporation if assistance at the rate calculated under the last foregoing paragraph had been payable on an additional quantity of sugar equal to the difference between the quantity ascertained under paragraph (*a*) of this Schedule and the standard quantity;

and, subject as hereinafter provided, the amount of the supplementary payment shall be such as the Minister, after consultation with the Commission, considers equitable, having regard to the extent to which the crop has been affected by adverse farming conditions, not exceeding a sum equal to one-half of the amount ascertained under paragraph (*c*) of this Schedule:

Provided that the amount of the supplementary payment in respect of any year shall not exceed a maximum equal to one shilling for every ton of home-grown beet received by the Corporation in that year under the contracts entered into in accordance with the provisions of section five of this Act; so, however, that for the purposes of calculating that maximum in relation to beet of which the sugar content is greater or less than fifteen and one-half per cent. the said sum of one shilling shall be subject to an addition or deduction of such amount as the Minister, having regard to the contracts aforesaid, may determine after consultation with the Commission.

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Section 32.

SIXTH SCHEDULE.

TABLE FOR DETERMINING EQUAL QUANTITIES OF SUGAR OF DIFFERENT POLARISATIONS, AND FOR DETERMINING THE APPROPRIATE PROPORTION IN RELATION TO RATES OF ASSISTANCE.

Sugar of a polarisation exceeding—			Cwt.
99 degrees	- - - - - - - - -		100·0
98 „	but not exceeding	99 degrees - - -	94·3
97 „	„ „	98 „ - - -	92·0
96 „	„ „	97 „ - - -	89·6
95 „	„ „	96 „ - - -	87·2
94 „	„ „	95 „ - - -	84·8
93 „	„ „	94 „ - - -	82·4
92 „	„ „	93 „ - - -	80·0
91 „	„ „	92 „ - - -	77·6
90 „	„ „	91 „ - - -	75·2
89 „	„ „	90 „ - - -	72·8
88 „	„ „	89 „ - - -	70·4
87 „	„ „	88 „ - - -	68·4
86 „	„ „	87 „ - - -	66·4
85 „	„ „	86 „ - - -	64·6
84 „	„ „	85 „ - - -	62·8
83 „	„ „	84 „ - - -	61·0
82 „	„ „	83 „ - - -	59·2
81 „	„ „	82 „ - - -	57·6
80 „	„ „	81 „ - - -	56·0
79 „	„ „	80 „ - - -	54·4
78 „	„ „	79 „ - - -	52·8
77 „	„ „	78 „ - - -	51·2
76 „	„ „	77 „ - - -	49·6

Tithe Bill.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE.

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

15th July 1936.

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(137 **)

Tithe Bill.

ARRANGEMENT OF CLAUSES.

PART I.

EXTINGUISHMENT OF TITHE RENTCHARGE, COMPENSATION OF OWNERS THEREOF AND LIABILITIES OF LANDOWNERS.

Extinguishment, Compensation by issue of Stock, Charge of Redemption Annuities.

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1. Extinguishment of tithe rentcharge.
2. Compensation by issue of stock.
3. Charge of redemption annuities.

Establishment of Commission and Delivery of Information as to Rentcharges.

4. Tithe Redemption Commission.
5. Obligation of owners of rentcharges to give particulars thereof to the Commission.
6. Documents to be placed at the disposal of the Commission.

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7. Issue of stock and provisions as to beneficial interests therein.
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A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to extinguish tithe rentcharge and extraordinary tithe rentcharge, and to make provision with respect to the compensation of the owners thereof and rating authorities and to the liabilities of the owners of land charged therewith in respect of the extinguishment thereof; to reduce the rate at which tithe rentcharge is to be payable pending its extinguishment and to make provision with respect to the recovery of arrears thereof; to make provision for the redemption and extinguishment of corn rents and similar payments; and for purposes connected with the matters aforesaid. A.D. 1936.

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

PART I.

EXTINGUISHMENT OF TITHE RENTCHARGE, COMPENSATION OF OWNERS THEREOF AND LIABILITIES OF LANDOWNERS.

Extinguishment, Compensation by issue of Stock, Charge of Redemption Annuities.

Extinguishment of tithe rentcharge.

1. Subject to the provisions of this Act all tithe rentcharge shall be extinguished on the second day of October, nineteen hundred and thirty-six (in this Act referred to as "the appointed day"), and

A.D. 1936.

PART I. —*cont.*

accordingly as from that day the land out of which any tithe rentcharge issued immediately before that day shall be absolutely discharged and freed therefrom.

Compensation by issue of stock.

2.—(1) Subject to the provisions of this Act stock (to be called "redemption stock"), charged by way of guarantee on the Consolidated Fund and the growing produce thereof, shall be issued for the compensation of the persons interested in a tithe rentcharge in respect of the extinguishment thereof by this Act.

(2) The amount of stock to be issued for compensation in respect of a rentcharge shall be such an amount as will yield interest equal in amount to the gross annual value of the rentcharge less the deductions specified in Part I of the First Schedule to this Act:

Provided that in the cases specified in Part II of the said First Schedule the amount of stock to be issued shall be modified in accordance with the provisions of the said Part II.

(3) For the purposes of this Act the gross annual value of a rentcharge shall be taken to be the amount which bears to the amount of the rentcharge the same proportion as the following sum bears to the sum of one hundred pounds, that is to say—

(*a*) if any of the land out of which the rentcharge issued immediately before the appointed day was on the first day of April, nineteen hundred and thirty-six, agricultural land, ninety-one pounds eleven shillings and twopence;

(*b*) if none of the said land was on the said first day of April agricultural land—

(i) in the case of a lay tithe rentcharge, one hundred and five pounds, or

(ii) in the case of an ecclesiastical tithe rentcharge, ninety-one pounds eleven shillings and twopence.

Charge of redemption annuities.

3.—(1) Subject to the provisions of this Act an annuity (to be called a "redemption annuity") shall be charged in respect of the land out of which a tithe rentcharge extinguished by this Act issued immediately before the appointed day, for the use of His Majesty, for the period commencing on the appointed day and

ending on the day preceding the sixtieth anniversary thereof.

(2) The amount of an annuity charged by this section in respect of the land out of which a rentcharge issued shall be the amount which bears to the amount of the rentcharge the same proportion as the following sum bears to the sum of one hundred pounds, that is to say—

(*a*) if any of the said land was on the first day of April, nineteen hundred and thirty-six, agricultural land, ninety-one pounds eleven shillings and twopence;

(*b*) if none of the said land was on that day agricultural land, one hundred and five pounds:

Provided that an annuity charged by this section in respect of the land out of which a contingent rentcharge issued shall be an annuity of such amount as would have been charged if the rentcharge had not been a contingent rentcharge reduced by such an amount, to be determined by the Commission to be established for the purposes of this Act, as appears to them to be just having regard to the special incidents to which the rentcharge was subject.

Establishment of Commission and Delivery of Information as to Rentcharges.

Tithe Redemption Commission.

4.—(1) There shall be established for the purposes of this Act a Commission to be called the "Tithe Redemption Commission" (in this Act referred to as "the Commission"), consisting of a chairman and not more than four other commissioners appointed by the Treasury after consultation with the Minister of Agriculture and Fisheries (in this Act referred to as "the Minister").

(2) It shall be the duty of the Commission, subject to and in accordance with the provisions of this Act—

(*a*) to determine what tithe rentcharges have been extinguished by this Act, the amount of stock to be issued for compensation in respect of the extinguishment thereof, and the persons entitled to receive the stock to be so issued;

(*b*) to determine what annuities are charged by section three of this Act and to record particulars thereof, to apportion annuities which are charged in respect of land in the ownership of two or more owners, and to manage annuities

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PART I. —*cont.*

until directions for the transfer of the management thereof to the Commissioners of Inland Revenue have been given under the subsequent provisions of this Act;

and to perform such other functions for the purposes of this Act as are hereafter in this Act mentioned.

(3) The expenses incurred by the Commission in the performance of their functions under this Act, to such amount as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the constitution, procedure, staff and expenses of the Commission.

Obligation of owners of rentcharges to give particulars thereof to the Commission.

5.—(1) Not later than the thirty-first day of October, nineteen hundred and thirty-six, there shall be transmitted to the Commission, in respect of every tithe rentcharge extinguished by this Act, particulars in writing in such form as may be prescribed by rules made by the Minister as to—

(*a*) the amount of the rentcharge;

(*b*) the land out of which the rentcharge issues including (except in the case of an extraordinary tithe rentcharge) a statement whether any of that land was on the first day of April, nineteen hundred and thirty-six, agricultural land;

(*c*) the collection of the rentcharge last effected, including particulars as to the payment date on which the sum collected became due, the name and address of the person by whom and of the person from whom and the land in respect of which that sum was collected and, in a case in which that sum was recovered under an order of the court, the date of commencement of the proceedings;

(*d*) the title to the rentcharge, including particulars as to the person in whom the legal estate in fee simple therein is vested, the instrument, if any, other than an instrument of apportionment or a public general Act, by virtue of which that estate became vested in that person, and as to any other estate or interest subsisting in or affecting the rentcharge by virtue of any settlement, trust for sale, lease, mortgage, or other disposition or otherwise howsoever.

(2) The particulars to be transmitted under the foregoing subsection, other than particulars thereby required to be related to a date therein mentioned, shall, if transmitted before the appointed day, be related to the facts as existing at the date on which the particulars are transmitted and, if transmitted on or after the appointed day, be related to the facts as existing immediately before the appointed day.

(3) The particulars to be transmitted under subsection (1) of this section as to matters relating to the title to a rentcharge shall be in the form of a statutory declaration made by the person in whom the legal estate in fee simple in the rentcharge is vested or was vested immediately before the appointed day:

Provided that if it appears to the Commission, in the case of any rentcharge or of rentcharges in the ownership of any person or class of persons, that it is impracticable or is in the circumstances unnecessary for the statement to be made by way of statutory declaration or to be made by the person in whom the said estate is or was vested or that it is expedient that the statement should be made by some other person, they may accept or require, in lieu of a statutory declaration made by the person in whom the said estate is or was vested, a statement made in writing under the hand of that person or a statutory declaration or statement in writing made by some other person approved by them in that behalf.

(4) If, in the case of any rentcharge in respect of which the foregoing requirements of this section have effect, those requirements are not satisfied on or before the thirty-first day of October, nineteen hundred and thirty-six, or within such period thereafter as the Commission may in special circumstances allow on application being made to them in that behalf, or if any person interested in any rentcharge refuses or neglects to give to the Commission on being requested by them so to do any information in his possession with respect thereto which they may reasonably require, the Commission shall have power to direct that the provisions of this Act relating to compensation in respect of extinguishment shall not have effect in relation to that rentcharge, or shall have effect in relation thereto subject to a reduction of the amount of the stock to be issued, or to a postponement of the date from which interest thereon is to accrue.

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PART I. —*cont.*

Documents to be placed at the disposal of the Commission.

6.—(1) A person having in his custody or control any collecting list or similar document relating to tithe rentcharge, shall place it at the disposal of the Commission on being required by them so to do:

Provided that where any person who but for the provisions of this subsection would have been entitled to the custody of such a list or document satisfies the Commission that the custody thereof is reasonably required by him, the Commission shall either authorise him to retain it, or if it has been transmitted to them return it to him, subject to an obligation to transmit a true copy thereof to them, or, if they require it to be transmitted to them or to remain in their custody, shall furnish him with a true copy thereof, and a person who transmits a copy to the Commission under this proviso shall be entitled to be paid by the Commission such sum as appears to them to represent the reasonable cost of the preparation thereof.

(2) Any person having such a list or document in his custody or control who fails to place it at the disposal of the Commission on being required by them so to do or who fails to transmit to them a copy thereof which he is under obligation to transmit within twenty-eight days after the obligation is incurred, shall be liable on summary conviction to a fine not exceeding five pounds.

(3) As soon as may be after the commencement of this Act the Minister shall place at the disposal of the Commission all instruments of apportionment in his custody or control and all such other documents relating to tithe rentcharge in his custody or control as ought in his opinion to be so placed.

(4) Any person having in his custody or control a sealed copy made pursuant to the Tithe Acts of an instrument of apportionment shall place it at the disposal of the Commission on being required by them so to do.

Stock.

Issue of stock and provisions as to beneficial interests therein.

7.—(1) Stock to be issued for compensation in respect of a tithe rentcharge shall be issued to the person specified in that behalf in Part I of the Third Schedule to this Act, and shall be held and disposed of for the like purposes as if the stock had been an investment of consideration money paid for the redemption

of the rentcharge under the Tithe Acts, and, in the case of stock issued to the proper officer of the court, according to the orders of the court :

Provided that the foregoing provisions of this subsection shall have effect subject, in the case of stock to be issued to Queen Anne's Bounty, to the provisions of Part II of the Third Schedule to this Act, and subject to the provisions of this Act relating to the issue of stock in certain cases in respect of liabilities to repair chancels of churches or other ecclesiastical buildings.

(2) When the Commission have satisfied themselves that a tithe rentcharge has been extinguished by this Act, and have determined the amount of the stock to be issued in respect thereof, and the person entitled to receive the stock, they shall transmit to the Bank of England a certificate specifying the amount of the stock to be issued and the name and address of the person entitled to receive it, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act.

Transitional provisions as to interest on stock.

8.—(1) Interest in respect of stock shall, subject to the provisions of this Act, commence to accrue on the first day of October, nineteen hundred and thirty-six.

(2) When as regards any tithe rentcharge the right to an issue of stock in respect thereof, and the minimum amount of the stock to be issued, have been established to the satisfaction of the Commission with reasonable certainty, the Commission shall thereupon pay to the person appearing to them to be the person who will be entitled to receive the stock an amount equal to the interest accrued on that amount of stock up to the day preceding the interest date then last, and shall on each interest date thereafter pay to that person an amount equal to the interest in respect of so much of that amount of stock as remains unissued accrued between the interest date then last and the day preceding the date on which the payment is to be made.

Interest paid under this subsection is in this Act referred to as " provisional interest."

(3) In a case in which the Commission are authorised to pay provisional interest, they may, if the person to whom such interest would be payable so requests,

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PART I. —*cont.*

transmit to the Bank of England a certificate specifying an amount of stock equal to the amount in respect of which they are authorised to pay provisional interest less such deduction, not being less than ten per cent., as they think fit, and the name and address of the person appearing to the Commission to be entitled to receive it, with a view to the immediate issue of stock of that reduced amount to that person, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act:

Provided that before transmitting a certificate under this subsection the Commission shall obtain from the person to be therein specified such security or indemnity as appears to the Treasury to be sufficient to provide against loss in the event of it appearing that that person was not in fact entitled to the amount of stock specified.

(4) On the date of the issue of any stock the Commission shall pay to the person to whom it is issued any interest accrued thereon up to the day preceding the interest date then last which has not been paid to him as provisional interest.

(5) If any interest is paid under this section in respect of any stock to a person other than the person entitled to receive that stock, or to the last mentioned person in excess of the interest accrued thereon for the period for which the interest was paid, the Commission shall be entitled to recover the amount so paid, or the amount of the excess, as the case may be, as money had and received to the use of the Commission, and, in the case of an amount paid in excess to the person entitled to receive any stock, to a charge in respect of that stock for that amount enforceable against the person to whom the stock is issued in like manner as if the rentcharge in respect of which the stock is issued had been subject immediately before the appointed day to a mortgage to secure the amount charged, with priority over all other interests so enforceable.

(6) Nothing in this section shall affect the Bank of England, or a person purchasing in good faith and for valuable consideration stock in respect of which any such charge as aforesaid exists, with notice of any such charge.

Annuities.

A.D. 1936.

PART I. —*cont.*

Register of annuities and of lands in respect of which they are charged.

9.—(1) As soon as may be after the appointed day the Commission shall determine in relation to every district the amount of each annuity charged in respect of land in the district and the land in respect of which each such annuity is charged, and shall prepare a register specifying the amount of each such annuity and indicating by reference to a map the land in respect of which it is charged, and, after giving to the owners of land in the district an opportunity of inspecting the register and map and after making any amendments therein which, in accordance with information furnished to them by such owners or otherwise in their possession appear to them to be requisite, shall seal two copies thereof, of which one shall be deposited at the principal office of the Commission and the other shall be deposited at such place in, or in the neighbourhood of, the district as the Commission may direct.

(2) Where under the subsequent provisions of this Act an annuity charged in respect of land in a district in respect of which an annuities register has been sealed is extinguished or reduced in amount, or a substituted annuity is charged in respect of land in such a district, the Commission shall forthwith make such consequential alterations in the annuities register and map as appear to the Commission to be requisite.

(3) Entries relating to an annuity in an annuities register shall be conclusive evidence that an annuity of the amount therein specified was charged in respect of the land therein indicated, as delineated in the annuities map, at the following date, that is to say, in the case of original entries, at the date stated in the register as the date of sealing thereof, or, in the case of entries consequent upon an alteration of the register, at the date stated therein as the date on which the alteration was made, and shall be prima facie evidence that an annuity of the said amount is for the time being so charged.

(4) If it is shown to the satisfaction of the Commission that any error exists in an annuities register or map, they shall forthwith amend it in such manner as appears to them to be requisite.

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PART I. —*cont.*

Apportionment and extinguishment of certain annuities.

10.—(1) Subject to the provisions of this Act the Commission shall, in every case in which they ascertain that an annuity is charged in respect of land in the ownership of two or more owners, apportion the annuity as between the several parts of the land that are in different ownership in such manner as appears to the Commission to be just and equitable :

Provided that in making any such apportionment they shall have regard—

(*a*) to any informal arrangement which is shown to their satisfaction to have been made before the appointed day for the apportionment of the tithe rentcharge which issued out of the land in respect of which the annuity is charged;

(*b*) to any agreement with respect to the apportionment which may be arrived at between the owners of the land and notified to the Commission;

(*c*) to the annual value of the land or any part thereof as ascertained for the purposes of income tax under Schedule B; and

(*d*) to the areas of the several parts of the land that are in different ownership.

(2) When the Commission have apportioned an annuity they shall make an order specifying the amount apportioned to each part of the land, and, subject to the provisions of this Act, where such an order is made the existing annuity shall be deemed to have been extinguished as from the day following the last payment date before the date on which the order is made, and annuities (in this Act referred to as "substituted annuities") of the amounts apportioned to the several parts of the land shall be charged by virtue of this Act in respect of those parts respectively for the use of His Majesty for the period commencing on the day following that payment date and ending on the day preceding the sixtieth anniversary of the appointed day.

(3) Where an annuity is charged in respect of land in the ownership of numerous owners and it appears to the Commission that the cost of apportioning the annuity under the foregoing provisions of this section would be

excessive in relation to the amount of the annuity, the Commission may, with the consent of the Treasury, either—

(*a*) make an order extinguishing the annuity without ordering any apportionment; or

(*b*) include in an order for apportionment a direction as respects any parts of the land as to which difficulties of apportionment exist that no substituted annuities shall be charged in respect thereof.

(4) If it appears to the Commission that the cost of collection and management of an annuity would be excessive in relation to the amount thereof, the Commission may, with the consent of the Treasury, by order extinguish the annuity.

Compulsory redemption of certain annuities.

11.—(1) Where—

(*a*) an annuity of one pound or less, or two or more annuities amounting in the aggregate to one pound or less, is or are charged in respect of land in any district or of land in that district and of adjacent land in another district, being land which is in the ownership of a single owner who does not own in the same capacity any other land in respect of which an annuity is charged situate in that district or adjacent to the land in respect of which that annuity, or any of those annuities, is charged;

(*b*) an annuity is charged in respect of land the whole of which is divided for building or other purposes into numerous plots; or

(*c*) the Commission are satisfied that the whole of the land in respect of which an annuity is charged is about to be divided as aforesaid;

the annuity or annuities shall be redeemable compulsorily.

(2) Where a part of land in respect of which an annuity is charged is land divided or about to be divided for building or other purposes into numerous plots, the annuity shall be apportioned and the provisions of subsections (1) and (2) of the last foregoing section shall have effect as if the part so divided or about to be so divided and the residue of the land had been in different ownership.

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Transfer of management of annuities from Commission to Commissioners of Inland Revenue.

12.—(1) Annuities whilst under the management of the Commission, that is to say until directions given by the Treasury in relation thereto respectively under this section take effect, shall be ascertained, recovered and applied by the Commission.

(2) At any time after an annuities map and register have been sealed by the Commission and the entering in the register by the Commission under the subsequent provisions of this Act of the names of the owners of land in the district charged with annuities has been completed or nearly completed, the Treasury may direct that the management of annuities charged in respect of land in the district shall be transferred to the Commissioners of Inland Revenue (hereafter in this Act referred to as "the Board").

(3) A direction under this section shall specify a date, not being earlier than the expiration of seven years from the appointed day, on which the direction is to take effect and as from that date the annuities charged in respect of land in the district to which the direction relates shall be under the management of the Board and shall be ascertained, recovered and applied by them.

(4) Proceedings pending in any court at the date on which a direction under this section takes effect for the recovery of a sum payable in respect of an annuity charged in respect of land in the district to which the direction relates may be continued by the Commission, but, subject as aforesaid, all sums which have become so payable before that date shall be recoverable by the Board.

(5) The provisions of section six of this Act relating to the placing of documents at the disposal of the Commission shall have effect, as respects documents relating to tithe rentcharge which issued out of land in a district in relation to which a direction under this section has taken effect, as if for references therein to the Commission there had been substituted references to the Board.

(6) The foregoing provisions of this Part of this Act relating to the apportionment, extinguishment and redemption of annuities, the charging of substituted annuities, and the deposit, alteration and amendment of an annuities register and map shall have effect in relation

to a district in respect of which a direction under this section has taken effect as if for references therein to the Commission there had been substituted references to the Board.

Incidence of annuities.

13.—(1) An annuity shall be payable half-yearly on each payment date.

(2) The first instalment of an annuity charged by section three of this Act shall be payable on the first day of April, nineteen hundred and thirty-seven, and the first instalment of a substituted annuity shall be payable on the first payment date occurring after it is charged.

(3) The extinguishment or termination of an annuity shall not affect any right or liability in respect of sums which became due theretofore on account thereof.

(4) An annuity shall be deemed to be a periodical payment in the nature of income within the meaning of the Apportionment Act, 1870.

33 & 34 Vict. c. 35.

(5) No deduction in respect of income tax shall be made from any instalment of an annuity.

(6) For all the purposes of the Income Tax Acts, five-sixths and no more of each instalment of an annuity shall be deemed to be a payment by way of interest and the amount deemed to be so payable in any year of assessment shall be allowed as a deduction in respect of that year from the annual value, as assessed under Schedule A, of the lands in respect of which the annuity is charged:

Provided that, if by reason of a remission under this Act or for any other cause an instalment is not paid, no such deduction shall be allowed in respect thereof and, if part of an instalment is not paid, the amount of the deduction to be allowed shall be reduced in the proportion which the amount not paid bears to the amount of the instalment.

(7) Where an annuity is charged in respect of land in the ownership of two or more owners, any one of those owners who makes pursuant to this Act a payment in respect of an instalment of the annuity, or in respect of an amount payable in respect of the compulsory redemption of the annuity, shall be entitled to recover from the other, or from each of the others, of

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them as a simple contract debt such proportion of the payment as may be agreed between the owners or, in default of agreement, may be fixed by the appropriate authority.

(8) An annuity shall be deemed to be an incumbrance for the purposes of section one hundred and eighty-three of the Law of Property Act, 1925 (which relates to the concealment of incumbrances by persons disposing of property).

15 & 16 Geo. 5. c. 20.

(9) Subject to the provisions of this Act, section one hundred and twenty-one of the Law of Property Act, 1925 (which relates to remedies for the recovery of annual sums charged on land) and sections one hundred and ninety-one and one hundred and ninety-two of that Act (which relate to the redemption and apportionment of certain annual sums issuing out of land) shall not have effect in relation to an annuity.

15 & 16 Geo. 5. c. 22.

(10) An annuity shall not for the purpose of the Land Charges Act, 1925, be deemed to be a land charge of a class which may be registered under that Act.

15 & 16 Geo. 5. c. 21.

(11) An annuity shall, for the purposes of the Land Registration Act, 1925, be deemed to be included among the interests specified in subsection (1) of section seventy of that Act (which relates to over-riding interests).

Remission of excess of annuity over one-third of annual value of agricultural land.

14.—(1) Where one or more annuities is or are charged in respect of land wholly comprised in an agricultural holding, then, if the amount of the annuity, or the aggregate of the amounts of the annuities, as the case may be, exceeds one-third of the annual value, for the twelve months ending on the fifth day of April in any year, of the holding exclusive of any part thereof in respect of which no annuity is charged, payment of an amount equal to one-half of the excess shall, subject to the provisions of this section, be remitted, in proportion where there are two or more annuities to the amounts thereof respectively, in the case of each instalment payable in that year.

(2) In this section the expression "annual value" means annual value for income tax purposes under Schedule B as specified in a certificate issued in accordance with the provisions of the Fourth Schedule to this Act,

subject to any amendment which may be made in such a certificate for the correction of any clerical or arithmetical error.

(3) An owner of land comprised in an agricultural holding shall not be entitled to a remission under this section in respect of an instalment payable in any year unless he has, before the first day of March in that year, made in relation to the holding such an application for a certificate as is mentioned in paragraph 2 of the Fourth Schedule to this Act.

(4) Where an owner has made an application for a certificate with a view to a remission under this section in the case of an instalment which becomes payable on a date before the certificate is issued, the instalment shall be recoverable in full on or after that date, but on the issue of the certificate the owner shall be entitled to recover from the appropriate authority an amount equal to any remission to which he may then appear to have been entitled under this section in the case of that instalment, and for the purposes of the proviso to subsection (6) of the last foregoing section that amount shall be deemed not to have been paid.

(5) Where an annuity is charged in respect of land part of which constitutes, or is comprised in, an agricultural holding, the appropriate authority may, if so requested by the owner of the land, apportion the annuity as between that part and the residue of the land, and the provisions of subsections (1) and (2) of section ten of this Act shall have effect as if that part and the residue of the land had been in different ownership.

(6) In this section and in the Fourth Schedule to this Act the expression "agricultural holding" means agricultural land which is occupied or farmed or, in the case of land used for a plantation or a wood or for the growth of saleable underwood, managed, as a single unit or which is usually so occupied or farmed, or managed, as the case may be, except that, in relation to a case in which such agricultural land is in the ownership of two or more owners, that expression means each part of that land which is in the ownership of a single owner.

Procedure for redemption of annuities.

15.—(1) Subject to the provisions of this section, the amount of the consideration money to be paid for the redemption of an annuity, and the procedure for the

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redemption of an annuity, and for the reduction under this section of the amount of an annuity, shall be such as may be prescribed by rules made by the Treasury (in this section referred to as " the rules ").

(2) The rules shall provide for the determination of the amount of the consideration money to be paid for the redemption of an annuity on the basis of the discounting of all sums which, if the annuity were not redeemed, would be payable in respect of instalments of the annuity on or after the redemption date, reduced by such sum, if any, as the Treasury may think fit in respect of cost of collection, at a rate of interest fixed by reference to the yield of such Government security or securities as the Treasury consider appropriate.

(3) Where an annuity is redeemable compulsorily, the appropriate authority may serve upon the owner of any land in respect of which the annuity is charged a notice in writing (in this Act referred to as a " redemption notice "):

Provided that the appropriate authority may postpone service of a redemption notice during such period as they may think fit, and may revoke or amend such a notice, and generally may make such provision in respect of the compulsory redemption of annuities as will avoid any undue hardship on any owner of land in respect of which an annuity redeemable compulsorily is charged.

(4) A redemption notice shall specify the amount of the consideration money to be paid for the redemption, shall require the owner to pay that amount on a date to be specified therein, and shall be served on the owner not less than one month before the redemption date:

Provided that the appropriate authority may provide for payments by instalments on dates to be specified in the notice.

(5) An annuity in respect of which a redemption notice is served shall be extinguished as from the day following the payment date next before the redemption date.

(6) An owner of land in respect of which an annuity is charged shall be entitled, on making application in that behalf to the appropriate authority, to have notified to him the amount of the consideration money required

for the redemption of the annuity in accordance with the rules, and on payment by an owner in accordance with the rules of an amount notified to him under this subsection the annuity shall be extinguished as from the day following the payment date next before the redemption date.

(7) Where on an apportionment of an annuity under this Act a substituted annuity would, if charged, be redeemable compulsorily, the appropriate authority may include in the order for apportionment a direction that the annuity shall not be charged and serve upon the owner of the land in respect of which it would have been charged the like notice as if it had been charged and the notice were a redemption notice served in respect thereof.

(8) Where the appropriate authority are satisfied that the owner of the land in respect of which a substituted annuity would be charged on an apportionment of an annuity under this Act is willing to pay to them within such period as they may determine the amount of the consideration money which would be payable for the redemption of the substituted annuity, they may include in the order for apportionment directions for securing that if that amount is paid to them within that period the substituted annuity shall not be charged.

(9) An owner of land in respect of which an annuity is charged may, at any time, pay to the appropriate authority, with a view to the reduction of the amount of the annuity, a capital sum not being less than twenty-five pounds, and where such a payment is made the amount of the annuity shall be reduced by such an amount, and as from such date, as may be determined by the appropriate authority in accordance with the rules, and the annuity as so reduced shall continue to be charged in respect of the whole of the land in respect of which it was theretofore charged.

(10) The appropriate authority may, on the application of the person by whom any sum is paid in respect of the redemption of an annuity, grant to him a certificate charging any land in respect of which the annuity was charged or any estate or interest therein with that sum or any part thereof, together with interest at such rate as the authority may determine, and a person to whom such a certificate is granted shall be entitled to a charge

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in accordance with the terms thereof having such priority in relation to other charges on the property charged as may be specified in the certificate.

(11) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such rules are laid before it, resolves that the rules shall be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new rules.

(12) In this section the expression "redemption date" means, in a case in which a redemption notice or a notice under subsection (7) of this section is served, the date or the first date, as the case may be, on which a payment is thereby required, and means, in a case in which a payment is made under subsection (6) of this section, the date on which that payment is made.

Recovery of annuities from owners of land.

16.—(1) An instalment of an annuity payable on any payment date shall be a debt due to His Majesty from the person who is on that date the owner of any land in respect of which the annuity is charged.

(2) A payment required by a redemption notice or by a notice served under subsection (7) of the last foregoing section, together with interest thereon from the date on which the payment is thereby required at the rate fixed under subsection (2) of the last foregoing section for the purpose of the determination of the amount of the consideration money, shall be a debt due to His Majesty from the person on whom such a notice is duly served.

54 & 55 Vict. c. 8.

(3) The provisions of sections two, three and seven of the Tithe Act, 1891 (other than the provisions of subsections (6) and (9) of section two thereof), shall have effect with the necessary modifications in relation to the recovery by the Commission of a debt due to His Majesty under this section from an owner of land as defined by this Act as they had effect in relation to the recovery of sums due on account of tithe rentcharge from an owner of land as defined by that Act, and shall so have effect as respects recovery from a railway company notwithstanding anything in subsection (1) of section ten of that Act:

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Provided that an order made under subsection (1) of section two of the said Act for the recovery of a debt due to His Majesty under this section may, and shall if the Commission so request, be executed as an order for the recovery of a debt from the defendant personally, and—

(*a*) the words " in manner provided by this Act, and " tithe rentcharge as defined by this Act shall " not be recoverable in any other manner ", in subsection (1) of the said section two shall not have effect in relation to the recovery of a debt due to His Majesty under this section; and

(*b*) the words " and may provide that if the owner of " any lands is not known any proceedings " under this Act may be taken against the owner " of the lands without naming the person who " is the owner ", in subsection (7) of the said section two, shall not have effect in relation to the recovery of a debt due to His Majesty under this section from a defendant personally.

(4) A debt due to His Majesty under this section may be recovered by the Board either by proceedings in the High Court or in the county court or by any other means whereby a debt due to the Crown may be recovered, and where the sum claimed in respect of a debt due to His Majesty under this section is less than fifty pounds that sum may be recovered by the Board summarily as a civil debt in proceedings commenced in the name of some person authorised in that behalf by the Board.

(5) If an owner, upon demand made by a person who holds an appointment by the Board as collector of taxes, neglects or refuses to pay a debt due from him to His Majesty under this section, the collector may, for non-payment thereof—

(*a*) in a case where the owner is in occupation of land in respect of which the annuity is charged or of any other land in the same district, distrain upon that land; and

(*b*) in any case, distrain the owner by his goods and chattels;

and the provisions of subsections (2) to (5) of section one hundred and sixty-two of the Income Tax Act, 1918, shall have effect in relation to any such distress as they have

8 & 9 Geo. 5. c. 40.

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effect in relation to a distress under subsection (1) of that section with the substitution for the reference to the general commissioners of a reference to the Board.

(6) The Board may, for the purpose of recovering a debt due to His Majesty under this section from an owner who is in occupation of the land in respect of which the annuity is charged or of any other land in the same district, take such proceedings as are specified in subsection (4) of section one hundred and twenty-one of the Law of Property Act, 1925, as if the amount of that debt had been such a sum as is mentioned in that subsection unpaid for the period therein mentioned.

(7) No application to the court for an order for recovery shall be made, and no proceedings under subsection (5) or (6) of this section shall be taken, in respect of an instalment of an annuity payable on any payment date until the expiration of three months from that date.

11 & 12 Geo. 5. c. 32.

(8) Section twenty-nine of the Finance Act, 1921 (which relates to evidence of payment of wages in proceedings under subsection (2) of section one hundred and sixty-nine of the Income Tax Act, 1918, for recovery of income tax) shall apply in the case of proceedings taken under this section by the Board and as if references therein to wages included references to salaries, fees and other emoluments.

Definition of "owner" in relation to land.

17.—(1) Subject to the provisions of this Act, the person who is to be deemed for the purposes of this Act to be the owner of land shall be—

(*a*) the estate owner in respect of the fee simple thereof, unless it is subject to a long lease at a rent less than a rack rent; or

(*b*) if the land is subject to a long lease at a rent less than a rack rent, the estate owner in respect of the term.

(2) Where land is subject both to a head lease and to one or more original or derivative underleases each of which is a long lease at a rent less than a rack rent, the foregoing subsection shall have effect as if that one of the terms thereby created on which the other or others is, or are, reversionary were alone subsisting.

(3) In this section—

"lease" includes an original or derivative underlease and an agreement for a lease or underlease where the right to have the lease or underlease granted is subsisting, but does not include a mortgage;

"long lease" means a lease granted for a term of more than fourteen years;

"estate owner" has the same meaning as in the Law of Property Act, 1925, so, however, that in relation to such an agreement as aforesaid that expression means the person entitled to have vested in him the legal term agreed to be created;

"rack rent" means a rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the property in a state to command such rent.

(4) Where the estate owner who by virtue of the foregoing provisions of this section would be deemed to be the owner of any land is the official trustee of charity lands or other trustee on or for charitable, ecclesiastical, or public trusts or purposes not entitled to act in the trust, or the Public Trustee holding in circumstances in which he is not entitled to act in the trust, references in this Act to the owner of the land in relation to any action required or authorised to be taken by or against the owner shall be construed as references—

(*a*) in the case of a trustee on or for charitable, ecclesiastical, or public trusts or purposes, to the managing trustees or committee of management; and

(*b*) in the case of the Public Trustee, to the person in receipt of the rent incident to the Public Trustee's estate, or, if there is no rent incident thereto, to the person in occupation of the land.

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15 & 16 Geo. 5. c. 23.

(5) Where under section nine of the Administration of Estates Act, 1925, the estate of a person who died intestate is vested in the Probate Judge, that judge shall not be deemed to be the owner of any land comprised in the estate for the purpose of any action required or authorised by this Act to be taken by or against the owner of the land, but upon administration being granted the administrator shall be deemed for those purposes to have been the owner thereof as from the date of the death.

(6) For the purposes of this Act—

(*a*) land in the ownership of two or more persons holding as joint tenants shall be deemed to be in the ownership of a single owner;

(*b*) where a person owns a part of the land in respect of which an annuity is charged in one capacity and another part thereof in a different capacity, those parts shall be deemed to be in different ownership and the land to be in the ownership of two or more owners.

(7) Where, by virtue of a contract entered into before the commencement of this Act, a person would have been entitled to an indemnity from another person in respect of the recovery from the first mentioned person of a sum due on any payment date on account of a tithe rentcharge if the rentcharge had not been extinguished by this Act, the first mentioned person shall be entitled to the like indemnity from that other person in respect of the recovery from the first mentioned person of an instalment due on that payment date of an annuity charged in respect of any land as being land out of which the rentcharge issued or of a substituted annuity charged on an apportionment of such an annuity.

Ascertainment and registration of owners of land.

18.—(1) The appropriate authority may serve upon the person who appears to them to be the owner of any land in respect of which an annuity is charged notice in writing that they propose to enter his name in the annuities register as the owner of that land.

(2) If a person, on whom a notice has been served by the appropriate authority under the foregoing subsection in relation to any land, by notice in writing served on the authority within three months of the date

of the service on him of the authority's notice, denies that he is the owner thereof, the High Court or the county court may, if satisfied that he is the owner thereof, make, on the application of the authority, a declaration that he is the owner thereof.

(3) Where a person has been served by the appropriate authority with a notice under this section in relation to any land and has not within the period aforesaid served on the authority notice in writing denying that he is the owner thereof, or has been declared by the court on an application under this section to be the owner of any land, or has consented to the entry of his name in the annuities register as the owner of any land, then, notwithstanding any change in the ownership of the land, any sum becoming payable under this Act to the appropriate authority on any date thereafter from the owner of the land may be recovered by the authority from that person or, after his death, from his personal representative, and anything which is authorised or required by this Act to be done on any date thereafter by or to the owner of the land shall be deemed to be validly done if done by or to that person, or, after his death, by or to his personal representative, unless that person or his personal representative has before that date given to the appropriate authority notice in writing of the change of ownership and all information in his possession as to the identity of the person who has become the owner of the land or of any part thereof.

(4) Where under the last foregoing subsection a sum becoming payable to the appropriate authority on any date is recovered from a person who was not on that date the owner of the land in respect of which that sum became due, that person shall be entitled to recover from the owner as a simple contract debt the amount recovered by the authority from that person.

(5) When the requirements of subsection (3) of this section have been satisfied as respects any person, the appropriate authority shall make in the annuities register entries specifying the name of that person as the owner of the land in relation to which those requirements have been satisfied and indicating the land by reference to the annuities map or otherwise, and such entries shall be prima facie evidence that the said requirements were satisfied as respects that person in relation to that land

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before the date stated in the register as the date on which the entries were made.

(6) Where the appropriate authority are satisfied that a person other than the person specified in an annuities register as the owner of any land is the owner thereof, or that a person has been so specified otherwise than in accordance with the provisions of this section, they shall alter the register as appears to them to be requisite.

(7) Proof that a person paid a sum due on account of a tithe rentcharge which issued out of any land, or that a person was treated by the court as the owner of any land for the purposes of an order for the recovery of a tithe rentcharge which issued thereout, shall for the purposes of this Act be prima facie evidence that that person was the owner of that land on the date on which the payment or order, as the case may be, was made and that he remains the owner thereof.

(8) A person who is in occupation of, or who receives rent in respect of, land in respect of which an annuity is charged shall, on being required so to do by an officer of the appropriate authority, inform him of the name and address of any other person to whom that person pays rent in respect of that land or of any part thereof and give him any other information in that person's possession relevant to the ascertainment of the identity of the owner of the land, and any person who when required to give information under this subsection fails so to do, or gives any information which is to his knowledge false, shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five pounds.

(9) Where an estate or interest in any land, in respect of which an annuity under the management of the Commission is charged, is disposed of or created in such manner as to bring about a change in the ownership of the land, it shall be the duty of the person who was the owner of that land immediately before the execution of the instrument whereby that estate or interest was disposed of or created, within one month from the date of the execution thereof, to furnish to the Commission particulars in the appropriate form of that instrument and of the name and address of every person who has thereby become an owner of the land or of any part thereof, and any person who fails to furnish within the period mentioned in this

subsection any particulars which he is thereby required to furnish shall be liable on summary conviction to a fine not exceeding five pounds.

Transitional Provisions.

Abatement of tithe rentcharge and sinking fund payments due on 1st October, 1936.

19.—(1) The sum becoming payable on the first day of October, nineteen hundred and thirty-six, in respect of a tithe rentcharge to be extinguished by this Act shall, if the person from whom it is demanded claims, or in the event of dispute proves, that any of the land out of which the rentcharge issued was on the first day of April, nineteen hundred and thirty-six, agricultural land, be computed as if a reference to ninety-one pounds eleven shillings and twopence had been substituted for the reference to one hundred and five pounds in subsection (1) of section one of the Tithe Act, 1925.

15 & 16 Geo. 5. c. 87.

(2) Any sum which, by virtue of section four of the Tithe Act, 1925, would but for this provision have been payable on the first day of October, nineteen hundred and thirty-six, by way of sinking fund payment in respect of a tithe rentcharge to be extinguished by this Act, shall not be payable, and accordingly the amount to be carried by Queen Anne's Bounty to the sinking fund in respect of any such rentcharge in the year ending on the said first day of October, under paragraph (*a*) of subsection (1) of section five of that Act, shall be computed as if for the reference therein to four pounds ten shillings there had been substituted a reference to two pounds five shillings.

Recovery of tithe rentcharge due on or before 1st October, 1936.

20.—(1) The extinguishment by this Act of tithe rentcharge shall not affect any right or liability in respect of sums which became due on account thereof before the appointed day (in this Act referred to as "arrears").

(2) On the first day of April, nineteen hundred and thirty-seven, power to recover and give a discharge for arrears shall vest in the Commission to the exclusion of any other person, and the subsequent provisions of this section shall have effect with respect to the recovery thereof on or after that date.

(3) No legal proceedings for the recovery of arrears of a rentcharge shall be commenced or continued by the Commission on or after the said first day of April until one month after the person who would have

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been entitled to recover the arrears (in this section referred to as the "tithe-owner") has, by notice in writing served after that date, given to the person who for the purposes of an application for an order under section two of the Tithe Act, 1891, for the recovery of the arrears would be treated as the owner of the land out of which the rentcharge issued (in this section referred to as the "tithe-payer"), and to the Commission, particulars in writing in the prescribed form of the arrears which the tithe-owner claims to be recoverable from the tithe-payer.

(4) A tithe-payer upon whom a notice is served for the purposes of the last foregoing subsection may, within one month after service thereof upon him, or within such extended period as the Commission may in special circumstances allow on application being made to them in that behalf by the tithe-payer, serve upon the Commission notice in writing in the prescribed form stating that he desires to have the matter of the recovery from him of the arrears referred to a committee (to be called the "Arrears Investigation Committee") which shall be established for the purposes of this section and shall consist of a chairman appointed by the Lord Chancellor and two other members appointed by the Minister.

(5) Where a tithe-payer duly serves notice on the Commission claiming to have the matter of the recovery from him of arrears referred to the Committee, the Commission shall refer the matter to them and shall not commence or continue any legal proceedings for the recovery of the arrears until the matter has been disposed of by them.

(6) If the tithe-payer satisfies the Committee on a reference to them under this section that his financial circumstances are such as to render it fair and reasonable that a part or the whole of the arrears should be remitted, or that any order made for the recovery thereof should provide for the recovery thereof by instalments, the Committee, after giving to the tithe-owner an opportunity of making representations, may direct accordingly.

(7) Where a tithe-payer serves notice on the Commission claiming to have the matter of the recovery from him of arrears referred to the Committee, he shall be deemed thereby to admit legal liability for the payment thereof, and as soon as the matter has been disposed of

by the Committee the Commission shall pay to the tithe-owner an amount equal to the arrears in respect of which the notice was served, less an amount equal to any remission directed by the Committee:

Provided that this subsection shall not have effect as respects any arrears which are irrecoverable by the Commission by virtue of proviso (*a*) to subsection (10) of this section.

(8) As respects any arrears as to which a tithe-payer does not claim a reference to the Committee within one month after service on him of a notice giving particulars thereof served for the purposes of subsection (3) of this section, or within such extended period as may have been allowed under subsection (4) of this section, the Commission shall at the expiration of that period, unless they are satisfied, after consultation with the tithe-owner, that the tithe-payer is not legally liable for the payment thereof, or that there is no reasonable prospect of the recovery thereof or of any part thereof, take all requisite steps, including if necessary the commencement or continuance of legal proceedings, for the recovery thereof, and pay to the tithe-owner a sum equal to the amount thereof in respect of which the tithe-payer has admitted or admits legal liability or the court has made or makes an order for recovery.

(9) For the purposes of the Tithe Act, 1925, sums received by a tithe-owner from the Commission under this section in respect of any arrears shall be deemed to be sums received by him on account of tithe rentcharge for the year in which the arrears became due, and a proportionate part of any remission directed by the Committee of arrears of a rentcharge, to which the provisions of section four of that Act relating to sums payable by way of sinking fund payment apply, shall be treated as attributable to the sum so payable for that year.

(10) The right to recover arrears vested in the Commission by this section may be enforced in any manner in which the right of the Commission to recover an instalment of an annuity may be enforced under section sixteen of this Act:

Provided that—

(*a*) the provisions of subsection (2) of section ten of the Tithe Act, 1891, (which provides that

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a sum on account of tithe rentcharge shall not be recoverable under that Act unless proceedings for such recovery have been commenced before the expiration of two years from the date at which it became payable), shall have effect in relation to the recovery of arrears by the Commission from a tithe-payer, so, however, that in reckoning the said period of two years time after the tithe-owner has served a notice for the purposes of subsection (3) of this section on the tithe-payer, during which legal proceedings may not, by virtue of this section, be commenced or continued, shall be excluded;

(*b*) the court before which legal proceedings for the recovery of arrears are taken by the Commission shall give effect to any direction given by the Committee in relation thereto.

(11) A county court by which directions for the execution of an order for the recovery of arrears have been given before the first day of April, nineteen hundred and thirty-seven, shall have power to give such directions as the court thinks just and equitable for the prevention of injustice which might otherwise arise from the suspension of proceedings by virtue of this section on that date.

(12) The Committee shall have power, in a case in which it appears to them that the claim of a tithe-payer to have a matter referred to them was frivolous, to direct that the tithe-payer shall pay to the Commission or to any other person a sum fixed by the Committee in respect of the expenses incurred by the Commission or by that person in relation to the reference, and any sum so fixed shall be recoverable from the tithe-payer either as an addition to the arrears or summarily as a civil debt.

(13) Subject to the foregoing provisions of this section the procedure of the Committee shall be such as they may determine.

(14) The expenses incurred by the Committee in the performance of their functions under this section, to such amount as may be allowed by the Treasury, shall be defrayed out of moneys provided by Parliament.

(15) There shall be paid to the members of the Committee such remuneration as the Treasury may determine.

Provisions as to tithe rentcharge vested in owner of land charged.

21.—(1) Where immediately before the appointed day a tithe rentcharge and the whole of the land out of which it issues are vested in the same person, having been so vested on the twenty-sixth day of February, nineteen hundred and thirty-six, and continuously thereafter, the provisions of this Act, other than the provisions of sections one and thirty-one thereof, shall not have effect in relation to that rentcharge or, so far as regards provisions relating to that rentcharge, to that land.

(2) For the purposes of this section a tithe rentcharge and the land out of which it issued shall be deemed to have been vested in the same person at any date—

(*a*) in any case, if the legal estate in fee simple in the rentcharge and in the land respectively were vested in the same person at that date, and, where any other estate or interest, whether legal or equitable, vested in any person was then subsisting in the rentcharge, if the like estate or interest was then subsisting in the land and was vested in that person; or

(*b*) in the case of a rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, if the land was at that date land belonging to the benefice for the incumbent of which, or belonging to the ecclesiastical corporation for which, the rentcharge was held in trust;

and not otherwise.

Provisions as to redemption or merger on or after 26th February, 1936.

22.—(1) Except in a case in which—

(*a*) an application to the Minister for redemption, or for the confirmation of a deed or declaration of merger, of a tithe rentcharge was made before the twenty-sixth day of February, nineteen hundred and thirty-six; or

(*b*) such an application was or is made on or after that date (whether before or after the commencement of this Act) and the Minister is satisfied and certifies to the Commission that the application was or is made for the

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PART I. —*cont.*

purpose of giving effect to arrangements made before that date; or

(*c*) the Minister is satisfied and certifies to the Commission that it is expedient that the provisions of this section should not have effect;

the provisions of the Tithe Acts relating to redemption or merger shall be deemed to have ceased to have effect as respects tithe rentcharge, other than extraordinary tithe rentcharge, on that date, and accordingly—

(i) no proceedings under any of the said provisions as respects any such tithe rentcharge shall be commenced or continued after the commencement of this Act otherwise than in such a case as aforesaid; and

(ii) the provisions of this Act shall have effect in relation to any such tithe rentcharge which has been extinguished by virtue of any of the said provisions on or after the said twenty-sixth day of February otherwise than in such a case as aforesaid, and to the land out of which it issued, as if that rentcharge had been extinguished by this Act on the appointed day, and any consideration money payable in respect of the redemption or merger thereof (whether by way of annual payment or otherwise) shall cease to be payable and, if and so far as paid before the commencement of this Act, shall be repaid.

(2) Where in any such case as aforesaid proceedings for the redemption or merger of any such tithe rentcharge under any of the said provisions of the Tithe Acts are commenced or continued after the commencement of this Act, the provisions of this Act shall not have effect in relation to that rentcharge or, so far as regards provisions relating to that rentcharge, to the land out of which it issued, unless the proceedings are discontinued, but upon a discontinuance thereof the rentcharge shall be extinguished and the provisions of this Act relating to a tithe rentcharge extinguished by this Act and the land out of which it issued, except the provisions of subsections (1) to (3) of section five thereof, shall have effect accordingly.

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PART I. —*cont.*

Transitional provisions as to rating of tithe rent charge.

23.—(1) The sum payable by way of rates in respect of the ownership during the whole or any part of the half-year ending on the thirtieth day of September, nineteen hundred and thirty-six, of a tithe rentcharge to be extinguished by this Act issuing out of land any of which was on the first day of April, nineteen hundred and thirty-six, agricultural land shall be reduced to seven-eighths of the sum which but for this provision would have been so payable, and accordingly the amount to be paid by Queen Anne's Bounty on account of rates in respect of any such rentcharge in the year ending on the first day of October, nineteen hundred and thirty-six, under paragraph (*b*) of subsection (1) of section five of the Tithe Act, 1925, shall be computed as if, for the reference therein to the sum of five pounds or, in the case of a rentcharge previously attached to an ecclesiastical corporation, sixteen pounds, there had been substituted a reference to fifteen-sixteenths of that sum.

(2) A person shall be entitled to recover from the rating authority any sum paid by him which by virtue of the foregoing subsection represents an over-payment of rates.

(3) No proceedings for the alteration for rating purposes of the value of such a tithe rentcharge as aforesaid on the ground of the reduction by section nineteen of this Act of the sum becoming payable in respect thereof on the said first day of October shall be entertained.

(4) For the purposes of valuation lists in force at the commencement of this Act, a tithe rentcharge to be extinguished by this Act shall, as from the first day of October, nineteen hundred and thirty-six, be deemed to have no rateable value, and, notwithstanding anything in any enactment relating to rating and valuation, no particulars with respect to such a tithe rentcharge shall be included in any subsequent valuation list.

PART II.

FINANCIAL PROVISIONS.

Creation, incidents and management of stock.

24.—(1) The Treasury shall from time to time by warrant directed to the Bank of England create stock in such amounts as may appear to them, after consultation with the Commission, to be required for the purpose of

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PART II. —*cont.*

issue by way of compensation for the extinguishment of tithe rentcharge, and shall authorise the Bank to issue stock in such amounts and to such persons as may be specified in certificates transmitted to the Bank by the Commission under Part I of this Act, and the Bank shall issue stock accordingly.

(2) Stock shall carry interest at the rate of three per cent. per annum, payable half-yearly on each interest date.

(3) A sinking fund sufficient to provide for the redemption of all outstanding stock on or before the day preceding the sixtieth anniversary of the appointed day shall be established in the hands of the National Debt Commissioners in accordance with directions given by the Treasury.

(4) Subject as aforesaid, the Treasury shall have power to determine the conditions of the issue of stock and to regulate the commencement, management and application of the sinking fund.

(5) The interest on stock, the sums required to be set aside for the purposes of the sinking fund, and the principal sums required for the redemption of stock, shall, so far as not otherwise provided for, be charged on and paid out of the Consolidated Fund or the growing produce thereof.

(6) For the purposes of calculating the annual sum payable to the Bank for the management of the National Debt, stock shall be considered as part of the National Debt inscribed in the books of the Bank, but the annual sum so payable in respect of stock shall be paid out of the Redemption Annuities Account hereinafter mentioned.

(7) Stock shall be transferable in the books of the Bank in like manner as other stock transferable under the National Debt Act, 1870, and shall be subject to the provisions of that Act as amended by any subsequent enactment so far as is consistent with the tenor of this Act.

33 & 34 Vict. c. 71.

(8) The First Schedule to the Savings Bank Act, 1893, shall have effect as if a reference to stock had been included therein.

56 & 57 Vict. c. 69.

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PART II. —*cont.*

Redemption Annuities Account.

25.—(1) There shall, in accordance with directions given by the Treasury, be established an account which shall be called the Redemption Annuities Account and shall be under the control and management of the Treasury.

(2) The Commission and the Board shall pay into the Account, in accordance with directions given by the Treasury, all sums received by them respectively on account of instalments of annuities, of the redemption of annuities, or of arrears, and all other sums received by them in the performance of their functions under this Act.

(3) There shall be issued to the Account out of the Consolidated Fund or the growing produce thereof in the twelve months beginning on the appointed day, and in each of the fifty-nine next succeeding periods of twelve months, the sum of six hundred and eighty-five thousand pounds.

(4) The Treasury shall issue from the Account—

(*a*) such sums as may be required from time to time for the payment of interest on stock, the sums required to be set aside for the purposes of the said sinking fund, and the remuneration and expenses of the Bank of England;

(*b*) such sums as may be required from time to time for the payment of provisional interest;

(*c*) such sums as may be required from time to time for the payment of the amounts to be paid by the Commission under section twenty of this Act in respect of arrears;

(*d*) to the Exchequer an amount equal to the expenses from time to time incurred by the Commission, the Board, the Arrears Investigation Committee and any Government department in connection with the execution of this Act (including such sums as, in the opinion of the Treasury, approximately represent the accruing liability attributable to the execution of this Act in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935, as amended by any subsequent enactment, and the rental value of any premises belonging to the Crown

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PART II. —*cont.*

and used for the purposes of this Act, being premises in respect of which no rent is payable);

(*e*) such sums, by way of contribution towards making good the loss of rate income of rating authorities occasioned by the extinguishment or reduction of tithe rentcharge, as may be required for giving effect to the provisions of the Fifth Schedule to this Act, so however that no sum shall be issued under this paragraph on any date if the present value thereof together with the present value of the sums previously issued under this paragraph would exceed the present value of a series of annual payments, made on the first day of April, nineteen hundred and thirty-seven, and on the same date in each of the fifty-nine subsequent years, of six hundred thousand pounds each;

(*f*) to Queen Anne's Bounty on the first day of April, nineteen hundred and thirty-seven, the sum of two million pounds;

(*g*) to Queen Anne's Bounty an amount or amounts estimated by the Treasury to be the equivalent of the amount by which the aggregate of the payments in respect of the annuities charged by section three of this Act in respect of land no part of which was on the first day of April, nineteen hundred and thirty-six, agricultural land, and out of which ecclesiastical tithe rentcharge (not being extraordinary tithe rentcharge) issued immediately before the appointed day, exceeds the aggregate of the annuities which would have been charged under the said section three in respect of that land if the whole or part of it had been on that day agricultural land.

(5) Any sums standing to the credit of the Account may from time to time be invested in such manner as the Treasury may direct, and any interest received from an investment made under this subsection shall be credited to the Account.

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PART II. —*cont.*

Temporary advances to meet deficiencies in Account.

26.—(1) The Treasury may from time to time issue out of the Consolidated Fund or the growing produce thereof, by way of advance to the Redemption Annuities Account, such sums as may be required to meet issues which are to be made from the Account under this Act and which the moneys standing to the credit of the Account are insufficient to provide.

(2) The Treasury may borrow money for the purposes of the last foregoing subsection in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

9 & 10 Geo. 5. c. 37.

(3) Any advances made out of the Consolidated Fund or the growing produce thereof under this section shall be repaid, together with interest thereon, compounded half-yearly if the Treasury think fit, at such rate as may be fixed by the Treasury, out of moneys standing to the credit of the Redemption Annuities Account, in such manner and at such times as the Treasury may direct.

(4) All sums received by way of interest on, or in repayment of, advances made as aforesaid shall be applied, in such manner as the Treasury may direct, to the redemption of debt.

Audit of accounts.

27.—(1) The Treasury shall prepare an account of the transactions of the Redemption Annuities Account in each financial year, and such other accounts as the Treasury may direct shall be prepared in relation to other transactions under this Act.

(2) On or before the thirtieth day of November in each year, the said accounts shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

Winding-up of financial arrangements.

28.—(1) If at any time the Treasury are satisfied that there are standing to the credit of the Redemption Annuities Account moneys sufficient, with the issues to be made to the Account thereafter out of the Consolidated Fund under subsection (3) of section twenty-five of this

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PART II. —*cont.*

Act and any further principal sums or interest to be paid into the Account thereafter under this Act other than sums to accrue thereafter in respect of annuities, to meet all issues to be made thereafter from the Account under this Act, including any repayments with interest of advances theretofore made out of the Consolidated Fund to the Account, the Treasury shall lay before both Houses of Parliament a draft of an order providing for the extinguishment of all annuities then charged as from a date to be specified in the order and, if a resolution approving the draft is passed by each House, the Treasury shall make an order in the terms of the draft.

(2) On the day preceding the sixtieth anniversary of the appointed day all stock not theretofore redeemed shall be redeemed, and the Treasury shall cause the Redemption Annuities Account to be wound up as soon as may be thereafter, and any surplus standing to the credit of the Account shall be dealt with in such manner as Parliament may determine.

PART III.

MISCELLANEOUS AND GENERAL.

Miscellaneous.

Extraordinary tithe rentcharge.

29. The provisions of this Act shall have effect in relation to extraordinary tithe rentcharge subject to the following modifications and exceptions, that is to say:—

(*a*) the amount of stock to be issued for compensation in respect of an extraordinary tithe rentcharge shall be an amount equal to the capital value thereof as ascertained under the Extraordinary Tithes Acts, 1886 and 1897;

(*b*) the amount of the annuity charged by section three of this Act in respect of land out of which an extraordinary tithe rentcharge issued shall be an amount equal to four per cent. of such capital value as aforesaid;

(*c*) the following enactments in this Act, that is to say, subsections (2) and (3) of section two, subsection (2) of section three, section nineteen, section twenty (except so much of subsection (1) thereof as provides that extinguishment

shall not affect any right or liability in respect of sums which became due before the appointed day), section twenty-two, and section twenty-three, shall not have effect in relation to extraordinary tithe rentcharge;

(*d*) section fourteen of this Act shall not have effect in relation to an annuity charged in respect of land as being land out of which an extraordinary tithe rentcharge issued, or in relation to a substituted annuity charged on an apportionment of such an annuity;

(*e*) where, by reason of the land in respect of which such an annuity as aforesaid is charged being subject on any date to a long lease at a rent less than a rackrent, a sum becoming payable to the appropriate authority on that date is recovered under this Act from a person other than the estate owner in respect of the fee simple of the land, that person shall be entitled to recover the amount recovered from him as a simple contract debt from the person from whom that sum would have been recoverable by the authority if the land had not been subject to any such lease, and any amount so recoverable may be deducted from the instalment of any rent incident to the fee simple payable by the person entitled to recover under this paragraph next after the date on which the said sum is recovered from him.

Provisions as to corn rents, &c.

30.—(1) As from the appointed day the provisions of the Tithe Acts which relate to the redemption of tithe rentcharge or to the alteration of apportionments shall apply to corn rents, rentcharges and money payments which are liable to redemption under the Tithe Acts, subject to the following modifications, that is to say:—

(*a*) the powers conferred on the Minister by the said provisions shall be exercised by the Commission until all matters with respect to which they have jurisdiction otherwise than under this section have been settled;

(*b*) for the references in section four of the Tithe Act, 1918, to the First Schedule to that Act there shall be substituted references to the Sixth Schedule to this Act;

9 & 10 Geo. 5. c 54.

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(*c*) in default of agreement for the discharge of the consideration money by an annuity, the Commission or the Minister, as the case may be, may, if the consideration money exceeds thirty pounds, on the application of the owner within the meaning of the Tithe Acts of the land, direct that it shall be so discharged;

(*d*) for the references in section four of the Tithe Act, 1918, to interest at the respective rates therein mentioned, there shall be substituted references to interest at such rate as may be determined by an agreement made under the said section or, in default of agreement, by the Commission or the Minister, as the case may be, with the approval of the Treasury.

(2) The Minister may lay before both Houses of Parliament an order prepared by him or by the Commission containing such provisions as he or they in his or their discretion think expedient with a view to the extinguishment of such corn rents, rentcharges or money payments as aforesaid generally or of any of them, and if a resolution approving the order is passed by each House the order shall have effect from such day as the Minister or the Commission, as the case may be, may appoint.

Liabilities to repair chancels, &c.

31.—(1) The provisions of this section shall have effect with respect to liabilities to repair chancels of churches or other ecclesiastical buildings arising from the ownership of—

(*a*) tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act;

(*b*) tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply; or

(*c*) land in which merger or extinguishment of tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply.

2 & 3 Vict. c. 62.

(2) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act,

the Diocesan Authority shall be entitled to receive a part of the stock to be issued in respect of the rentcharge equal in amount to such a sum (in this section and in the Seventh Schedule to this Act referred to as "the sum required for repairs") as may be reasonably sufficient, having regard to the condition of the chancel or building at the appointed day, to provide for the cost of future repairs thereof and to provide a capital sum the income of which will be sufficient to insure it for a sum adequate to reinstate it in the event of its being destroyed by fire:

Provided that where the rentcharge was vested immediately before the appointed day for an interest in fee simple in possession in any of the following corporations or bodies, namely, Queen Anne's Bounty, the Ecclesiastical Commissioners, a spiritual rector of a rectory with cure of souls, an ecclesiastical corporation, or a university or college to which the Universities and College Estates Act, 1925, applies, the foregoing provisions of this subsection shall not have effect, but the corporation or body shall be subject to liability to repair in like manner as if the rentcharge had continued in existence and in the ownership of the corporation or body.

15 & 16 Geo. 5. c. 24.

(3) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply, the land out of which the rentcharge issued immediately before the appointed day and the owner thereof for the time being shall be subject to liability to repair in like manner as if the land had been land to which the provisions of section one of the Tithe Act, 1839, apply.

(4) In respect of liability to repair arising from the ownership of land in which merger or extinguishment of a tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply, the land and the owner thereof for the time being shall be subject to liability to repair in like manner as if this Act had not passed.

(5) The foregoing provisions of this section shall have effect subject to the provisions of Part I of the Seventh Schedule to this Act which relate to the apportionment of liability to repair in certain cases.

(6) Where the Diocesan Authority are entitled to receive under this section a part of the stock to be issued in respect of any rentcharge or rentcharges, one-half of

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PART III. —*cont.*

any expenses appearing to the Commission to have been reasonably incurred by the Authority or by Queen Anne's Bounty in estimating the sum required for repairs shall be made good to them by the issue to them of a further part of that stock equal in amount to the said one-half:

Provided that the Commission may reduce the amount to be so made good, to such extent as they think just and equitable, in a case in which the liability to repair is apportionable as mentioned in Part I of the Seventh Schedule to this Act and a substantial part of such liability is not extinguished.

(7) The provisions of Part II of the Seventh Schedule to this Act shall have effect with respect to procedure and other matters relating to the receipt of stock by the Diocesan Authority under this section.

(8) This section and the Seventh Schedule to this Act shall have effect in relation to a chancel or building in Wales or Monmouthshire subject to the modifications specified in Part III of that Schedule.

(9) In this section and in the Seventh Schedule to this Act the expression "Diocesan Authority" has the meaning assigned to it by the Ecclesiastical Dilapidations Measure, 1923, and that Measure, as amended by the Ecclesiastical Dilapidations (Amendment) Measure, 1929, is referred to as "the Measure."

Furnishing of information by rating authorities.

32.—(1) The rating authority by whom a rate has been made shall, on being requested by the Commission so to do, supply to the Commission any information which is in their possession as to the amount paid or payable on account of the rate so far as assessed on any tithe rentcharge issuing out of land in the area to which the rate applied.

(2) A rating authority shall, on being requested by the Commission so to do, inform the Commission as respects any land in their area whether it was on the first day of April, nineteen hundred and thirty-six, land in respect of which rates were assessable.

Limitation of personal liability of trustees &c. as owners of land.

33. In proceedings taken against any person for the enforcement of a personal liability to pay any sum imposed by this Act on that person as being the owner of land, if he proves that the ownership of the land was vested in him in the capacity of a trustee or personal representative, and that his rights of indemnity are, otherwise than by reason of negligence or default on

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Application to Crown lands, &c.

34. This Act shall apply to tithe rentcharge, to corn rents, rentcharges, and money payments which are liable to redemption under the Tithe Acts, and to land, belonging to any Government department, or belonging to any public officer or body on behalf of His Majesty for government purposes, or belonging to His Majesty in right of the Crown, or of the Duchy of Lancaster or belonging to the Duchy of Cornwall, and in relation to such rentcharge, rent, payment or land this Act binds the Crown and, for the purposes of this Act, the officer or body having the management of any such rentcharge, rent, payment or land shall represent His Majesty.

Ultimate custody of tithe apportionments, collecting lists, &c.

35.—(1) As soon as it appears to the Commission or to the Board that a document placed at their disposal under section six of this Act is no longer required by the Commission or the Board for the purpose of the discharge of their functions under this Act, they shall cause it to be delivered into the custody of the person who but for the provisions of that section would have been entitled to the custody thereof.

(2) Subject to the provisions of section six of this Act, sealed copies made pursuant to the Tithe Acts of instruments of apportionment shall be under the charge and superintendence of the Master of the Rolls, who may direct that any such copy shall be transferred to the Public Record Office, or to any public library or museum or historical or antiquarian society which may be willing to receive it, and if any such copy is transferred to any public library or museum or historical or antiquarian society the governing body thereof shall thereafter have the custody thereof and shall be responsible for the proper preservation thereof.

The Master of the Rolls may make rules for giving effect to this subsection.

Adaptation of references to amount of tithe rentcharge.

36.—(1) Any enactment or instrument whereby the extent of any right or obligation is to be determined by reference to the amount for the time being payable in respect of tithe rentcharge shall, unless the context otherwise requires, have effect in relation to any period after the appointed day as if the amount so payable had been ninety-one pounds eleven shillings and twopence for every hundred pounds of tithe rentcharge, and proportionately greater or lesser amounts for tithe rentcharge of more or less than one hundred pounds.

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(2) In the case of a testamentary instrument executed before the commencement of this Act, a disposition referring to tithe rentcharge shall be construed and have effect in relation to a rentcharge extinguished by this Act as if the reference had included a reference to the stock issued in respect thereof.

Power of Queen Anne's Bounty to make consequential adjustments.

37. For the purpose of making adjustments, consequential upon the extinguishment of tithe rentcharge, Queen Anne's Bounty shall give effect to the provisions of Part II of the Third Schedule, and shall have the powers specified in the Eighth Schedule, to this Act.

General.

Powers for determination of questions in performance of functions under this Act.

38.—(1) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

(*a*) the administration of oaths and the taking of affirmations;

(*b*) the correction of mistakes and errors in awards;

(*c*) the summoning, attendance and examination of witnesses and the production of documents;

(*d*) the cost of proceedings; and

(*e*) the statement in the form of a special case for the decision of the court of any question of law arising in the course of the reference;

shall apply in respect of proceedings before the Commission or the Board for the purposes of this Act and, except as regards costs and the statement of special cases, in respect of references to the Arrears Investigation Committee, and at any inquiry held by the Commission or the Board for the purposes of this Act, but save as aforesaid the said Acts shall not apply to or at any such proceedings, reference or inquiry.

(2) Before making a determination in relation to any matter which they are authorised by this Act to determine, the Commission or the Board, as the case may be, shall give to any person who satisfies them that he is interested in the land or in the compensation to be made in respect of the tithe rentcharge, as the case may be, to which the determination relates an opportunity of making representations, and any person who satisfies the Commission, or the Board, or the Court, as the case

Commission or the Board for the purposes of this Act, but save as aforesaid the said Acts shall not apply to or at any such proceedings, reference or inquiry.

(2) Before making a determination in relation to any matter which they are authorised by this Act to determine, the Commission or the Board, as the case may be, shall give to any person who satisfies them that he is interested in the land or in the compensation to be made in respect of the tithe rentcharge, as the case may be, to which the determination relates an opportunity of making representations, and any person who satisfies the Commission, or the Board, or the court, as the case may be, that he is so interested may apply for the statement in the form of a special case of any question of law arising in relation to the matter.

(3) Subject as aforesaid, a determination of the Commission or of the Board in relation to any matter which they are authorised by this Act to determine shall be binding and conclusive for all purposes.

(4) The Commission, the Board and the Arrears Investigation Committee shall cause proper records to be kept of determinations and directions made or given by them respectively, and any entry in any book or other document kept for the purposes of this subsection, or a copy thereof upon which is endorsed a certificate purporting to be signed by an officer of the Commission, or of the Board, or by a person authorised in that behalf by the Committee, as the case may be, stating that the copy is a true copy, shall in all legal proceedings be evidence of the entry and of the determination or direction referred to and of the regularity thereof.

Exercise by the Commission of certain powers conferred by the Tithe Acts. 10 & 11 Vict. c. 104. 23 & 24 Vict. c. 93.

40.—(1) The powers conferred by section three of the Tithe Act, 1847 (which relates to the correction of instruments of apportionment), and of section thirty-four of the Tithe Act, 1860 (which relates to the determination of the parish in respect of which a tithe rentcharge ought to have been charged where land has been made chargeable in more than one parish), shall be exercisable by the Commission either before or after the appointed day, and in relation to a tithe rentcharge or to land in respect of which any of the said powers is exercised by the Commission after the appointed day this Act shall have effect as if the correction or determination,

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PART III. —*cont.*

as the case may be, had been made immediately before the appointed day.

(2) The powers conferred by section twenty-six of the Tithe Act, 1860 (which relates to the detachment of maps from instruments of apportionment), shall be exercisable by the Commission either before or after the appointed day.

Power to enter and inspect land.

41. Any person authorised in writing by the Commission or the Board for the purpose shall have a right, on production of his authority, to enter on and inspect at all reasonable times any land for the purpose of obtaining any information required by them for the discharge of their functions under this Act.

Service and proof of documents.

42.—(1) Any notice or other document required or authorised to be served under this Act may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last known place of abode of that person; or

(*c*) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(*d*) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) In relation to any document issued by or under the authority of any Government department for the purposes of this Act, the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall have effect as if the Commission and the Board were included in the first column of the Schedule to the first-mentioned Act, and any person authorised to act on behalf of the Commission or the Board, as the case may be, were mentioned in the second column of that Schedule, and the regulations referred to in those Acts included any such document as aforesaid.

evidence as of equal validity with the register or map, without proof of the handwriting or official position of the person purporting to sign the certificate.

Treasury authorisation.

43. A consent, approval or direction, required to be given by the Treasury for the purposes of this Act, may be given either generally for any class of case or for any particular transaction.

Commission's reports to Parliament.

44. The Commission shall cause a report of their proceedings to be laid before both Houses of Parliament at the expiration of seven years from the commencement of this Act, and thereafter at the expiration of each period of two years until the date on which all matters with respect to which they have jurisdiction under this Act have been settled, and also as soon as may be after that date.

Consequential amendment.

45. In subsection (3) of section one of the Tithe (Administration of Trusts) Measure, 1928, there shall be substituted for the words "through a committee for a collection area constituted under section ten of the Tithe Act, 1925," the words "by Queen Anne's Bounty."

Interpretation.

46.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"agricultural land" means agricultural land as defined in section two of the Rating and Valuation (Apportionment) Act, 1928, and buildings (including dwelling-houses) occupied together with such land and used primarily in connection with agricultural operations thereon; 18 & 19 Geo. 5. c. 44.

"annuity" means a redemption annuity charged by section three of this Act or a substituted annuity, and "substituted annuity" has the meaning assigned to it by section ten of this Act;

"annuities register" and "annuities map" mean respectively a register and a map sealed under section nine of this Act;

"appropriate authority" means, in relation to an annuity under the management of the Commission, the Commission, and, in relation to an annuity under the management of the Board, the Board;

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PART III. —*cont.*

"arrears" has the meaning assigned to it by section twenty of this Act;

"benefice" includes all rectories with cure of souls, vicarages, perpetual curacies, endowed public chapels and parochial chapelries, and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel, and districts formed for ecclesiastical purposes by virtue of statutory authority, and includes benefices in the patronage of the Crown or of the Duchy of Cornwall;

"contingent rentcharge" means tithe rentcharge issuing out of lands exempted by virtue of section seventy-one of the Tithe Act, 1836, from the payment thereof whilst in the occupation of the owner of the lands or otherwise subject to special incidents;

6 & 7 Will. 4. c. 71.

"district" means the parish or other district treated as a separate district for the commutation of tithes under the Tithe Act, 1836;

"ecclesiastical corporation" has the meaning assigned to it by the Episcopal and Capitular Estates Act, 1851;

14 & 15 Vict. c. 104.

"ecclesiastical tithe rentcharge" means tithe rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, or which became attached to a benefice or to an ecclesiastical corporation for an interest in fee simple in possession after the appointed day for the purposes of that Act, or which is at the commencement of this Act and immediately before the appointed day vested in fee simple in possession in the Ecclesiastical Commissioners;

"extraordinary tithe rentcharge" means a rentcharge payable under the Extraordinary Tithes Acts, 1886 and 1897;

"interest date" and "payment date" mean the first day of April and the first day of October;

"instrument of apportionment" means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts, and includes a certificate

immediately before the appointed day vested in fee simple in possession in the Ecclesiastical Commissioners;

"extraordinary tithe rentcharge" means a rentcharge payable under the Extraordinary Tithes Acts, 1886 and 1897;

"interest date" and "payment date" mean the first day of April and the first day of October;

"instrument of apportionment" means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts, and includes a certificate of capital value sealed under the Extraordinary Tithes Acts, 1886 and 1897, and a map annexed to any such instrument or certificate or detached therefrom under section twenty-six of the Tithe Act, 1860;

"lay tithe rentcharge" means any tithe rentcharge other than ecclesiastical tithe rentcharge;

"prescribed" means prescribed by rules made by the Commission, or, in relation to annuities under the management of the Board, the Board;

"present value" means, in relation to a payment made or sum issued on any date, the value of that payment or sum at the first day of October, nineteen hundred and thirty-six, as determined by the Treasury on the basis of interest at three per cent. per annum;

"re-apportioned rentcharge" means a tithe rentcharge which has been re-apportioned by the authority for the time being exercising jurisdiction in that behalf under the Tithe Acts, or which has, before the first day of April, nineteen hundred and thirty-three, been re-apportioned, as between lands identified by numbers in an instrument of apportionment, by the owners of the rentcharge and of the lands and has been recovered on the basis of such re-apportionment;

"stock" means redemption stock;

"Tithe Acts" means the Tithe Acts, 1836 to 1925;

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PART III. —*cont.*

"tithe rentcharge" means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a rentcharge into which a corn rent was converted under those Acts, and also (except in such portions of this Act as do not have effect in relation to extraordinary tithe rentcharge) extraordinary tithe rentcharge, but does not include a rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common.

(2) In this Act, unless the context otherwise requires, in relation to a re-apportioned rentcharge, references to a tithe rentcharge shall be construed as references to each of the rentcharges resulting from the re-apportionment, and references to the land out of which a tithe rentcharge issued shall be construed as references to the lands respectively on which those rentcharges were re-apportioned.

(3) References in this Act to the amount of a tithe rentcharge shall be construed as references to the apportioned or par amount thereof.

(4) In calculating for the purposes of this Act the amount of any stock, of any annuity, of any instalment of an annuity, or of any sum payable on account of tithe rentcharge, fractions of a penny less than a halfpenny shall be disregarded, and fractions of a penny amounting to a halfpenny or more shall be treated as a whole penny.

Short title, construction, extent and repeal.

48.—(1) This Act may be cited as the Tithe Act, 1936, and shall be construed with the Tithe Acts, 1836 to 1925, and those Acts and this Act may be cited together as the Tithe Acts, 1836 to 1936.

(2) This Act shall extend to England and Wales only.

(3) The Acts mentioned in the Ninth Schedule to this Act shall be repealed as from the appointed day to the extent specified in the third column of that Schedule, except as regards any tithe rentcharge not extinguished by this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PART I.

DEDUCTIONS FROM GROSS ANNUAL VALUE OF A TITHE RENTCHARGE FOR DETERMINATION OF AMOUNT OF COMPENSATION.

For the purpose of determining the amount of stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge, the following deductions shall be made from the gross annual value thereof, that is to say :—

1. In respect of the cost of collection and management, a sum equal to one twentieth of the gross annual value of the rentcharge.

2. In respect of land tax, a sum equal to the average of the amounts which would have been payable on account of that tax for the years ending on the twenty-fourth day of March, nineteen hundred and thirty-four, thirty-five and thirty-six (due regard being had to any exemption or abatement under section twelve of the Finance Act, 1898, as amended by any subsequent enactment), if the sum payable in respect of the rentcharge in each of those years had been equal to the gross annual value of the rentcharge:

Provided that no deduction shall be made under this paragraph in the case of a rentcharge if the land tax in respect thereof was redeemed before the twenty-sixth day of February, nineteen hundred and thirty-six.

3. In respect of rates, subject to the provisions of paragraphs 4 and 5 of this Part :—

(*a*) in the case of a rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to a benefice, a sum equal to one twenty-first part of the gross annual value of the rentcharge;

(*b*) in the case of a rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to an ecclesiastical corporation, a sum bearing the same proportion to the gross annual value of the rentcharge as the sum of sixteen pounds bears to the sum of one hundred and five pounds;

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1ST SCH. —*cont.*

(*c*) in the case of any other rentcharge a sum to be calculated in the following manner, that is to say, the Commission shall ascertain as regards each of the three years ending on the thirty-first day of March, nineteen hundred and thirty-four, thirty-five and thirty-six—

(i) the poundage rate at which general rates were levied;

(ii) the poundage rate at which any rates, in respect of which tithe rentcharge was rated on a proportion only of its rateable value, were levied; and

(iii) particulars of deductions from net annual value in arriving at rateable value;

and the Commission shall thereupon calculate the average annual rate of poundage at which the rentcharge was assessable to rates during those three years, any liability to pay on a proportion only of the rateable value and any deduction in arriving at the rateable value being treated as a corresponding reduction of poundage in respect of that rate, and the amount to be deducted under this paragraph shall be the sum which would have been levied as rates had such average annual rate of poundage been applied to the reduced rateable value of the rentcharge, and for the purposes of this sub-paragraph the expression "reduced rateable value" means, in relation to a rentcharge, a sum ascertained by deducting from nineteen-twentieths of the gross annual value thereof the following fraction of such nineteen-twentieths, that is to say, the ascertained average rate of poundage in shillings over that ascertained average rate plus twenty shillings.

4. In the case of a rentcharge created in lieu of any corn rent or like payment which was free from rates, or a rentcharge which was otherwise free from rates, no deduction shall be made in respect of rates, and, subject to the provisions of paragraph 5 of this Part, in a case in which the owner of a rentcharge was liable during the three years aforesaid to be charged only a proportion of any rate, the deduction in respect of rates shall be that proportion of the sum calculated in accordance with the provisions of the last foregoing paragraph.

5. In the case of a rentcharge which was subject to a lease, or was held in trust for persons entitled in undivided shares, immediately before the appointed day, or which was vested for an interest less than a fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, the deduction in respect of rates shall be such amount, calculated by reference to sub-paragraph (*c*)

of paragraph 3 of this Part, as the Commission may determine to be just having regard to the circumstances.

6. In respect of losses in collection, of remissions, and of the benefit resulting in relation to security of income from the replacement of the rentcharge by stock, a sum equal to one-twentieth of the amount of the rentcharge.

PART II.

MODIFICATIONS TO BE MADE IN CERTAIN CASES IN DETERMINING AMOUNT OF COMPENSATION.

1. In the case of a tithe rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, the amount of stock to be issued for compensation as ascertained apart from this provision shall be reduced by an amount equal to the value at the appointed day, as estimated by the Treasury, of the sums accumulated in respect of the rentcharge in the sinking fund established under that Act (including any sum carried to the sinking fund after the appointed day) or, if any payment into the sinking fund has been postponed under proviso (ii) to subsection (1) of section five of that Act, of the sums which would have been so accumulated if there had been no such postponement, due account being taken of any increased payment prescribed under that proviso.

2. In the case of a contingent tithe rentcharge, the amount of stock to be issued for compensation shall be an amount ascertained, so far as the special incidents to which the rentcharge was subject permit, in like manner as if the rentcharge had not been a contingent rentcharge, but reduced by such an amount as appears to the Commission to be just having regard to those incidents.

3. In the case of a tithe rentcharge created in lieu of a corn rent or like payment which was free from income tax, the amount of stock to be issued for compensation as ascertained apart from this provision shall be increased by such an amount as appears to the Commission to be just having regard to the fact that the rentcharge was so free.

SECOND SCHEDULE.

Section 4.

CONSTITUTION, PROCEDURE, STAFF AND EXPENSES OF THE COMMISSION.

1. The Treasury shall have power to remove a member of the Commission from his office if he has in their opinion become incapable or unfitted to perform his functions under this Act, and, in the event of any vacancy occurring among the commissioners for the time being by death, resignation or removal,

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the Treasury, after consultation with the Minister, may appoint a person to fill the vacancy.

2. If any commissioner becomes temporarily incapable to perform his functions under this Act, the Treasury, after consultation with the Minister, may appoint some other person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the commissioner in whose place he is appointed.

3. The Commission may act notwithstanding any vacancy in their number.

4. A member of the Commons House of Parliament shall be disqualified for being appointed or being a commissioner and for being appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner.

5. The Commission shall have an official seal, which shall be officially and judicially noticed.

6. The functions of the Commission, and of the officers and servants of the Commission, shall be exercised on behalf of the Crown.

7. The Commission may hold such inquiries as appear to them to be necessary or desirable for the purpose of the proper discharge of their functions.

Before holding any such inquiry the Commission shall give such notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held.

8. The Commission may sue and be sued, and may for all purposes be described, by the name of "the Tithe Redemption Commission."

9. The Commission may authorise, subject to such limitations or restrictions as they may determine, a committee appointed by them, or any person appointed by them for the purpose, to exercise in the name and on behalf of the Commission any of the Commission's powers or to perform or discharge on their behalf any duty or liability of the Commission.

10. Subject to the foregoing provisions of this Schedule the Commission shall have power to make rules regulating the procedure of the Commission and the procedure at any inquiry under this Schedule.

11. The Commission may appoint such secretaries and other officers, and such servants, as the Commission may, with the consent of the Treasury, determine.

12. There shall be paid to the commissioners and to any person appointed under paragraph 2 of this Schedule to discharge

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2ND SCH. —*cont.*

12. There shall be paid to the commissioners, and to any person appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner and to any such secretaries, officers and servants as aforesaid, such remuneration as, in the case of the commissioners and of any person appointed as aforesaid, the Treasury, or, in the case of any other person, the Commission with the approval of the Treasury, may determine.

THIRD SCHEDULE.

Sections 7, 38.

PART I.

PERSONS TO WHOM STOCK IS TO BE ISSUED.

Stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge shall be issued in the following cases to the following persons, that is to say:—

1. In the case of a rentcharge which immediately before its extinguishment was vested in a person of full age absolutely entitled thereto for his own benefit free from incumbrances, the stock shall be issued to him or his personal representative or assigns.

2. In the case of a rentcharge which was then vested in Queen Anne's Bounty or attached to a benefice or to an ecclesiastical corporation, the stock shall be issued to Queen Anne's Bounty.

3. In the case of a rentcharge which was then vested in the Ecclesiastical Commissioners or in the Commissioners of Church Temporalities in Wales, the stock shall be issued to the Commissioners in whom the rentcharge was vested.

4. In the case of a rentcharge which was then vested in a University or College to which the Universities and College Estates Act, 1925, applies, the stock shall be issued at the option of the University or College either to the Minister or to trustees appointed by the Minister.

5. In the case of a rentcharge which was then so vested that the legal estate in fee simple therein could then have been sold and conveyed to the purchaser under the powers conferred by the Settled Land Act, 1925, or any additional powers conferred by a settlement, or by trustees for sale, or by a mortgagee or personal representative in the exercise of his paramount powers, in such manner as to overreach all equitable interests, and powers, and to extinguish any other legal estate subsisting therein, the stock shall be issued to the person to whom the purchase money arising on such a sale would have been payable.

6. In any other case, and also in any such case as aforesaid if the Commission consider it expedient in order to avoid

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3RD SCH. —*cont.*

expense or delay or for any special reason, the stock shall be issued, according as the Commission may determine, either—

(*a*) to the proper officer of the Supreme Court or, in a case where the amount of the stock does not exceed five hundred pounds, of the county court, in accordance with rules of court, or

(*b*) to trustees appointed by the Commission.

PART II.

PROVISIONS AS TO STOCK TO BE ISSUED TO QUEEN ANNE'S BOUNTY.

1. Stock issued to Queen Anne's Bounty in respect of tithe rentcharges which immediately before their extinguishment were vested in Queen Anne's Bounty for an interest in fee simple in possession and held on account of a benefice, or were attached to a benefice for such an interest, together with any securities representing sums carried or to be carried to the sinking fund in relation to any such rentcharges under section five of the Tithe Act, 1925, shall be held by Queen Anne's Bounty on their general corporate account, with the same powers of sale and reinvestment as if the stock or securities had been purchased by them out of moneys standing to the credit of that account, and no part of such stock or securities shall be appropriated to, or be at the individual risk of, any particular benefice.

2. Queen Anne's Bounty shall, subject to the provisions of paragraph 1 of the Eighth Schedule to this Act, appropriate to each benefice concerned a sum of money equal to the aggregate of—

(*a*) the amount of the stock issued to Queen Anne's Bounty in respect of such of the rentcharges aforesaid as were held on account of or attached to that benefice; and

(*b*) the value, as estimated by Queen Anne's Bounty, of such of the securities aforesaid as are held on account of that benefice.

3. The sum appropriated to a benefice under the provisions of the last foregoing paragraph, together with any securities representing investments of sums received for redemption or merger which are held on account of that benefice under the proviso to subsection (2) of section six of the Tithe Act, 1925, shall be applied and disposed of by Queen Anne's Bounty as money or securities in their hands appropriated for the augmentation of the benefice should by law and under the rules of Queen Anne's Bounty be applied and disposed of.

4.—(1) Where any such rentcharge as aforesaid was immediately before its extinguishment charged with an annual money payment, the charge shall pass to the sum appropriated as aforesaid to the benefice:

Provided that, where any such charge is vested in the holder of any ecclesiastical office, Queen Anne's Bounty shall have power by Order to abate it either permanently or for such term as they may direct, if in their discretion they are satisfied that such abatement is desirable.

(2) Queen Anne's Bounty shall have the like powers to abate any charge, being a charge so vested as aforesaid, on the general revenues of a benefice in cases in which the general revenues included income derived from tithe rentcharge extinguished by this Act.

FOURTH SCHEDULE.

Section 14.

CERTIFICATION OF ANNUAL VALUE OF LAND IN AGRICULTURAL HOLDING.

1. In this Schedule the expression "charged land" means all land comprised in an agricultural holding exclusive of any part thereof in respect of which no annuity is charged.

2. If the owner of any charged land makes before the first day of March in any year to the surveyor of taxes for the parish in which the land is assessed or situate an application in the prescribed form for a certificate of the annual value of the charged land for the period of twelve months ending on the fifth day of April in that year, the surveyor shall—

(*a*) if the charged land is land assessed for income tax purposes under Schedule B by reference to annual value for that period apart from other land, furnish to the owner and, if the annuity or annuities is or are under the management of the Commission, to the Commission, a statement in writing of the annual value as ascertained for the purposes of assessment;

(*b*) if the charged land is so assessed for that period together with other land, apportion the annual value in the assessment between the charged land and the other land and furnish as aforesaid a statement in writing of the annual value as ascertained for the purposes of the assessment and of the apportioned amounts;

(*c*) if the charged land is not so assessed for that period, estimate what, if it had been so assessed for that period apart from other land, would have been the annual value as ascertained for the purposes of the assessment and furnish as aforesaid a statement in writing of his estimate.

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4TH SCH. —*cont.*

3. The annual value of charged land for the period in respect of which an application is made as aforesaid shall be taken to be the amount specified in a statement furnished under sub-paragraph (*a*) or (*c*) of the last foregoing paragraph or the amount specified as apportioned to the charged land in a statement furnished under sub-paragraph (*b*) thereof, as the case may be:

Provided that, if the owner or, in a case where the annuity or annuities is or are under the management of the Commission, the Commission, is or are dissatisfied with the correctness of a statement furnished by the surveyor of annual value as ascertained for the purposes of an assessment, or with an apportionment or estimate made by the surveyor, the owner, or the Commission, as the case may be, may within one month from the date on which the statement of the surveyor is furnished to him or them, appeal to the general commissioners of income tax for the division in which the charged land is assessed or situate, and the said annual value shall be taken to be such amount as, in the case of a statement furnished under sub-paragraph (*a*), may be found by those commissioners to be the value which ought to have been specified therein, or, in the case of a statement furnished under sub-paragraph (*b*) or (*c*), may be determined by those commissioners, after due notice to and hearing the parties or their agents and the surveyor if any of them wishes to be heard.

4. Immediately after the expiration of the said period of one month, or, if an appeal is made, after the said annual value has been found or determined by the general commissioners, the surveyor or the general commissioners, as the case may be, shall issue to the owner by whom the application was made a certificate specifying the annual value which is by virtue of the last foregoing paragraph to be taken as the annual value of the charged land for the period to which the application relates.

Section 25.

FIFTH SCHEDULE.

ISSUE AND DISTRIBUTION OF SUMS BY WAY OF CONTRIBUTION IN RESPECT OF DIMINUTION OF INCOME OF RATING AUTHORITIES.

Amounts and mode of distribution between rating authorities.

1. Subject to the provisions of paragraph (*e*) of subsection (4) of section twenty-five of this Act and of this Schedule, the Treasury shall issue from the Redemption Annuities Account to

the Minister of Health the following sums in respect of the following periods, that is to say :—

(*a*) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a sum (in this paragraph referred to as the "standard grant") equal to ninety-two hundredths of the aggregate, as ascertained and certified by the Minister of Health, of the diminution of rate income of all rating authorities in England and Wales;

(*b*) in respect of each subsequent period of twelve months, a sum less than the sum to be issued in respect of the last preceding period under the provisions of the last foregoing sub-paragraph or of this sub-paragraph, as the case may be, by an amount equal to a fraction of the standard grant ascertained in accordance with the provisions of paragraph 2 of this Schedule;

(*c*) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a further sum equal to eight-hundredths of the aggregate aforesaid, and a like further sum in respect of the next subsequent period of twelve months;

(*d*) in respect of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, such amount as may be estimated by the Minister of Health to represent the loss of income sustained by all rating authorities arising from the operation of sub-section (1) or (2) of section twenty-three of this Act.

2.—(1) The fraction referred to in sub-paragraph (*b*) of the foregoing paragraph shall, if the ninety-two hundredths certified under sub-paragraph (*a*) thereof is the sum of eight hundred and sixty-five thousand pounds, be one and a half hundredths.

(2) If the said ninety-two hundredths is more or less than the said sum, the fraction referred to in sub-paragraph (*b*) of the foregoing paragraph shall be such fraction as the Minister of Health may from time to time determine, so, however, that the fraction shall be calculated so as to secure that the issues made under the said sub-paragraph (*b*) amount in the aggregate to not less, and are made within a period not longer, than if sub-paragraph (1) of this paragraph had had effect.

3. Subject to the provisions of this Schedule, the sums to be issued thereunder in respect of any period shall be distributed amongst rating authorities in accordance with directions to be given by the Minister of Health, after consultation with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

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5TH SCH. —*cont.*

4. The directions given by the Minister of Health under the last foregoing paragraph may provide that any sum which would otherwise have been payable under the directions to a rating authority in respect of any period shall not be paid—

(*a*) in the case of a period after the thirtieth day of September, nineteen hundred and thirty-six, if the sum which would have been payable is less than ten pounds or is less than one-half of one-hundredth of the gross rate income of the authority for the financial year next before that in which that period began;

(*b*) in the case of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, if the diminution of rate income of the authority was less than ten pounds or less than one-half of one-hundredth of the gross rate income of the authority for the standard year.

5. The Minister of Health may direct that there shall be applicable, in such manner as he may determine, towards making payments to rating authorities appearing to him, in view of special circumstances arising from the operation of this Act, to be in need of assistance—

(*a*) any sums which would otherwise be payable to a rating authority in respect of any period but which are not so payable by virtue of a direction given under the last foregoing paragraph; and

(*b*) if the said ninety-two hundredths is less than the sum of eight hundred and sixty-five thousand pounds, any sums by which the issues that would have been made under paragraph 1 of this Schedule if sub-paragraph (1) of paragraph 2 thereof had had effect exceed the issues made under paragraph 1 thereof.

6.—(1) The Minister of Health may request the Treasury to deduct from any issue which but for this provision they would have made in respect of any period an amount equal to any sums which might have been applied in respect of that period under sub-paragraph (*a*) of the last foregoing paragraph but which he determines ought not to be so applied, and the Treasury shall give effect to any such request and shall on the request of the Minister of Health issue an amount equal to the whole or any part of any deductions made under this sub-paragraph and not theretofore issued as an addition to any issue to be made in respect of any subsequent period.

(2) The Treasury shall on the request of the Minister of Health issue an amount equal to any sums which he determines ought to be applied in respect of any period under sub-paragraph (*b*) of the last foregoing paragraph as an addition to the issue to be made in respect of that period.

Application by rating authorities of sums distributed.

7. The Minister of Health shall give directions for securing that the sums payable to a rating authority for a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited, as to such part thereof as may be fixed by the directions, in aid of the general rate for such period as may be fixed by the directions, and, as to the balance thereof, in aid of the special rates for such period as aforesaid levied in the several parts of the area in which special rates assessed on tithe rentcharge were levied in the standard year, in proportion to the amount of special rates assessed on tithe rentcharge issuing out of land in those parts respectively and collected in respect of the standard year :

Provided that—

(*a*) the Minister of Health may, if satisfied by the authority to whom any such sum is payable that the whole or a greater part thereof than is fixed by the directions ought to be credited in aid of the general rate, authorise them so to credit the whole or such part thereof as appears to him to be proper in the circumstances; and

(*b*) a rating authority shall have power in their discretion to credit the balance of any such sum which is to be credited in aid of special rates otherwise than in such proportion as aforesaid.

8. Sums payable to a rating authority for an area other than a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited in aid of the general rate :

Provided that in the case of an area which was divided for rating purposes in the standard year the said sums shall be credited in aid of so much of the general rate as is levied in each specially rated area in such proportions as appear to the Minister of Health to be proper having regard to the diminution of rate income in those areas respectively and to any representations made to the Minister of Health by the authority.

9. The sum to be credited in aid of any rate under this Schedule shall be taken into account for the purpose of ascertaining the proceeds of that rate, for whatever purpose such ascertainment is required.

General.

10. For the purpose of enabling the Minister of Health to make any estimate for the purposes of this Schedule, rating authorities shall comply with any directions given by him as to entries in rate books or other documents, returns or records to be made or kept by them.

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5TH SCH. —*cont.*

11. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—

"diminution of rate income" means, in relation to any rating authority, an amount equal to the aggregate as estimated by the Minister of Health of the sums realised by the collection by the authority of rates assessed on tithe rentcharge in respect of the standard year;

"gross rate income" means such income as calculated in accordance with rules made under section nine of the Rating and Valuation Act, 1925;

"rating authority" means a rating authority within the meaning of the Rating and Valuation (Apportionment) Act, 1928;

"standard year" means the financial year beginning on the first day of April, nineteen hundred and thirty-five.

Section 30.

SIXTH SCHEDULE.

METHOD OF ASCERTAINMENT OF COMPENSATION FOR REDEMPTION OF CORN RENTS, &C.

The compensation for the redemption of a corn rent, rentcharge or money payment to which section thirty of this Act applies (in this Schedule referred to as a "rent") shall be such sum as, in the opinion of the Minister, is sufficient, after payment of the cost of investment, to produce, when invested in Government securities, a permanent annuity equal to the net annual value of the rent as hereinafter defined.

The net annual value of a rent shall be determined by the Minister as follows:—

1. The value of the rent as expressed in the Act or award by which it was created, or in any instrument by which it has been apportioned after the coming into operation of that Act or award (hereinafter referred to as the "award value") shall, unless the award value is a fixed amount not subject to variation, be increased or reduced to such sum as, in the opinion of the Minister, would have been the award value if that value had been based on the average price, as determined by the Minister, for the twenty-five years immediately before the date of the application for redemption, of the commodity or commodities by reference to the price of which the award value was subject to variation.

2. From the award value as so fixed, increased or reduced, as the case may be, there shall be deducted a sum equal to one-twentieth of that value in respect of the cost of collection and management, and a sum equal to the average amount per annum, if any, which was paid or payable by the owner of the rent in respect of rates and land tax during the three years immediately before the last mentioned date or, in a case where the award value is increased or reduced, would have been so paid or payable if the annual collectable value of the rent during those years had been equal to the award value as increased or reduced :

Provided that no deduction in respect of cost of collection and management shall be made in a case in which the consideration money for the redemption is to be discharged by an annuity.

3. The net sum remaining after the said deductions have been made shall be deemed to be the net annual value of the rent for the purposes of this Schedule.

SEVENTH SCHEDULE.

Section 31.

LIABILITIES TO REPAIR CHANCELS, &C.

PART I.

APPORTIONMENT OF LIABILITY.

1. The Commission shall ascertain in relation to every chancel or other ecclesiastical building for the repair of which liability attached to the ownership of tithe rentcharge agreed or awarded on the original commutation of tithes under the Tithe Acts—

(*a*) the rentcharges in respect of which such liability attached and the aggregate amount of those rentcharges;

(*b*) which, if any, of those rentcharges was or were redeemed under the Tithe Acts or ceased before the appointed day to be subject to such liability, and the amount, or the aggregate amount, as the case may be, of any such rentcharges; and

(*c*) the identity and the aggregate amount (in this Part referred to as " the apportionable amount of rentcharge liability ") of the residue of those rentcharges.

2. Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or

A.D. 1936.

7TH SCH. —*cont.*

more rentcharges, they shall ascertain the amount of each of those rentcharges which—

(*a*) was a rentcharge in respect of which stock is to be issued under this Act and which was not so vested as to fall within the next succeeding sub-paragraph;

(*b*) was a rentcharge in respect of which stock is to be issued under this Act and which was vested immediately before the appointed day for an interest in fee simple in possession in any of the corporations or bodies mentioned in the proviso to subsection (2) of section thirty-one of this Act;

(*c*) was so vested between the twenty-sixth day of February, nineteen hundred and thirty-six, and the appointed day as to render the provisions of section twenty-one of this Act applicable thereto; or

(*d*) was merged or extinguished under the Tithe Acts in land to which the provisions of section one of the Tithe Act, 1839, apply;

and shall ascertain, as respects each of those rentcharges, the proportion (in this Part referred to in relation to that rentcharge as "the appropriate proportion") which the amount thereof bears to the apportionable amount of rentcharge liability.

3. Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, then—

(*a*) the part of the stock to be received by the Diocesan Authority in respect of any of those rentcharges shall be calculated on the basis of the substitution in subsection (2) of section thirty-one of this Act for the reference to the sum required for repairs of a reference to the appropriate proportion of that sum; and

(*b*) any such liability to repair related to any of those rentcharges as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, shall be limited to the appropriate proportion of the cost of putting the chancel or building in proper repair.

4. References in the Chancel Repairs Act, 1932, to the cost of putting a chancel in repair shall, in relation to a liability limited under this Schedule to a proportion of such cost, be construed as references to that proportion of such cost.

5. Nothing in this Act shall prejudice the right of any person against whom proceedings are taken to enforce any such liability to repair related to any rentcharge as is mentioned in the proviso

to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, to put in issue the question whether liability to repair attached to that rentcharge on the original commutation of tithes under the Tithe Acts or continued thereafter.

PART II.

PROCEDURE AS TO RECEIPT OF STOCK BY DIOCESAN AUTHORITY, &C.

1. As soon as may be after particulars of a tithe rentcharge have been transmitted to the Commission under section five of this Act or they have ascertained particulars of a tithe rentcharge, if it appears to them that it was a rentcharge in respect of which stock is to be issued under this Act and that the Diocesan Authority are entitled to receive a part of that stock, they shall give notice in writing to Queen Anne's Bounty of the name and address of the person by whom the particulars were submitted, or of the person appearing to them to be entitled for the time being to the interest on the stock to be issued in respect of the rentcharge, as the case may be.

2. Within two months from the service of the Commission's notice the Diocesan Authority shall serve on the person therein named notice in writing specifying the amount claimed by them to represent the sum required for repairs and in default of their so doing within that period, or within such extended period as the Commission may in special circumstances allow on application being made to them in that behalf, the right of the Diocesan Authority to receive a part of the stock to be issued in respect of the rentcharge shall be forfeited.

3. In the case of a chancel or building in England, other than Monmouthshire, the amount to be specified as aforesaid shall be the amount for which the liability to repair could have been compounded under section fifty-two of the Measure if the rentcharge had not been extinguished, and the Diocesan Authority shall cause that amount to be determined in accordance, so far as circumstances permit, with subsections (2) and (3) of that section.

4. Where a notice has been served as aforesaid by the Diocesan Authority, any person interested in the stock to be issued in respect of the rentcharge may, by notice in writing served on the Authority within twenty-eight days from the service of the Authority's notice, require the question whether the sum specified therein is more than such as is reasonably sufficient to be referred to the arbitration of a person to be determined by agreement between the parties or, in case of difference, by the Commission, and the sum required for repairs shall be taken to be

A.D. 1936. either the sum specified in the Authority's notice or, where arbitration has been duly required, such sum as may be fixed in the arbitration proceedings.

7TH SCH. —*cont.*

5. Stock issued to the Diocesan Authority by virtue of the provisions of section thirty-one of this Act shall be held and disposed of for the purposes and in the manner for and in which an investment of a sum paid in compounding a liability for repairs is to be held and disposed of under the Measure.

PART III.

MODIFICATIONS AS TO WALES AND MONMOUTHSHIRE.

1. For references to the Diocesan Authority or to Queen Anne's Bounty there shall be substituted references to the Representative Body incorporated under section thirteen of the Welsh Church Act, 1914.

2. Paragraph 5 of Part II of this Schedule shall not apply to stock issued to the Representative Body, but such stock shall be held and disposed of according to the directions of the Governing Body of the Church in Wales.

Section 37.

EIGHTH SCHEDULE.

POWERS OF QUEEN ANNE'S BOUNTY.

1. Power to make to persons entitled on the appointed day to receive the emoluments of benefices payments sufficient to make good any decrease occasioned by the provisions of this Act of their receipts in respect of the emoluments to which they were respectively then entitled, so long as they respectively remain entitled to receive those emoluments or any part thereof, and for that purpose to withhold from the appropriations to be made to benefices under Part II of the Third Schedule to this Act such amounts as, together with the amounts to be issued to Queen Anne's Bounty under section twenty-five of this Act or such part thereof as Queen Anne's Bounty may think fit to apply for that purpose, may be required as one common fund for making such payments.

2. Power to make to persons entitled on the appointed day to receive the emoluments, or to receive emoluments as members, of ecclesiastical corporations payments sufficient to make good any such decrease as aforesaid, and for the purpose of having available in relation to each corporation such amounts, calculated by reference to the value of the interests of those persons in

those emoluments, as may be required for making such payments, to apply—

(*a*) such part of the amount or amounts to be issued to Queen Anne's Bounty under paragraph (*g*) of subsection (4) of section twenty-five of this Act as they estimate to have been so issued in respect of tithe rentcharges held by them on account of the corporation; and

(*b*) so much as may be necessary of the stock issued to Queen Anne's Bounty under paragraph 2 of Part I of the Third Schedule to this Act and held by them in trust for the corporation absolutely.

3. Power, in the case of any tithe rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to an ecclesiastical corporation, to hold and dispose of any securities representing sums carried or to be carried to the sinking fund in relation to the rentcharge under section five of that Act, together with any securities representing investments of sums received for redemption or merger which are held on account of that corporation under the proviso to subsection (2) of section six of that Act, for the like purposes as if the securities had been stock issued to Queen Anne's Bounty under paragraph 2 of Part I of the Third Schedule to this Act in respect of the extinguishment of the rentcharge.

4. Power to provide on such terms as Queen Anne's Bounty think fit for the winding up—

(*a*) of committees constituted under subsection (2) of section ten of the Tithe Act, 1925, and of the accounts of such committees; and

(*b*) of the accounts of incumbents appointed under subsection (1) of the said section ten to act as agents of Queen Anne's Bounty for the collection of rentcharges.

5. Power to provide on such terms as Queen Anne's Bounty think fit for the recoupment out of the emoluments of the benefices concerned of advances made by Queen Anne's Bounty under paragraph 6 of the First Schedule to the Tithe Act, 1925, for the purpose of meeting expenses of collection of rentcharges.

6. Power to provide on such terms as Queen Anne's Bounty think fit for the making out of the revenues of benefices of such deductions as are specified in subsection (2) of section three of the Tithe (Administration of Trusts) Measure, 1928, and of any other deductions which Queen Anne's Bounty would have had power to make out of such revenues, so far as derived from tithe rentcharge, if this Act had not passed.

A.D. 1936.

8TH SCH. —*cont.*

7. Power to provide on such terms as Queen Anne's Bounty think fit for the adjustment of accounts as between Queen Anne's Bounty on the one hand, and incumbents of benefices and ecclesiastical corporations on the other hand, in respect of—

(*a*) deficiencies in arrears received by Queen Anne's Bounty; or

(*b*) deficiencies arising by reason of any postponement, under proviso (ii) to subsection (1) of section five of the Tithe Act, 1925, of payments into a sinking fund established under that Act in respect of a tithe rentcharge vested in Queen Anne's Bounty.

8. Power at any time, and during any incumbency of the benefice concerned, to extend within the limits prescribed by law the term of repayment of any loan advanced by Queen Anne's Bounty for the purposes of—

(*a*) the Loans (Incumbents of Benefices) Amendment Act, 1918, and the Acts to be construed therewith; or

(*b*) the Ecclesiastical Dilapidations Measures, 1923 to 1929;

where the revenues of the benefice charged with the loan were immediately before the appointed day derived wholly or in part from tithe rentcharge.

Section 48.

NINTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 71.	The Tithe Act, 1836.	Sections fifty-seven, sixty-two, sixty-nine, seventy-seven, seventy-eight, eighty and eighty-six.
7 Will. 4 & 1 Vict. c. 69.	The Tithe Act, 1837.	The whole Act so far as unrepealed.
2 & 3 Vict. c. 62.	The Tithe Act, 1839.	Sections fourteen, sixteen, seventeen, twenty-one and twenty-eight.
3 & 4 Vict. c. 15.	The Tithe Act, 1840.	Sections seventeen, twenty and twenty-three.
5 & 6 Vict. c. 54.	The Tithe Act, 1842.	Sections three, six, seven and eight.
14 & 15 Vict. c. 25.	The Landlord and Tenant Act, 1851.	Section four.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Vict. c. 50.	An Act to amend an Act of the Third and Fourth Years of King William the Fourth in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates.	In section one, the words " tithe " rentcharges ".
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	In section eleven, the words " and tithe rentcharges ".
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854.	In section eight, the words " or " tithe rentcharges " where they secondly occur.
23 & 24 Vict. c. 93.	The Tithe Act, 1860.	Sections one, two, four to nine, thirty-one, forty-two and forty-three. The Schedule.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section four, in the definition of " gross value ", the words " and tithe commutation rent- " charge, if any ".
45 & 46 Vict. c. 37.	The Corn Returns Act, 1882.	Section ten.
49 & 50 Vict. c. 54.	The Extraordinary Tithe Redemption Act, 1886.	The whole Act so far as unrepealed.
60 & 61 Vict. c. 23.	The Extraordinary Tithe Act, 1897.	The whole Act.
10 Edw. 7 & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section thirty-nine, in subsection (2), the words " and " tithe commutation rent- " charge (if any) ".
8 & 9 Geo. 5. c. 54.	The Tithe Act, 1918.	Section ten. The First Schedule so far as unrepealed.
11 & 12 Geo. 5. c. 35.	The Corn Sales Act, 1921.	In section two, in subsection (3), the words " and in section ten " (which relates to the appli- " cation of the septennial " average to the Tithe Com- " mutation Acts) ".
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In section twelve, in subsection (1) (*b*), the words " and tithe " commutation rentcharge, if " any ".
15 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section one, in subsection (2) (*d*), the words " tithe " rentcharge ".

A.D. 1936.

9TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 Geo. 5. c. 20—*cont.*	The Law of Property Act, 1925—*cont.*	In section one hundred and ninety-one, in subsection (12), the words " tithe rentcharge " or ".
		In section two hundred and one, in subsection (1), the words " tithe and ".
15 Geo. 5. c. 21.	The Land Registration Act, 1925.	In section seventy, in subsection (1) (*e*), the words " tithe " rentcharge ".
15 & 16 Geo. 5. c. 87.	The Tithe Act, 1925.	In section one, subsection (1).
		Section two.
		In section four, subsections (1), (2), (4) and (5).
		Sections six, nine and eleven.
		In section twelve, paragraphs (*a*) and (*c*).
		In section thirteen, subsections (2) and (4).
		Section seventeen.
		In section twenty, subsections (3) and (4).
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section three, in subsection (2), the words " or tithe rent- " charge " and the words " tithe rentcharge " where the last-mentioned words secondly occur.
		In section twenty-two, in subsection (1) (*b*), the words " and tithe rentcharge, if " any ".
		In section sixty-eight, in subsection (1), in the definition of " gross value ", the words " and tithe rentcharge, if " any ", and subsection (2).
19 Geo. 5. c. 17.	The Local Government Act, 1929.	In the Third Schedule, in paragraph 2, the words " any " tithe rentcharge or ", where they first occur, and the words " tithe rentcharge or ", where they secondly and thirdly occur.
20 & 21 Geo. 5. c. 24.	The Railways (Valuation for Rating) Act, 1930.	In section four, in subsection (1) (*b*) and subsection (3) (ii), the words " and tithe rentcharge " (if any) ".

Tithe.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to extinguish tithe rentcharge and extraordinary tithe rentcharge, and to make provision with respect to the compensation of the owners thereof and rating authorities and to the liabilities of the owners of land charged therewith in respect of the extinguishment thereof; to reduce the rate at which tithe rentcharge is to be payable pending its extinguishment and to make provision with respect to the recovery of arrears thereof; to make provision for the redemption and extinguishment of corn rents and similar payments; and for purposes connected with the matters aforesaid.

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(172)

Trade Marks (Amendment) Bill.
[H.L.]

COMMONS AMENDMENTS.

(*The References are to Bill No.* 45.)

Clause 1.

Page 2.

Line 2, leave out (" trade ")

Line 2, after (" mark ") insert (" shall be construed " as references to the use of a printed or other visual " representation of the mark, and references therein to " the use of a mark ")

Clause 2.

Page 2.

Line 31, at end insert (" to the extent to which ")

Line 32, leave out (" to the inherent adaptability " of the trade mark ") and insert (" the trade mark is " inherently adapted ")

Line 34, leave out (" to the extent to which ")

Clause 3.

Page 3.

Line 7, at end insert (" to the extent to which ")

Line 8, leave out (" to the inherent capability of the " trade mark to distinguish ") and insert (" the trade " mark is inherently capable of distinguishing ")

Line 10, leave out (" to the extent to which ")

Line 14, after (" of ") insert (" sub-section (1) of ")

Line 15, leave out (" down to the words ' against " ' the provisions of section eleven of this Act ' ")

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Clause 4.

Page 3.

Line 35, leave out (" have been originally invalid, " or to ")

Line 36, after (" use ") insert (" after the date of the " registration ")

Line 39, leave out (" but ") and insert (" Provided " that ")

Line 40, leave out from (" there ") to (" a ") in line 41 and insert (" is ")

Page 4.

Line 4, leave out from (" use ") to (" or ") in line 6 and insert (" in relation to goods connected in the course " of trade with the proprietor or a registered user of the " trade mark or (in the case of a certification trade mark) " goods certified by the proprietor ")

Leave out line 12.

Line 13, leave out (" as the case may be ")

Line 20, leave out (" notwithstanding anything in " section forty-one of the principal Act ")

Line 28, leave out from (" be ") to (" or ") in line 29.

Line 30, leave out (" as the case may be ")

Clause 7.

Page 6.

Line 37, leave out (" trade mark when registered ") and insert (" registered trade mark ")

Line 41, leave out (" trade mark when registered ") and insert (" registered trade mark ")

Page 7.

Line 2, at end insert :

(" (3) The provisions of the two foregoing subsections shall have effect in the case of an unregistered trade mark used in relation to any goods as they have effect in the case of a registered trade mark registered in respect of any goods, if at the time of the assignment or transmission of the unregistered trade mark it is or was used in the same business as a registered trade mark, and if it is or was assigned or transmitted at the same time and to

Clause 7.

Page 7.

the same person as that registered trade mark and in respect of goods all of which are goods in relation to which the unregistered trade mark is or was used in that business and in respect of which that registered trade mark is or was assigned or transmitted.")

Line 9, leave out (" person ") and insert (" of the " persons concerned ")

Line 28, leave out (" registered proprietor of a ") and insert (" proprietor of a registered ")

Line 29, after (" it ") insert (" in respect of any goods " in respect of which it is registered ")

Line 34, after (" assignment ") insert (" of the first- " mentioned trade mark ")

Page 8.

Line 8, leave out (" person ") and insert (" of the " persons concerned ")

Line 11, leave out (" person ") and insert (" of those " persons ")

Line 18, leave out (" subsection (1) or (2) ") and insert (" subsections (1) to (3) ")

Line 23, leave out (" registered ")

Line 25, leave out (" registered ")

Line 35, leave out (" if ") and insert (" or under " subsection (4) of this section, so, however, that in the " case of a registered trade mark this provision shall not " have effect unless ")

Page 9.

Line 1, leave out (" in like manner ")

Line 7, after (" transmission ") insert (" of a regis- " tered trade mark ")

Line 23, at end insert :

(" ( ) Where an assignment in respect of any goods of a trade mark that is at the time of the assignment used in a business in those goods is made after the commencement of this Act otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied, that is to say, the assignee must, not later than the expiration of six months from the date on which the assignment

Clause 7.

Page 9.

is made or within such extended period, if any, as the Registrar may allow, apply to him for directions with respect to the advertisement of the assignment, and must advertise it in such form and manner and within such period as the Registrar may direct.")

Clause 8.

Page 10.

Line 9, leave out (" any ") and insert (" the pur- " poses of section twelve of this Act and for any other ")

Page 11.

Line 11, after (" Registrar ") insert (" after consider- " ing the information furnished to him under the last " foregoing subsection ")

Clause 12.

Page 16.

Line 40, after (" or ") insert (" for the purposes of ")

Clause 13.

Page 17.

Line 17, leave out (" respect of ") and insert (" rela- " tion to ")

Clause 15.

Page 19.

Line 23, leave out from (" it ") to (" in ") in line 24 and insert (" so nearly resembling it as to be likely to deceive or cause confusion ")

Line 29, leave out (" to import ") and insert (" in a case in which the use is use upon the goods " or in physical relation thereto or in an advertising " circular, or other advertisement issued to the public, " as importing ")

Page 20.

Line 5, leave out from (" goods ") to (" or ") in line 9, and insert (" connected in the course of trade with " the proprietor or a registered user of the trade mark if,

Clause 15.

Page 20.

" as to those goods or a bulk of which they form part, " the proprietor or the registered user conforming to the " permitted use has applied the trade mark and has not " subsequently removed or obliterated it, or has at any " time expressly or impliedly consented to the use of the " trade mark ")

Clause 17.

Pages 21 *and* 22.

Leave out Clause 17 and insert the following new Clause :

(" —(1) Where, by a contract in writing made with the proprietor or a registered user of a registered trade mark, a purchaser or owner of goods enters into an obligation to the effect that he will not do, in relation to the goods, an act to which this section applies, any person who, being the owner for the time being of the goods and having notice of the obligation, does that act, or authorises it to be done, in relation to the goods in the course of trade or with a view to any dealing therewith in the course of trade, shall be deemed thereby to infringe the right to the use of the trade mark given by the registration thereof, unless that person became the owner of the goods by purchase for money or money's worth in good faith before receiving notice of the obligation or by virtue of a title derived through another who so became the owner thereof.

Infringement of trade mark by breach of certain restrictions.

(2) The acts to which this section applies are—

(*a*) the application of the trade mark upon the goods after they have suffered alteration in any manner specified in the contract as respects their state or condition, get-up or packing;

(*b*) in a case in which the trade mark is upon the goods, the alteration, partial removal or partial obliteration thereof;

(*c*) in a case in which the trade mark is upon the goods, and there is also thereon other matter, being matter indicating a connection in the course of trade between the proprietor or registered user and the goods, the removal or obliteration, whether wholly or partially,

Clause 17.

Pages 21 *and* 22.

of the trade mark unless that other matter is wholly removed or obliterated;

(*d*) in a case in which the trade mark is upon the goods, the application of any other trade mark to the goods;

(*e*) in a case in which the trade mark is upon the goods, the addition to the goods of any other matter in writing that is likely to injure the reputation of the trade mark.

(3) Subsection (2) of section sixteen of this Act shall not apply to an act that is deemed by virtue of this section to be an infringement of a trade mark registered in Part B of the register.

(4) In this section references in relation to any goods to the proprietor, to a registered user, and to the registration, of a trade mark shall be construed, respectively, as references to the proprietor in whose name the trade mark is registered, to a registered user who is registered, and to the registration of the trade mark, in respect of those goods, and the expression 'upon' includes in relation to any goods a reference to physical relation thereto.")

Clause 18.

Page 22.

Line 22, at end insert (" to the extent to which ")

Line 23, leave out (" to the inherent adaptability " of the mark ") and insert (" the mark is inherently " adapted ")

Line 26, leave out (" to the extent to which ")

Line 41, leave out from (" it ") to (" or ") in line 42.

Line 42, leave out (" colourably resembling it ") and insert (" so nearly resembling it as to be likely to " deceive or cause confusion ")

Page 23.

Line 5, leave out (" to import ") and insert (" in a " case in which the use is use upon the goods or in physical " relation thereto or in an advertising circular, or other " advertisement, issued to the public, as importing ")

Clause 18.

Page 23.

Line 7, after the first (" the ") insert (" relevant ")

Line 22, leave out from (" goods ") to (" or ") in line 27 and insert (" certified by the proprietor of the trade " mark if, as to those goods or a bulk of which they form " part, the proprietor or another in accordance with his " authorisation under the relevant regulations has applied " the trade mark and has not subsequently removed or " obliterated it, or the proprietor has at any time " expressly or impliedly consented to the use of the " trade mark ")

Line 38 at end insert :

(" Provided that paragraph (*a*) of this subsection shall not have effect in the case of use consisting of the application of any such mark as aforesaid to any goods, notwithstanding that they are such goods as are mentioned in that paragraph, if such application is contrary to the relevant regulations.")

Page 24.

Line 7, leave out (" and manner ")

Clause 29.

Page 31.

Line 16. The Commons have reinserted Clause 29 which was omitted as a privilege amendment in the following form :

Amendment of s. 48 of principal Act.

(" **29.** In section forty-eight of the principal Act (which provides that in all proceedings before the Court under that Act the costs of the Registrar shall be in the discretion of the Court but the Registrar shall not be ordered to pay the costs of any other party) after the word ' but ' there shall be inserted the words ' in any ' proceedings in England or Northern Ireland,' after the word ' not ' there shall be inserted the words ' except in ' accordance with the provisions of subsection (2) of this ' section in a case in which he has appeared in the ' proceedings ', and at the end of the section there shall be inserted the following subsection—

' (2) Where the Registrar appears in any proceedings before the Court in England or Northern Ireland under this Act, section seven

Clause 29.

Page 31.

of the Administration of Justice (Miscellaneous Provisions) Act, 1933, or any corresponding enactment which may be passed by the Parliament of Northern Ireland, as the case may be, shall have effect as it has effect in relation to other proceedings to which the Crown is a party in a Court having the power to award costs in cases between subjects.' ")

IN THE SCHEDULES.

Fourth Schedule.

Page 48.

Line 45. The Commons have not reinserted the words (" section forty-eight ") which were omitted as a privilege amendment.

Trade Marks (Amendment) Bill. [H.L.]

COMMONS AMENDMENTS.

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(152)

A

B I L L

INTITULED

An Act to abolish privilege of peerage in relation to criminal proceedings. A.D. 1936.

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

Privilege of peerage in relation to criminal proceedings to be abolished.

1.—(1) Privilege of peerage in relation to criminal proceedings is hereby abolished.

(2) The procedure to be followed, the punishments which may be inflicted, the orders which may be made, and the appeals which may be brought shall, whatever the offence and wherever the trial is to take place, be the same in the case of persons who would but for this Act be entitled to privilege of peerage as in the case of any other of His Majesty's subjects.

Short title and repeals.

2.—(1) This Act may be cited as the Trial of Peers (Abolition of Privilege) Act, 1936.

(2) The Acts specified in the Schedule are hereby repealed to the extent specified in the third column of the Schedule.

A.D. 1936.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
20 Hen. 6. c. 9	Recital of Magna Charta relating to Trial by Peers; Noble Ladies to be tried as Peers of the Realm are tried.	The whole Act.
33 Hen. 8. c. 12	An Act for Murder and malicious Bloodshed within the Court.	Section seven.
35 Hen. 8. c. 2	An Act concerning the Trial of Treasons committed out of the King's Majesty's Dominions.	Section two.
1 Eliz. c. 1 -	An Act restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual and abolishing all foreign power repugnant to the same.	Section eighteen.
1 Eliz. c. 2 -	An Act for the Uniformity of Common Prayer and Divine Service in the Church, and the administration of the Sacraments.	Section nine.
13 Chas. 2. Stat. 1. c. 1.	An Act for the Safety and Preservation of His Majesty's Person and Government against Treasonable and Seditious practices and attempts.	In section seven, the words "that no peer of this realm shall be tried for any offence against this Act but by his peers, and further".
7 & 8 Will. 3. c. 3.	The Treason Act, 1695 -	Section ten.

Session and Chapter.	Short Title.	Extent of Repeal.
1707, Anne, c. 7.	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	So far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, from "and particularly the right of sitting upon the trials of peers" to "at such trials as any other peers of Great Britain"; "and shall be tried as peers of Great Britain"; "and particularly the right of sitting upon the trials of peers."
6 Anne c. 11 -	The Union with Scotland Act, 1706.	Section four, so far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, from "and particularly the right of sitting upon the trials of peers" to "at such trials as any other peers of Great Britain"; "and shall be tried as peers of Great Britain"; "and particularly the right of sitting upon the trials of peers."
6 Anne c. 78 -	The Scottish Representative Peers Act, 1707.	Section twelve.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act, 1800.	Section one, so far as it ratifies, confirms and approves the following words in the last paragraph of Article IV of the Articles of Union, that is to say, from "and the lords" to "respectively on the part of Great Britain"; "and particularly the right of sitting on the trial of peers"; "be sued and tried as peers, except as aforesaid, and shall"; "and the right of sitting on the trial of peers."

A.D. 1936.

Session and Chapter.	Short Title.	Extent of Repeal.
40 Geo. 3. c. 38	An Act of the Parliament of Ireland for the union of Great Britain and Ireland.	Section one, so far as it ratifies, confirms and approves the following words in the last paragraph of Article IV of the Articles of Union, that is to say, from "and the lords" to "respectively on the part of Great Britain"; "and particularly the right of sitting on the trial of peers"; "be sued and tried as peers, except as aforesaid, and shall"; "and the right of sitting on the trial of peers."
6 Geo. 4. c. 66	The Trial of Peers (Scotland) Act, 1825.	The whole Act.
4 & 5 Vict. c. 22.	The Felony Act, 1841 -	The whole Act.
19 & 20 Vict. c. 16.	The Central Criminal Court Act, 1856.	Section twenty-nine.
25 & 26 Vict. c. 65.	The Jurisdiction in Homicides Act, 1862.	Section nineteen.
7 Edw. 7. c. 23	The Criminal Appeal Act, 1907.	In subsection (2) of section twenty, from the words "but shall not apply in the case of convictions on indictments or inquisition charging any peer or peeress" to the end of the subsection.
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act, 1930.	In subsection (2) of section nineteen from the words "but shall not apply in the case of a peer or peeress" to the end of the subsection.

Trial of Peers (Abolition of Privilege). [H.L.]

A

B I L L

INTITULED

An Act to abolish privilege of peerage in relation to criminal proceedings.

The Viscount Sankey.

Ordered to be printed 18th February 1936.

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(30)

Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD RANKEILLOUR.

Clause 1, page 1, line 7, after (" proceedings ") insert (" for felony ")

(30 *a*)

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Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD RANKEILLOUR.

28th April 1936.

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(30 *a*)

Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD RANKEILLOUR.

Clause 1, page 1, line 7 after ("proceedings") insert ("for felony")

line 11, leave out ("offence") and insert ("nature of the felony")

After clause 1 insert the following new clause:

(" . Any Peer committed for trial on a charge of treason may by notice in writing to the Clerk of the Parliaments within fourteen days of the date of committal claim that his privilege be waived in respect of the charge; whereupon the trial shall follow at Bar in the King's Bench Division before those of His Majesty's Judges and a special jury.")

After clause 1 insert the following new clause:

(" . The House of Peers may by resolution depute their powers and duties in respect of the trial of a Peer committed for treason to such of their number as the resolution may signify.")

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Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD RANKEILLOUR.

30th April 1936.

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(30 *b*)

Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE EARL OF HALSBURY.

After clause 1 insert the following new clause:

(" . Any Peer committed for trial on any of the following charges:

treason;

misprision of treason;

treason felony;

murder;

the setting on fire of a King's ship whether completed or in construction and all material therefor in any dock, the King's arsenals and all offences under the Dockyard Protection Act of 1772, penalty for which is death;

piracy with violence, the penalty for which is death under the Piracy Act of 1837;

præmunire,

may by notice in writing to the Clerk of the Parliaments within fourteen days of the date of committal claim that his privilege be waived in respect of the charge; whereupon the trial shall follow at Bar in the King's Bench Division before those of His Majesty's Judges and a special jury.")

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Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE EARL OF HALSBURY.

4th May 1936.

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(30 *c*)

Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD RANKEILLOUR.

Clause 1, page 1, line 14, at end insert:

("Provided that if any Peer be committed for trial for treason, the trial shall take place at Bar in the King's Bench Division before three of His Majesty's Judges and a special jury.")

(30 *d*)

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Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD RANKEILLOUR.

7th May 1936.

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Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD RANKEILLOUR.

[*In substitution for the Amendment previously circulated.*]

Clause 1, page 1, line 14, at end insert:

("Provided that if any Peer be committed for trial for treason, the trial shall take place before three of His Majesty's Judges and a special jury either at Bar in the King's Bench Division or in virtue of a Special Commission elsewhere")

BODLEIAN LIBRARY 25 MAY 1936

Trial of Peers (Abolition of Privilege) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE LORD RANKEILLOUR.

[*In substitution for the Amendment previously circulated.*]

12*th May* 1936.

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(30 *e*)

Trunk Roads Bill.

MARSHALLED LIST

OF

AMENDMENTS

TO BE MOVED ON REPORT.

[*These Amendments have not been previously circulated.*]

Clause 1.

BY THE VISCOUNT SWINTON.

Page 2, line 9, leave out (" such ") and insert (" a ") and leave out (" any as he thinks fit ") and insert (" a " request therefor is made by any such council within " the said three months and not withdrawn ")

Clause 6.

BY THE LORD DARCY DE KNAYTH.

Page 11, line 19, leave out (" any ") and insert (" upon ")

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Clause 12.

BY THE LORD SWINTON.

Page 16, line 7, leave out subsection (6) and insert :

(" (6) No appeal shall lie under section one hundred and thirty-two of the Burgh Police (Scotland) Act, 1892, against any terms or conditions arranged by the Minister which he declares to be necessary for the purpose of securing the safety of persons using the trunk road or of preventing interference with traffic on the road.")

In the Schedules.

Third Schedule.

BY THE VISCOUNT SWINTON.

Page 38, in the second column, leave out lines 26 to 31.

Page 38, in the second column, leave out lines 41 and 42 and insert (" terms or conditions attached by the " Minister to a consent given by him under the said " section twenty-five, being terms or conditions which he " declares to be necessary for the purpose of securing the " safety of persons using the trunk road or of preventing " interference with traffic on the road ")

Page 39, in the second column, leave out lines 8 to 10 and insert (" any terms or conditions attached by " the Minister to a licence granted by him under the said " section twenty-seven, being terms or conditions which " he declares to be necessary for the purpose of securing " the safety of persons using the trunk road or of pre- " venting interference with traffic on the road ")

Page 41, in the second column, leave out lines 26 to 34.

Page 41, in the first column, line 35, leave out (" Subsection (1) of ")

Third Schedule—*continued.*

Page 41, in the second column, line 36, insert (" Subsection (2) shall not apply, and in subsection (3) " for the words ' to a petty sessional court within fourteen " days after the service of such notice ' there shall be " substituted the words ' in manner provided by the " Summary Jurisdiction Acts to a court of quarter " sessions ' ")

Fourth Schedule.

BY THE VISCOUNT SWINTON.

Page 44, line 7, leave out paragraph 6.

Trunk Roads Bill.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT.

[*These Amendments have not been previously circulated.*]

15*th December* 1936.

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(23 **)

A

B I L L

INTITULED

An Act to extend until a date not later than the thirty-first day of March nineteen hundred and thirty-six, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935. A.D. 1936.

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

1. Section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935 (which requires the payment of grants to local authorities out of moneys provided by Parliament in consequence of the postponement of the second appointed day for the purposes of the Unemployment Act, 1934, in respect of the period beginning with the first day of March nineteen hundred and thirty-five and ending with the thirtieth day of September nineteen hundred and thirty-five, or with the day before the date to be appointed as the second appointed day for the purposes of the last mentioned Act, whichever is the earlier) shall have effect as if for the reference in subsection (1) thereof to the thirtieth day of September nineteen hundred and Amendment of 25 & 26 Geo. 5. c. 22, s. 1 (1).

A.D. 1936. thirty-five, there were substituted a reference to the thirty-first day of March nineteen hundred and thirty-six.

Short title, citation and extent.

2.—(1) This Act may be cited as the Unemployment Assistance (Temporary Provisions) (Extension) Act, 1936, and shall be included among the Acts which may be cited together as the Unemployment Assistance Acts, 1934 and 1936.

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

Unemployment Assistance (Temporary Provisions) (Extension).

A

B I L L

INTITULED

An Act to extend until a date not later than the thirty-first day of March nineteen hundred and thirty-six, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935.

(Brought from the Commons 5th February 1936.)

Ordered to be printed 5th February 1936.

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Unemployment Assistance (Temporary Provisions) (Extension) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD GAGE (*V. Gage*).

Clause 2, page 2, line 6, leave out from ("and") to ("may") and insert ("this Act and the Unemployment "Assistance Acts, 1934 and 1935,"

line 8, leave out ("and") and insert ("to")

Unemployment Assistance (Temporary Provisions) (Extension) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD GAGE (*V. Gage*).

11th February, 1936.

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(23 *a*)

Unemployment Insurance (Agriculture) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Employment in agriculture to be insurable employment.
2. Reduced rates of contribution in respect of persons employed in agriculture.
3. Rates of benefit in respect of agricultural contributions.
4. Modification of first statutory condition in the case of agricultural benefit.
5. Right to agricultural benefit and periods in respect to which it is payable.
6. Reckoning of agricultural contributions.
7. Provisions as to Unemployment Fund.
8. Reports of Unemployment Insurance Statutory Committee as to Unemployment Fund.
9. Contributions out of Unemployment Fund to expenses of Government Departments.
10. Regulations as to yearly and half-yearly hirings.
11. Regulations as to persons who are insured contributors both in respect of employment in agriculture and otherwise.
12. Consequential and minor amendments of principal Act.
13. Power to provide for insurance of private gardeners.
14. Payments out of moneys provided by Parliament.
15. Interpretation.
16. Short title, citation, extent, saving, commencement and repeal.

SCHEDULES—

First Schedule.—Provisions as to excepted employments.

Second Schedule.—Weekly rates of agricultural contributions payable by employers and employed persons.

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SCHEDULES—*cont.*

Third Schedule.—Weekly rates of agricultural benefit.

Fourth Schedule.—Provisions of Act of which amendments may be recommended by the Unemployment Insurance Statutory Committee.

Fifth Schedule.—Consequential and minor amendments of principal Act.

A

B I L L

INTITULED

An Act to include employment in agriculture among the employments which are insurable under the Unemployment Insurance Act, 1935, and to make modifications in the provisions of that Act in their application to such employment, and other consequential modifications in those provisions. A.D. 1936.

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

Employment in agriculture to be insurable employment.

1.—(1) Subject to the provisions of this Act employment in agriculture shall be insurable employment for the purposes of the Unemployment Insurance Act, 1935 (hereinafter referred to as "the principal Act") so, however, that Part II of the First Schedule to that Act (which contains the general list of excepted employments) shall have effect as if there were included therein the employments specified in the First Schedule to this Act

(2) The power of the Minister to make regulations under the principal Act shall include power by such regulations made with the consent of the Treasury to provide, either generally or in such circumstances or in

A.D. 1936.

such areas as may be specified in the regulations, and either unconditionally or subject to such conditions as may be so specified, that where manual labour in agriculture is performed in Great Britain under a contract for the performance of such labour for the purposes of any trade or business, the performance thereof shall be deemed to be insurable employment in agriculture, notwithstanding that it is not under any contract of service or apprenticeship, and such regulations may, in relation to the performance of labour which under the regulations is to be deemed to be insurable employment in agriculture, and in relation to persons performing such labour, make provision as to the manner in which and the periods for which contributions are to be paid, as to the manner in which claims for benefit are to be made, and as to the circumstances in which such persons are to be deemed to be unemployed; and where, in accordance with such regulations, the performance of such labour as aforesaid is deemed to be insurable employment in agriculture the person for the purposes of whose trade or business the labour is performed shall, in relation to the person performing the labour, be deemed to be the employer of that person for the purposes of the principal Act.

Reduced rates of contribution in respect of persons employed in agriculture.

2. The weekly contributions payable in respect of employment in agriculture shall be at the respective rates set out in the Second Schedule to this Act; and accordingly section eight of the principal Act (which relates to the liability of employers and employed persons for contributions) and subsection (2) of section twenty-one of the principal Act (which relates to the method of calculating contributions out of moneys provided by Parliament) shall, in their application to persons employed in agriculture, have effect as if for the references therein to the Third Schedule to that Act there were substituted references to the Second Schedule to this Act.

Rates of benefit in respect of agricultural contributions.

3.—(1) Benefit in respect of agricultural contributions shall be at the respective weekly rates set out in the Third Schedule to this Act; and accordingly section thirty-six of the principal Act (which relates to ordinary rates of benefit) shall, in its application to agricultural benefit, have effect as if for the reference therein to the Fourth Schedule to that Act there were substituted a reference to the Third Schedule to this Act.

A.D. 1936.

(2) Sections thirty-eight and thirty-nine of the principal Act (which relate to increase of benefit in respect of adult dependants) shall, in their application to agricultural benefit, be subject to the following modifications, that is to say—

(*a*) subsection (1) of the said section thirty-eight shall have effect as if for the words "nine shillings" in both places where those words occur there were therein substituted the words "seven shillings":

(*b*) the said section thirty-nine shall have effect as if at the end thereof there were inserted the following subsection:—

"(4) Where the weekly rate of agricultural benefit increased under the last two foregoing sections would exceed thirty shillings the rate of benefit payable to the agricultural contributor shall be reduced by an amount equal to the excess."

Modification of first statutory condition in the case of agricultural benefit.

4.—(1) Section twenty-two of the principal Act (which relates to the first statutory condition for the receipt of benefit) shall, in its application to agricultural benefit, have effect as if for subsection (1) thereof there were therein substituted the following subsection:—

"(1) The first statutory condition for the receipt of agricultural benefit by an agricultural contributor is that he proves that not less than twenty agricultural contributions have been paid in respect of him as an agricultural contributor in respect of the two years immediately preceding the date on which a claim for agricultural benefit is made."

(2) Subsection (5) of section seventy-five of the principal Act (which relates to the reckoning of credited contributions for the purposes of the first statutory condition) shall have effect as if there were inserted at the end thereof the words following:—

"; and

(*e*) in the case of a claim for agricultural benefit by an agricultural contributor not more than ten credited contributions shall be taken into account for the purposes of paragraph (*a*) and of paragraph (*d*) of this subsection."

A.D. 1936.

Right to agricultural benefit and periods in respect to which it is payable.

5. An agricultural contributor shall not be entitled to make application for agricultural benefit before the twenty-ninth day of October, nineteen hundred and thirty-six, or to receive benefit in respect of agricultural contributions in respect of any day before the fifth day of November, nineteen hundred and thirty-six, but on and after the said fifth day of November section thirty-one of the principal Act (which relates to the right to benefit and the periods in respect of which it is payable) shall, in its application to agricultural benefit, have effect as if for subsection (1) thereof there were therein substituted the following subsection :—

"(1) An agricultural contributor who has attained the age of sixteen years and is unemployed shall, if he proves that the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act for the receipt of benefit, be entitled, subject to the provisions of this Act, to receive in a benefit year agricultural benefit in respect of periods not exceeding in the aggregate—

(*a*) twelve days for the first ten agricultural contributions standing to his credit at the beginning of the benefit year; and

(*b*) three further days for every agricultural contribution so standing to his credit in addition to the said ten :

Provided that he shall not be entitled to receive in any benefit year agricultural benefit in respect of periods exceeding in the aggregate three hundred days";

and as if subsections (2) and (3) were omitted therefrom, and as if in subsection (5) thereof there were substituted for the reference to the last three foregoing subsections a reference to subsections (1) and (4) of the said section.

Claims for benefit and payment of benefit through Post Office.

6.—(1) As soon as may be after the passing of this Act the Minister shall confer with the Postmaster-General and with his concurrence make regulations under the principal Act providing for the payment of agricultural benefit through the Post Office and for enabling claimants for such benefit to make their claims through the Post Office of the locality in which they reside.

(2) Section fifty of the principal Act (which relates to regulations for payment of and claims for benefit

which, as so reckoned, no benefit has been paid (including any fraction of a contribution) shall be taken to be the number of contributions standing to his credit.

(2) If at any time a period of five consecutive insurance years has elapsed without agricultural contributions being paid in respect of any person as an insured contributor, then, except during the remainder of a benefit year in which that period was completed, no agricultural contributions paid in respect of him before the beginning of that period of five consecutive insurance years shall be taken into account for any of the purposes of the principal Act, but upon agricultural contributions being again paid in respect of him as an insured contributor he shall be treated for the purposes of the principal Act as if he had then first become an agricultural contributor.

(3) The power of the Minister to make regulations under section thirty-three of the principal Act for the purposes of sections thirty-one and thirty-two of that Act shall include power to make regulations for the purposes of this section.

Provisions as to Unemployment Fund.

7.—(1) The accounts of the Unemployment Fund shall be so kept as to show in a separate account, to be called the "Agricultural Account" of the Unemployment Fund, such amounts as may be determined by the Minister with the concurrence of the Treasury to be approximately equivalent to—

(*a*) the contributions paid into the fund by employers and employed persons and out of moneys provided by Parliament in respect of persons employed in agriculture;

(*b*) the agricultural benefit payable out of the fund;

(*c*) any other receipts into or payments out of, the fund (including any receipts or payments in respect of administrative expenses) which in the opinion of the Minister and of the Treasury are properly attributable to the insurance of persons employed in agriculture under the principal Act.

(2) The account of the Unemployment Fund showing matters other than those shown in the agricultural account shall be called the "General Account" of the Unemployment Fund.

A.D. 1936.

manner provided by this Act) which would, if the said special arrangement had not been in force, have fallen to be borne in respect of that year out of the contributions paid under this Act by employers and employed persons and out of moneys provided by Parliament in respect of the persons who were during that year members of the said association.

Reckoning of agricultural contributions.

8.—(1) In reckoning the number of agricultural contributions standing to the credit of an agricultural contributor at the beginning of any benefit year, agricultural benefit shall be deemed to have been paid in respect of a contribution at the rate of five-sixths of a contribution for each of the first twelve days' agricultural benefit paid to him in any benefit year and at the rate of one-third of a contribution for each further day's agricultural benefit paid to him in that benefit year, and the number of contributions in respect of which, as so reckoned, no agricultural benefit has been paid (including any fraction of a contribution) shall be taken to be the number of contributions standing to his credit.

(2) If at any time a period of five consecutive insurance years has elapsed without agricultural contributions being paid in respect of any person as an insured contributor, then, except during the remainder of a benefit year in which that period was completed, no agricultural contributions paid in respect of him before the beginning of that period of five consecutive insurance years shall be taken into account for any of the purposes of the principal Act, but upon agricultural contributions being again paid in respect of him as an insured contributor he shall be treated for the purposes of the principal Act as if he had then first become an agricultural contributor.

(3) The power of the Minister to make regulations under section thirty-three of the principal Act for the purposes of sections thirty-one and thirty-two of that Act shall include power to make regulations for the purposes of this section.

Provisions as to Unemployment Fund.

9.—(1) The accounts of the Unemployment Fund shall be so kept as to show in a separate account, to be called the "Agricultural Account" of the Unemployment Fund, such amounts as may be determined by the Minister

with the concurrence of the Treasury to be approximately equivalent to—

(*a*) the contributions paid into the fund by employers and employed persons and out of moneys provided by Parliament in respect of persons employed in agriculture;

(*b*) the agricultural benefit payable out of the fund;

(*c*) any other receipts into or payments out of, the fund (including any receipts or payments in respect of administrative expenses) which in the opinion of the Minister and of the Treasury are properly attributable to the insurance of persons employed in agriculture under the principal Act.

(2) The account of the Unemployment Fund showing matters other than those shown in the agricultural account shall be called the "General Account" of the Unemployment Fund.

(3) Where it appears to the Minister that any payments into or out of the Unemployment Fund require to be apportioned between the general account and the agricultural account, the apportionment shall be made by the Minister with the concurrence of the Treasury.

(4) If at any time the amount standing to the credit either of the general account of the Unemployment Fund or of the agricultural account of that fund is insufficient to discharge the liabilities falling to be charged to that account the Minister shall forthwith report the fact to the Unemployment Insurance Statutory Committee and there shall be charged to the account in deficiency and credited to the account not in deficiency such sums by way of interest on the amount of the deficiency as may be determined by the Minister with the concurrence of the Treasury.

Reports of Unemployment Insurance Statutory Committee as to Unemployment Fund.

10.—(1) The functions of the Unemployment Insurance Statutory Committee under section fifty-nine of the principal Act (which relates to reports on the financial condition of the Unemployment Fund) shall be exercised separately with regard to the general account of the Unemployment Fund and with regard to the agricultural account of that fund.

(2) The Fifth Schedule to the principal Act (which contains a list of the provisions of that Act of which

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amendments may be recommended by the Committee) shall have effect as if the provisions of this Act specified in the Fourth Schedule to this Act were included in the said Fifth Schedule.

(3) The power of the Committee under subsection (2) of the said section to make recommendations for the application of any sum towards the discharge of the liabilities mentioned in subsection (2) of section sixty of the principal Act shall extend only to the making of recommendations for the application towards the discharge of those liabilities of sums standing to the credit of the general account of the Unemployment Fund.

Contributions out of Unemployment Fund to expenses of Government Departments.

11. Section sixty-two of the principal Act (which provides for contributions out of the Unemployment Fund to the expenses of Government Departments) shall have effect as if for subsection (1) thereof there were substituted the following subsection:—

"(1) There shall in each year be paid to the Treasury out of the Unemployment Fund at such times and in such manner as the Treasury may direct such sums as the Minister may estimate in accordance with directions given by the Treasury to be the amount of the expenses of any Government Department which are determined in accordance with such directions to be attributable to the exercise of any functions performed in connection with the insurance of employed persons against unemployment in manner provided by this Act; and the sums so payable shall be apportioned by the Minister with the concurrence of the Treasury between the general account and the agricultural account of the fund:

Provided that the sums paid under this subsection in any year out of the general account and out of the agricultural account of the fund respectively shall not exceed one-eighth of the receipts on account of income credited to that account after deducting, so long as regulations made under this Act provide for the payment of contributions by means of unemployment insurance stamps, any sums which have been refunded on account of any such stamps or on account of contributions paid (whether by stamps or otherwise) in respect of a

person under the erroneous belief that the contributions were payable in respect of him under this Act. A.D. 1936.

Regulations as to yearly and half-yearly hirings

12.—(1) The Minister may, by regulations under the principal Act, make provision that where a contract is made for the employment of any person in agriculture for a period of yearly or half-yearly hiring then, if, in the prescribed manner, it is proved—

(*a*) not later than twenty-eight days after the beginning of the period of yearly or half-yearly hiring that the contract has been made; and

(*b*) within the prescribed time after the expiration of the period of yearly or half-yearly hiring, that the employment has continued, and that agricultural contributions have been duly paid in respect thereof, throughout that period;

the employer and the employed person shall each be entitled, on making application in the prescribed manner and within the prescribed time, to have repaid to him the appropriate proportion of the agricultural contributions paid by him in respect of the employed person during the period of yearly or half-yearly hiring; so, however, that such regulations may provide, in the case of agricultural contributions paid by an employer on behalf of a person employed by him and not recovered from that person, for the repayment under this section being made to the employer instead of to that person.

(2) For the purposes of this section the expression—

"Period of yearly hiring" means a period of not less than fifty consecutive weeks;

"Period of half-yearly hiring" means a period of less than fifty but not less than twenty-one consecutive weeks;

"Appropriate proportion" means in the case of a period of yearly hiring twenty five per cent., and in the case of a period of half-yearly hiring twelve and one-half per cent.

(3) In calculating the amount of any repayment to be made in accordance with the regulations made for the purposes of this section, fractions of a penny shall be disregarded.

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(4) The amount of the repayments made in any year in accordance with regulations made for the purposes of this section shall be deducted—

(*a*) for the purpose of calculating contributions to be made out of moneys to be provided by Parliament under section twenty-one of the principal Act, from the contributions paid in that year in respect of employed persons; and

(*b*) for the purpose of calculating the limitation upon the sums payable out of the Unemployment Fund in respect of the expenses of Government Departments under section sixty-two of the principal Act, from the receipts on account of income credited to the agricultural account of that Fund.

Regulations as to persons who are insured contributors both in respect of employment in agriculture and otherwise.

13.—(1) The Minister may make regulations under the principal Act as to persons who are insured contributors both in respect of employment in agriculture and otherwise and, subject to the provisions of this section, such regulations may modify the provisions of the principal Act in such manner as the Minister thinks proper for the purpose of making necessary adjustments in the operation of the principal Act with respect to such persons.

(2) Any such regulations shall contain provisions securing—

(*a*) that when an insured contributor has begun a benefit year (whether as an agricultural contributor or otherwise) then, until the expiration of a period of twelve months from the beginning of that benefit year, no other benefit year shall begin in his case notwithstanding that he may during that benefit year prove the matters specified in subsection (1) of section thirty-two of the principal Act;

(*b*) that an insured contributor who at the beginning of his benefit year has proved that the first statutory condition for the receipt of agricultural benefit by an agricultural contributor is fulfilled in his case shall, if during that benefit year he proves that the first statutory condition for the receipt of benefit by an insured contributor other than an agricultural contributor is fulfilled

in his case, be entitled, subject to the provisions of the principal Act, to receive benefit at the rates provided by the principal Act with respect to benefit other than agricultural benefit;

(*c*) that an insured contributor who at the beginning of his benefit year has proved that the first statutory condition for the receipt of benefit other than agricultural benefit by an insured contributor other than an agricultural contributor, is fulfilled in his case shall, if during that benefit year he proves that the first statutory condition for the receipt of agricultural benefit by an agricultural contributor is fulfilled in his case, be entitled, subject to the provisions of the principal Act, to receive benefit at the rates provided by the principal Act with respect to agricultural benefit;

(*d*) that no insured contributor shall be entitled to receive benefit at both the rates aforesaid in respect of the same day but that benefit shall be paid to any such insured contributor who is entitled to receive benefit at the highest rate to which he is for the time being entitled.

Consequential and minor amendments of principal Act.

14. The amendments specified in the second column of the Fifth Schedule to this Act (which relate to consequential matters and matters of minor detail) shall be made in the provisions of the principal Act specified in the first column of that Schedule.

Power to provide for insurance of private gardeners.

15.—(1) As soon as may be after the passing of this Act the Minister shall refer to the Unemployment Insurance Statutory Committee the question whether it is desirable and practicable to include employment as a private gardener among insurable employments, and the Committee, after giving such notice as they consider sufficient of their intention to inquire into that question, and after taking into consideration any representations submitted to them by persons appearing to them to represent persons employed in that employment and the employers of such persons, shall make a report to the Minister thereon.

(2) The Minister shall lay the report of the Committee before Parliament and if, after considering the report, the Minister is of opinion that it is desirable to

A.D. 1936.

amend this Act for the purpose of including any class of employment as a private gardener among insurable employments as employment in agriculture he may, with the consent of the Treasury, lay before Parliament the draft of an Order making such amendments of this Act for that purpose as he thinks fit.

(3) If each House resolves that the draft of an Order laid before it under this section be approved, the Minister shall make an Order in the terms of the draft to take effect on such date as may be specified in the Order, and as from that date the provisions of this Act shall have effect subject to the provisions of the Order.

Payments out of moneys provided by Parliament.

16. Any increase attributable to the passing of this Act in the sums payable out of moneys provided by Parliament by virtue of sections twenty-one, ninety-four or ninety-five of the principal Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

17.—(1) In this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say,—

"Agriculture" includes horticulture and forestry;

"Agricultural benefit" means benefit at the weekly rates set out in the Third Schedule to this Act, and includes any increase in the said rates payable under sections thirty-seven or thirty-eight of the principal Act;

"Agricultural contributions" means contributions paid in respect of employment in agriculture; and

"Agricultural contributor" means an insured contributor insured under the principal Act in respect of employment in agriculture;

"Private gardener" means a person employed in horticulture otherwise than in any trade or business carried on for the purposes of gain, not being a person so employed by a public or local authority, or a society, institution, association, club, or company (whether incorporated or not).

(2) Except where the context otherwise requires references in this Act to the principal Act or to any

provision thereof shall be construed as references to that Act or provision as amended by this Act, and in the principal Act the expression " this Act " shall mean the principal Act as so amended.

Short title, citation, extent, saving, commencement and repeal.

18.—(1) This Act may be cited as the Unemployment Insurance (Agriculture) Act, 1936, and this Act and the Unemployment Insurance Act, 1935, may be cited together as the Unemployment Insurance Acts, 1935 and 1936.

(2) Save in so far as it affects provisions of the principal Act which extend to Northern Ireland, this Act shall not extend to Northern Ireland.

(3) Nothing in this Act shall affect the operation of Part III of the Unemployment Act, 1934.

(4) This Act shall come into operation on the fourth day of May, nineteen hundred and thirty-six.

(5) Paragraph 1 of Part II of the First Schedule to the principal Act is hereby repealed.

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Section 1.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO EXCEPTED EMPLOYMENTS.

1. Employment in agriculture in the service of a person to whom the employed person bears any of the following relationships, that is to say, son, stepson, adopted son, son's wife, stepson's wife, adopted son's wife, daughter, stepdaughter, adopted daughter, daughter's husband, stepdaughter's husband, adopted daughter's husband, mother, stepmother, father, stepfather, adopter, grandparent or grandchild.

2. Employment as a private gardener.

Section 2.

SECOND SCHEDULE.

WEEKLY RATES OF AGRICULTURAL CONTRIBUTIONS PAYABLE BY EMPLOYERS AND EMPLOYED PERSONS.

Class of employed person to whom rate applies.	Weekly rate of contribution.	
	By the employed person.	By the employer.
	d.	*d.*
Men who have attained the age of 21 years	4½	4½
Women who have attained the age of 21 years	4	4
Young men between the ages of 18 and 21 years	4	4
Young women between the ages of 18 and 21 years	3½	3½
Boys between the ages of 16 and 18 years	2	2
Girls between the ages of 16 and 18 years	1½	1½
Boys who have not attained the age of 16 years	1½	1½
Girls who have not attained the age of 16 years	1	1

THIRD SCHEDULE.

A.D. 1936.

Sections 3, 17.

WEEKLY RATES OF AGRICULTURAL BENEFIT.

Class of agricultural contributor.	Rate of benefit.
	s. *d.*
Men who have attained the age of 21 years	14 0
Women who have attained the age of 21 years	12 6
Young men between the ages of 18 and 21 years	10 6
Young women between the ages of 18 and 21 years	9 6
Boys between the ages of 17 and 18 years	6 0
Girls between the ages of 17 and 18 years	5 0
Boys who have not attained the age of 17 years	4 0
Girls who have not attained the age of 17 years	3 6

FOURTH SCHEDULE.

Section 10.

PROVISIONS OF ACT OF WHICH AMENDMENTS MAY BE RECOMMENDED BY THE UNEMPLOYMENT INSURANCE STATUTORY COMMITTEE.

Provision.	Subject Matter.
Section three	Rates of benefit in the case of agricultural contributors.
Section six	Reckoning of agricultural contributions.
Section ten	Regulations as to yearly and half-yearly hirings.
Section eleven	Regulations as to persons who are insured contributors both in respect of employment in agriculture and otherwise.
Second Schedule	Weekly rates of agricultural contributions payable by employers and employed persons.
Third Schedule	Weekly rates of agricultural benefit.

A.D. 1936.

Section 14.

FIFTH SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS OF PRINCIPAL ACT.

Provision to be amended.	Amendments.
Section three	- In subsection (3) there shall be inserted after paragraph (*c*) thereof the words following— " and (*d*) for permitting persons who are employed under the same employer partly in agriculture and partly in some other insurable employment to be treated for the purposes of this Act, with the consent of the employed persons, as if they were wholly employed in agriculture, or, with the consent of the employer, as if they were wholly employed in insurable employment other than in agriculture; " and after subsection (4) there shall be inserted the following subsections :— " (5) Where it appears to the Minister that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in agriculture are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in other insurable employment as to result in anomalies in the operation of this Act, the Minister may, by regulations made with the consent of the Treasury, either unconditionally or subject to such conditions as may be specified in the regulations, either— (*a*) provide for including the class of persons employed in other insurable employment among the classes of persons employed in agriculture; or (*b*) provide for including the class of persons employed in agriculture among the classes of persons employed in other insurable employment.

Provision to be amended.	Amendments.
Section three—*cont.*	(6) Where an employed person was in any calendar week employed partly in agriculture and partly in other insurable employment then, subject to the provisions of any regulations made under paragraph (*d*) of subsection (3) of this section—
	(*a*) if he was employed in agriculture to a greater extent than in other insurable employment he shall be deemed to have been in that week wholly employed in agriculture;
	(*b*) if he was employed in other insurable employment to a greater extent than in agriculture, he shall be deemed to have been in that week wholly employed in other insurable employment:
	Provided that in the case of an employed person who was in any calendar week employed in insurable employment by more than one person, this subsection shall apply as if he had not in that week been employed in any employment other than that in which he was employed by the person who, in accordance with the provisions of section eleven of this Act, is deemed to be his employer.
	(7) The Minister may, by regulations made with the consent of the Treasury, provide that in the case of any person employed in any class of employment in agriculture specified in regulations made by the Minister or in a special order made under the National Health Insurance Acts, 1924 to 1935, and declared by the Minister to apply for the purposes of this Act as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood, if that person proves in the prescribed manner either—
	(*a*) that his employment in such classes of employment is not by way of subsidiary employment and is his principal means of livelihood; or

A.D. 1936. — 5TH SCH. —*cont.*

Provision to be amended.	Amendments.
Section three—*cont.*	(*b*) that he is normally employed in insurable employment or in such employment as would make him an employed person within the meaning of the enactments relating to unemployment insurance in Northern Ireland;
	his employment in such classes of employment as aforesaid shall, subject to such conditions, if any, as may be prescribed by the regulations, be deemed not to be an Excepted Employment."
Section four - -	In subsection (1) there shall be inserted after paragraph (*b*) thereof the words following— "or (*c*) as to whether any employment or any class of employment is or will be employment in agriculture or as to whether a person is or was employed in agriculture."
	In subsection (2) thereof after the word "employment" there shall be inserted the words "or is or was employment in agriculture."
Section five - -	At the end thereof there shall be inserted the following subsection— "(5) the following persons shall not be insured under this Act in respect of employment in agriculture, that is to say— "(*a*) persons not domiciled in the United Kingdom who are ordinarily resident outside the United Kingdom; "(*b*) persons who are, to such extent and in such circumstances as may be prescribed, ordinarily dependent for their livelihood on occupations in agriculture that are not insurable employment; and if any question arises as to whether any person is by virtue of this subsection not insured in respect of employment in

A.D. 1936.

5TH SCH. —*cont.*

Provision to be amended.	Amendments.
Section five—*cont.*	agriculture, the question shall be decided by the Minister subject to the provisions of section eighty-four of this Act."
Section eleven -	In subsection (2) in paragraph (*a*) thereof after the word "workshop" there shall be inserted the words "or the occupier or manager of a farm."
Section twenty-two	In subsection (1) thereof after the word "benefit," where that word first occurs, there shall be inserted the words "other than agricultural benefit" and after the word "contributions" there shall be inserted the words "other than agricultural contributions."
Section twenty-six	In subsection (1) thereof for the words "or other premises" there shall be substituted the words "farm or other premises or place" and there shall be inserted in proviso (*b*) to that subsection after the word "premises" the words "or place."
	In subsection (2) thereof after the word "premises," where that word occurs for the first time, there shall be inserted the words "or separate places," after the word "premises," where that word occurs for the second time, there shall be inserted the words "or at the same place," after the word "workshop" there shall be inserted the words "or farm," and after the word "premises," where that word occurs for the third time, there shall be inserted the words "or a separate place."
Section thirty-two	In subsection (1) there shall be inserted in paragraph (*a*) thereof after the word "case" the words "and where that condition is fulfilled only as modified in its application to agricultural benefit that there are at least ten agricultural contributions standing to his credit."
Section sixty-five -	In paragraph (*a*) of subsection (1) after the word "workshop" there shall be inserted the words "or a house in which agricultural operations are carried on."

A.D. 1936.

5TH SCH. —*cont.*

Provision to be amended.	Amendments.
Section seventy-five -	After subsection (6) there shall be inserted the following subsection :— "(7) The Minister shall, after consultation with the Board of Education and the Scottish Education Department, and with the approval of the Treasury, provide by regulations for enabling credited contributions to be treated as agricultural contributions or as contributions other than agricultural contributions, and shall by such regulations make provision, in relation to purposes other than that of determining whether the first statutory condition is fulfilled, as to the period during which credited contributions that are treated as agricultural contributions are to be deemed to have been paid in respect of the person credited with them, as to that person being deemed to have been bonâ fide employed during that period, and as to the disregarding of contributions actually paid in respect of him before the end of that period."
Section eighty-five -	In subsection (1) after the word "person" (where that word occurs for the second time) there shall be inserted the words "or is or was employed in agriculture."
Section ninety-five -	After subsection (3) there shall be inserted the following subsection :— "(4) A person who, before his training, or before the date on which he was called out for or into service, embodied, taken into employment, given a commission or warrant, engaged or enlisted, as the case may be, was normally a person employed in agriculture, shall in respect of any period during which he is under this section deemed to be an employed person in the service of the Crown, be treated as if he had been so employed in agriculture during that period."
First Schedule -	In paragraph 2 of Part II thereof, after the word "employed" (where that word occurs for the second time), there shall be inserted the words "in horticulture or."

Unemployment Insurance (Agriculture).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to include employment in agriculture among the employments which are insurable under the Unemployment Insurance Act, 1935, and to make modifications in the provisions of that Act in their application to such employment, and other consequential modifications in those provisions.

(*Brought from the Commons 24th March* 1936.)

Ordered to be printed 2nd April 1936.

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(62)

Unemployment Insurance (Agriculture) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD PHILLIMORE

AND

THE EARL OF RADNOR.

Clause 6, leave out Clause 6.

Clause 7, leave out Clause 7.

After Clause 14, insert the following new clause:

("**15.** As soon as may be after the passing of this Act, the Minister shall consult with the Postmaster General and, subject to his concurrence, shall make Regulations under the principal Act so far as it appears to them to be practicable and reasonable for the purpose of enabling persons residing in rural areas to make claims for, and to obtain payment of, agricultural benefit at a post office within a reasonable distance of the place where they reside.")

Fifth Schedule, page 19, line 47, at end insert:

("Section seventy - At the end thereof there shall be inserted the following subsection—

'(3) For the purpose of determining in relation to persons employed in insurable employment in agriculture the excess which must be payable under the rules of an association in order to enable a special arrangement with the association to be made or continued, subsection (1) of this section shall have effect as if the amounts mentioned in paragraph (*a*) and paragraph (*b*) thereof were reduced by one-half.' ")

Unemployment Insurance (Agriculture) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE LORD PHILLIMORE

AND

THE EARL OF RADNOR.

6th April 1936.

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(62 *a*)

A

B I L L

INTITULED

An Act to confirm and give effect to an Agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment. A.D. 1936.

WHEREAS provision was made by the Unemployment Insurance (Northern Ireland Agreement) Act, 1926, for confirming and giving effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment insurance: 16 & 17 Geo. 5. c. 4.

And whereas provision was made by the Unemployment Insurance (Northern Ireland Agreement) Act, 1929, for confirming and giving effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland for continuing the first-mentioned agreement: 19 & 20 Geo. 5. c. 18.

And whereas it has been agreed between the Treasury and the Ministry of Finance for Northern Ireland that the said two agreements should be superseded, as from the first day of April, nineteen hundred and thirty-five, by the agreement set forth in the Schedule to this Act (in this Act referred to as "the scheduled agreement") made between them with a view to assimilating the

A.D. 1936. —

burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment:

And whereas it is expedient to confirm and give effect to the scheduled agreement, to provide for the payment of such sums as may be payable out of the Exchequer of the United Kingdom thereunder, and to repeal the said Acts:

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

Confirmation of scheduled agreement.

1.—(1) The scheduled agreement is hereby confirmed and shall have effect as if enacted in this Act.

(2) Any sums payable under the scheduled agreement from the Exchequer of the United Kingdom to the Exchequer of Northern Ireland shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Short title, repeal, commencement and duration.

2.—(1) This Act may be cited as the Unemployment (Northern Ireland Agreement) Act, 1936.

(2) The Unemployment Insurance (Northern Ireland Agreement) Act, 1926, and the Unemployment Insurance (Northern Ireland Agreement) Act, 1929, are hereby repealed.

(3) This Act shall not come into operation unless and until His Majesty by Order in Council declares that a corresponding Act has been passed by the Parliament of Northern Ireland, and shall cease to be in force if and when His Majesty by Order in Council declares that the corresponding Act of the Parliament of Northern Ireland has ceased to be in force.

SCHEDULE.

AGREEMENT MADE BETWEEN THE TREASURY AND THE MINISTRY OF FINANCE FOR NORTHERN IRELAND WITH A VIEW TO ASSIMILATING THE BURDENS ON THE EXCHEQUER OF THE UNITED KINGDOM AND THE EXCHEQUER OF NORTHERN IRELAND IN RESPECT OF UNEMPLOYMENT.

The Commissioners of His Majesty's Treasury and the Ministry of Finance for Northern Ireland, with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment, have entered into the following Agreement, which supersedes as from the 1st day of April, 1935, the Agreements dated the 10th February, 1926, and 14th December, 1928.

1. At the date when this Agreement comes into force and thereafter triennially the Government Actuary shall estimate on the basis of figures supplied by the Departments concerned—

(*a*) the total number of the persons insured under the Acts of the Parliament of the United Kingdom and of the Parliament of Northern Ireland relating to Unemployment Insurance, excluding persons insured under any special scheme made thereunder, and

(*b*) the total number of the persons insured under the Acts of the said Parliaments relating to Widows', Orphans' and Old Age Contributory Pensions, excluding persons insured as voluntary contributors and persons who have attained the age of 65,

and shall certify in either case the proportion of the number so estimated which represents the number of persons insured under the Acts of the Parliament of Northern Ireland.

The proportions so certified are hereinafter referred to as "the Unemployment Insurance Proportion" and "the Unemployment Assistance Proportion" respectively and in respect of any year shall be deemed to be those certified in the triennial certificates current in that year.

2. There shall be ascertained the payment (if any) necessary to be made as at the end of each financial year as between the Exchequer of Northern Ireland and the Unemployment Fund of Northern Ireland in order to bring the current account of that Fund created by the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926, into parity with the Unemployment Fund of Great Britain: and for this purpose parity shall

A.D. 1936.

be deemed to exist between the said current account and the Unemployment Fund of Great Britain when the balance of the current account of the Northern Ireland Fund bears to the sum of the balances of the said current account and the said Unemployment Fund of Great Britain the proportion certified under Article 1 hereof as the Unemployment Insurance proportion.

3. The Government of Northern Ireland will cause to be repaid out of the Unemployment Fund of Northern Ireland at the rate of £40,000 per annum the sum of £2,400,000 being the existing balance of the suspense account of that Fund created under Section 4 of the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926, and the said £40,000 per annum together with interest on the balance of the suspense account for the time being outstanding shall be included as expenditure from the current account of the Northern Ireland Unemployment Fund for the purpose of calculating the balance of the current account of that Fund under the preceding Article.

4.—(1) If in respect of any financial year the payments made by the Exchequer of Northern Ireland to the Unemployment Fund and Unemployment Assistance Fund of Northern Ireland (after taking into account any payment made for the purpose referred to in Article 2 hereof) shall together exceed the sum of—

(*a*) the Unemployment Insurance proportion of the payments (after taking into account any payment as aforesaid) made by the Exchequers of the United Kingdom and Northern Ireland to the Unemployment Funds of Great Britain and Northern Ireland, and

(*b*) the Unemployment Assistance proportion of the payments so made to the Unemployment Assistance Funds of Great Britain and Northern Ireland,

the Exchequer of the United Kingdom shall contribute to the Exchequer of Northern Ireland three-quarters of the excess :

Provided that if, according to a Certificate to be given at the end of each financial year by the Government Actuary, the number (based upon the average of the monthly returns) of unemployed persons in Northern Ireland between the ages of 16 and 64 (both inclusive) in that year is less than twenty per cent. of the estimated number of persons insured under the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) (excluding the classes of persons referred to in Article 1 (b)), the contribution under this Article in respect of that year shall be reduced by one-twelfth part for each complete one per cent. by which the said percentage is less than twenty.

(2) For the purpose of this Article a grant paid to a local authority under any Act of the Parliament of the United Kingdom providing for financial adjustments necessitated by the delay in relieving local authorities in respect of expenditure in connection with relief of the poor occurring by reason of the second appointed day for the purposes of the Unemployment Act, 1934, having been postponed, or under any corresponding Act of the Parliament of Northern Ireland shall be deemed to be a payment to the Unemployment Assistance Fund of Great Britain or Northern Ireland as the case may be.

5. If in respect of any financial year the payments by the Exchequer of Northern Ireland referred to in the last preceding Article are less than the sum therein stated, the difference between the said payments and the said sum shall be paid by that Exchequer to the Exchequer of the United Kingdom.

6. Payments on account of such contributions as may ultimately be found to be due under Article 4 or Article 5 hereof from one Exchequer to the other may be made of such amounts and at such times as the Joint Exchequer Board may determine to be proper, and for this purpose the Board may make provisional estimates of the percentage referred to in the proviso to Article 4 (1) hereof.

7. If at any time the classes of persons insured or of persons entitled to apply for an unemployment allowance the rates of contribution the rates or conditions of benefit or the regulations under which allowances are paid or the general method of charging administrative expenses or the method of financing the Unemployment or Unemployment Assistance Funds differ in Great Britain and Northern Ireland there shall be made such adjustment, if any, in the amounts of the contributions from one Exchequer to the other as the Joint Exchequer Board, after consulting the Government Actuary, may consider just.

8. Any question arising under this Agreement whether as to the amount of any payment for the purpose referred to in Article 2 hereof or of any contribution from one Exchequer to the other under Articles 4 and 5 hereof or otherwise shall be determined by the Joint Exchequer Board, whose decision shall be final.

9. This Agreement shall not come into operation until confirmed by Acts of the Parliaments of the United Kingdom and Northern Ireland respectively but upon being so confirmed shall apply as from the 1st day of April, nineteen hundred and thirty-five.

(Signed)
N. CHAMBERLAIN.
(Signed)
JAMES BLINDELL.
(Signed)
H. M. POLLOCK.

29th July 1935.

Agreement).

A

B I L L

INTITULED

An Act to confirm and give effect to an Agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment.

(*Brought from the Commons* 11*th March* 1936.)

Ordered to be printed 11th March 1936.

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Voluntary Hospitals (Paying Patients). [H.L.]

MEMORANDUM.

1. The object of the Bill is to give power to provide pay beds in voluntary hospitals for patients who, in the event of serious illness or operation, cannot afford the cost of private treatment, but are able and willing to pay for treatment in a hospital at charges proportionate to their means. There are also now many modern methods of diagnosis and treatment which cannot be provided without the aid of the specialised equipment and staff of a hospital, except at great expense, if at all.

2. Parliament has already conferred on several hospitals, who have obtained private Acts, powers to provide accommodation and treatment for paying patients and a number of hospitals already have the necessary powers under their constitution.

3. At some hospitals, however, although the need is no less great and there is every willingness to meet it, the provision of pay beds is prevented by legal obstacles and anomalies arising from the fact that the need was not foreseen at the time when the legal definition of the objects of the hospital was settled. In some instances the legal position is in doubt.

4. This Bill is promoted to provide a uniform method of removing these legal obstacles and anomalies, while at the same time fully safeguarding the interests of the sick poor by reserving control to the Charity Commissioners, who are the recognised custodians of such interests.

A

B I L L

INTITULED

An Act to empower voluntary hospitals in pursuance of Orders of the Charity Commissioners to provide accommodation and treatment for paying patients.

A.D. 1935.

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

Definitions.

1. In this Act unless the context otherwise requires—

"voluntary hospital" means an institution (not being an institution which is carried on for profit or which is maintained wholly or mainly at the expense of the rates) which provides medical or surgical treatment for in-patients;

"committee of management" includes any body or persons having the management or control of a voluntary hospital;

"Order" means an Order made by the Charity Commissioners for any of the purposes specified in subsection (1) of section two of this Act.

Accommodation for and charges to paying patients.

2.—(1) Notwithstanding the trusts express or implied upon which the property and funds of a voluntary hospital are held, and notwithstanding any prohibition or restriction imposed by or under any local Act, being an Act relating expressly to the hospital, charter, scheme, deed, will, or otherwise, not being a prohibition or restriction imposed by a public general Act or by any

A.D. 1936.

local Act not so relating, the committee of management may provide and maintain on such land from time to time belonging to them such new buildings or such existing buildings of the hospital, or such parts of such new or existing buildings and such and so many beds therein and for such period as the Charity Commissioners may on the application of the committee of management from time to time by Order authorise, for the accommodation and treatment of patients who are able and willing to make payment therefor.

(2) The committee of management may charge such patients as aforesaid for accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital) in accordance with such scale of charges as may be specified in an Order.

(3) An Order may include any consequential or incidental provisions appearing to the Charity Commissioners to be necessary or desirable.

(4) The Charity Commissioners may, from time to time on the application of the committee of management, vary an Order, and, if in the opinion of the Commissioners there has been any material change in the circumstances existing at the time when an Order was made, they may, after giving to the committee of management and to any other persons appearing to the Commissioners to be concerned an opportunity of making representations, of their own motion vary or revoke the Order.

Provision for patients able to make some, but not full, payment.

3.—(1) Except where the Charity Commissioners are satisfied that it would be inappropriate in the circumstances so to do, they shall include in the scale of charges specified in an Order charges fixed with a view to meeting the needs of patients who, though able to make some payment, are unable to pay charges sufficient to meet the full expense to the hospital of their accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital), and shall make it a condition of the Order that in the use of a number to be specified therein of the beds whose maintenance is authorised thereby priority shall be given to such patients.

(2) An Order may, in cases where the committee of management have not the power so to do apart from an

Order, authorise them to defray out of any funds applicable to the general purposes of the hospital the difference between the full expense to the hospital of the accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital of such patients as aforesaid on the one hand, and the sums with which those patients are charged under the authority of the Order on the other hand.

Provisions for protection of existing trusts.

4. The Charity Commissioners shall not make an Order authorising any use or application of property or funds which, apart from the Order, would involve a breach of any trusts upon which the property or funds are held or a contravention of any prohibition or restriction imposed as mentioned in section two of this Act—

(*a*) on an application for authority to use land, unless they are satisfied that if the Order were not made the land would not come into use for the purposes for which the trusts were created or the prohibition or restriction was imposed, until after the expiration of a substantial period from the date of the application;

(*b*) on an application for authority to use existing buildings or part of existing buildings, unless they are satisfied either—

(i) that the use of the buildings or part thereof for the purposes for which the trusts were created or the prohibition or restriction was imposed is impracticable, or is likely soon so to become, because the committee of management have not at their disposal, and will be unable to obtain, sufficient funds to enable the buildings or that part thereof to be, or to continue to be, so used;

(ii) that the use of the buildings or part thereof for the purposes aforesaid is impracticable, or is likely soon so to become because of a shortage of demand for accommodation on the part of the persons for whose benefit the trusts were created or the prohibition or restriction was imposed; or

(iii) that the committee of management have, or are likely soon to have, at

A.D. 1936.

their disposal premises which could be put to the use to which the application relates without breach of any trust upon which those premises are held or contravention of any such prohibition or restriction as aforesaid and that the buildings or part thereof will be used by way of exchange for those premises;

(*c*) in any case, unless they are satisfied that the authorisation will not diminish or restrict the accommodation for such persons as aforesaid which is provided in the hospital at the date of the application for the Order and which the committee of management would be able to continue to provide if the Order were not made.

Power to Charity Commissioners to make rules.

5.—(1) The Charity Commissioners may make rules in relation to applications for Orders and proceedings in connection therewith, and to the publication of notices and advertisements and the manner in which and the time within which representations or objections with reference to any application or other proceedings are to be made, and to the holding of inquiries in such cases as they may think advisable and to any other matters arising under or in pursuance of this Act.

(2) Any rules made in pursuance of this section shall be laid before Parliament as soon as may be after they are made.

(3) The Charity Commissioners may require such sum as they may determine to represent costs or expenses incurred by them in the exercise of the powers conferred upon them by this Act (including a sum in respect of the services of an officer engaged in an inquiry) to be provided out of any funds, being funds under the control of the committee of management of the hospital in relation to which the expenses are incurred, whether representing capital or income, which in the opinion of the Charity Commissioners may properly be made applicable for that purpose.

Savings.

6.—(1) Nothing in this Act shall be construed as limiting or restricting the exercise by the committee of management of any power which apart from this Act they would have been entitled to exercise.

(2) The powers conferred on the Charity Commissioners by this Act shall be in addition to and not in derogation of any other powers exercisable by them.

(3) Except to the extent of an application of funds authorised under subsection (2) of section three of this Act, an Order shall not be construed as authorising any application of funds.

Short title and extent.

7.—(1) This Act may be cited as the Voluntary Hospitals (Paying Patients) Act, 1936.

(2) This Act shall not apply to Scotland or to Northern Ireland.

Voluntary Hospitals (Paying Patients). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to empower voluntary hospitals in pursuance of Orders of the Charity Commissioners to provide accommodation and treatment for paying patients.

The Lord Luke.

Ordered to be printed 4th February 1936.

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(22)

Weights and Measures Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Certain dealings with sand or ballast to be by weight or by the cubic yard.
2. Receptacles for measuring sand or ballast by the cubic yard.
3. Restrictions on use of vehicles for conveying sand or ballast.
4. Conveyance notes in respect of sand or ballast.
5. Inspection, weighing and measuring of sand or ballast and vehicles conveying it.
6. Penalties.
7. Laying of regulations before Parliament.
8. Legal proceedings.
9. Duties of inspectors.
10. Expenses and combinations of local authorities.
11. Discharge of functions of Board of Trade.
12. Interpretation.
13. Short title, citation, commencement and extent.

BODLEIAN
29 JUN 1936
LIBR

A

B I L L

INTITULED

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the measuring, sale, and conveyance of sand, ballast and similar materials, and with respect to the discharge of the functions of the Board of Trade; and for purposes connected with the matters aforesaid. A.D. 1936.

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

Certain dealings with sand or ballast to be by weight or by the cubic yard.

1.—(1) No person shall (whether on his own behalf or on behalf of another person) sell, agree to sell or agree to carry any sand or ballast otherwise than by weight or by the cubic yard:

Provided that this subsection shall not apply—

(*a*) in relation to any sale, agreement for the sale, or agreement for the carriage, of a quantity of sand or ballast the weight of which is less than one ton and the volume of which is less than one cubic yard;

(*b*) in relation to any sale, or agreement for the sale, of any sand or ballast, where it is a term of the sale or agreement that the purchaser is to take delivery in or from a vessel as defined by section seven hundred and forty-two of the Merchant Shipping Act, 1894; 57 & 58 Vict. c. 60.

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(*c*) in relation to any agreement for the carriage of any sand or ballast, if and in so far as it is an agreement for the carriage of that sand or ballast by water, and is made for the purpose of giving or taking delivery in pursuance of such a sale or agreement as is referred to in paragraph (*b*) of this proviso;

(*d*) in relation to any sale, or agreement for the sale, as a whole, of ballast produced in the demolition or partial demolition of a building, where it is a term of the sale or agreement that the purchaser is to take delivery from the site of the building;

(*e*) in relation to any sale, or agreement for the sale, in the state in which it was produced, of ashes or clinker forming a by-product, or any other ballast forming a casual product, of the carrying on of an industrial process on any premises, where it is a term of the sale or agreement that the purchaser is to take delivery from those premises.

(2) No person shall (whether on his own behalf or on behalf of another person) sell, agree to sell, or agree to carry any sand or ballast by the cubic yard, unless the volume of the sand or ballast either is a cubic yard or an integral number of cubic yards, or is any such fraction of a cubic yard as may be prescribed or a multiple of such a fraction.

(3) If any person contravenes this section he shall be guilty of an offence; and every sale or agreement made in contravention of this section shall be void, notwithstanding anything in section nineteen of the principal Act.

(4) Nothing in section nineteen of the principal Act shall be taken to avoid, or to render any person punishable in respect of, any contract, bargain, sale or dealing with regard to sand or ballast, by reason only that the contract, bargain, sale or dealing, as the case may be, is made or had by the cubic yard; and nothing in the said section shall prevent the charging or collection of tolls or duties in respect of sand or ballast by the cubic yard.

(5) An agreement which, in a case where the owner of any sand or ballast undertakes to transfer the property

A.D. 1936.

therein to another person in consideration only of an undertaking by that person to remove the sand or ballast from the place at which the property therein passes to him, is made for the purpose of removing the sand or ballast as aforesaid, shall be deemed for the purposes of this Act not to be an agreement for the carriage of that sand or ballast.

Receptacles for measuring sand or ballast by the cubic yard.

2.—(1) Subject to the provisions of this section, no person shall for the purpose of trade—

(*a*) measure sand or ballast by the cubic yard otherwise than in, and by means only of a calibration mark on, a receptacle which, in respect of its form, material, construction, capacity and calibration, and otherwise, conforms with such regulations as may be made by the Board of Trade, or

(*b*) have in his possession for use in measuring sand or ballast by the cubic yard any receptacle other than such a receptacle as is mentioned in paragraph (*a*) of this subsection;

and if any person contravenes this subsection, he shall be guilty of an offence.

(2) For the purposes of this Act the volume of any sand or ballast in such a receptacle as is mentioned in paragraph (*a*) of the preceding subsection shall be taken to be the volume which the sand or ballast appears, according to the calibration of the receptacle, to have when filled in all parts of the receptacle as nearly as the sand or ballast will admit, and when levelled in the receptacle so far as practicable.

(3) Every receptacle (whether forming part of a vehicle or not) which, for the purpose of trade, is used or intended to be used in measuring sand or ballast by the cubic yard shall, subject as hereinafter provided, be deemed for the purposes of the Weights and Measures Acts, 1878 to 1926, to be a measure:

Provided that—

(*a*) no such receptacle as aforesaid shall be stamped under section twenty-nine of the principal Act with a stamp of verification unless the receptacle conforms with the regulations made under this section by the Board of Trade;

A.D. 1936.

(*b*) sections three and forty-five of the principal Act (which respectively provide for the uniformity and validity of weights and measures throughout the United Kingdom) shall, in relation to any such receptacle, have effect as if for the references in those sections to the United Kingdom there were substituted references to England; and

(*c*) nothing in section twenty-four of the principal Act (which makes punishable the use for trade of a measure which is not of the denomination of some Board of Trade standard) shall apply in relation to any such receptacle referred to in this subsection as conforms with the regulations aforesaid.

(4) The power of the Board of Trade under section five of the Weights and Measures Act, 1904, to make regulations as to the functions of inspectors and local authorities with respect to the examination, verification and testing of receptacles which, by virtue of this section, are deemed to be measures, shall include power to make regulations modifying, in relation to such receptacles, the provisions of sections forty, forty-four, forty-eight and forty-nine of the principal Act in so far as those provisions relate to the examination of measures and to the comparison of measures with local standards.

4 Edw. 7. c. 28.

(5) Where any receptacle which, being deemed to be a measure by virtue of this section, has been verified and stamped under section twenty-nine of the principal Act is altered or repaired, no person shall, for the purpose of trade, use the receptacle, or have it in his possession for use, in measuring sand or ballast by the cubic yard, unless and until it has been re-verified and re-stamped by an inspector; and if any person contravenes this subsection, he shall be guilty of an offence.

(6) The regulations made under this section by the Board of Trade may direct that, for such period and subject to such conditions, if any, as may be specified in the regulations, this section shall not prevent the measurement of sand or ballast in, or apply in relation to, any such class of receptacles constructed before the day on which this Act comes into operation as may be so specified.

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(7) In this section the expression "trade" has the meaning assigned to that expression by section nineteen of the principal Act.

Restrictions on use of vehicles for conveying sand or ballast.

3.—(1) No sand or ballast shall, in pursuance of a sale or agreement for the sale or carriage thereof made by weight, be conveyed in or on a vehicle unless the tare weight of the vehicle, ascertained in such manner as may be prescribed, is indicated by a mark on the vehicle (hereafter in this Act referred to as a "tare weight mark") approved by the Board of Trade and affixed in such manner as may be prescribed; and no sand or ballast shall, in pursuance of a sale or agreement for the sale or carriage thereof made by the cubic yard, be conveyed in or on a vehicle unless the receptacle in which the sand or ballast is so conveyed bears a stamp of verification affixed by an inspector under section twenty-nine of the principal Act:

Provided that nothing in this subsection shall restrict—

(*a*) the conveyance of sand or ballast in pursuance of such a sale or agreement as is mentioned in paragraph (*a*) of the proviso to subsection (1) of section one of this Act; or

(*b*) the use of a receptacle in relation to which, by virtue of subsection (6) of the last preceding section, that section does not apply, for conveying any sand or ballast in pursuance of a sale or agreement for the sale or carriage thereof made by the cubic yard.

(2) If any person conveys any sand or ballast in contravention of this section, or causes any sand or ballast to be conveyed in contravention of this section, he shall be guilty of an offence; and if any person, with intent to defraud or deceive,—

(*a*) forges any tare weight mark approved for the purposes of this section by the Board of Trade, or

(*b*) alters or defaces any such tare weight mark placed on a vehicle, or

A.D. 1936.

(*c*) places, or suffers to remain, on a vehicle any such tare weight mark, or any mark so closely resembling such a tare weight mark as to be calculated to deceive,

he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

In this subsection the expression " forges " has the same meaning as in the Forgery Act, 1913.

3 & 4 Geo. 5. c. 27.

Conveyance notes in respect of sand or ballast.

4.—(1) Subject to the provisions of the next following subsection, the person in charge of any vehicle being used for conveying any sand or ballast on a journey any part of which is along a highway—

(*a*) shall carry with him a note (hereafter in this Act referred to as a " conveyance note ") in such form as may be prescribed, signed by or on behalf of the appropriate person and stating such matters as are required by this section to be stated in the note,

(*b*) shall on demand made by any inspector, and on production by the inspector, if so required, of such document as may be prescribed showing that he is an inspector, produce the conveyance note to that inspector, and

(*c*) if the vehicle is being so used as aforesaid in pursuance of a sale or agreement for the sale or carriage of the sand or ballast, shall, before any of the sand or ballast is unloaded from the vehicle at the place of delivery, deliver the conveyance note to the consignee or his agent.

In this subsection the expression " the appropriate person " means, in a case where the sand or ballast is conveyed in pursuance of a sale or agreement for the sale or carriage thereof, the seller or consignor, as the case may be, or, in any other case, the person causing the sand or ballast to be conveyed.

(2) Nothing in the preceding subsection shall apply in relation to the conveyance of any sand or ballast the weight of which is less than one ton and the volume

of which is less than one cubic yard, being sand or ballast conveyed—

(*a*) in pursuance of such a sale or agreement as is mentioned in paragraph (*a*) of the proviso to subsection (1) of section one of this Act, or

(*b*) otherwise than in pursuance of a sale, or agreement for the sale or carriage, of the sand or ballast.

(3) A conveyance note shall state that the sand or ballast to which the note relates is or is not, as the case may be, being conveyed in pursuance of a sale or agreement for the sale or carriage thereof, and in a case where it is being so conveyed, shall state—

(*a*) that the sale or agreement was made by weight or by the cubic yard, as the case may be,

(*b*) the weight of the sand or ballast or its volume in cubic yards, as the case may be, and

(*c*) if the sale or agreement was made by weight, the tare weight of the vehicle:

Provided that a statement of the weight of the sand or ballast shall not be required in relation to a vehicle whilst proceeding from the place where it was loaded to the nearest available weighing instrument, if the situation of that instrument is stated on the conveyance note.

(4) No person shall sign or use, or cause to be signed or used, for the purposes of this section a conveyance note stating the volume of any sand or ballast in cubic yards unless the volume so stated either is a cubic yard or an integral number of cubic yards, or is any such fraction of a cubic yard as may be prescribed or a multiple of such a fraction.

(5) If any person contravenes or fails to comply with this section, or signs, or causes to be signed, for the purposes of this section a conveyance note which contains a materially incorrect statement, he shall be guilty of an offence.

Where the weight or volume of any sand or ballast in a vehicle is at any time found to be less than the weight or volume, as the case may be, specified in the conveyance note relating thereto, then, for the purpose of any proceedings which may be taken by virtue of

A.D. 1936.

this subsection, the weight or volume of the sand or ballast at that time shall, until the contrary is proved, be deemed to have been the weight or volume thereof at the time when the conveyance note was signed.

(6) No vehicle conveying any sand or ballast shall proceed on any journey in relation to which a conveyance note stating the weight or volume of the sand or ballast is required by this section to be carried, unless the person in charge of the vehicle at the time when it first becomes necessary that a statement of the weight or volume of the sand or ballast should be contained in the conveyance note has satisfied himself, so far as he reasonably can, that the said weight or volume is at that time correctly stated in the conveyance note, and if this subsection is contravened in the case of any vehicle, the person in charge of the vehicle at the said time shall be guilty of an offence.

(7) If any person in charge of a vehicle conveying sand or ballast uses in relation thereto, for the purposes of this section, a conveyance note which to his knowledge contains a materially incorrect statement, he shall be guilty of an offence:

Provided that no person shall, by virtue of this subsection, be liable to any penalty by reason only of the weight or volume of any sand or ballast in a vehicle being found to be less than the weight or volume, as the case may be, specified in the conveyance note relating thereto, if it is proved that the deficiency is solely attributable to the draining away of normal moisture from the sand or ballast during the journey on which the vehicle was at the material time engaged, or, as the case may be, to the consolidation of the sand or ballast in the vehicle during that journey.

(8) Different forms of conveyance notes may be prescribed in relation to different circumstances.

Inspection, weighing and measuring of sand or ballast and vehicles conveying it.

5.—(1) Any inspector, on producing, if so required, such document as may be prescribed showing that he is an inspector, may, so far as it is reasonable so to do for the purpose of giving effect to this Act, inspect any vehicle which is being used for conveying any sand or ballast, and either—

(*a*) cause the vehicle, as loaded, to be weighed by means of a weighing instrument stamped by an inspector, or cause the vehicle to be unloaded

and the vehicle or the sand or ballast or both to be weighed by means of such a weighing instrument as aforesaid, or

(*b*) cause the sand or ballast to be levelled in the vehicle, or to be unloaded and measured :

Provided that neither the vehicle nor the sand or ballast shall be required to be moved for a distance of more than two miles for the purpose of being weighed or measured under this subsection.

(2) If, in exercising with respect to a vehicle any of his powers under the preceding subsection, an inspector finds—

(*a*) that a conveyance note produced to him in relation to any sand or ballast in the vehicle contains a materially incorrect statement, or

(*b*) in a case where the vehicle is required by this Act to be marked with a tare weight mark, that the vehicle is not so marked or bears a mark which purports to indicate the tare weight of the vehicle, but which either does not accurately indicate that weight or is not a mark approved by the Board of Trade and affixed in the prescribed manner,

then, without prejudice to any proceedings which may be taken by reason of the matters aforesaid, the inspector shall cause the conveyance note to be corrected in such manner as may be prescribed, or, as the case may be, shall do, or request the person in charge of the vehicle to do, all such things as are necessary to secure that the vehicle is marked, as required by this Act with a tare weight mark accurately indicating the tare weight of the vehicle, and that any other marks on the vehicle purporting to indicate its tare weight are removed or obliterated.

(3) If any person obstructs, or fails to comply with any request made by, an inspector in the discharge of his functions under this section, that person shall be guilty of an offence.

(4) Section twenty-six of the Weights and Measures Act, 1889, (which authorises the provision, and regulates the operation, by local authorities of weighing instruments for weighing coal) shall apply with respect to

52 & 53 Vict. c. 21.

A.D. 1936.

guilty by virtue of this Act, shall be liable to a fine not exceeding five pounds or, upon a second or subsequent conviction of such an offence, to a fine not exceeding twenty pounds:

Provided that nothing in this subsection shall affect the amount of a fine which may be imposed by virtue of section thirty-two of the principal Act, as amended by this Act (which section provides for the punishment of persons forging or counterfeiting stamps used under that Act).

4 Edw. 7. c. 28.

(2) Section four of the Weights and Measures Act, 1889, as amended by the Weights and Measures Act, 1904 (which section provides for imprisonment for a term not exceeding two months in the case of an offence committed with intent to defraud), shall apply in relation to an offence punishable under the preceding subsection, as it applies in relation to any other offence being an offence under the principal Act, except that the reference in that section to two months shall be construed as a reference to six months.

(3) Nothing in the Weights and Measures Acts, 1878 to 1926, as amended by this Act, shall render liable to forfeiture any railway truck or waggon or any receptacle forming part of a vehicle.

Laying of regulations before Parliament.

7. Any regulations made under this Act by the Board of Trade shall, as soon as may be after they are made, be laid before Parliament, and if either House of Parliament, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.

Legal proceedings.

8.—(1) Sections fifty-six to sixty-one and sections seventy-two to seventy-five of the principal Act (which contain provisions as to legal proceedings in respect of offences under that Act), and sections fourteen and thirty-three of the Weights and Measures Act, 1889, (which respectively provide for the publication of convictions and for saving liabilities at common law), shall apply in relation to offences under this Act as they apply in relation to offences under either of those Acts.

(2) Nothing in section twelve of the Sale of Food (Weights and Measures) Act, 1926, shall apply in relation to any proceedings taken by virtue of this Act. 16 & 17 Geo. 5. c. 63.

9. The duties of an inspector under any of the provisions of this Act or any regulations made under this Act shall be deemed to be duties under the principal Act. Duties of inspectors.

10. The expenses incurred for the purposes of this Act by a local authority shall be defrayed as expenses incurred by the local authority under the principal Act, and section fifty-two of the principal Act (which empowers local authorities to combine for all or any of the purposes of that Act) shall have effect as if the purposes of this Act were purposes of that Act. Expenses and combinations of local authorities.

11. Anything required or authorised by or under the Weights and Measures Acts, 1878 to 1926, or this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any Secretary, Under Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President. Discharge of functions of Board of Trade.

12. In this Act the following expressions have the meanings hereby assigned to them, that is to say :— Interpretation.

" ballast " means—

(*a*) gravel, shingle, ashes or clinker, or

(*b*) any material commonly known in the building and engineering trades as ballast, stone chippings, granite chippings or hard core of brick, stone, stone ware or concrete, or

(*c*) any similar material commonly known and used in the said trades as an aggregate for constructional work;

" cubic yard " means a volume equal to a cube each edge of which measures one yard;

" inspector " means an inspector of weights and measures appointed by the local authority under section forty-three of the principal Act;

" local authority " means a local authority for the purposes of the principal Act;

" prescribed " means prescribed by regulations made under this Act by the Board of Trade;

" cubic yard " means a volume equal to a cube each edge of which measures one yard;

" inspector " means an inspector of weights and measures appointed by the local authority under section forty-three of the principal Act;

" local authority " means a local authority for the purposes of the principal Act;

" prescribed " means prescribed by regulations made under this Act by the Board of Trade;

41 & 42 Vict. c. 49. " the principal Act " means the Weights and Measures Act, 1878;

" stamp " and " stamping " have respectively the same meanings as in the principal Act and "stamped" and "re-stamped" shall be construed accordingly;

" vehicle " means any lorry, cart, waggon, truck or other means of conveying sand or ballast by land, however drawn or propelled, but does not include a railway truck or waggon;

" weighing instrument " has the meaning assigned to that expression by section thirty-five of the Weights and Measures Act, 1889.

Short title, citation, commencement and extent.

13.—(1) This Act may be cited as the Weights and Measures Act, 1936; and the Weights and Measures Acts, 1878 to 1926, and this Act may be cited together as the Weights and Measures Acts, 1878 to 1936.

(2) This Act shall come into operation on such day as the Board of Trade may by order appoint.

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

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the measuring, sale, and conveyance of sand, ballast and similar materials, and with respect to the discharge of the functions of the Board of Trade; and for purposes connected with the matters aforesaid.

(*Brought from the Commons* 11*th June* 1936.)

Ordered to be printed 1st July 1936.

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(146)

A

B I L L

INTITULED

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the sale of coal in Scotland, and to repeal certain existing enactments with respect thereto. A.D. 1936.

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

Application of Part II of the Weights and Measures Act, 1889, to Scotland.

1. As from the passing of this Act, Part II of the Weights and Measures Act, 1889, shall apply to Scotland and section thirty-one of that Act and sections four hundred and nineteen to four hundred and twenty-four, inclusive, of the Burgh Police (Scotland) Act, 1892, and section ten of the Local Government (Scotland) Act, 1908, in so far as it extends those sections to counties, are hereby repealed.

Section one not to apply in certain areas.

2. The foregoing section shall not apply in any burgh or county in which a local Act containing provisions regulating the sale of coal is in force at the passing of this Act: Provided that it shall be lawful for the town council of any such burgh or the county council of any such county by resolution to adopt the provisions of Part II of the Weights and Measures Act, 1889, and on the coming into force of such resolution the said provisions shall

A.D. 1936. have effect in such burgh or county as if section thirty-one of the said Act were repealed, and the provisions of any local Act in force in such burgh or county regulating the sale of coal shall cease to have effect.

Short title. **3.** This Act may be cited as the Weights and Measures, Sale of Coal (Scotland) Act, 1936.

Weights and Measures (Scotland).

A

B I L L

INTITULED

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the sale of coal in Scotland, and to repeal certain existing enactments with respect thereto.

(*Brought from the Commons* 1st *July* 1936.)

Ordered to be printed 1st July 1936.

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Widows', Orphans' and Old Age Contributory Pensions. [H.L.]

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2. Meaning of " insured ", &c.

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Abbreviations used in the marginal notes to the clauses of the Bill.

1925 = Widows', Orphans' and Old Age Contributory Pensions Act, 1925.
1928 = National Health Insurance Act, 1928.
1929 = Widows', Orphans' and Old Age Contributory Pensions Act, 1929.
1931 = Widows', Orphans' and Old Age Contributory Pensions Act, 1931.
1931, c. 37. = Adoption of Children (Scotland) Act, 1931.
1931, N.E.O. = National Economy (National Health Insurance) Order, 1931.
1932 = National Health Insurance and Contributory Pensions Act, 1932.
1933 = Metropolitan Police Act, 1933.
1934 = Unemployment Assistance Act, 1934.
1935, c. 8. = Unemployment Insurance Act, 1935.
1935 = National Health Insurance and Contributory Pensions Act, 1935.

A

B I L L

[AS AMENDED BY THE JOINT SELECT COMMITTEE]

INTITULED

An Act to consolidate the enactments relating to Widows', Orphans' and Old Age Contributory Pensions. A.D. 1936.

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

Contributory Pensions.

Contributory pensions for widows, orphans, and persons between the ages of 65 and 70. [1925, s. 1 (1); 1935, s. 16 (1).]

1.—(1) Subject to the provisions of this Act relating to the payment of contributions (including payments out of moneys provided by Parliament) and otherwise, pensions shall be payable as follows, that is to say—

(*a*) to the widow of an insured man a pension at the rate of ten shillings per week, with an additional allowance in respect of children while under the age of fourteen and for the further period hereinafter specified, at the rate of five shillings per week for the eldest or only such child, and

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three shillings per week for each other such child (in this Act called a "widow's pension");

(*b*) in respect of the orphan children while under the age of fourteen and for the further period hereinafter specified of an insured man or of an insured widow, a pension at the rate of seven shillings and sixpence per week for each such child (in this Act called an "orphan's pension");

(*c*) to an insured man or an insured woman who has attained the age of sixty-five but has not attained the age of seventy, and to the wife of an insured man who has attained the age of sixty-five (such wife having attained the age of sixty-five but not having attained the age of seventy) a pension at the rate of ten shillings per week (in this Act called an "old age pension").

[1935, s. 16 (2).]

(2) The specified further period shall be any period between the day before the date on which the child attains the age of fourteen and the end of July next following the date on which he attains the age of sixteen during which he is, or is deemed in accordance with regulations made under this Act to be, under full time instruction in a day school.

[1925, s. 1 (3).]

(3) By way of contribution towards the cost of carrying this Act into effect there shall be paid such contributions as are hereinafter in this Act provided.

Meaning of "insured", &c. [1925, s. 2 (1).]

2.—(1) In this Act, unless the context otherwise requires, the expression "insured" means insured under the National Health Insurance Act, 1936 (in this Act referred to as the Insurance Act) or any Act repealed by that Act or by the National Health Insurance Act, 1924, and in relation to any person who is deemed to be insured for the purposes of this Act, includes such a person; the expression "insurance" in relation to a person so deemed to be insured shall be construed accordingly; and other expressions have the same meaning as in the Insurance Act.

[1925, s. 2 (3).]

(2) An exempt person and a person engaged in an excepted employment shall be deemed to be insured for the purposes of this Act in the circumstances and to the extent mentioned in this Act.

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Widows' and Orphans' Pensions.

Widows' pensions. [1925, s. 3 (1).]

3.—(1) Subject to the provisions of this Act, the widow of a person who is insured at the date of his death but had not attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to a widow's pension:

Provided that the widow of a man who had attained the age of sixty at the date of the marriage shall not be entitled to a widow's pension unless either—

(*a*) there are or have been one or more children of the marriage; or

(*b*) at the date of the death of her husband three years or more have elapsed since the date of the marriage; or

(*c*) she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or in section twenty-five of this Act would have been, in receipt of a widow's pension. [1929, s. 5.]

(2) A widow's pension shall continue to be payable until the widow attains the age of seventy unless she re-marries before attaining that age, in which case the pension shall cease. [1925, s. 3 (2).]

(3) An additional allowance shall, subject as hereinafter provided, be paid to the widow together with and as part of the pension: [1925, s. 3 (3).]

Provided that, if for any reason other than the death of the widow the widow's pension ceases to be payable before the expiration of the time during which an additional allowance is payable, that cesser shall not affect the continuance of the additional allowance.

Orphans' pensions. [1925, s. 4 (1).]

4.—(1) Subject to the provisions of this Act, an orphan's pension shall, if the statutory conditions hereinafter mentioned are complied with, be payable in respect of the orphan child—

(*a*) of a man who, being a married man or a widower, is insured at the date of his death and had not attained the age of seventy before the

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fourth day of January, nineteen hundred and twenty-six;

(*b*) of a widow who is insured at the date of her death.

[1925, s. 4 (2).] (2) Where an additional allowance is payable and the widow who was entitled to the widow's pension as part of which the additional allowance was or had been payable dies, an orphan's pension shall be payable in respect of the child; and where the wife of a man has predeceased him, and, if she had survived him and died immediately after she had become entitled to a widow's pension, an orphan's pension would under the foregoing provision of this subsection have been payable in respect of any child, an orphan's pension shall on the death of the man be payable in respect of that child.

[1925, s. 4 (3).] (3) An orphan's pension shall, subject as hereinafter provided, be payable to the guardian or other person having the charge of the child.

Statutory conditions as to widows' and orphans' pensions. [1925, s. 5; 1929, s. 6 (1).]

5.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance a widow's pension or an orphan's pension is payable are—

(*a*) that one hundred and four weeks have elapsed and one hundred and four contributions have been paid by or in respect of that person since the date of his entry into insurance; and

(*b*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before his death, or before the date on which contributions under the Insurance Act ceased to be payable by or in respect of him by reason of his age, as the case may be, represents on the average not less than twenty-six contributions calculated in the prescribed manner in respect of each of those three years:

[1929, s. 6 (2).] Provided that condition (*b*) shall not apply in any case where the person in respect of whose insurance a pension is claimed—

(i) had since the date of his entry into insurance been insured for less than two hundred and eight weeks at the date on which he died or on which contributions under the Insurance

Act ceased to be payable by or in respect of him by reason of his age, whichever was the earlier; or A.D. 1936.

(ii) was at the date on which he attained the age of sixty an insured person and had at that date been continuously insured for a period of ten years, or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve; or

(iii) was immediately before the date when he attained the age of seventy, or, if he died before attaining that age, was at the date of his death, entitled to an old age pension under this Act or any Act repealed by this Act; or

(iv) was at the date of his death deemed to be insured by reason of being or having been employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act. [1925, s. 15 (3); 1929, s. 9 (1).]

(2) In determining whether the statutory conditions have been complied with, no account shall be taken of contributions paid after the date of the death of the person in respect of whose insurance the pension is claimed: [1929, s. 6 (3).]

Provided that this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid.

Payment of widows' and orphans' pensions in certain cases in respect of persons ceasing to be insured.

6. Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of [1935 s. 20 (1).]

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the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he dies, a widow's pension and an orphan's pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had died on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

Special provisions as to additional allowances and orphans' pensions.

[1925, s. 6 (1).]

7.—(1) Where by order of any court any child in respect of whom an additional allowance is payable under this Act is or has been removed from the custody of the person to whom the allowance is or would be payable, an orphan's pension shall be substituted for the additional allowance and shall be paid to the person in whose charge the child is or has been placed, or in such other manner as may from time to time be directed by order of the court.

[1929, s. 8 (1).]

(2) The provisions of the preceding subsection shall apply in a case where a child has before the death of his father or his stepfather been removed by order of any court from the custody of the father or stepfather and placed in the custody of some person other than the mother or stepmother, as it applies in a case where a child has been removed from the custody of the person to whom the additional allowance would be payable.

[1929, s. 8 (2).]

(3) Where the Minister is satisfied that a child in respect of whom an additional allowance is payable was not living with the widow at the time when she became a widow or was not immediately after the husband's death being supported by the widow, the Minister may, whether the widow has or has not claimed a widow's pension, direct that the additional allowance shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

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(4) Where a representation is made to the Minister by the local authority or otherwise— [1925, s. 6 (2).]

(*a*) with reference to an additional allowance that the widow or other person to whom the additional allowance is payable has deserted or abandoned or ceased to support the child, or has become disqualified for the time being from receiving a widow's pension, and that it would be in the interests of the child that the additional allowance should be administered by the local authority or some other person for the benefit of the child;

(*b*) with reference to an orphan's pension that it would be in the interests of the child that it should be administered by the local authority or some other person for the benefit of the child;

the Minister, if satisfied that the allegations of the representation are true, and that it would be in the interests of the child so to do, may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child or to any other person approved by the Minister or to the local authority, to be administered by such person or by the local authority for the benefit of the child:

Provided that, where the widow or other person to whom the additional allowance or orphan's pension is payable has not had an opportunity of presenting her case personally, or through some person appointed by her, to the local authority or a person appointed for the purpose by the local authority, the Minister (except where the widow or other person cannot be found, or is in prison, or in an asylum or mental hospital or other similar institution) shall, before giving any such direction, give the widow or such other person as aforesaid an opportunity of so presenting her case to a person appointed by him.

(5) Where the Minister is satisfied, on the application of a woman entitled to an additional allowance as part of a widow's pension, or of any other person having the charge of a child in respect of whom an additional allowance or orphan's pension is payable, that the child is or is about to be placed in the temporary custody of some other person and that the additional allowance or orphan's pension should be paid to that other person so long as such temporary custody continues, he may direct that the additional allowance or orphan's pension shall [1925, s. 6 (3); 1929, s. 8 (3).]

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be paid accordingly, subject to such terms and conditions as he may think fit to impose.

[1929, s. 8 (4).]

(6) Where any person to whom an additional allowance or an orphan's pension would otherwise be payable is by virtue of the provisions of the Third Schedule to this Act disqualified for receiving any sum on account of a pension, the Minister may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

Old Age Pensions.

Old age pensions. [1925, s. 7 (1); 1929, s. 5.]

8.—(1) Subject to the provisions of this Act, a person shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to an old age pension—

(*a*) if he or she attains the age of sixty-five, and is at the time of attaining that age an insured person; or

(*b*) if, being a woman who has attained the age of sixty-five but has not attained the age of seventy, she is the wife of a man who is an insured person and who is or has been entitled to an old age pension by virtue of the preceding paragraph:

Provided that a woman shall not be entitled to an old age pension under paragraph (*b*) of this subsection, unless she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

[1925, s. 7 (2); 1929, s. 14 (4).]

(2) An old age pension shall continue payable until the person entitled thereto attains the age of seventy years:

Provided that if the person entitled, being a woman, becomes entitled to a widow's pension before attaining the age of seventy, the old age pension shall cease to be payable and shall not on her ceasing to be entitled to a widow's pension again become payable, unless she was entitled thereto in respect of her own insurance.

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Statutory conditions as to old age pensions. [1925, s. 8.]

9.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance an old age pension is payable are—

(*a*) that the person was continuously insured for a period of not less than five years immediately before the date on which he attained the age of sixty-five; and

(*b*) that one hundred and four contributions have been paid by or in respect of him since the date of his entry into insurance; and

(*c*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before the date on which he attained the age of sixty-five, represents on the average not less than thirty-nine contributions calculated in the prescribed manner in respect of each of those three years:

Provided that—

(i) where the period for which a person has been continuously insured immediately before the date on which he attained the age of sixty-five is less than five years, the foregoing conditions shall apply with the substitution of a reference to the expiration of the period of five years from the date of his entry into insurance for the reference to the date on which he attained the age of sixty-five;

(ii) condition (*c*) shall not apply in any case where the person in respect of whose insurance a pension is claimed was at the date on which he attained the age of sixty years an insured person and had at that date been continuously insured for a period of ten years; [1929, s. 6 (2) (*b*).]

(iii) where a woman on attaining the age of fifty-five has been continuously insured for a period of ten years condition (*c*) shall, if she so elects, apply as if for the reference to thirty-nine contributions there were substituted a reference to twenty-six contributions, but in such [1925, s. 8, prov. (iii).]

A.D. 1936.

case the regulations shall not provide that the contributions shall for the purposes of that condition be deemed to have been paid in respect of any period of unemployment except unemployment owing to incapacity for work due to some specific disease or to bodily or mental disablement.

[1929, s. 6 (3).]

(2) In determining whether the statutory conditions have been complied with, no account shall be taken of contributions paid after the date on which the person in respect of whose insurance the pension is claimed attained the age of sixty-five:

Provided that—

(i) this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(ii) in a case where the pension is claimed in respect of the insurance of a person to whom proviso (i) to the last preceding subsection applies, the provisions of this subsection shall have effect as if for the words "the date on "which the person in respect of whose insur- "ance the pension is claimed attained the age "of sixty-five" there were substituted the words "the expiration of the period of five "years from the date on which the person in "respect of whose insurance the pension is "claimed entered into insurance."

Payment of old age pensions in certain cases in respect of persons ceasing to be insured.

[1935, s. 20 (1).]

10.—(1) Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given

within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he attains the age of sixty-five, an old age pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had attained the age of sixty-five on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

(2) Where a person has become entitled to an old age pension by virtue of subsection (1) of this section, he shall, for the purposes of this Act, but not for any other purpose, be deemed to have been insured continuously from the end of the free insurance period aforesaid until his death.

Extension of right to old age pension under Old Age Pensions Act, 1936, in certain cases.

11. The following persons, that is to say, any person—

(*a*) who is at the date on which he or she attains the age of seventy entitled to an old age pension or a widow's pension under this Act or any Act repealed by this Act, or would have been so entitled but for the provisions of this Act relating to service dependants pensions; or

(*b*) who, being a woman who has attained the age of seventy, is the wife of a man who is or was at any time entitled to an old age pension under this Act or any Act repealed by this Act; or

(*c*) who, being a widow who before the death of her husband had attained the age of seventy, would have been entitled to a widow's pension, if she had not then attained that age;

[1925, s. 40; 1929, s. 2(3); 1925, s. 20 (1) (*e*), (2).]

shall be entitled to an old age pension under the Old Age Pensions Act, 1936, at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied in the case of that person:

Provided that a woman shall not be entitled to an old age pension by virtue of paragraph (*b*) of this section,

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[1925, s. 20 (1), prov.; 1929, s. 5.]

unless she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act, would have been in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

Contributions and Financial Provisions.

Rates of contributions.

[1925, s. 9 (1).]

12.—(1) For the purpose of making provision towards the cost of pensions payable under this Act, contributions under this Act shall, until varied in manner hereinafter provided, be payable at the following rates, that is to say,—

(*a*) by or in respect of every person insured under the Insurance Act who has not attained the age of sixty-five, whether an employed contributor or a voluntary contributor, at the rates specified in Part I of the First Schedule to this Act (hereinafter referred to as the ordinary rates of contributions);

(*b*) in respect of every person employed within the meaning of the Insurance Act who has attained the age of sixty-five, at the rates specified in Part II of the First Schedule to this Act;

(*c*) in respect of every exempt person who has not attained the age of sixty-five, at the rates specified in Part III of the First Schedule to this Act;

(*d*) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the ordinary rates:

Provided that—

(i) where the Minister certifies as respects any such excepted exployment that provision is made by means of a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of

their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be; and

(ii) where the Minister certifies as respects any such excepted employment that provision is made as aforesaid for securing benefits in respect of men employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on men and their wives, or benefits in respect of women employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on women, the contributions payable in respect of such men or such women, as the case may be, shall be at the rates specified in Part IV of the First Schedule to this Act;

(*e*) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*d*) of Part II of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the rates specified in Part IV of the First Schedule to this Act: [1925, s. 9 (2) (*a*); s. 9 (2) (*b*) prov.]

Provided that where the Minister certifies as respects any such excepted employment that provision is made by means of a superannuation fund approved by the Minister for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be.

(2) Where the contributions are payable in respect of an employed person, they shall be payable partly by the employer and partly by the employed person, or wholly by the employer, as provided in the Part of the First Schedule to this Act applicable to the case, and where the contributions are payable by a voluntary contributor they shall be paid wholly by the voluntary contributor. [1925, s. 9 (3).]

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Collection of contributions.

[1925, s. 10 (1); 1935, c. 8, Sch. VII, Pt. I.]

13.—(1) The contributions by or in respect of an insured person, and in respect of an exempt person, payable under this Act and under the Insurance Act, shall be paid as one contribution under the Insurance Act, and, subject to such modifications and adaptations as may be prescribed, the contributions payable under this Act in respect of a person in an excepted employment, or of a person who has attained the age of sixty-five, shall be paid as if they were contributions under the Insurance Act, and, subject as aforesaid, all statutory provisions relating to the payment and collection of contributions under the Insurance Act, including (but without prejudice to the generality of the foregoing enactment) the provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of the claims for contributions, and with respect to the powers of inspectors, shall have effect accordingly.

[1925, s. 10 (2).]

(2) All sums collected on account of contributions under this Act shall be carried to the Pensions Account hereinafter constituted.

Pensions Account and Treasury Pensions Account.

[1925, s. 11 (1).]

14.—(1) For the purposes of this Act, there shall be kept, in accordance with directions of the Treasury, an account to be called the Pensions Account, to which shall be carried all contributions under this Act, and out of which shall be met all pensions (including additional allowances) which are payable under this Act or any Act repealed by this Act:

Provided that an old age pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act, shall not for the purposes of this section be deemed to be a pension payable under this Act, but shall be payable out of moneys provided by Parliament in manner provided by the Old Age Pensions Act, 1936.

[1925, s. 11 (2).]

(2) Any sums standing to the credit of the Pensions Account which are not required to meet expenditure shall from time to time be paid over to the Treasury and by them credited to an account to be called the Treasury Pensions Account:

[1931, N.E.O., Art. 3.]

Provided that the Minister shall in respect of each half-year ending on the thirtieth day of June and the thirty-first day of December respectively ascertain the number of contributions represented by the sums collected

on account of contributions payable under this Act in respect of persons employed within the meaning of the Insurance Act who have attained the age of sixty-five, and in respect of each such period a sum equivalent to fourpence-halfpenny multiplied by the number so ascertained shall be transferred from the Pensions Account to the Central Fund constituted under Part VI of the Insurance Act. A.D. 1936.

(3) There shall also be paid out of moneys provided by Parliament into the Treasury Pensions Account the sums following, that is to say,— [1929, s. 4.]

(*a*) as respects the period of seven years up to and including the year ending the thirty-first day of March, nineteen hundred and forty-three, the sum payable shall in the first year of the period be fifteen million pounds and thereafter shall rise by one million pounds in each successive year of the period :

(*b*) for each of the next three succeeding years the sum payable shall be the amount reached in the last year of the said period of seven years, that is to say, twenty-one million pounds :

(*c*) after the year ending the thirty-first day of March, nineteen hundred and forty-six, the sums payable shall be such as Parliament may hereafter determine.

(4) Any sums standing to the credit of the Treasury Pensions Account may from time to time be invested in such manner as the Treasury may direct, and any interest received from such investments shall be credited to that Account. [1925, s. 11 (4).]

(5) If at any time it is shown to the Treasury that the sums in the Pensions Account are insufficient to meet the liabilities to be met thereout, the Treasury may out of the Treasury Pensions Account issue to the Pensions Account any sums required for the purpose of discharging those liabilities. [1925, s. 11 (5).]

(6) Accounts of the Pensions Account and of the Treasury Pensions Account shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament. [1925, s. 11 (6).]

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Administrative expenses.

[1925, s. 12.]

15.—(1) Any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament:

Provided that such sums for the purpose of those expenses as the Treasury may direct shall be paid from the Pensions Account and shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for such expenses.

[1925, s. 38 (8).]

(2) Payments shall be made in accordance with such scale as may with the consent of the Treasury be prescribed to approved societies making returns under the Insurance Act of particulars for the purposes of this Act with respect to the insurance of any person who is or was a member of the society, and such payments shall be treated as part of the administrative expenses of this Act.

Special Classes of Insured Persons.

Exempt persons.

[1925, s. 14 (2)–(5).]

16.—(1) Every exempt person, being a man, shall, for the purposes of this Act relating to widows' pensions and orphans' pensions, but not for any other purpose, be deemed to be an insured person, and shall for those purposes, but not for any other purpose, be deemed to continue to be so insured during any period during which he may by virtue of any provisions of the Insurance Act be entitled to medical benefit.

(2) Where before the fourth day of January, nineteen hundred and twenty-six, contributions under the National Health Insurance Act, 1924, or any Act repealed by that Act have been paid in respect of an exempt person, then, for such of the purposes of this Act as may be prescribed, such contributions shall be treated as if they were contributions in respect of the insurance of that person, and any period during which that person was an exempt person or entitled to medical benefit shall be treated as a period of insurance.

(3) Where an exempt person by whom a certificate of exemption is surrendered is at the date of the surrender of the age of forty-five or upwards, the provisions of this Act relating to old age pensions payable thereunder shall apply in the case of that person with such modifications as may be prescribed.

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(4) Where an exempt person becomes a voluntary contributor by virtue of any of the provisions of the Insurance Act, the provisions of this Act relating to old age pensions thereunder shall, if at the date of so becoming a voluntary contributor he is of the age of forty-five or upwards, apply in the case of that person with such modifications as may be prescribed.

Persons employed in excepted employments. [1925, s. 15 (2).]

17.—(1) For the purposes of this Act persons employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act in respect of whom contributions are payable under this Act shall be deemed to be insured as follows :—

(*a*) men in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to widows' pensions, orphans' pensions, and old age pensions;

(*b*) women in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to orphans' pensions and old age pensions;

(*c*) men in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to widows' pensions and orphans' pensions;

(*d*) women in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to orphans' pensions.

[1925, s. 15 (3); 1929, s. 9 (1).]

(2) The provisions of the Insurance Act relating to the continuous insurance of persons ceasing to be employed shall, for the purposes of this Act, apply, subject to such modifications as may be prescribed, to persons who under this section are deemed to be insured, and for the purpose of this subsection persons who under this section are deemed to be insured and in the case of whom contributions under this Act either cease to be payable or become payable at the reduced rates mentioned in Part IV of the First Schedule to this Act instead

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reduced rates mentioned in Part IV of the First Schedule to this Act instead of at the ordinary rates shall be treated as though they had ceased to be employed.

[1925, s. 15 (4).]

(3) Where at or within the prescribed period before the fourth day of January, nineteen hundred and twenty-six, a person was employed in an excepted employment to which this section applies, then, for such of the purposes of this Act as may be prescribed, contributions shall be deemed to have been paid in respect of him for each week before that date during the period in which he was continuously so employed, and every such week shall be deemed to be a week which has elapsed since the date of his entry into insurance.

[1925, s. 15 (6).]

(4) Where a person is employed in an employment which is an excepted employment by virtue of paragraph (*k*) of Part II of the First Schedule to the Insurance Act (which relates to employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year), he shall, for the purposes of this Act, be treated as employed in an employment which is an excepted employment by virtue of that paragraph and not in an employment which is an excepted employment by virtue of a certificate given under any other paragraph of that Part of that Schedule, notwithstanding that the employment in which he is engaged is an employment which is an excepted employment also by virtue of such a certificate, and his employment shall not be deemed to be an excepted employment to which this section applies.

[1925, s. 15 (7); 1929, s. 9 (3); 1935, c. 8, Sch. VII, Pt. 1.]

(5) Where a person who has been employed in an excepted employment to which this section applies has, on retirement from such employment whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(*a*) if he was a person in respect of whom no contributions were, or would had he continued to be so employed on or after the fourth day of January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act while he was so employed, he shall not be capable of becoming an insured person for the purposes of this Act and shall not be entitled to any benefits under this Act, but for the purpose of the provisions of this Act relating to contributions, he shall

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be treated as if he were a person who had attained the age of sixty-five;

(*b*) if he was a person in respect of whom contributions were, or would had he continued to be so employed on or after the fourth day of January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act at the rates mentioned in Part IV of the First Schedule to this Act, the provisions of this Act relating to old age pensions payable thereunder, or by virtue thereof, shall apply in the case of that person in such circumstances only, and subject to such modifications as may be prescribed:

Provided that where a person to whom paragraph (*a*) would apply was insured at the date of his retirement, or in the case of a person who retired before the fourth day of January, nineteen hundred and twenty-six, was an insured or an exempt person at that date, he shall be treated as if he were a person to whom paragraph (*a*) did not, but paragraph (*b*) did, apply.

Where a person has been employed in an employment which would have been an excepted employment to which this section applies if the rate of his remuneration had not exceeded two hundred and fifty pounds a year, this subsection shall apply to him in manner provided in the Second Schedule to this Act.

[1925, s. 15 (8).]

(6) The provisions of the Insurance Act which relate to the determination by the Minister of questions relating to employment shall apply for the purposes of this Act to any question whether any employment or class of employment is an excepted employment, or any particular class of excepted employment, to which this section applies, or whether a person was or is a person employed in such an excepted employment, and to any question as to who is or was the employer of a person employed in any such excepted employment, in like manner as if the question related to an employment within the meaning of the Insurance Act.

[1925, s. 15 (9).] 1 & 2 Geo. 5. c. 55.

(7) This section shall, so far as it applies to any period whilst Part I of the National Insurance Act, 1911, was in force, have effect as if for references to a particular paragraph of Part II of the First Schedule to the Insurance Act there were substituted references to the corresponding paragraph of Part II of the First Schedule to the National

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Insurance Act, 1911; and shall, so far as it applies to any period before the thirtieth day of June, nineteen hundred and nineteen, have effect as if for references to two hundred and fifty pounds a year there were substituted references to one hundred and sixty pounds a year.

Application of Act to persons in service of Crown. [1925, s. 16.]

18.—(1) The provisions of this Act shall apply to persons in the service of the Crown in the same manner and to the same extent as the Insurance Act.

(2) There shall be paid out of moneys provided by Parliament for Navy, Army and Air Force services by the Admiralty, Army Council and Air Council respectively in respect of every seaman, marine, soldier or airman, for each contribution week or part of a contribution week for which he receives pay, a contribution for the purposes of this Act at the ordinary rate.

(3) The Admiralty, the Army Council and the Air Council respectively may recover by deduction from the pay of seamen, marines, soldiers and airmen part of the contributions paid under this section to such amount, not exceeding one-half thereof, as they may think fit.

Provisions as to seamen. [1925, s. 17.]

19.—(1) The Minister, after consultation with the Board of Trade, may make a special order modifying in such manner as he thinks proper the provisions of this Act (but not so as to increase the rates of contributions or to decrease the rates of pension) in their application to masters and seamen, and in particular (but without prejudice to the generality of the foregoing provisions) any such order may provide for determining in the case of a ship registered in Northern Ireland the owner of which resides or has his principal place of business in Great Britain, or of a ship registered in Great Britain the owner of which resides or has his principal place of business in Northern Ireland, whether or not persons employed on the ship are to be treated as being insured for the purposes of this Act.

(2) The provisions of the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this section.

Provisions as to short service constables of the

20.—(1) The contribution payable under this Act in respect of a short service constable of the metropolitan police force, that is to say, a constable who is appointed for a fixed period of service, shall be an employer's contribution at the rate of ninepence a week and shall

be paid out of the metropolitan police fund in respect of each contribution week, or part of a contribution week, for which he receives pay. A.D. 1936. — metropolitan police force.

(2) A widow's pension shall not be payable under this Act to the widow of a short service constable if a pension is payable to her under the Police Pensions Act, 1921, or if under paragraph (*d*) of section three of that Act she has accepted a gratuity in lieu of a pension, and an additional allowance or orphan's pension shall not be payable under this Act in respect of a child of a short service constable if an allowance or gratuity is payable in respect of that child under the said Act of 1921. [1933, Sch.]

(3) If the total weekly amount of any widow's pension and any additional allowances, or of any orphans' pensions, which but for the provisions of the preceding subsection would have been payable under this Act in right of a short service constable exceeds the total weekly amount of any widow's pension and any children's allowances, or, as the case may be, of any children's allowances, payable in right of him out of the metropolitan police fund, a sum equal to the difference between those amounts shall in respect of each week be paid into that fund out of the Pensions Account and applied in augmenting the weekly payments made out of that fund:

Provided that this subsection shall not apply in any case where a gratuity in lieu of a pension or in lieu of an allowance has been granted to, or for the benefit of, the widow or any child of the constable.

Residential Qualification of Pensioners, &c.

Residential qualification of pensioners, &c.

21.—(1) A sum shall not be paid on account of a pension—

(*a*) to or in respect of any person unless that person is either in Great Britain or in some part of His Majesty's dominions outside Great Britain; or [1925, s. 22; 1929, s. 3 (1) (*a*).]

(*b*) unless payment of the sum is obtained within three months after the date on which it has become payable.

In calculating the said period of three months there shall be excluded any period during which, by virtue of the provisions of the Third Schedule to this Act, no sum on account of the pension may be paid. [1929, s. 11 (2).]

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[1929, s. 12 (2), (3).]

(2) For the purposes of paragraph (*b*) of the preceding subsection any sum accruing due on account of a pension which a rate-aided person of unsound mind who is detained as such in any mental hospital or is being maintained as such in any place is entitled to receive shall, notwithstanding his incapacity to give a receipt therefor, be regarded as becoming payable on the date on which it would have become payable if he had not been so incapacitated.

Provisions as to pensions payable to or in respect of persons in His Majesty's dominions outside Great Britain.

[1929, s. 3 (1)(*b*).]

22.—(1) The following provisions shall have effect with respect to persons who are in any part of His Majesty's dominions outside Great Britain, whether they left Great Britain before or after the commencement of this Act, that is to say,—

(*a*) if any such person as aforesaid, being at the date when he last left Great Britain an insured person, dies or attains the age of sixty-five—

(i) while he continues to be insured; or

(ii) in the case of a person ceasing to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months,

he shall in the last-mentioned case be deemed to have continued to be insured until the date on which he died or attained the age of sixty-five, and in either case contributions shall be deemed to have been paid in respect of him from the date when he last left Great Britain until the date on which he died or attained the age of sixty-five:

Provided that, in a case where a pension is claimed in respect of the insurance of a person to whom proviso (i) to subsection (1) section nine of this Act applies the provisions of this paragraph shall have effect as if for the words "or attains the age of sixty-five" there were substituted the words "or if the period of five years from the "date on which he entered into insurance "expires" and as if for the words "or attained the age of sixty-five" (in both places where those words occur) there were substituted the words "or on which the period of five years "from the date on which he entered into "insurance expired";

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(*b*) if any such person as aforesaid being other than a married woman and being at the date when he last left Great Britain an insured person was either— [1929, s. 3(1)(*c*).]

(i) a voluntary contributor under the Insurance Act; or

(ii) a person entitled to become such a contributor,

he may at any time before the date when he ceases to be insured, or, if he ceases to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months, give notice in writing to the Minister that he desires to become a voluntary contributor for the purposes of this Act, and thereupon contributions shall become payable by him at the ordinary rates as from the week following that in respect of which the last contribution under this Act was payable by or in respect of him and shall continue to be so payable until he attains the age of sixty-five, and, if before the date on which he gives such notice as aforesaid he has ceased to be insured, he shall, nevertheless, be deemed to have continued to be insured for the purposes of this Act until that date.

(2) The Minister may make a special order adapting in such manner as he thinks necessary the provisions of paragraph (*b*) of subsection (1) of this section so as to make them applicable to any person who has served in the Navy, Army, or Air Force services, or as a master or seaman, and who, if he had returned to Great Britain at the expiration of his service, would have been entitled to become a voluntary contributor. [1929, s. 3 (2).]

The provisions of the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this subsection.

(3) The provisions of the Insurance Act relating to the position of insured persons who cease to pay contributions as voluntary contributors shall apply, subject to such modifications as may be prescribed by regulations, to persons who, having become voluntary contributors under paragraph (*b*) of subsection (1) of [1929, s. 3 (3).]

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this section, have subsequently ceased to pay contributions, and the provisions of the said Act relating to the minimum number of contributions to be paid in any year by voluntary contributors shall also apply to such persons, other than provisions whereby men who on attaining the age of sixty, and women who on attaining the age of fifty-five, have been continuously insured for ten years may pay a smaller number of contributions in any year.

[1929, s. 3 (5).]

(4) Payments in respect of a pension which by virtue of the provisions of this Act may be made to a person in a part of His Majesty's dominions outside Great Britain shall, notwithstanding any other provisions of this Act relating to the time and manner of paying pensions, be made at such intervals and in such manner as the Minister, with the approval of the Treasury, may determine, and subject to such arrangements, if any, as the Secretary of State may make with the Government of that part of those dominions.

[1929, s. 3 (6).]

(5) The Minister may make regulations under this Act for the purpose of carrying this section into effect, and in particular with respect to the notices to be given and the information to be supplied by persons claiming privileges under this section, and with respect to the intervals at which, and the manner in which, contributions under paragraph (*b*) of subsection (1) of this section are to be paid.

[1929, s. 3 (8).]

(6) The provisions of this section shall not apply in the case of any person in a part of His Majesty's dominions outside Great Britain with which reciprocal arrangements with respect to pensions are for the time being in force under this Act.

Disqualifications, Provisions against Double Pensions, &c.

Disqualifications. [1929, s. 11 (1).]

23. The provisions set out in the Third Schedule to this Act shall have effect with respect to disqualifications for the receipt of pensions, including additional allowances, under or by virtue of this Act.

Women disqualified for receiving pensions in certain cases. [1925, s. 21 (1).]

24. A woman shall not be entitled to, and shall be disqualified from receiving payment of, a widow's pension (other than such part thereof as is payable by way of an additional allowance), if and so long as she and any person are cohabiting together as man and wife.

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Provisions against double pensions.

[1925, s. 24 (1); 1929, s. 14 (1).]

25.—(1) A pension or an additional allowance under this Act shall not be payable to or in respect of any person to or in respect of whom a service dependants pension within the meaning of this Act is payable, except where such a pension is payable in respect of the service of the pensioner's son or stepson during the late war:

Provided that—

(i) regulations may be made by the Minister and the service pension authority concerned for excluding from the provisions of this subsection such service dependants pensions as may be prescribed, being service dependants pensions calculated with reference to the necessities of the pensioner, and such regulations may make special provision with reference to the administration of pensions under this Act payable in the case of persons entitled to such excluded pensions; and

(ii) where the amount of the service dependants pension is less than the amount of the pension, including additional allowances, if any, which would apart from this section have been payable under this Act, there shall be payable out of the Pensions Account to the service pension authority a sum equal to the difference between the said last-mentioned amount and the amount of the service dependants pension, and thereupon the service dependants pension shall be increased by that sum.

In calculating for the purposes of this subsection the amount of a service dependants pension,—

(*a*) where the service dependants pension is payable to or in respect of a person being one of a married couple living together in the same house the husband and wife shall each be treated as in receipt of a pension of half the amount of such service dependants pension;

(*b*) where service dependants pensions are payable to or in respect of a widow and her children, the amount of the service dependants pension payable to the widow shall be treated as including the pensions payable in respect of her children.

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[1925, s. 24 (2); 1929, s. 14 (2).]

(2) An orphan's pension shall not be payable in respect of a child in respect of whom an additional allowance is claimable.

[1925, s. 24 (3).]

(3) Not more than one additional allowance, or one orphan's pension, shall be payable in respect of any one child.

[1925, s. 24 (4); 1929, s. 14 (3).]

(4) Not more than one old age pension, whether under this Act or the Old Age Pensions Act, 1936, shall be payable to any one person, and an old age pension shall not be payable to any woman so long as she is entitled to a widow's pension:

Provided that the right to a pension under this Act shall not affect any right to, or to the continuance of, a pension payable under the Old Age Pensions Act, 1936, to a blind person who has not attained the age of seventy.

Provisions applicable where a person entitled to pension receives outdoor relief.

[1929, s. 16.]

26.—(1) Where during any period outdoor relief has been granted to or on account of any person who, though entitled to a pension, is not at that time receiving payments on account thereof, and either—

(*a*) that relief would not have been granted if that person had then been receiving payment on account of a pension; or

(*b*) that relief is in excess of the amount which would have been granted to that person if he had been receiving payment on account of a pension;

the Minister may, if any sum accruing in respect of any part of the period aforesaid on account of a pension becomes subsequently payable, treat the sum so payable as reduced for the purposes of this Act by an amount not exceeding such an amount as the authority granting the relief certify to have been so paid or so paid in excess, as the case may be, in respect of the period in respect of which the said sum accrued, and the Minister may pay to that authority the amount by which the said sum is treated as having been reduced as aforesaid.

(2) This section shall extend to a case where any sum becomes subsequently payable on account of an additional allowance or orphan's pension payable in respect of a child on account of whom any such relief as aforesaid has been granted in like manner as to a case where a sum on account of a pension becomes

whom such relief as aforesaid has been granted, and shall apply in such a case subject to the necessary modifications.

Provisions as to sickness or other benefit paid to person entitled to old age pension. [1929, s. 23; 1934, s. 49.]

27. If it appears to the Minister that any sums have been paid to any person by way of sickness or disablement benefit under the Insurance Act, or of benefit under Part III of the Unemployment Insurance Act, 1935, or of an allowance under the Unemployment Assistance Act, 1934, in respect of any period subsequent to the date on which an old age pension under this Act began to accrue to that person, the Minister may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension, and may deduct an equivalent amount from any payments accruing on account of the old age pension in respect of the said period and may pay the amount so deducted to the funds of the claimant's approved society, or to the Deposit Contributors Fund, or to the Unemployment Fund, or to the Unemployment Assistance Fund, as the case may be.

Power to modify existing superannuation schemes. [1925, s. 27.]

28.—(1) Where, before the fourth day of January, nineteen hundred and twenty-six, any pension scheme has been established otherwise than by Act of Parliament (including a scheme established under powers conferred by Act of Parliament), whereby benefits are provided corresponding to any of the benefits secured by this Act, and the pension authority desire in consequence of the provisions of this Act, to modify the scheme as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, but under the instrument regulating the scheme are unable to do so either absolutely or without undue delay or expense, the pension authority may submit to the Chief Registrar of Friendly Societies proposals for conferring on them the powers necessary for the purpose, and the Chief Registrar may confirm the proposals, subject to such conditions, if any, as he thinks fit to impose, and thereupon, subject to compliance with such conditions, if any, the pension authority may modify the scheme as respects such persons as aforesaid by reducing the amount of the benefits payable under the scheme and the contributions payable thereunder, and by making such other alterations in the scheme as may appear to them expedient in consequence of such reductions:

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Provided that, where the pension authority is a local authority this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(2) Where before the date aforesaid any pension scheme has been established by Act of Parliament whereby benefits are provided corresponding to any of the benefits secured by this Act, the pension authority may submit to the Chief Registrar of Friendly Societies an amending scheme for reducing, as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, the benefits payable under the scheme and the contributions payable thereunder, and may make such other alterations in the scheme as appear to them expedient in consequence of such reductions; and the Chief Registrar, after giving persons affected by the proposed scheme or their representatives the opportunity of objecting, and after considering any objection, may confirm the scheme; and on any such amending scheme being so confirmed the Act by which the scheme is established shall have effect subject to the provisions of the amending scheme:

Provided that, where the pension authority is a local authority this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(3) Where by any public general Act in force before the date aforesaid provision is made for the establishment of a general scheme of superannuation whereby persons in return for contributions payable thereunder become entitled to benefits corresponding to any of the benefits secured by this Act, any local authority or combination of local authorities which are at the commencement of this Act or have hereafter become or propose to become a pension authority to which the first-mentioned Act applies may submit to the Minister a scheme modifying the first-mentioned Act so far as it relates to insured persons who may become entitled to any of the benefits secured by this Act and who may also become entitled to receive from the pension authority corresponding benefits under the first-mentioned Act—

(*a*) by reducing the superannuation allowance payable under the first-mentioned Act to any such person by such amount as may be specified in the scheme, not exceeding the amount of the

pension to which he and, if he is married, his wife may become entitled under or by virtue of this Act;

(*b*) by reducing the contributions payable under the first-mentioned Act by any such person by such amount as may be specified in the scheme;

and the scheme may make such financial adjustments (including any alteration in any annual charge payable by the pension authority which may have been fixed under the first-mentioned Act) as may be appropriate in the circumstances, and the Minister may, after giving persons affected by the proposed scheme or their representatives an opportunity of objecting, and, after considering any objection so made, confirm the scheme, and upon any such scheme being so confirmed the first-mentioned Act, in relation to the pension authority and such persons as aforesaid shall have effect subject to the provisions of the scheme.

(4) No alteration in any particular scheme, or in any general scheme in its application to any particular pension authority, shall be made by a scheme under this section which will prejudicially affect the solvency of the particular scheme, or of the general scheme in its application to that authority, or increase the liability of the person, if any, liable for the solvency thereof.

(5) The powers conferred on a pension authority by a scheme under this section may include power to pay on behalf of any person in receipt of a superannuation allowance from the pension authority any contribution under this Act or the Insurance Act payable by such person, and, if the pension authority think fit, to deduct the amount thereof from the superannuation allowance payable to him.

(6) This section shall not, nor shall any scheme thereunder, except in such cases and to such extent as may be prescribed, affect the benefits of or contributions by any person employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act.

(7) For the purposes of this section the expression "local authority" means the council of any county or municipal or metropolitan borough or urban or rural

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district, and any other local authority within the meaning of the Local Loans Act, 1875, and the expression " pension authority " means any local authority or combination of local authorities or other body of persons administering a pension or superannuation scheme, and the expression " Act of Parliament " includes a Provisional Order confirmed by Act and an Order having the effect of an Act.

38 & 39 Vict. c. 83.

Administrative Provisions, &c.

Date of commencement and cesser of, and mode of paying, pensions.

[1929, s. 17 (1).]

29.—(1) Subject to the provisions of this section, a pension shall begin to accrue—

(*a*) if the claim is made within three months from the date on which the claimant becomes entitled to the pension, then on that date; and

(*b*) if the claim is not made within three months from that date, then at the beginning of the period of three months immediately preceding the date on which the claim is made.

[1925, s. 28 (2).]

(2) A pension shall, subject to any directions of the Minister in special cases, be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Minister with the approval of the Treasury may direct.

[1925, s. 28 (3).]

(3) Where the date on which a pension would begin to accrue under this Act is a day in the week other than that prescribed as the day in the week on which the weekly payments on account of pensions of that class are to be made, the pension shall not begin to accrue until such prescribed day in the week occurring next after the first-mentioned date.

[1925, s. 28 (4); 1929, s. 17 (2); Sch. II.]

(4) Where the date on which a pension or additional allowance under this Act would cease to be payable is a day in the week other than that immediately preceding the day in the week so prescribed as aforesaid, the pension or allowance shall continue payable in respect of the days in the week up to but not including such prescribed day:

[1935, s. 17.]

Provided that, where a pension would cease to be payable by reason only of the person entitled thereto attaining the age of seventy, the pension shall continue to be payable in respect of any days intervening between the day prior to the day on which that person attains the age of seventy and the day in the week on which

pensions under the Old Age Pensions Act, 1936, are payable. A.D. 1936.

(5) For the purposes of this and the next succeeding section an additional allowance shall, unless the context otherwise requires, be deemed to be a separate pension. [1929, s. 8 (5).]

Claims and appeals.

30.—(1) Subject to the provisions of this Act and in accordance with any regulations made thereunder, all claims for or in respect of pensions shall be made to the Minister. [1925, s. 29 (1).]

(2) If any person is dissatisfied by the award or decision of the Minister in respect of any pension, the question shall on application being made within the prescribed time be referred to one or more referees selected in accordance with regulations made by the National Health Insurance Joint Committee (hereinafter called the Joint Committee) from a panel of referees to be appointed in accordance with regulations so made, and the decision of the referee or referees shall be final and conclusive : [1925, s. 29 (2).]

Provided that nothing in this subsection shall be construed as requiring such a reference to be made as respects any matter as to which the decision of the Minister is by this Act made final and conclusive, or any matter which by this Act is a matter within the discretion of the Minister, or a matter which the Minister has power to determine under any provisions of the Insurance Act as applied by this Act.

Revision of awards and decisions.

31.—(1) The Minister may at any time and from time to time revise any award made or decision given by him under this Act or any Act repealed by this Act, if it appears to him that the award or decision was erroneous either in view of new facts which have been brought to his notice since the date on which it was made or given or by reason of some mistake having been made with respect to the facts or the law : [1929, s. 18.]

Provided that the provisions of this subsection shall not apply—

(*a*) to an award or decision relating to a matter which has been referred to referees under the preceding section; or

(*b*) if the time for making an application to have the matter to which the award or decision relates referred to referees has not expired; or

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(*c*) to an award made by the Minister for the purpose of giving effect to a decision given by referees;

unless in a case falling within paragraph (*a*) or paragraph (*b*) the person on whose application the reference was made, or who is entitled to apply to have the matter referred, as the case may be, consents.

(2) If in any case in which a decision has been given by referees with respect to a matter referred to them under the preceding section it appears to the Minister that the referees might properly be asked to reconsider the decision in view either of new facts which have been brought to his notice since the date on which the decision was given or of any apparent inconsistency between the decision and any other decision subsequently given either by the court or by referees, he may direct that the matter shall be referred to referees for reconsideration.

(3) A revised award made or revised decision given by the Minister under this section shall take effect as follows:—

(*a*) where by virtue of the revised award or decision a pension will become payable to any person or a pension will be increased, it shall take effect—

(i) if made or given by reason of a new fact having been brought to the notice of the Minister, as from the date on which the application for revision was made; and

(ii) in any other case, as from the date on which the original award or the original decision took effect;

(*b*) where by virtue of the revised award or decision a pension will cease to be payable or will be reduced, it shall take effect as from the date on which notice of the revised award or decision is given by the Minister to the person concerned.

(4) Where any decision is revised under this section by referees, the revised decision and any award made by the Minister for the purpose of giving effect thereto shall have effect as from such date as the referees may determine.

(5) The provisions of the last preceding section with respect to references shall apply in relation to any

revised award made or revised decision given by the Minister under this section as they apply in relation to an original award or decision.

(6) The foregoing provisions of this section with respect to the date as from which a revised award or revised decision is to take effect shall not be construed as affecting the operation of the provisions of this Act relating to the repayment of sums overpaid.

Regulations by Minister. [1925, s. 30 (1); 1928, Sch. III; 1929, s. 19, (1), (2); 1935, s. 21 (2).]

32.—(1) The Minister, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury so direct, and in conjunction with the Postmaster-General so far as relates to the Post Office, may make regulations generally for carrying this Act into effect, and in particular—

(*a*) for prescribing the manner in which claims to pensions may be made, and for enabling pensions to be paid through the Post Office;

(*b*) for prescribing the procedure to be followed on references under this Act, and for applying for the purposes of any such reference any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, and for excluding the application of any of the other provisions of those Acts;

(*c*) for authorising in such cases as may be prescribed the payment of any sum by way of pension during any period intervening between the making of any claim or the referring of any question and the final determination of the claim or question;

(*d*) for providing for the apportionment as between the appropriate National Health Insurance Fund and the Pensions Account of sums received on account of contributions;

(*e*) for enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(*f*) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of a pension who is, by reason of any mental or other incapacity, unable to act,

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any right to which that claimant or person may be entitled under this Act, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person any pension;

[1929, s. 19 (3).]

(*g*) for providing that, notwithstanding anything in section twenty-one of this Act, but subject to the regulations—

(i) in the case of the death of a person who was in receipt of a pension, payment may be made of any sum which became payable on account of the pension within three months before the date of his death, but has not been paid;

(ii) in the case of the death of a person who being entitled to a pension had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have become payable on account of the pension up to the date of his death;

(iii) in the case of the death of any person who was entitled to a pension but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of the pension up to the date of his death;

[1929, s. 19 (3).]

(*h*) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or

among such person or persons as may be directed by the regulations; and

(*i*) for prescribing anything which under this Act is to be prescribed. [1925, s. 30 (1) (*h*).]

(2) Regulations made under this section shall also provide that any pension which a rate-aided person of unsound mind who is detained as such in any mental hospital, or is being maintained as such in any place, may be entitled to receive shall be paid to some local authority or other person to be administered— [1929, s. 12 (1).]

(*a*) in providing, up to such amount as may be prescribed by the regulations, additional comforts for the pensioner; and

(*b*) for the benefit of such dependants of the pensioner as are not contributing to the expenses incurred by any poor law authority in respect of his support:

Provided that the regulations shall provide that, where the pensioner has no such dependants, such sum only as may be required for the purpose of providing additional comforts for him shall be paid to the local authority or person administering the pension.

(3) Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall have effect as if enacted in this Act: [1925, s. 30 (3).]

Provided that, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before it, praying that the regulation may be annulled, His Majesty may by Order in Council annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Regulations by Registrar-General. [1925, s. 31.]

33.—(1) Regulations made by the Registrar-General under the Births and Deaths Registration Acts, 1836 to 1929, may provide for the furnishing by Superintendent Registrars, Registrars of Births and Deaths, and Registrars of Marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act, including copies of or extracts from the registers under their charge, as may be prescribed.

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(2) The power given to the Minister, or to the Registrar-General with the consent of the Minister, by section forty-four of the Births and Deaths Registration Act, 1874, by order to alter from time to time all or any of the forms contained in the Schedules to the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment, in such manner as may appear best for carrying into effect the Births and Deaths Registration Act, 1836, or to prescribe new forms for that purpose, shall include a power to alter the said forms or to prescribe new forms in such manner as may appear to them best adapted for carrying into effect any of the purposes of this Act.

37 & 38 Vict. c. 88.

6 & 7 Will. 4. c. 86.

(3) The provisions of the Insurance Act which enable certificates of births, deaths and marriages to be obtained for the purposes of that Act on payment of a reduced fee shall apply for the purpose of enabling certificates of births, deaths and marriages to be obtained for the purposes of this Act on payment of a fee of one shilling in each case.

Co-ordinating power of National Health Insurance Joint Committee.

[1925, s. 32.]

34. The Joint Committee shall exercise and perform such powers and duties of the Minister and the Department of Health for Scotland under this Act, either alone or jointly with either of them, as may be prescribed by regulations of the Joint Committee :

Provided that for the purpose of the exercise of any powers under this Act the Minister of Labour for Northern Ireland shall not, nor shall his deputy, act as a member of the Joint Committee unless reciprocal arrangements made with Northern Ireland under this Act are for the time being in force.

Provisions as to reciprocal arrangements with other parts of His Majesty's dominions.

[1925, s. 33 (1).]

35.—(1) If provision is made by legislative enactment in any part of His Majesty's dominions outside Great Britain for the establishment therein of any scheme of health insurance and of pensions substantially corresponding to those provided by virtue of the Insurance Act and this Act, the Joint Committee may, with the consent of the Treasury, make reciprocal arrangements with the authority administering such scheme whereby periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had

been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country:

Provided that, where reciprocal arrangements have been made with any part of His Majesty's dominions outside Great Britain for the purposes of the Insurance Act, but have not been made for the purposes of this Act, any insurance which by virtue of those reciprocal arrangements is deemed to be insurance for the purposes of the former Act shall not be deemed to be insurance for the purposes of this Act, and the expressions "insured" and "insurance" in this Act shall be construed accordingly. [1935, s. 18.]

(2) Provision may be made by regulations under this Act for directing that this Act shall, in relation to or in connection with any persons affected by any arrangements made under this section, apply, subject to such modifications and adaptations as may be prescribed, and may make provision for any necessary financial adjustments. [1925, s. 33 (2).]

(3) For the purposes of this section the expression "country" means Great Britain on the one hand, and any part of His Majesty's dominions outside Great Britain which has made such provision as aforesaid on the other hand. [1925, s. 33 (3).]

Pensions under Act to be inalienable, &c.

36.—(1) Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void, and on the bankruptcy of the person entitled to such a pension the pension shall not pass to any trustee or other person acting on account of the creditors. [1925, s. 34.]

(2) Any sums received by any person by way of a pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869. 32 & 33 Vict. c. 62.

Penalty for false statements, repayment of sums overpaid, &c.

37.—(1) Any person who, for the purpose of obtaining or continuing a pension, either for himself or for any other person, or for the purpose of obtaining or continuing a pension for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, any person who knowingly obtains payment of, or continues to receive, a pension which he is [1925, s. 35 (1); 1929, s. 20.]

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disqualified from receiving, and any person who knowingly obtains or receives any payment as on account of a pension which for any reason whatsoever is not payable to him, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

[1925, s. 35 (2); 1935, Sch. II.]

(2) If it is found at any time that a person has been in receipt of a pension during any period during which he was not entitled to payment thereof, or has been in receipt of a pension at a higher rate than that appropriate to the case, then, unless it is shown to the satisfaction of the Minister that the sum was received by the pensioner in good faith and without knowledge that he was not entitled to payment thereof, he, or, in the case of his death, his personal representative, shall be liable to repay to the Minister any sums paid to him in respect of the pension during the period aforesaid, or, as the case may be, a sum representing the difference between a pension at the rate actually paid and a pension at the rate appropriate to the case.

[1925, s. 35 (3).]

(3) Any sum due to the Minister under this section may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Minister summarily as a civil debt, and proceedings for the summary recovery as a civil debt of any such sum may, notwithstanding anything in any Act to the contrary, be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of pension, within twelve months from the date on which the last payment on account of pension was received.

[1925, s. 35 (4).]

(4) Where a person is liable under this section to repay to the Minister any sum received by way of pension, that sum may be recovered without prejudice to any other remedy, by means of deductions from any pension to which that person may thereafter be entitled.

[1925, s. 35 (5).]

(5) The provisions of this section shall apply with the necessary modifications in the case of a person to whom a pension or additional allowance is paid under any of the provisions of this Act for or for the benefit of any person.

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Local authorities. [1925, s. 41.]

38.—(1) Save where otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county borough, the borough council, and elsewhere, the county council:

Provided that, where the council of any non-county borough or urban district is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, that council shall, as respects that borough or urban district, be the local authority for the purposes of this Act to the exclusion of the county council. 8 & 9 Geo. 5. c. 29.

(2) A county council may for the purposes of this Act make arrangements with the council of any county district (or, in London, the common council of the City of London or the council of a metropolitan borough) whose area is wholly or partly situate within the county for the execution and performance by that council of any of the powers and duties of the county council under this Act.

(3) A local authority for the purpose of this Act, or the council of any other authority with which a county council have made arrangements under the last preceding subsection, may, if the authority is a local education authority or an authority for the purposes of the Maternity and Child Welfare Act, 1918, delegate their powers and duties under this Act to the education committee or to the maternity and child welfare committee of the authority, or if the authority is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, partly to one such committee and partly to the other, as they think fit; and such delegation may be made subject to such restrictions and conditions, if any, as the authority think fit.

(4) Any expenses incurred by a local education committee or a maternity and child welfare committee in the execution and performance of any powers and duties so delegated shall be defrayed as expenses incurred in aid of elementary education or under the Maternity and Child Welfare Act, 1918, as the case may be, and any expenses incurred by a local authority for the purposes

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expenses incurred by a local authority for the purposes of this Act in the execution and performance of their powers and duties which have not been delegated to a local education committee or a maternity and child welfare committee, and any similar expenses of the council of any authority with which arrangements have been made by a county council, so far as they are not met by payments by the county council, shall be defrayed as follows:—

(*a*) in the case of a county council, as expenses for general county purposes, or, if the Minister by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order;

(*b*) in any other case as part of the general expenses of the council.

(5) For the purposes of this Act the Minister may refer to the local authority for investigation and report to him any matter relating to a widow or child to or in respect of whom a widow's or orphan's pension or additional allowance is payable.

Provisions as to posthumous children. [1925, s. 42.]

39.—(1) In the event of a posthumous child being born any additional allowance or orphan's pension which would have been payable in respect of the child had he been living at the date of his father's death shall be payable in respect of the child as from the date of birth.

(2) Where under any of the provisions of this Act the right of a woman to a widow's pension depends on there being at least one child living at the date of the death of her husband, then, in the event of a posthumous child being born, the child shall for the purpose of determining her right to a pension be treated as if he had been born immediately before the date of the death of the father.

Exclusion of widows' and orphans' pensions in assessment of damages. [1929, s. 22.]

40. In assessing damages in any action under the Fatal Accidents Acts, 1846 to 1908, whether commenced before or after the commencement of this Act, there shall not be taken into account any widows' pension, additional allowance or orphans' pension payable under this Act.

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Decennial reports and revision of contributions.

41.—(1) The Government Actuary shall in the year nineteen hundred and forty-five, and in every succeeding tenth year, make a report to the Treasury on the general financial operation of this Act, the amount of contributions from the Exchequer which will be required to preserve the solvency of the Treasury Pensions Account, and the value of the benefits conferred by this Act; and every such report shall be laid before Parliament: [1925, s. 43 (1).]

Provided that nothing in this provision shall be construed as preventing the Treasury from requiring additional reports to be so made at such times during the currency of any decennial period as they think fit.

(2) Unless Parliament otherwise determines, during the decennial period commencing the first day of January, nineteen hundred and forty-six, the ordinary rates of contributions shall be increased in the case of men by twopence a week (of which in the case of employed persons one penny shall be payable by the employer and one penny by the employed person), and in the case of women by one penny a week (which in the case of employed persons shall be payable by the employer), and similar additional increases shall be made in the contributions at the beginning of the decennial period commencing the first day of January, nineteen hundred and fifty-six, so, however, that in the case of women the additional increase to be made in that decennial period shall in the case of employed persons be payable by the employed person. [1925, s. 43 (2); 1935, s. 19 (1).]

(3) The rates of contributions under Part II of the First Schedule to this Act shall in the case of men be increased by one penny a week at the beginning of each such decennial period and in the case of women by one penny a week at the beginning of the decennial period commencing the first day of January, nineteen hundred and forty-six (the whole of which shall in either case be payable by the employer), but the rates of contributions under Part III and Part IV of the said Schedule shall not be liable to be increased. [1925, s. 43 (3); 1935, s. 19 (2).]

(4) The increase in the rates of contributions to be made in each such decennial period shall not have effect in respect of any part of a week before the first Monday in the period. [1935, s. 19 (3).]

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Interpretation.

[1925, s. 44.]

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

"Child" includes a stepchild, and, in relation to a man, an illegitimate child, whether his or his wife's, who was living with him at the time of his death and, in relation to a woman, includes her illegitimate child who was living with her at the time of her death;

[1935, c. 8, Sch. VII, Pt. I.]

"Contributions" means contributions under this Act or the Insurance Act or any Act repealed by this Act or by the Insurance Act or under any previous enactments relating to national health insurance;

[1929, s. 3 (7).]

"His Majesty's dominions" includes British Protectorates and Protected States and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

"Minister" means the Minister of Health;

"Orphan" means a child both of whose parents are dead;

"Pension" means a pension under this Act or any Act repealed by this Act, and a pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act;

"Provisions of this Act" includes any regulations made under this Act;

"Service dependants pension" means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to a person—

(*a*) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces; or

(*b*) in respect of the death of some other person attributable to or connected with the service of that other person during the late war;

and "service pension authority" means the authority or department by which the service dependants pension is administered.

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(2) When the widow of a man has remarried she shall not for the purposes of this Act be regarded as the widow of her former husband and accordingly, subject to the provisions of this Act as to the continuance of additional allowances, shall not be entitled to any pension under this Act in respect of the insurance of her former husband. [1925, s. 44 (3).]

(3) Where a child born before the marriage of his parents has been legitimated by virtue of the subsequent marriage of his parents the child shall, for the purposes of this Act, be deemed to be a child born of the marriage. [1925, s. 44 (4).]

(4) An adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, if adopted, whether before or after the commencement of this Act, either by two spouses jointly or by one of two spouses in the lifetime of the other shall for the purposes of this Act be treated as being the child of those spouses and as not being the child of any other person: [1929, s. 24.]

Provided that this subsection shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption, or, if he was adopted under the first of the above-mentioned Acts before the second day of January, nineteen hundred and thirty, at that date.

(5) An adopted child within the meaning of the Adoption of Children (Scotland) Act, 1930, who— [1931, c. 37, s. 1.]

(*a*) was, before the first day of October, nineteen hundred and thirty, in the custody of, and being brought up, maintained and educated by, two spouses jointly as their child under a de facto adoption; and

(*b*) continued until the aforesaid date to be in the custody of, and to be brought up, maintained and educated by, the spouses or the survivor of them; and

(*c*) was adopted by the survivor of the spouses by an order granted on an application presented before the first day of August, nineteen hundred and thirty-two,

shall be treated for the purposes of this Act as being the child of those spouses and as not being the child of any other person:

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Provided that this subsection shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption or, if he was adopted before the thirty-first day of July, nineteen hundred and thirty-one, at that date.

[1925, s. 44 (5).]

(6) For the purposes of this Act, any period during which a person served in the naval, military, or air forces of the Crown during the late war shall, if he was entitled to be insured whilst so serving, be deemed to be a period during which he was insured, and contributions shall be deemed to have been paid in respect of him for every week during that period.

[1925, s. 44 (6).]

(7) A person who would be entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of this Act, shall, for the purposes of this Act, be deemed to be entitled thereto by virtue of this Act, notwithstanding that that person would be entitled to an old age pension under that Act independently of this Act.

Saving for certain provisions in Pensions Act of 1929.

43. The provisions set out in the Fourth Schedule to this Act, being provisions contained in sections one, two and thirteen of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 (which extended the right to widows' pensions to certain widows whose husbands had died or attained the age of seventy before a specified date, and extended the right to old age pensions in the case of certain women), as amended by any subsequent enactment, shall have effect with respect to the persons therein mentioned and to the pensions payable thereunder.

Application to Scotland.

[1925, s. 45 (1).]

44. In the application of this Act to Scotland—

(1) References to the Minister shall be construed as references to the Department of Health for Scotland, except in section twenty-eight, in which section references to the Minister shall be construed as references to the Secretary of State for Scotland; and references in the said section twenty-eight to a local authority shall be construed as references to a local authority within the meaning of the Local Authorities Loans (Scotland) Acts, 1891 to 1924.

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(2) The Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the Lunacy and Mental Treatment Acts, 1890 to 1930. [1929, Sch. I. (3).]

(3) The expression "workhouse or other poor law institution" means "poorhouse"; the expression "mental hospital" means "asylum"; and the expression "rate-aided person of unsound mind" means "pauper lunatic."

(4) A separate account to be called the Pensions (Scotland) Account shall be kept, and all the provisions of this Act relating to the Pensions Account (including the provisions as to the making of payments thereto from the Treasury Pensions Account) shall apply to the Pensions (Scotland) Account. [1925, s. 45 (2).]

(5) Save as otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county the county council, and, in the case of a burgh, the town council, and the expenses incurred by any such council under this Act shall be defrayed out of the public health general assessment. [1925, s. 45 (3).]

A local authority may make arrangements for the execution and performance of any of their powers and duties under this Act either by a committee of the local authority or by a joint committee of the local authority and any other local authorities or otherwise as the local authority may determine, and any such committee or joint committee may consist partly of persons who are not members of the local authority or of any of the local authorities acting in combination, as the case may be:

Provided that, where any of the powers and duties of the local authority are executed and performed by the committee or joint committee administering the scheme of maternity and child welfare under the Notification of Births (Extension) Act, 1915, in operation within the district of the local authority, any expenses incurred by that committee or joint committee shall be defrayed as expenses incurred under that scheme.

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[1929, s. 26.]

(6) Where any question is referred to referees under the provisions of subsection (2) of section thirty or of subsection (2) of section thirty-one, the referees on the application of any party to the reference at any stage of the proceedings may, and shall, if so directed by the Court of Session, state a case on any question of law arising in the reference for the opinion of the Court of Session.

[1925, s. 45 (4).]

(7) The following subsections shall be substituted for subsections (1) and (2) of section thirty-three:—

(1) Regulations may be made by the Registrar-General with the approval of the Department of Health for Scotland requiring every person giving information to a registrar of births, deaths and marriages of a birth, death or marriage to furnish in writing, to the best of his knowledge and belief, such information for the purposes of this Act as may be prescribed, and any person refusing so to furnish such information or knowingly making any false statement or representation with reference to such information shall be liable on summary conviction to imprisonment for a term not exceeding three months; and the provisions of section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, with respect to regulations thereunder being laid before Parliament shall apply to regulations made under this subsection.

(2) Regulations made by the Department of Health for Scotland or by the Registrar-General with the approbation of the said Department under section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, may provide for the furnishing by registrars of births, deaths and marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act as may be prescribed.

(8) Subsection (3) of section thirty-seven shall have effect as though the word "summarily" were omitted therefrom, and nothing in that subsection shall be deemed to limit the period within which proceedings for the recovery of any civil debt may be brought. A.D. 1936. —— [1925, s. 45 (5); 1935, s. 22 (*b*).]

45. The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule : Repeals.

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889,—

(*a*) nothing in this repeal shall affect the right to any pension to which any person would have been entitled by virtue of the provisions of sections eighteen and nineteen and of paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section twenty of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925 (which relate to widows and orphans whose husbands and parents had died before the commencement of that Act, and to persons who had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight), as amended by any subsequent enactment, and pensions shall be payable or continue to be payable in accordance with those provisions, and subject to the same terms and conditions, as if this Act had not been passed;

(*b*) nothing in this repeal shall affect any order, rule, regulation, arrangement or scheme made, or certificate, notice, decision, direction or approval given or thing done under any enactment repealed by this Act and every such order, rule, regulation, arrangement, scheme, certificate, notice, decision, direction or approval shall continue in force, and, shall, so far as it could have been made, issued or given under this Act, have effect as if made, issued or given under the corresponding enactment of this Act;

(*c*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act;

A.D. 1936.

(*d*) any person appointed to any office under or by virtue of any enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(*e*) all funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the enactments repealed by this Act;

(*f*) references in this Act to persons insured thereunder shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so insured under the enactments repealed by this Act, and any contributions paid in respect of any persons under the enactments repealed by this Act shall, for the purposes of this Act, be treated as if they had been paid under the corresponding enactments of this Act.

Short title, commencement and extent.

46.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act, 1936.

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

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

SCHEDULES.

A.D. 1936.

FIRST SCHEDULE.

Section 12.

RATES OF CONTRIBUTIONS.

PART I.

ORDINARY RATES OF CONTRIBUTIONS.

[1925, s. 43, Sch. I.; 1935, s. 19.]

—	Rate of contribution per week.	Payable in case of employed persons.	
		By the employer.	By the employed person.
Contributions in case of men -	11*d.*	5½*d.*	5½*d.*
Contributions in case of women	5½*d.*	2½*d.*	3*d.*

PART II.

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED WITHIN THE MEANING OF THE INSURANCE ACT WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE.

Contributions in case of men -	10*d.*	10*d.*	—
Contributions in case of women	7*d.*	7*d.*	—

PART III.

RATES OF CONTRIBUTIONS IN RESPECT OF EXEMPT PERSONS.

Contributions in case of men -	7*d.*	4½*d.*	2½*d.*
Contributions in case of women	2½*d.*	2½*d.*	—

A.D. 1936.

1ST SCH. —*cont.*

PART IV.

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED IN ANY EMPLOYMENT WHICH IS AN EXCEPTED EMPLOYMENT TO WHICH PARAGRAPHS (*d*) OR (*e*) OF SUBSECTION (1) OF SECTION TWELVE OF THIS ACT APPLY, AND WHO ARE INSURED FOR ALL PENSIONS EXCEPT OLD AGE PENSIONS.

—	Rate of contribution per week.	Payable by the employer.	Payable by the employed person.
Contributions in case of men -	7*d.*	3½*d.*	3½*d.*
Contributions in case of women	3½*d.*	2*d.*	1½*d.*

Section 17 (5).

SECOND SCHEDULE.

APPLICATION OF SUBSECTION (5) OF SECTION SEVENTEEN TO A PERSON WHOSE REMUNERATION EXCEEDED TWO HUNDRED AND FIFTY POUNDS A YEAR.

[1925, Sch. II; 1929, s. 9 (3).]

Where a person who has been employed in an employment which would have been an excepted employment within the meaning of section seventeen of this Act had the rate of his remuneration not exceeded two hundred and fifty pounds a year has on retirement from such employment, whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(i) paragraph (*a*) of subsection (5) of the said section shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, no contributions under this Act or any Act repealed by this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him;

(ii) paragraph (*b*) of subsection (5) shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, contributions at the rates mentioned in Part IV of the First Schedule to this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him:

A.D. 1936.

2ND SCH. —*cont.*

Provided that, where a person to whom paragraph (*a*) of the said subsection would by virtue of the foregoing provisions of this Schedule apply is a person—

(i) who retired before the fourth day of January, nineteen hundred and twenty-six and was an insured or exempt person on that date; or

(ii) who retired on or after that date and was insured at the date of his retirement,

he shall be treated as if he were a person to whom paragraph (*a*) of the said subsection did not, but paragraph (*b*) thereof did, apply.

THIRD SCHEDULE.

Section 23.

DISQUALIFICATIONS FOR RECEIPT OF PENSIONS.

[1929, Sch. 1.]

1. Where during any period a person—

(*a*) is an inmate of any workhouse or other poor law institution; or

(*b*) is detained in prison in pursuance of an order made on his conviction for any offence and directing him to be imprisoned without the option of a fine, or to suffer any greater punishment; or

(*c*) is being maintained in any place as a rate-aided person of unsound mind or as a criminal lunatic, or is detained in any mental hospital within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930,

then, subject to the provisions of this Schedule, he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period:

Provided that this paragraph, so far as it relates to maintenance in any place as a rate-aided person of unsound mind or to detention in a mental hospital, shall not apply to a person who is entitled to a pension under sections three, four or eight of this Act, or who, having been so entitled, is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of paragraph (*a*) of section eleven of this Act, or to a person who is entitled to an old age pension under the Old Age

A.D. 1936. Pensions Act, 1936, by virtue of paragraph (*b*) or (*c*) of the said section eleven.

3RD SCH. —*cont.*

2. For the purposes of this Schedule a person who has become an inmate of any workhouse or other poor law institution for the purpose of obtaining medical or surgical treatment shall not be treated as being such an inmate so long as he continues to require such treatment, and, for the purposes of this Schedule as it applies to pensions under this Act, an additional allowance or an orphan's pension payable in respect of any child shall be treated as if it were a pension payable to that child, but save as aforesaid nothing in the provisions of this Schedule shall affect the right to payment of an additional allowance or orphan's pension in respect of a child.

Section 43.

FOURTH SCHEDULE.

PROVISIONS CONFERRING A RIGHT TO A WIDOW'S PENSION IN THE CASE OF CERTAIN WIDOWS WHOSE HUSBANDS DIED OR ATTAINED THE AGE OF SEVENTY BEFORE A SPECIFIED DATE, AND CONFERRING A RIGHT TO AN OLD AGE PENSION IN THE CASE OF CERTAIN WOMEN.

Extension of right to Widows' Pensions.

[1929, s. 1 (1).]

1. A widow shall, subject as hereinafter provided, be entitled to a widow's pension payable in accordance with the provisions of this Act relating to such a pension, if she has attained the age of fifty-five and is the widow of a man—

(*a*) who died before the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown either—

(i) that he was at some time within three years before his death, or, if he lived to attain the age of seventy, within three years before the date on which he attained that age, registered as a member of an approved society or as a deposit contributor; or

(ii) that his normal occupation was at some time within the said period employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time; or

(iii) that during the late war he served in the naval, military, or air forces of the Crown, or as a master or seaman, for a period of not less than two years and was entitled to be insured while so serving, and

A.D. 1936.

4TH SCH. —*cont.*

died within three years of the termination of that period; or

(iv) that having volunteered for temporary service abroad in the naval or military forces of the Crown in connection with any naval or military operations previous to the late war, he served during those operations as a man of those forces for a period of not less than one year and died within three years of the termination of that period; or

(*b*) who died between the third day of January, nineteen hundred and twenty-six, and the first day of January, nineteen hundred and thirty-one, and as respects whom it is shown that at some time within three years before the date of his death or the date on which by reason of his age contributions ceased to be payable in respect of him, his normal occupation was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act; or

(*c*) who, having attained the age of seventy after the fifteenth day of July, nineteen hundred and twelve, and before the fourth day of January, nineteen hundred and twenty-six, died on or after the latter date and was at the time of his death or would, if he had survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under any enactment relating to old age pensions, by virtue of any enactment repealed by this Act, by reason that he on attaining the age of seventy was an insured person who had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or, if he attained the age of seventy before that date, that he was an insured person on attaining that age; or [1931, s. 1 (1) (*b*).]

(*d*) who having attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, died on or after the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown that his normal occupation was at some time within three years before the date on which he attained the said age, employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time: [1931, s. 1 (1) (*b*).]

Provided that—

(i) the widow of a man mentioned in sub-paragraphs (*b*), (*c*), or (*d*) of this paragraph shall not, if the marriage took place after the twenty-fifth day of July, nineteen hundred and twenty-nine, become entitled to a pension unless at the date of his death three years [1929, s. 1 (1) (*c*), prov. ii–iv.]

A.D. 1936.

4TH SCH. —*cont.*

have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension;

(ii) in the case of a man who was an exempt person, or a person employed in an excepted employment, sub-paragraph (*c*) of this paragraph shall apply subject to the prescribed modifications;

(iii) a widow's pension under this paragraph shall not be payable to a woman while a widow's pension is payable to her by virtue of any enactment repealed by this Act whereby a widow's pension became payable to a woman whose husband had died before, or whose husband had attained the age of seventy before, and died after, the commencement of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925;

[1929, s. 13 (1).]

(iv) a widow shall not be entitled to a widow's pension under this paragraph unless she was resident in Great Britain on the twenty-fifth day of July, nineteen hundred and twenty-nine, and for a period of two years immediately before the date on which she would, but for this provision, have become entitled to the pension.

[1929, s. 1 (2).]

2. If as respects any period before the thirtieth day of June, nineteen hundred and nineteen, any question arises under sub-paragraph (*a*) of the preceding paragraph, whether contributions would have been payable under this Act if this Act had then been in force, that question shall be determined as if in paragraph (*k*) of Part II of the First Schedule to the Insurance Act the words "one hundred and sixty pounds" were substituted for the words "two hundred and fifty pounds" wherever those words occur.

[1929, s. 1 (3).]

3. Subsection (2) of section forty-two of this Act shall, in relation to the widow of a man to whom sub-paragraph (*a*) of paragraph 1 of this Schedule applies, have effect as if for the words "in respect of the insurance of her former husband" there were substituted the words "in respect of the insurance or employment of her former husband."

[1929, s. 1 (4).]

4. The provisions of the Insurance Act relating to the determination by the Minister of questions relating to employment shall apply to any question arising under paragraph 1 of this Schedule whether employment which was, or is alleged to have been, the normal occupation of any person was employment in respect of which contributions under this Act would have been payable if this Act had been in force or, as the

A.D. 1935.

4TH SCH. —*cont.*

case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act, in the like manner in either case as if the question were a question whether any employment or class of employment is or will be employment within the meaning of the Insurance Act or whether a person is or was a person employed within the meaning of that Act.

[1931, s. 1 (1) (*a*).]

5. A man who was at the commencement of the period of three years immediately preceding his death, or, if he lived to attain the age of seventy, at the commencement of the period of three years immediately preceding the date on which he attained that age, either—

(*a*) incapable of work by reason of some specific disease or bodily or mental disablement; or

(*b*) available for but unable to obtain such employment as is hereinafter mentioned,

shall, if, when he became incapable of work or ceased to be employed, his normal occupation or, in the case of a man having more than one normal occupation, any one of his normal occupations, was employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time, be deemed to be a man whose normal occupation was at some time during the said period such employment as aforesaid.

Extension of right to old age pensions in the case of certain women.

[1929, s. 2 (1).]

6. A woman who has attained the age of sixty-five but has not attained the age of seventy shall, subject as hereinafter provided, be entitled to an old age pension payable in accordance with the provisions of this Act relating to such a pension if she is the wife of a man who is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of any enactment repealed by this Act, by reason that he had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight, and was on attaining that age an insured person and had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or if he attained the age of seventy before the latter date, was at the time of attaining that age an insured person :

Provided that a woman shall not be entitled to a pension under this paragraph unless or until three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension.

A.D. 1936.

4TH SCH. —*cont.*

[1929, s. 2 (2).]

7. A widow who had attained the age of seventy years before the first day of July, nineteen hundred and thirty, shall be entitled to an old age pension under the Old Age Pensions Act, 1936, if she would have become entitled to a widow's pension under paragraph 1 of this Schedule had she not attained the age of seventy before the said date.

An old age pension to which a widow is entitled by virtue of this paragraph shall be at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied.

Section 45.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	The whole Act, except paragraph (*b*) of subsection (2) of section nine, section thirteen, subsection (5) of section fourteen, other than the proviso to that subsection, subsection (5) of section fifteen, sections thirty-seven and thirty-eight, subsection (6) of section forty-five, and the Fourth Schedule.
20 Geo. 5. c. 10.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	The whole Act, except subsection (4) of section three, subsections (1) and (2) of section nine, section twenty-one, and section twenty-five.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	In subsection (2) of section five the words "Widows', "Orphans' and Old Age "Contributory Pensions "Acts, 1925 and 1929, "and", and the proviso to that subsection.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
21 & 22 Geo. 5. c. 19.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1931.	The whole Act.
21 & 22 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1931.	The whole Act.
S.R. & O. 1931, No. 813.	The National Economy (National Health Insurance) Order, 1931.	Article three.
22 & 23 Geo. 5. c. 52.	The National Health Insurance and Contributory Pensions Act, 1932.	Section ten.
23 & 24 Geo. 5. c. 33.	The Metropolitan Police Act, 1933.	Subsection (3) of section four, so far as that subsection relates to widows', orphans' and old age contributory pensions; paragraph 2 of the Schedule.
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	Section forty-nine.
25 & 26 Geo. 5. c. 44.	The National Health Insurance and Contributory Pensions Act, 1935.	Sections sixteen to twenty-one; section twenty-three, except subsections (1), (2) and (3); section twenty-four; the Second Schedule.

Widows', Orphans' and Old Age Contributory Pensions.

[H.L.]

A

B I L L

[AS AMENDED BY THE JOINT SELECT COMMITTEE]

INTITULED

An Act to consolidate the enactments relating to Widows', Orphans' and Old Age Contributory Pensions.

The Lord Gage (*V. Gage*).

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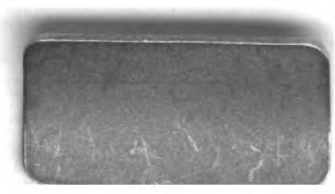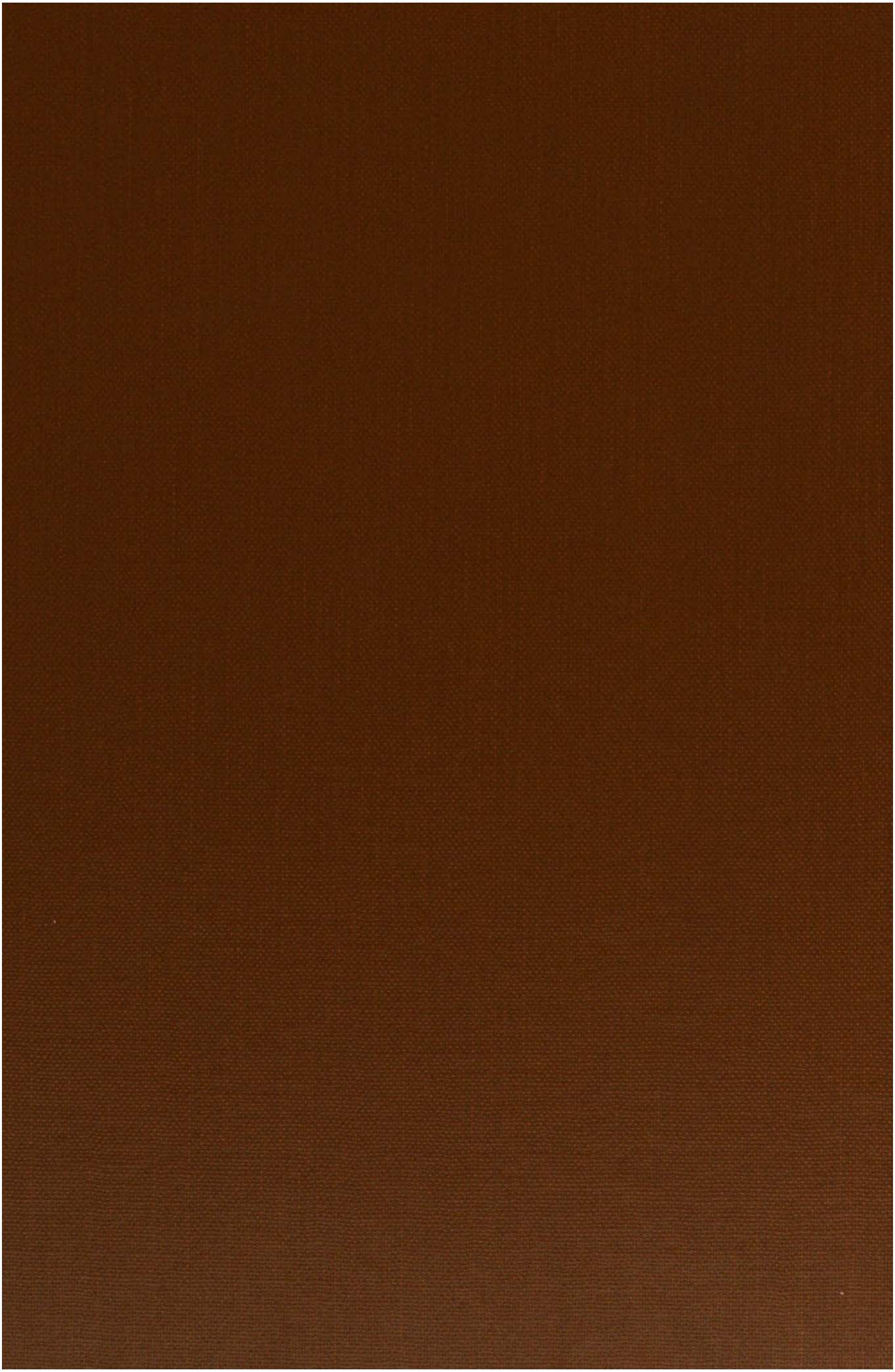
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