



**The Law Commission
and
The Scottish Law Commission**

(LAW COM. No. 106)
(SCOT. LAW COM. No. 63)

STATUTE LAW REVISION: TENTH REPORT

DRAFT STATUTE LAW (REPEALS) BILL

*Presented to Parliament by the
Lord High Chancellor and the Lord Advocate
by Command of Her Majesty
December 1980*

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The Law Commission and the Scottish Law Commission were set up by the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

The Law Commissioners are—

The Honourable Mr. Justice Kerr, *Chairman*
Mr. Stephen M. Cretney.
Mr. Stephen Edell.
Mr. W. A. B. Forbes, Q.C.
Dr. Peter M. North

The Secretary of the Law Commission is Mr. B. M. F. O'Brien and its offices are at Conquest House, 37-38 John Street, Theobalds Road, London, WC1N 2BQ.

The Scottish Law Commissioners are—

The Honourable Lord Hunter, V.R.D., *Chairman*
Mr. A. E. Anton, C.B.E.
Mr. R. D. D. Bertram.
Mr. J. Murray, Q.C.
Professor T. B. Smith, Q.C.

The Secretary of the Scottish Law Commission is Mr. R. Eadie and its offices are at 140 Causewayside, Edinburgh, EH9 1PR.

APPENDIX 1

Draft Statute Law (Repeals) Bill

ARRANGEMENT OF CLAUSES

Clause

1. Repeals and associated amendments.
2. Extent.
3. Short title.

SCHEDULES:

SCHEDULE 1—Repeals.

- Part I—Administration of Justice.
- Part II—Banking.
- Part III—Charities.
- Part IV—Constitutional Provisions.
- Part V—Finance.
- Part VI—Housing.
- Part VII—Local Government.
- Part VIII—Oaths and Affirmations.
- Part IX—Pensions.
- Part X—Post Office.
- Part XI—Road Traffic and Highways.
- Part XII—War and Emergency.
- Part XIII—Miscellaneous.

SCHEDULE 2—Amendments.

Statute Law (Repeals)

DRAFT
OF A
B I L L
INTITUL ED

An Act to promote the reform of the statute law by the repeal, in accordance with recommendations of the Law Commission and the Scottish Law Commission, of certain enactments which (except in so far as their effect is preserved) are no longer of practical utility.

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

1.—(1) The enactments mentioned in Schedule 1 to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals and associated amendments.

(2) The enactments mentioned in Schedule 2 to this Act are, in consequence of certain of the repeals made by this Act, hereby amended as provided by that Schedule.

2.—(1) This Act extends to Northern Ireland. Extent.

(2) This Act extends to the Islands in respect of the following repeals and amendment, that is to say—

(a) the repeal of the Loan Societies Act 1840 as it applies 1840 c. 110. to the Islands (Part V of Schedule 1 to this Act);

(b) the repeal of section 9 of the Emergency Laws 1959 c. 19. (Repeal) Act 1959 and of section 21 of the Emergency 1964 c. 60.

Statute Law (Repeals)

Laws (Re-enactments and Repeals) Act 1964 (Part XII of that Schedule);

1961 c. 15. (c) the repeal of the Post Office Act 1961 (Part X of that Schedule); and

1969 c. 48. (d) the amendment of Schedule 9 to the Post Office Act 1969 (paragraph 5 of Schedule 2 to this Act).

(3) Subject and without prejudice to subsection (2) above—

(a) this Act does not repeal any enactment so far as the enactment forms part of the law of a country outside the United Kingdom; but

(b) Her Majesty may by Order in Council provide that the repeal by this Act of any enactment specified in the Order shall on a date so specified extend to any of the Islands or to any colony for whose external relations the United Kingdom is responsible.

(4) In this section “the Islands” means the Channel Islands and the Isle of Man.

Short title. 3. This Act may be cited as the Statute Law (Repeals) Act 1980.

Statute Law (Repeals)

SCHEDULES

SCHEDULE 1

Section 1 (1).

REPEALS

PART I

ADMINISTRATION OF JUSTICE

Chapter	Short Title	Extent of Repeal
23 Geo. 3. c. 45.	Justiciary and Circuit Courts (Scotland) Act 1783.	The whole Act.
37 Geo. 3. c. 123.	Unlawful Oaths Act 1797.	The whole Act.
39 & 40 Geo. 3. c. 94.	Criminal Lunatics Act 1800.	The whole Act.
46 Geo. 3. c. 54.	Offences at Sea Act 1806.	The whole Act.
50 Geo. 3. c. 102.	Unlawful Oaths (Ireland) Act 1810.	The whole Act.
52 Geo. 3. c. 104.	Unlawful Oaths Act 1812.	The whole Act.
57 Geo. 3. c. 53.	Murders Abroad Act 1817.	The whole Act.
9 Geo. 4. c. 32.	Civil Rights of Convicts Act 1828.	The whole Act.
5 & 6 Vict. c. 69.	Perpetuation of Testimony Act 1842.	The whole Act.
20 & 21 Vict. c. 60.	Irish Bankrupt and Insolvent Act 1857.	In section 269, the words "or insolvent", wherever occurring, and the words "or before the commencement of the imprisonment of such insolvent".
21 & 22 Vict. c. 73.	Stipendiary Magistrates Act 1858.	The whole Act.
28 & 29 Vict. c. 124.	Admiralty Powers, &c. Act 1865.	The whole Act.
33 & 34 Vict. c. 28.	Attorneys' and Solicitors' Act 1870.	The whole Act, except as it applies to Northern Ireland; and section 19 as it applies to Northern Ireland.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 112.	Prevention of Crimes Act 1871.	In section 6, as it applies to Northern Ireland, the words from "This section" onwards. Section 9. Section 17 as it applies to England and Wales; and in that section as it applies to Scotland, the words from "In Scotland, under the provisions" onwards. Section 18 as it applies to Scotland; and in that section as it applies to England and Wales and to Northern Ireland, the words from "and a conviction" to "passing thereof". Section 22.
35 & 36 Vict. c. 58.	Bankruptcy (Ireland) Amendment Act 1872.	In section 65, the words from "that any trader" to "said Act, or" and the words "trader or", wherever occurring. Sections 70 and 71.
39 & 40 Vict. c. 18.	Treasury Solicitor Act 1876.	Sections 6 and 9.
40 & 41 Vict. c. 14.	Evidence Act 1877.	The whole Act.
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 6(1), the words from "except that" onwards. In the Schedule, the entry relating to the Poor Law (Scotland) Act 1845.
10 & 11 Geo. 5. c. 51.	Duchy of Lancaster Act 1920.	In section 3(3), the word "six".
14 & 15 Geo. 5. c. 16.	Small Debt (Scotland) Act 1924.	The whole Act.
15 & 16 Geo. 5. c. 23.	Administration of Estates Act 1925.	In section 30(4), the word "six". In section 46(1)(i), the words "at the rate of", wherever they occur (whether as respects persons dying before 1953 or after 1952).

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 41.	Administration of Justice (Scotland) Act 1933.	Section 22. In section 27(1), the words from "and of any clerk or officer" to "twenty-five of this Act." Sections 31 and 36.
1 & 2 Geo. 6. c. 48.	Criminal Procedure (Scotland) Act 1938.	Sections 9 and 11.
10 & 11 Geo. 6. c. 44.	Crown Proceedings Act 1947.	In section 2(6), the words "the Road Fund,".
10 & 11 Eliz. 2. c. 15.	Criminal Justice Administration Act 1962.	The whole Act.
1965 c. 2.	Administration of Justice Act 1965.	Section 7(3).
1968 c. 64.	Civil Evidence Act 1968.	In the Schedule, the entry relating to the Hop (Prevention of Frauds) Act 1866.

PART II
BANKING

Chapter	Title or Short Title	Extent of Repeal
14 Geo. 3. c. 32 (1774).	An Act to enable the Governor and Company of the Bank of Scotland to increase the Capital Stock of the said Company.	The whole Act.
24 Geo. 3. Sess. 2. c. 12 (1784).	An Act to enable the Governor and Company of the Bank of Scotland further to increase the Capital Stock of the said Company.	The whole Act.
32 Geo. 3. c. 25 (1792).	An Act to enable the Governor and Company of the Bank of Scotland further to increase the Capital Stock of the said Company.	The whole Act.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
34 Geo. 3. c. 19 (1794).	An Act to enable the Governor and Company of the Bank of Scotland further to increase the Capital Stock of the said Company.	The whole Act.
44 Geo. 3. c. xxiii (1804).	An Act for further increasing the Capital Stock of the Governor and Company of the Bank of Scotland.	The whole Act.
8 & 9 Vict. c. 76.	Revenue Act 1845.	The whole Act.
19 & 20 Vict. c. 3.	Joint Stock Banks (Scotland) Act 1856.	The whole Act.

PART III
CHARITIES

Chapter	Title or Short Title	Extent of Repeal
1 Geo. 2. St. 2 c. 22 (1727).	An Act to explain the Acts [3 Geo. 1. c. 5 and 9 Geo. 1. c. 14] for continuing the Duty of two Penny Scots on every Pint of Ale and Beer sold in the City of Edinburgh in relation to the Payment of Petty Post Customs; and for the more effectual securing the Payment of such money as hath been or shall be contributed towards a charitable fund for Relief of such as shall suffer by fire in the said city, and the suburbs and liberties thereof.	The whole Act.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
26 Geo. 3. c. 109 (1786).	An Act for incorporating the Members of a Society to be called <i>The Clyde Marine Society</i> ; for the better empowering and enabling them to carry on their charitable and useful designs; and for levying certain duties from shipmasters and others, for that purpose.	The whole Act.
32 Geo. 3. c. 29 (1792).	An Act for establishing a permanent fund for the relief and support of skippers and keelmen employed in the coal trade on the River Wear in the county of Durham who by sickness, or other accidental misfortunes, or by old age, shall not be able to maintain themselves and their families; and also for the relief of the widows and children of such skippers and keelmen.	The whole Act.
50 Geo. 3. c. xxxiii (1810).	An Act to amend [the Act 26 Geo. 3. c. 109].	The whole Act.
21 & 22 Vict. c. 31 (1858).	An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the parishes of St. Nicholas and St. Leonard in the City of Bristol.	The whole Act.
23 & 24 Vict. c. 43 (1860).	An Act for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop Tenison's Charity in the Parish of Saint Martin in the Fields in the City of Westminster.	The whole Act.

Statute Law (Repeals)

Sch. 1

Chapter	Title or Short Title	Extent of Repeal
26 & 27 Vict. c. 58 (1863).	An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir Robert Hitcham, Knight, King's Serjeant, for the Benefit of Framlingham, Debenham, and Levington, in the County of Suffolk, and of Coggeshall in the County of Essex.	The whole Act.
34 & 35 Vict. c. 117 (1871).	An Act for confirming a Scheme of the Charity Commissioners for the several Charities founded by the Settlement and Will of Christopher Tancred, of Whixley in the county of York, Esquire, deceased.	The whole Act.
48 & 49 Vict. c. 40.	Polehampton Estates Act 1885.	The whole Act.
62 & 63 Vict. c. cclxxvii.	Tancred's Charities Scheme Confirmation Act 1899.	The whole Act.

PART IV

CONSTITUTIONAL PROVISIONS

Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 65.	Representation of the People (Scotland) Act 1832.	The whole Act.
5 & 6 Will. 4. c. 35.	Paymaster General Act 1835.	Section 1. In section 3, the words from "to be created" to "abolished". In section 4, the words from "in the same manner" onwards. Section 7.
11 & 12 Vict. c. 55.	Paymaster General Act 1848.	Section 2.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
1973 c. 36.	Northern Ireland Constitution Act 1973.	Section 10(4).
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, in the entry relating to members of Wages Councils and other persons appointed under the Wages Councils Act (Northern Ireland) 1945, the words "or Member of a Commission of Inquiry appointed under paragraph 1(a) of Schedule 2 to that Act".
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraph 33.
1979 c. 17.	Vaccine Damage Payments Act 1979.	Sections 10 and 11.
1979 c. 18.	Social Security Act 1979.	Section 20(2).
1979 c. 22.	Confirmation to Small Estates (Scotland) Act 1979.	Section 3(3).
1979 c. 26.	Legal Aid Act 1979.	Section 12(2).
1979 c. 33.	Land Registration (Scotland) Act 1979.	Section 28(2).
1979 c. 36.	Nurses, Midwives and Health Visitors Act 1979.	In Schedule 7, paragraphs 32 and 33.
1979 c. 37.	Banking Act 1979.	Section 48(7).
1979 c. 38.	Estate Agents Act 1979.	Section 35.
1979 c. 46.	Ancient Monuments and Archaeological Areas Act 1979.	Sections 62(1) to (3). Section 63.

Act of Parliament of Ireland

33 Geo. 3. c. 41 (Ir.).	House of Commons Disqualification Act (Ireland) 1793.	The whole Act.
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Statute Law (Repeals)

PART V

FINANCE

SCH. 1

Chapter	Short Title	Extent of Repeal
3 & 4 Vict. c. 110.	Loan Societies Act 1840.	<p>The whole Act as it applies to the Channel Islands and the Isle of Man.</p> <p>The following provisions as they apply to England and Wales:—</p> <p>In section 6, the words from “or which” to “Majesty”.</p> <p>In section 7, the words from “and no certiorari” to “courts of record;”.</p> <p>In section 16, the words from “and if any person” onwards.</p> <p>In section 17, the words from “or court of conscience” onwards except the words “having jurisdiction”.</p> <p>Section 18.</p> <p>In section 21, the words from “without being liable” onwards.</p> <p>In section 23, the words from “and any clerk” to “usury;”.</p> <p>Section 26.</p> <p>In section 28, the words “and the Islands of Guernsey, Jersey, and Isle of Man”.</p> <p>In the Schedule, forms (B) and (C).</p>
19 & 20 Vict. c. 43.	Hereditary Revenues Act 1856.	<p>In the Schedule, the entry relating to the annuity granted to the Duke of Schoenberg and his heirs.</p>
25 & 26 Vict. c. 7.	India Stock Transfer Act 1862.	Section 14.
26 & 27 Vict. c. 73.	India Stock Certificate Act 1863.	Sections 13 to 15.
50 & 51 Vict. c. 55.	Sheriffs Act 1887.	<p>In section 26, the words “(which shall be exempt from stamp duty)”.</p> <p>In section 30(1), the words “be exempt from stamp duty and”.</p>

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 38.	Stamp Duties Management Act 1891.	Section 28.
1 & 2 Geo. 6. c. 25.	Eire (Confirmation of Agreements) Act 1938.	The whole Act.
3 & 4 Geo. 6. c. 4.	Czechoslovakia (Financial Claims and Refugees) Act 1940.	The whole Act.
12, 13 & 14 Geo. 6. c. 102.	Festival of Britain (Supplementary Provisions) Act 1949.	Section 2.
14 & 15 Geo. 6. c. 47.	Festival of Britain (Additional Loans) Act 1951.	The whole Act.
9 & 10 Eliz. 2. c. 62.	Trustee Investments Act 1961.	In Part IV of Schedule 1, in paragraph 4, sub-paragraph (c) of the definition of "local authority".

PART VI

HOUSING

Chapter	Short Title	Extent of Repeal
48 & 49 Vict. c. 72.	Housing of the Working Classes Act 1885.	The whole Act as it applies to Scotland.
9 & 10 Geo. 5. c. 35.	Housing, Town Planning, &c. Act 1919.	Section 52(2).
9 & 10 Geo. 5. c. 60.	Housing, Town Planning, &c. (Scotland) Act 1919.	The whole Act.
13 & 14 Geo. 5. c. 24.	Housing, &c. Act 1923.	The whole Act as it applies to Scotland.
14 & 15 Geo. 5. c. 35.	Housing (Financial Provisions) Act 1924.	The whole Act.
20 & 21 Geo. 5. c. 6.	Housing (Revision of Contributions) Act 1929.	The whole Act.
20 & 21 Geo. 5. c. 39.	Housing Act 1930.	The whole Act.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 39.	Housing (Rural Authorities) Act 1931.	The whole Act.
25 & 26 Geo. 5. c. 40.	Housing Act 1935.	Section 92(1). In section 100(1), the words from "and the Act of 1925" onwards. Section 100(2).
25 & 26 Geo. 5. c. 41.	Housing (Scotland) Act 1935.	The whole Act.
2 & 3 Geo. 6. c. 73.	Housing (Emergency Powers) Act 1939.	The whole Act.
4 & 5 Geo. 6. c. 34.	Repair of War Damage Act 1941.	The whole Act.
9 & 10 Geo. 6. c. 20.	Building Materials and Housing Act 1945.	The whole Act.
12, 13 & 14 Geo. 6. c. 60.	Housing Act 1949.	Section 5. Section 43. In section 50(1), all the definitions except that of "house". In section 51(1), the words from "and the Housing Acts" onwards. In section 51(2), the words from "except" to "thereof".
12, 13 & 14 Geo. 6. c. 61.	Housing (Scotland) Act 1949.	The whole Act.
14 Geo. 6. c. 34.	Housing (Scotland) Act 1950.	Sections 76, 83 and 173. In section 184(1), all the definitions except those of "development corporation", "Highlands and Islands", "house", "housing association" and "land"; and section 184(3). Sections 186(2) and 187. Schedules 9 and 13.
2 & 3 Eliz. 2. c. 53.	Housing Repairs and Rents Act 1954.	Sections 51, 52(1), 53 and 54(2) and (4). Schedule 5.
4 & 5 Eliz. 2. c. 52.	Clean Air Act 1956.	In Part III of Schedule 3, the entries relating to the Housing (Scotland) Act 1950.
5 & 6 Eliz. 2. c. 38.	Housing and Town Development (Scotland) Act 1957.	In Schedule 1, paragraphs 13 and 14.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 42.	Housing (Financial Provisions) Act 1958.	In section 28, the references to the Housing, Town Planning, &c. Act 1919, the Housing, &c. Act 1923, the Housing (Financial Provisions) Act 1924 and the Housing (Rural Authorities) Act 1931. In section 54(1), the words from "other than" onwards. Section 59(4).
7 & 8 Eliz. 2. c. 33.	House Purchase and Housing Act 1959.	Sections 3 and 25. In section 28(3), the word "other". In section 29(1), the definitions of "controlled tenancy", "improvement grant", and "the valuation officer"; and section 29(2) and (3). Section 30. Section 31(2) and (3). Section 32(3); and in section 32(4), the words from "Part II" to "twenty-seven, and". Schedule 2. Sections 27(1) to (3), 30, 31, 35 and 36(5). Schedule 4.
9 & 10 Eliz. 2. c. 65.	Housing Act 1961.	Section 34. In section 36(1), the definition of "Act of 1957". In Schedule 4, paragraphs 6 and 26.
10 & 11 Eliz. 2. c. 28.	Housing (Scotland) Act 1962.	Sections 63, 105 and 108(2). Schedule 5.
1964 c. 56.	Housing Act 1964.	Section 209.
1966 c. 49.	Housing (Scotland) Act 1966.	Section 59.
1968 c. 31.	Housing (Financial Provisions) (Scotland) Act 1968.	In Schedules 5, 6 and 8, the entries (wherever occurring) relating to the Housing, Town Planning, &c. (Scotland) Act 1919, the Housing, &c. Act 1923 and the Housing (Financial Provisions) Act 1924.
1969 c. 33.	Housing Act 1969.	In Schedule 8, paragraphs 9 and 12.
1969 c. 34.	Housing (Scotland) Act 1969.	In section 66, the words from "section 209(1)" to "Lands Tribunal". In Schedule 6, paragraphs 20, 30, 41 and 47.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
1972 c. 46.	Housing (Financial Provisions) (Scotland) Act 1972.	Section 23(1)(c). Section 80. In Schedule 1, the entries (wherever occurring) relating to the Housing, Town Planning, &c. (Scotland) Act 1919, the Housing, &c. Act 1923 and the Housing (Financial Provisions) Act 1924. In Schedule 4, paragraph 2(a)(ii). In Schedule 9, paragraph 1.

PART VII

LOCAL GOVERNMENT

Chapter	Title or Short Title	Extent of Repeal
8 Geo. 3. c. 16 (1768).	An Act for making and widening a passage or street from the Salt Market Street, in the City of Glasgow, to Saint Andrew's Church, in the said City; and for enlarging and compleating the churchyard of the said church; and for making and building a convenient exchange or square in the said City; and also for explaining and amending [the Act 32 Geo. 2. c. 62] for improving the navigation of the River Clyde, to the City of Glasgow; and for building a bridge cross the said River, from the said City to the Village of Gorbells.	The whole Act.
26 & 27 Vict. c. 60.	General Police and Improvement (Scotland) Supplemental Act 1862.	The whole Act.
30 & 31 Vict. c. 134.	Metropolitan Streets Act 1867.	Section 25.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
6 Edw. 7. c. 33.	Local Authorities (Treasury Powers) Act 1906.	The whole Act.
2 & 3 Eliz. 2. c. 42.	Slaughterhouses Act 1954.	The whole Act.
2 & 3 Eliz. 2. c. 59.	Slaughter of Animals (Amendment) Act 1954.	The whole Act.
1963 c. 32.	Public Lavatories (Turnstiles) Act 1963.	Section 1(4); and in section 1(5) the words "a local authority within the meaning of the London Government Act 1939".
1968 c. 73.	Transport Act 1968.	Section 154.
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 56(11), (12) and (13). Section 147(3); and in section 147(4) the words from "Without prejudice" to "above". Section 167. Section 213(1) and (2).

PART VIII

OATHS AND AFFIRMATIONS

Chapter	Short Title	Extent of Repeal
55 Geo. 3. c. 194.	Apothecaries Act 1815.	In section 11, the words "(or, being one of the people called Quakers, do solemnly affirm)" and the words "or affirmation".
56 Geo. 3. c. 46.	Civil List Audit Act 1816.	In section 10, the words "or affirmation (if Quakers)" and "oath or affirmation".
56 Geo. 3. c. 56.	Probate Duty (Ireland) Act 1816.	In section 117, the words "or solemn affirmation in the case of Quakers", "or affirmant's" and "or affirmation". In sections 130 and 131, the words "or affirmation", wherever occurring.
56 Geo. 3. c. 100.	Habeas Corpus Act 1816.	In section 1, the words from "or affirmation" to "allowed". In section 3, the words from "or by affirmation" to "allowed by law", the words "and affirmations" and the words from "or affirmation" to "allowed".

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
3 & 4 Will. 4. c. 41.	Judicial Committee Act 1833.	In section 9, the words "or if a Quaker or Moravian upon solemn affirmation", "oath and affirmation respectively" and "or affirm".
6 & 7 Will. 4. c. 77.	Ecclesiastical Commissioners Act 1836.	In section 9, the words from "or, in lieu" onwards.
3 & 4 Vict. c. 50.	Canals (Offences) Act 1840.	In section 1, the words "or make a solemn declaration", "or declaration" and "or made such declaration as aforesaid".
7 & 8 Vict. c. 81.	Marriages (Ireland) Act 1844.	In section 9, the words "or a solemn affirmation or declaration instead of taking an oath" and "oath, affirmation, or declaration". In section 22, the words from "or shall make" to "an oath".
8 & 9 Vict. c. 16.	Companies Clauses Consolidation Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 17.	Companies Clauses Consolidation (Scotland) Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 18.	Lands Clauses Consolidation Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 19.	Lands Clauses Consolidation (Scotland) Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 20.	Railways Clauses Consolidation Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 33.	Railways Clauses Consolidation (Scotland) Act 1845.	In section 3, the definition of "oath".
8 & 9 Vict. c. 118.	Inclosure Act 1845.	In section 39, the words "or being Quakers upon their affirmations" and the words "and affirmations", wherever occurring. In section 40, the words "or being a Quaker to make affirmation" and the words "or being a Quaker affirmed".
10 & 11 Vict. c. 14.	Markets and Fairs Clauses Act 1847.	In section 3, the definition of "oath".
10 & 11 Vict. c. 16.	Commissioners Clauses Act 1847.	In section 3, the definition of "oath".
10 & 11 Vict. c. 27.	Harbours, Docks, and Piers Clauses Act 1847.	In section 3, the definition of "oath".
10 & 11 Vict. c. 34.	Towns Improvement Clauses Act 1847.	In section 3, the definition of "oath".

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
10 & 11 Vict. c. 65.	Cemeteries Clauses Act 1847.	In section 3, the definition of "oath".
10 & 11 Vict. c. 69.	House of Commons Costs Taxation Act 1847.	In section 10, the definition of "oath".
10 & 11 Vict. c. 89.	Town Police Clauses Act 1847.	In section 3, the definition of "oath".
12 & 13 Vict. c. 78.	House of Lords Costs Taxation Act 1849.	In section 14, the definition of "oath".
31 & 32 Vict. c. 72.	Promissory Oaths Act 1868.	In section 7, the words "or make such affirmation". In section 9, the words from "or to make" to "any of them".
33 & 34 Vict. c. 110.	Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870.	In section 35, in the paragraph beginning "Before any licence", the words "or make affirmation" and "oath or affirmation".

PART IX

PENSIONS

Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 111.	Lord Chancellor's Pen- sion Act 1832.	In section 3, the words "or the office of keeper of the great seal of Great Britain", wherever occurring and "or the keeper of the great seal of Great Britain"; the words from "after paying" to "to be paid out of the same"; the words "free and clear of all taxes and deductions what- soever"; and the words from "anything contained in any Act" onwards.
29 & 30 Vict. c. 18.	India Military Funds Act 1866.	The whole Act.
45 & 46 Vict. c. 45.	Bombay Civil Fund Act 1882.	The whole Act.
59 & 60 Vict. c. 50.	Poor Law Officers' Superannuation Act 1896.	The whole Act.
1 & 2 Geo. 5. c. 26.	Telephone Transfer Act 1911.	The whole Act.
5 & 6 Geo. 5. c. 83.	Naval and Military War Pensions, &c. Act 1915.	In section 3(1), paragraphs (a) to (h) and (k).

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 5. c. 37.	Naval and Military War Pensions, &c. (Transfer of Powers) Act 1917.	The whole Act.
8 & 9 Geo. 5. c. 57.	War Pensions (Administrative Provisions) Act 1918.	Section 8. Section 9, except subsections (1) and (5). In section 18(1), the words "the Naval and Military War Pensions, &c. (Transfer of Powers) Act 1917, the Naval and Military War Pensions, &c. (Committees) Act 1917"; in section 18(2), the definition of "Ministry"; and section 18(3).
10 & 11 Geo. 5. c. 23.	War Pensions Act 1920.	Section 9.
16 & 17 Geo. 5. c. 51.	Electricity (Supply) Act 1926.	Section 33.
<i>Act of Parliament of Northern Ireland</i>		
1968 c. 34 (N.I.).	Children and Young Persons Act (Northern Ireland) 1968.	Sections 92(5) and 109.

PART X

POST OFFICE

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 15.	Post Office Act 1961.	The whole Act except so much of the Schedule as relates to the Exchequer and Audit Departments Act 1866 or the Exchequer and Audit Departments Act 1921.
1968 c. 13.	National Loans Act 1968.	In Schedule 5, the entry relating to the Post Office Act 1961.
1969 c. 48.	Post Office Act 1969.	Section 1. In section 2(6), the words from "but anything" onwards. In section 6(1), the words from "so, however" onwards. In section 6(2), paragraph (a) and in paragraph (b) the words "after the expiration of that period".

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
1969 c. 48— <i>cont.</i>	Post Office Act 1969— <i>cont.</i>	Section 6(2A). Sections 12(10), 14(18), 17, 19, 34, 50, 68, 74(1), 82, 83, 85, 107 and 127. In section 129(1), the words “or any order made under section 17 of this Act” and “or any copy of such an order”. Section 131. In Schedule 4, paragraphs 81 and 87. Schedule 7. In Schedule 9, paragraphs 3(1), (3) and (6), 4, 5, 8, 15, 16, 18, 19, 22 to 26, 31, 32, 38 to 40, 44 to 47 and 50.
1977 c. 44.	Post Office Act 1977.	The whole Act.

PART XI

ROAD TRAFFIC AND HIGHWAYS

Chapter	Title or Short Title	Extent of Repeal
46 Geo. 3. c. cxxxiv (1806).	An Act for ornamenting and embellishing the centre or area of Bloomsbury Square, in the parish of Saint George Bloomsbury, in the county of Middle- sex; and for preventing hackney coaches stand- ing or plying for hire in and near the said square.	Sections 35 and 36.
2 & 3 Will. 4. c. 120.	Stage Carriages Act 1832.	The whole Act, except as it applies to the Blackpool tram- way system.
13 & 14 Vict. c. 7.	London Hackney Car- riages Act 1850.	Section 6.

Turnpike Law

3 Geo. 4. c. 126.	Turnpike Roads Act 1822.	The whole Act.
4 Geo. 4. c. 16 (1823).	An Act to explain so much of the General Turnpike Act, as relates to the toll payable on carriages laden with lime for the improve- ment of land.	The whole Act.

Statute Law (Repeals)

Sch. 1

Chapter	Title or Short Title	Extent of Repeal
4 Geo. 4. c. 95 (1823).	An Act to explain and amend [the Turnpike Roads Act 1822].	The whole Act.
5 Geo. 4. c. 69 (1824).	An Act to enable justices of the peace for ridings, divisions, or sokes, to act as trustees for repairing and maintaining turnpike roads.	The whole Act.
7 & 8 Geo. 4. c. 24 (1827).	An Act to amend the Acts for regulating turnpike roads in England.	The whole Act.
9 Geo. 4. c. 77 (1828).	An Act to amend the Acts for regulating turnpike roads.	The whole Act.
1 & 2 Will. 4. c. 25 (1831).	An Act to amend the Acts for regulating turnpike roads in England, so far as they relate to certain exemptions from toll.	The whole Act.
2 & 3 Will. 4. c. 124 (1832).	An Act to explain certain provisions in local Acts of Parliament relating to double toll on turnpike roads.	The whole Act.
3 & 4 Will. 4. c. 80 (1833).	An Act requiring the annual statements of trustees or commissioners of turnpike roads to be transmitted to the Secretary of State, and afterwards laid before Parliament.	The whole Act.
4 & 5 Will. 4. c. 81 (1834).	An Act to amend [the Turnpike Roads Act 1822] so far as the same relates to the weights to be carried upon wagons with springs.	The whole Act.
5 & 6 Will. 4. c. 18 (1835).	An Act to exempt carriages carrying manure from toll.	The whole Act.
2 & 3 Vict. c. 46 (1839).	An Act to authorise the trustees of turnpike roads to reduce the scale of tolls payable for overweight.	The whole Act.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
3 & 4 Vict. c. 39 (1840).	An Act to authorise trustees or commissioners of turnpike roads to appoint meetings for executing their trusts in certain cases.	The whole Act.
3 & 4 Vict. c. 51 (1840).	An Act to amend and explain the general Turnpike Acts, so far as relates to the toll payable on carriages or horses laden with lime for the improvement of land.	The whole Act.
4 & 5 Vict. c. 33 (1841).	An Act to amend the Acts for regulating turnpike roads in England, so far as they relate to certain exemptions from toll.	The whole Act.
4 & 5 Vict. c. 59 (1841).	An Act to authorise the application of a portion of the highway rates to turnpike roads, in certain cases.	The whole Act.
12 & 13 Vict. c. 87 (1849).	An Act to continue certain Turnpike Acts in Great Britain for limited periods, and to make certain provisions respecting turnpike roads in England.	The whole Act.
16 & 17 Vict. c. 135.	Annual Turnpike Acts Continuance Act 1853.	The whole Act.
17 & 18 Vict. c. 51 (1854).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts, and to make certain provisions respecting exemptions from tolls.	The whole Act.
17 & 18 Vict. c. 58.	Annual Turnpike Acts Continuance Act 1854.	The whole Act.
18 & 19 Vict. c. 102 (1855).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
19 & 20 Vict. c. 12 (1856).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
20 & 21 Vict. c. 9 (1857).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
21 & 22 Vict. c. 80 (1858).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
22 & 23 Vict. c. 33 (1859).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
23 & 24 Vict. c. 70 (1860).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
24 & 25 Vict. c. 46 (1861).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts, and to extend the provisions of the said Act.	The whole Act.
25 & 26 Vict. c. 56 (1862).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.

Statute Law (Repeals)

Chapter	Title or Short Title	Extent of Repeal
26 & 27 Vict. c. 98 (1863).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
27 & 28 Vict. c. 75.	Annual Turnpike Acts Continuance Act 1864.	The whole Act.
27 & 28 Vict. c. 79 (1864).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
28 & 29 Vict. c. 91 (1865).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
29 & 30 Vict. c. 92 (1866).	An Act to confirm certain provisional orders made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
29 & 30 Vict. c. 105.	Annual Turnpike Acts Continuance Act 1866.	The whole Act.
30 & 31 Vict. c. 66.	Turnpike Trusts Arrangements Act 1867.	The whole Act.
30 & 31 Vict. c. 121.	Annual Turnpike Acts Continuance Act 1867.	The whole Act.
31 & 32 Vict. c. 66.	Turnpike Trusts Arrangements Act 1868.	The whole Act.
31 & 32 Vict. c. 99.	Annual Turnpike Acts Continuance Act 1868.	The whole Act.
32 & 33 Vict. c. 90.	Annual Turnpike Acts Continuance Act 1869.	The whole Act.

SCH. 1

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
33 & 34 Vict. c. 22 (1870).	An Act to confirm a certain provisional order made under [the Act 14 & 15 Vict. c. 38], to facilitate arrangements for the relief of turnpike trusts.	The whole Act.
34 & 35 Vict. c. 115.	Annual Turnpike Acts Continuance Act 1871.	The whole Act.
35 & 36 Vict. c. 85.	Annual Turnpike Acts Continuance Act 1872.	Sections 14 and 15.
38 & 39 Vict. c. xciv.	Annual Turnpike Acts Continuance Act 1875.	The whole Act.
45 & 46 Vict. c. 52.	Annual Turnpike Acts Continuance Act 1882.	The whole Act.
47 & 48 Vict. c. 52.	Annual Turnpike Acts Continuance Act 1884.	The whole Act.
53 & 54 Vict. c. 51.	Statute Law Revision (No. 2) Act 1890.	Section 3.

PART XII

WAR AND EMERGENCY

Chapter	Short Title	Extent of Repeal
<i>War Damage</i>		
4 & 5 Geo. 6. c. 28.	Trustee (War Damage Insurance) Act 1941.	The whole Act.
6 & 7 Geo. 6. c. 21.	War Damage Act 1943.	The whole Act.
9 & 10 Geo. 6. c. 40.	Miscellaneous Financial Provisions Act 1946.	Section 2.
12, 13 & 14 Geo. 6. c. 36.	War Damage (Public Utility Undertakings, &c.) Act 1949.	The whole Act.
6 & 7 Eliz. 2. c. 51.	Public Records Act 1958.	In Schedule 2, the entry relating to the War Damage Act 1943.

Statute Law (Repeals)

Sch. 1

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 25.	War Damage (Clearance Payments) Act 1960.	The whole Act.
1964 c. 25.	War Damage Act 1964.	The whole Act.
1964 c. 26.	Licensing Act 1964.	Section 118(3).
1964 c. 51.	Universities and College Estates Act 1964.	In Schedule 3, the entry relating to the War Damage Act 1943.
1965 c. 2.	Administration of Justice Act 1965.	In Schedule 1, the entry relating to the War Damage Act 1943.
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the entry relating to the War Damage Act 1943.
<i>War Risks Insurance</i>		
2 & 3 Geo. 6. c. 57.	War Risks Insurance Act 1939.	The whole Act.
2 & 3 Geo. 6. c. 120.	Restriction of Advertisements (War Risks Insurance) Act 1939.	Section 1(2)(a).
4 & 5 Geo. 6. c. 12.	War Damage Act 1941.	The whole Act.
5 & 6 Geo. 6. c. 28.	War Damage (Amendment) Act 1942.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 56.	Insurance Contracts (War Settlement) Act 1952.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 57.	Marine and Aviation Insurance (War Risks) Act 1952.	In section 5(1), in paragraph (a), sub-paragraphs (ii) and (iii); and in paragraph (b), sub-paragraph (ii) and the word "and" preceding that sub-paragraph. Section 10(4).
1979 c. 54.	Sale of Goods Act 1979.	In Schedule 2, the entry relating to the War Risks Insurance Act 1939.
<i>Reinstatement in Civil Employment</i>		
7 & 8 Geo. 6. c. 15.	Reinstatement in Civil Employment Act 1944.	The whole Act.
11 & 12 Geo. 6. c. 64.	National Service Act 1948.	Section 39 so far as it relates to the Reinstatement in Civil Employment Act 1944. Sections 40, 41(5), 43(4), 51 and 52.

Statute Law (Repeals)

SCH. 1

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 64— <i>cont.</i>	National Service Act 1948— <i>cont.</i>	In section 54(1), the definition of “the Act of 1944”; and section 54(2) and (7). Sections 59 and 60.
12, 13 & 14 Geo. 6. c. 6.	National Service (Amendment) Act 1948.	The whole Act.
14 & 15 Geo. 6. c. 10.	Reinstatement in Civil Employment Act 1950.	In section 1, the words “(except section forty)”. In section 5(4), the words from “which” to “also” except the word “shall”.
<i>Other Enactments</i>		
7 & 8 Eliz. 2. c. 19.	Emergency Laws (Repeal) Act 1959.	Section 9.
1964 c. 60.	Emergency Laws (Re-enactments and Repeals) Act 1964.	Section 21.

PART XIII
MISCELLANEOUS

Chapter	Title or Short Title	Extent of Repeal
29 Geo. 3. c. 25 (1789).	An Act to incorporate certain Persons therein named, and their Successors, by the Name and Stile of <i>The North-umberland Fishery Society</i> ; and to enable them, when incorporated, to subscribe a Capital Joint Stock for more effectually supporting, conducting, and increasing such Fishery.	The whole Act.
54 Geo. 3. c. 159.	Harbours Act 1814.	The whole Act.
18 & 19 Vict. c. 131.	School Grants Act 1855.	In section 1, the words “under his hand be given to the same”.

Statute Law (Repeals)

SCH. 1

Chapter	Title or Short Title	Extent of Repeal
23 & 24 Vict. c. 112.	Defence Act 1860.	In section 11, as it applies to Scotland, the words "femes covert, infants, persons suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960 or".
25 & 26 Vict. c. 69.	Harbours Transfer Act 1862.	Section 16.
31 & 32 Vict. c. 45.	Sea Fisheries Act 1868.	Section 69.
6 Edw. 7. c. 50.	National Galleries of Scotland Act 1906.	In section 4(1), the words from "The said seven members" to "as aforesaid"; and in section 4(3) the words from "but the person" onwards. In section 8, the words "or the growing produce thereof".
18 & 19 Geo. 5. c. 34.	Reorganisation of Offices (Scotland) Act 1928.	Sections 2, 4, 7 to 9, 11 and 12. In section 13, the definition of "the Register of Deeds."
24 & 25 Geo. 5. c. 30.	Cotton Manufacturing Industry (Temporary Provisions) Act 1934.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 43.	Public Records (Scotland) Act 1937.	Section 4. In section 5(2), the words "section seventy-eight of the Town Councils (Scotland) Act 1900, or in" and "other". Section 13(2). Schedule 1.
9 & 10 Geo. 6. c. 15.	Public Health (Scotland) Act 1945.	Section 2.
9 & 10 Geo. 6. c. 82.	Cable and Wireless Act 1946.	Section 3(1) to (3).
11 & 12 Geo. 6. c. 27.	Palestine Act 1948.	The whole Act.
14 & 15 Geo. 6. c. 30.	Sea Fish Industry Act 1951.	Section 26.
2 & 3 Eliz. 2. c. 14.	National Museum of Antiquities of Scotland Act 1954.	Section 6.

Statute Law (Repeals)

Sch. 1

Chapter	Title or Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 52.	Clean Air Act 1956.	Section 33(2). In Schedule 2, the entries relating to sections 16A and 17(2) of the Alkali, &c. Works Regulation Act 1906.
5 & 6 Eliz. 2. c. 16.	Nurses Agencies Act 1957.	In section 6(2), the words from the beginning to "1907, and".
6 & 7 Eliz. 2. c. 69.	Opencast Coal Act 1958.	In section 52(4), the proviso.
8 & 9 Eliz. 2. c. 61.	Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to the Defence Act 1860.
1965 c. 49.	Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 54(2), the words from "made" to "subsection or".
1968 c. 46.	Health Services and Public Health Act 1968.	Sections 74 and 75.
1973 c. 42.	National Insurance and Supplementary Benefit Act 1973.	The whole Act.
1974 c. 32.	Town and Country Amenities Act 1974.	Sections 1(2), 2(2), 10(7) and 11(7).
1975 c. 78.	Airports Authority Act 1975.	Section 25(10) and (11).
1976 c. 55.	Agriculture (Miscellaneous Provisions) Act 1976.	In Schedule 3, the entry relating to the Hop (Prevention of Frauds) Act 1866.
1976 c. 51.	Maplin Development Authority (Dissolution) Act 1976.	The whole Act.
1977 c. 50.	Unfair Contract Terms Act 1977.	In Schedule 3, in paragraph (a) of the entry relating to the Supply of Goods (Implied Terms) Act 1973, the words "or, in Scotland, the agreement is a consumer contract within Part II of that Act".
<i>Act of Parliament of Northern Ireland</i>		
1970 c. 1 (N.I.).	Harbours Act (Northern Ireland) 1970.	In Schedule 5, the entry relating to the Harbours Act 1814.

Statute Law (Repeals)

SCHEDULE 2

AMENDMENTS

Chester and Holyhead Railway Act 1844

Section 1(2).
1844 c. lxxv.

1. For section 279 of the Chester and Holyhead Railway Act 1844 there shall be substituted the following section:—

“279.—(1) The British Railways Board shall pay the highway authority for the road mentioned in the last preceding section the annual sum of £106 in respect of the use by the railway of the sheltered slope of the road embankment mentioned in that section. Payment to be made to highway authority.

(2) The sum mentioned in subsection (1) above shall be paid in two equal half-yearly instalments on 25th March and 29th September in each year.”

Conveyancing (Scotland) Act 1874

1874 c. 94.

2. In section 51 of the Conveyancing (Scotland) Act 1874—

(a) after the words “issued by” there shall be inserted “—(a)”;

(b) after the word “dependency” there shall be inserted the words “or

(b) a district court in Palestine before 15th May 1948”.

National Galleries of Scotland Act 1906

1906 c. 50.

3. In section 4 of the National Galleries of Scotland Act 1906, the following subsection shall be inserted after subsection (1):—

“(1A) Each member shall hold office for five years from the date of his appointment and shall be eligible for reappointment on the expiry of that period”.

Naval and Military War Pensions, &c. Act 1915

1915 c. 83.

4. In section 3(1) of the Naval and Military War Pensions, &c. Act 1915 (which, as originally enacted, conferred certain functions on the Royal Patriotic Fund Corporation Statutory Committee) for the words “The functions of the Statutory Committee shall be” there shall be substituted the words “It shall be a function of the Secretary of State”.

Post Office Act 1969

1969 c. 48.

5. In Schedule 9 to the Post Office Act 1969 (general transitional provisions) at the end of paragraph 2 there shall be added the following sub-paragraph:—

“(4) With respect to instruments and documents executed or signed before the appointed day—

(a) every instrument or document purporting to be executed or signed by or on behalf of the Postmaster General shall be deemed to be so executed or signed unless the contrary is shown; and

(b) a certificate signed before the appointed day by the Postmaster General that any instrument or document purporting to be executed or signed on his behalf was so executed or signed shall be conclusive evidence of that fact.”

APPENDIX 2

EXPLANATORY NOTE ON THE DRAFT BILL

Clause 1 repeals the enactments mentioned in Schedule 1 and introduces the consequential amendments contained in Schedule 2.

Clause 2 makes provision for the extension of specified repeals or amendments to the Channel Islands, the Isle of Man or colonies for whose external relations the United Kingdom is responsible.

SCHEDULE 1

REPEALS

PART I

ADMINISTRATION OF JUSTICE

The Justiciary and Circuit Courts (Scotland) Act 1783 made provision as to the procedure on the trial of crimes (other than treason) inferring the punishment of death of demembration. The Act is obsolete and unnecessary.

The Unlawful Oaths Act 1797, which applies to Great Britain, was one of a group of Acts introduced by William Pitt following the mutinies in the fleet at Spithead and the Nore in 1797. Its objectives were to provide more severe punishment for those administering or taking an unlawful oath and to make the offence, then a high misdemeanour, triable as a felony in order (as Pitt put it) to "abridge the trial, since the trial of misdemeanours was attended by embarrassment and delay".¹ In 1801² the Act was used to punish the administration of an oath "to obtain an equal, full and adequate representation of all the people of England" and in 1816³ to punish an attorney for administering an oath to a group of poachers that they would not inform against each other. The other reported cases concerned either trade unionists or Luddites and the climax in the history of the Act came in 1834 with the cases of *Loveless*⁴ and *Ball*⁵.

In *Loveless* the accused, later known as the Tolpuddle Martyrs, were sentenced to seven years' transportation for administering oaths of secrecy to members of an agricultural workers' trade union which operated legitimately by virtue of the Combinations Act 1825. The decision caused a public outcry, one reason being the suspicion that:

¹ *The Times*, 8 July 1797, 2d.

² *The King v. Moors* (1801) 6 East 419n, 102 E.R. 1347-9.

³ *R. v. Brodribb* (1816) 6 C. & P. 571, 172 E.R. 1368.

⁴ (1834) 1 M. & Rob. 349, 174 E.R. 119; 6 C. & P. 596, 172 E.R. 1380.

⁵ (1834) 6 C. & P. 563, 172 E.R. 1365.

“advantage has been taken of the letter of the law by prosecuting a man for one offence, in itself a matter of little moment, as the only means of ensuring his chastisement for another offence, morally and substantially of a graver character, which it may be thought desirable to punish . . . The dilemma in which the prosecution stands is this:— the crime which called for punishment was not proved; the crime brought home to the prisoners did not justify the sentence.”⁶

The men concerned were subsequently granted a free pardon and brought home at the public expense. In *Ball*, decided on similar facts a few months after the *Loveless* case, the accused pleaded guilty and were discharged on their own recognisances.

The Act of 1797 appears to have lain dormant since 1834, when the last known prosecutions under it were brought, and the Director of Public Prosecutions in England and Wales and the Crown Office in Scotland agree that it is not of practical utility now. Furthermore, in two respects it is seriously at variance with modern developments in the law. First, despite the terms of its preamble, the operation of the Act is not confined to the punishment of acts preparatory to mutiny or sedition and on the judicial interpretation adopted in 1834 it may well be wide enough to punish any undertaking of secrecy, however innocuous its purpose, which is not expressly authorised by law. Secondly, since the administration or taking of an oath or undertaking within its meaning postulates the participation of two or more persons, it conflicts with the reform introduced for England and Wales by the Criminal Law Act 1977 under which the punishment of criminal conspiracies in general is restricted to those which necessarily involve the commission of another substantive criminal offence. Any harmful preparatory conduct within the terms of the 1797 Act would in fact now be punishable as a criminal conspiracy in England and Wales and would also be subject to a criminal sanction in Scotland, where at common law the crime has always been restricted to agreements to effect a criminal purpose or object or to use criminal means with a view to effecting a purpose or object. So far as the 1797 Act purports to punish the administration or taking of an oath or undertaking to commit an act which is otherwise lawful, it can now be regarded as obsolete.

The Criminal Lunatics Act 1800 does not extend to Northern Ireland and was repealed in its application to England and Wales by the Criminal Procedure (Insanity) Act 1964. In its application to Scotland the residue of the Act consists of sections 2 and 4. Section 2, which deals with the procedures at the trial of persons suffering from mental disorder, was superseded by section 87 of the Lunatics (Scotland) Act 1857 and the present procedures are provided for by sections 174 and 375 of the Criminal Procedure (Scotland) Act 1975. Section 4 contains

⁶ *The Times*, 1 April 1834, 2e.

elaborate and archaic provisions for dealing with insane persons who attempt to gain admission to the Queen's presence. In 1963 the Criminal Law Revision Committee⁷ recommended its repeal for England and Wales on the ground that the section was "clearly obsolete and unnecessary". The section is equally obsolete and unnecessary in its application to Scotland and its final repeal is agreed to by the Queen.

The Offences at Sea Act 1806 and the Murders Abroad Act 1817 provided for the trial of certain offences by special commissioners appointed by the King through the Lord Chancellor of Great Britain. These tribunals are obsolete and the Acts were accordingly repealed for England and Wales by the Criminal Law Act 1967 and for Northern Ireland by the Criminal Law Act (Northern Ireland) 1967. The Acts are equally obsolete and unnecessary in their application to Scotland. Clause 2 of the Bill would enable them to be repealed in their application to the Channel Islands, the Isle of Man and colonies.

The Unlawful Oaths (Ireland) Act 1810, which applies to Northern Ireland, corresponds substantially with the Unlawful Oaths Act 1797, the main difference being that the penalty provided under the Irish Act was transportation for life instead of for seven years. The Director of Public Prosecutions in Northern Ireland agrees to the proposed repeal.

The Unlawful Oaths Act 1812, which applies to Great Britain, is the only survivor of a group of five Acts⁸ passed in response to the outbreak of organised machine-breaking, known as Luddism, which began in Nottinghamshire in the winter of 1811. It is in similar terms to the Unlawful Oaths Act 1797 but introduced a distinction, for purposes of punishment, between those administering an unlawful oath or engagement binding the taker "to commit treason or murder or any felony punishable by law with death" and those voluntarily taking an unlawful oath or engagement. The existing punishment of seven years' transportation was increased to make offenders in the first category liable to death and those in the second category to transportation for life. The main practical effect of the Act, in conjunction with other contemporary legislation⁹ making forms of malicious damage to property a capital felony, was to make the administration of an oath or undertaking to commit such damage, or to commit any other capital offence, a capital offence in itself.

There is a lack of evidence to indicate whether the punishments made available by the Act of 1812 were ever actually

⁷ *Third Report: Criminal Procedure (Insanity)*. Cmnd. 2149, para. 42.

⁸ The other Acts were 52 Geo. 3. cc. 16, 17, 130 and 162.

⁹ 52 Geo. 3. c. 16 (destruction of stocking or lace frames and machinery); Malicious Damage Act 1812 (arson and demolition of buildings, erections or engines used in trade or manufacture).

imposed. In any event the Act lost its significance as the number of offences for which capital punishment was prescribed was progressively reduced; and the death penalty for administering an unlawful oath was itself abolished by the Punishment of Offences Act 1837. The Director of Public Prosecutions in England and Wales and the Crown Office in Scotland agree that the Act is not of practical utility now.

The Civil Rights of Convicts Act 1828 and the Perpetuation of Testimony Act 1842 have been repealed by previous legislation¹⁰ in their application to England and Wales and to Northern Ireland. The Acts are not of practical utility in their application to Scotland and their proposed repeal will finally expunge them from the statute book.

The repeals proposed to section 269 of the Irish Bankrupt and Insolvent Act 1857 are consequential on the abolition by the Bankruptcy (Ireland) Amendment Act 1872 of the separate insolvency procedure for non-traders.

The Stipendiary Magistrates Act 1858, which applies to England and Wales, now consists only of section 7 (powers of magistrates) and section 15 (extent), the remainder of the Act having been repealed by the Justices of the Peace Act 1979. The proposed repeal of section 7 is consequential on the repeal of section 24 of the Metropolitan Police Courts Act 1839 (punishment of persons having in their possession or conveying stolen goods) by the Criminal Law Act 1977.

The substantive residue of the Admiralty Powers, &c. Act 1865 consists of section 5 (superintendents of Her Majesty's dockyards to be justices of the peace for certain purposes). The section was repealed for England and Wales by the Justices of the Peace Act 1968 and for Scotland by the District Courts (Scotland) Act 1975. It is equally unnecessary in Northern Ireland where provision for the appointment of justices of the peace is now made by section 103 of the Judicature (Northern Ireland) Act 1978.

The Attorneys' and Solicitors' Act 1870 enacted a private member's Bill to reform the rules which then governed the professional remuneration of attorneys and solicitors in England and Wales and in Ireland. Apart from section 19, and provisions ancillary to that section, the Act was consolidated and repealed in its application to England and Wales by the Solicitors Act 1932¹¹. In Northern Ireland the Act as a whole

¹⁰ The Civil Rights of Convicts Act 1828 was repealed for England and Wales by the Criminal Law Act 1967 and for Northern Ireland by the Criminal Law Act (Northern Ireland) 1967. The Perpetuation of Testimony Act 1842 was repealed for England and Wales by the Statute Law Revision and Civil Procedure Act 1883 and for Northern Ireland by the Judicature (Northern Ireland) Act 1978.

¹¹ The first consolidation of the Acts relating to solicitors. The Acts were reconsolidated in 1957 and again in 1974.

remains in force in relation to costs in contentious proceedings, having ceased to apply to non-contentious business by virtue of article 82(2) of the Solicitors (Northern Ireland) Order 1976.

Section 19 relates to the revival of a decree or order for the payment of costs in a suit which afterwards abates. The clause for it was not part of the original Bill, with which it was only tenuously connected, but was added at a late stage in the Parliamentary proceedings in order to rectify a situation described by Vice-Chancellor Malins in *Troup v. Troup*¹² as “a reproach to the administration of justice”. In that case an unsuccessful attempt was made to recover the costs, estimated at some £2,000, which had been awarded by the Lord Chancellor in an earlier suit¹³ against a plaintiff who, however, died before the amount of the costs had been judicially ascertained by the process of taxation. It was held that the costs could only be taxed by reviving the earlier suit and that the revival of an abated suit for the purpose only of taxing the costs in it was precluded by a technical rule, of ancient origin, which still bound the courts of equity. In *Kemp v. Mackrell*¹⁴, decided in 1754, Lord Hardwicke explained the rule as follows:—

“To be sure the general rule is so; that where a bill is dismissed with costs, and nothing is done by the decree but giving the costs, and nothing remaining to be done; by death of the party before the costs are taxed, they are lost; if taxed, there may, notwithstanding the death, be a proceeding for them against the representative of that party. That is the rule of the court, and the distinction upon which it is founded: yet it has always been said to be a hard rule, and to turn on a very nice distinction, viz. whether there has been a taxation or not. The right (*sic*) is as certain before taxation as afterward.”

But this rule had no application in the common law courts, statutes of Charles II and William III having ousted it¹⁵; and in 1867 it was established that revivor for costs was permissible in cases of abatement by reason of bankruptcy¹⁶. Its survival in relation to equitable causes was therefore regarded by Vice-Chancellor Malins and contemporary legal journals¹⁷ as both

¹² (1868) 37 L.J.Ch. 390.

¹³ *Troup v. Ricardo*, not separately reported. The hearing of this suit concluded on 30 April 1867, when judgment was reserved. James Troup, the plaintiff, died on 2 May 1867. Judgment, dismissing the bill with costs to be taxed in the usual way, was pronounced on 2 November 1867, the Lord Chancellor's decree being dated *nunc pro tunc* as an order of 30 April 1867.

¹⁴ (1754) 2 Ves. Sen. 579; 28 E.R. 370.

¹⁵ The distinction between equity and common law in this respect was explained by Vice-Chancellor Leach in *Jupp v. Gearing* (1820) 5 Madd. 375; 56 E.R. 938. See also Common Law Procedure Act 1852, ss. 135 *et seq.*

¹⁶ *Ellison v. Sharp* (1867) 2 Ch. App. 355.

¹⁷ “Revivor for Costs”, *The Law Journal* [1868] 207-8; *The Solicitors' Journal & Reporter* [1868] 856.

absurd and unjust. The rule was accordingly abolished by the passing of section 19 of the 1870 Act.

On consultation the Senior Master, Queen's Bench Division, and the Assistant Chancery and Bankruptcy Registrar in Northern Ireland agreed that section 19 of the Attorneys' and Solicitors' Act 1870 is otiose and long overdue for repeal. In the first place the section is spent, having achieved its purpose, and on its repeal the anomalous rule, which it had the effect of abolishing, would not revive¹⁸. Secondly, the section, which pre-dates the historic procedural reforms of 1873 and 1875, is in any event unnecessary in the light of subsequent statutory provisions¹⁹ and case law. In particular there is clear recent authority²⁰ that an order for costs falls to be treated as a cause of action which survives the death of a party by virtue of section 1(1) of the Law Reform (Miscellaneous Provisions) Act 1934²¹.

The Prevention of Crimes Act 1871 as originally enacted applied to the United Kingdom but there are now considerable regional differences in the text of the Act. The proposed repeal for Northern Ireland in section 6 is consequential on the repeal of paragraph (5) of that section by the Statute Law Revision Act (Northern Ireland) 1954. Section 9 (incorporation of rules as to indictments contained in Larceny Act 1861) and section 22 (saving as to capital punishment) were repealed in 1967 for England and Wales and for Northern Ireland and the proposed repeals will finally expunge them from the statute book: as respects Scotland, section 9 is not relevant and section 22 is obsolete and unnecessary. Section 17 (legal proceedings before courts of summary jurisdiction) is obsolete as respects England and Wales in consequence of the repeal for England and Wales of all provisions in the Act creating substantive criminal offences; and the section is also obsolete and unnecessary in its application to Scotland apart from the opening sentence, which is not proposed for repeal. Section 18 (proof of previous convictions) is unnecessary in Scotland, having regard to the provision made by sections 162, 163 and 357 of the Criminal Procedure (Scotland) Act 1975; the repeal proposed to section 18 in its application elsewhere is of a spent provision relating to the proof of pre-1871 convictions.

¹⁸ Interpretation Act 1978, s.16(1)(a).

¹⁹ As to abatement on the grounds of the death or bankruptcy of a party to an action, see R.S.C. Ord. 15, r.7; C.C.R. Ord. 5, r.35. Actions do not now abate on the marriage of a female party.

²⁰ *Richards v. Richards and Flockton* [1940] P. approved in *Dipple v. Dipple* [1942] P. 65, 68; *Sugden v. Sugden* [1957] P. 120, 134 (C.A.); *Kelly v. Kelly and Brown* [1961] P. 94, 99-100; *Ryzak v. Ryzak and Bugajaski* [1967] P. 179, 184. *Kelly's case*, in which the judgment additionally referred to section 19 of the 1870 Act, is the only reported case this century in which the section has been mentioned.

²¹ As to the costs in defamation actions, see R.S.C. Ord. 15, r. 7(2) and *Gailey on Libel and Slander* (7th ed. 1974) para. 882.

In the Bankruptcy (Ireland) Amendment Act 1872, the repeals proposed to section 65 are of obsolete provisions relating to a trader who had presented a petition for an arrangement with his creditors before 6 August 1872. Sections 70 and 71 (reciprocal enforcement of bankruptcy orders) have been superseded by sections 121 and 122 of the Bankruptcy Act 1914²².

Sections 6 and 9 of the Treasury Solicitor Act 1876 are obsolete provisions relating to the administration of the personal estates of persons who died before 27 June 1876.

The Evidence Act 1877 provided that the defendant and his spouse should be competent and compellable witnesses on the trial of an indictment for a nuisance to a highway or otherwise for the enforcement of a purely civil right. Indictments for these purposes are in practice obsolete and for this reason the Criminal Law Revision Committee in 1972²³ recommended that the Act should be repealed as no longer serving any useful purpose.

In the Criminal Evidence Act 1898, the repeal proposed to section 6(1) is consequential on the proposed repeal of the Evidence Act 1877. The repeal proposed to the Schedule is of a reference to section 80 of the Poor Law (Scotland) Act 1845 which became obsolete in consequence of the passing of the National Assistance Act 1948. A reference to the corresponding provision of the National Assistance Act 1948 was inserted in the Schedule to the 1898 Act by the National Assistance (Adaptation of Enactments) Regulations 1952 and now also appears in Schedule 4 to the Criminal Procedure (Scotland) Act 1975.

The repeal proposed to section 3(3) of the Duchy of Lancaster Act 1920 would remove an obsolete provision applying section 6 of the Treasury Solicitor Act 1876 to the administration of personal estates to which the Crown is entitled in right of the Duchy.

In the Small Debt (Scotland) Act 1924, the proposed repeal of section 1 is consequential on the repeal of the Justices of the Peace Small Debt (Scotland) Act 1825 by the District Courts (Scotland) Act 1975. Section 2, the other remaining substantive provision, has been superseded by the Wages Arrestment Limitation (Amendment) (Scotland) Act 1960.

In the Administration of Estates Act 1925, the repeal proposed to section 30(4) would remove a now unnecessary provision that references to personal estate in section 6 of the Treasury Solicitor Act 1876 (as originally enacted and as applied by section 3(3) of the Duchy of Lancaster Act 1920) include references to real estate. The repeal proposed to section 46(1)(i) would correct a grammatical error in the text of the section

²² See *In re Jackson* [1973] N.I. 67, 71.

²³ *Eleventh Report: Evidence (General)*. Cmnd. 4991 pp. 92, 206 and 255.

which resulted from the amendments made to it by section 28(1)(a) of the Administration of Justice Act 1977.

In the Administration of Justice (Scotland) Act 1933, sections 22 and 36 are ancillary provisions relating to Parts of the Act which have been repealed by later legislation. The repeal proposed to section 27(1) is of an obsolete provision governing the remuneration of persons holding specified offices in the courts on the passing of the Act more than 47 years ago. The residue of section 31 became spent when the previously separate offices of the Sheriff of Chancery and of the Sheriff of the Lothians and Peebles were united by a royal warrant dated 10 January 1938.

The proposed repeal of section 9 of the Criminal Procedure (Scotland) Act 1938 is consequential on the repeal of the Fatal Accident Inquiry (Scotland) Act 1895 by the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976. The residue of section 11 (application of section 4(1) of the Criminal Evidence Act 1898 as regards offences mentioned in Schedule 1 to the Children and Young Persons (Scotland) Act 1937) has been superseded by the Criminal Procedure (Scotland) Act 1975 except as respects courts-martial where it is unnecessary.

In the Crown Proceedings Act 1947, the repeal proposed to section 2(6) (liability of the Crown in tort) is of an obsolete reference to the Road Fund established under the Roads Act 1920. The Fund was wound up on 1 April 1956 in pursuance of section 4 of the Miscellaneous Financial Provisions Act 1955.

The Criminal Justice Administration Act 1962 now consists, as a result of numerous previous repeals, only of inoperative ancillary provisions, namely sections 20(1) and 21(1), (2) and (4).

Section 7(3) of the Administration of Justice Act 1965 is a transitional provision which became obsolete on the making of the Supreme Court Funds Rules 1975.

The repeal proposed to the Civil Evidence Act 1968 is consequential on the repeal of the Hop (Prevention of Frauds) Act 1866 by the Hop Certification Regulations 1979 made under section 2(2) of the European Communities Act 1972.

PART II

BANKING

The Bank of Scotland Acts of 1774, 1784, 1792, 1794 and 1804 authorised the capital stock of the Bank to be increased to £200,000, £300,000, £600,000, £1,000,000 and £1,500,000 respectively. The additional sums were duly subscribed and the Bank of Scotland agrees that the Acts are spent.

In the Revenue Act 1845, the only remaining substantive provision is section 5, which deals with the recovery, mitigation, compounding and application of pecuniary penalties imposed under the Bank Charter Act 1844. Its proposed repeal is consequential on the repeal by the Banking Act 1979 of section 21 of the Bank Charter Act 1844 (annual returns by bankers) which was the only remaining provision of that Act providing for the imposition of pecuniary penalties.

The Joint Stock Banks (Scotland) Act 1856 is a relic of the banking reforms carried out in the mid-19th century and its proposed repeal is agreed to by the Committee of Scottish Clearing Bankers and the Department of Trade. By virtue of section 6 of the Joint Stock Banks Act 1844, as extended to Scotland in 1846 by the Act 9 & 10 Vict. c. 75, a banking company of more than six persons could not be incorporated by letters patent for a term exceeding 20 years. The Act of 1856 enabled a company which had been carrying on the business of banking in Scotland since before 9 August 1845 to be granted letters patent of incorporation either for a term of years or in perpetuity. The Act is spent so far as it relates to any banking company granted letters patent in pursuance of its provisions. If any pre-1845 banking company still exists in unincorporated form, it could now be incorporated under the Companies Acts.

PART III

CHARITIES

The unrepealed residue of the Act of 1727 facilitated the functioning of a charity for the insurance of buildings in Edinburgh against fire by enabling bonds given by contributors to be registered in the Register of Sasines as real charges on the buildings concerned. Following its foundation in 1720 by contract of co-partnery and the granting of a seal and cause by the Edinburgh City Council in 1727, the charity came to be known as The Friendly Insurance Society. It undertook to employ and equip a team of regular firemen and in 1767 started to undertake all kinds of property insurance throughout Scotland. Its business was transferred in 1847 to the Sun Fire Office. The Sun Alliance and London Insurance Group (the successors to the Sun Fire Office) and the Scottish Home and Health Department agree that the Act is obsolete, there being no policies in existence to which it applies.

The Acts of 1786 and 1810 relate to The Clyde Marine Society and are obsolete. The Society existed to grant pensions to sick, worn out and decayed shipmasters, officers and mariners navigating vessels owned or freighted by the merchants of the City of Glasgow and the towns of Greenock, Port Glasgow and Crawford's Dyke, its funds being derived from a statutory levy on the wages of seamen. Its activities are attested by early

records²⁴ but despite widespread consultation²⁵, no evidence of its activities since 1837 has come to light and it is clear that the Society has long ceased to exist.

The Act of 1792 is obsolete. It provided for the formation of The Society of Keelmen on the River Wear, with the object of enabling the guardians of the Society to administer a fund out of which a hospital was to be provided for disabled skippers and keelmen and pensions paid to widows and children. The fund was to be raised by a levy, not exceeding one halfpenny for every chaldron of coal carried in a keel on the River Wear, which was to be deducted from the wages of skippers and keelmen. The financial arrangements proved to be the downfall of the scheme, a contemporary historian²⁶ explaining:

“With the terms of this Act, however, the keelmen refused to comply, or to pay one farthing towards the fund; and the expenses of the Act were only discharged very lately under a mandamus from the Court of King’s Bench.”

The Acts of 1858, 1860, 1863, 1871, 1885 and 1899, which relate to the administration of individual charities in England and Wales, have been superseded by more recent instruments of government. In each case the proposed repeal is agreed to by the Charity Commission and by the governing body of the charity concerned.

PART IV

CONSTITUTIONAL PROVISIONS

The Representation of the People (Scotland) Act 1832 was one of three Acts²⁷ passed in 1832 to reform the House of Commons by abolishing rotten boroughs and instituting a Parliamentary franchise based on a £10 property qualification. The surviving provisions of the Act are section 5 (construction of Schedules), section 45 (functions of meetings of freeholders) and section 46 (definitions, etc.). These provisions are obsolete and meaningless.

²⁴ See e.g. minutes of the Merchants House of Glasgow, 9 May 1786; Glasgow Almanac, 1793; Cleland’s Annals of Glasgow, 1816. The last known official reference to the Society occurs in a directory of 1836-37 held by the Inverclyde District Council.

²⁵ Consultees include officials, librarians and archivists in the appropriate local authority areas, the Inland Revenue and the Collector of Customs and Excise in Glasgow, The Clyde Port Authority and the five principal associations of merchants, shipowners and shipbuilders in and around Glasgow, the National Union of Seamen and the 13 main social and charitable organisations concerned with the welfare of mariners.

²⁶ Garbutt, *History of Sunderland* (1819) 354.

²⁷ The Representation of the People Act 1832 (the corresponding legislation for England and Wales) and the Representation of the People (Ireland) Act 1832 were finally repealed in 1948 and 1953 respectively.

The Paymaster General Acts 1835 and 1848 reconstituted the office of Paymaster General, consolidating it with offices abolished then. The repeals proposed to these Acts are of archaic provisions concerning the reorganisations effected then which the Treasury and the Paymaster General's Office agree have long been redundant.

Section 10(4) of the Northern Ireland Constitution Act 1973 relates to the functions of the Attorney General in relation to the Northern Ireland Supreme Court Rules Committee. The Attorney General agrees that the provision has been superseded by section 54 of the Judicature (Northern Ireland) Act 1978.

The repeal proposed to the House of Commons Disqualification Act 1975 is consequential on the repeal of Schedule 2 to the Wages Councils Act (Northern Ireland) 1945 by the Industrial Relations (Northern Ireland) Order 1976.

The repeals proposed to the Employment Protection (Consolidation) Act 1978 and to the nine specified Acts passed during 1979 are of provisions included in those Acts in consequence of the enactment of the Scotland Act 1978 and the Wales Act 1978. The provisions became obsolete following the repeal of the Scotland Act 1978 and the Wales Act 1978 by the Scotland Act 1978 (Repeal) Order 1979 and the Wales Act 1978 (Repeal) Order 1979 respectively.

Act of Parliament of Ireland

In the House of Commons Disqualification Act (Ireland) 1793, which applies to Northern Ireland, only section 6 survives. The section is in virtually identical terms to section 26 of the Succession to the Crown Act 1707 which was repealed by the Statute Law (Repeals) Act 1978.

The enactment of 1793 restricted the number of commissioners appointed to execute an office to the number employed in its execution before 1793. Its original objective, like that of the statute of Anne, was to curb the personal influence of the Crown in government but under modern constitutional government it has ceased to serve any useful purpose and, since it does not apply to offices created after 1793, it has become a needless anomaly. Under modern conditions it is invariably necessary for any important change in the organisation of government in Northern Ireland to be backed up either by specific legislation or by an order under the Ministries Act (Northern Ireland) 1944. In any event, apart from some exceptional cases (notably those of the Treasury and the Lord Chancellor) which are accounted for by the history of the offices concerned, it is not now the practice to put offices into commission.

PART V

FINANCE

The Loan Societies Act 1840 applies to England and Wales, the Channel Islands and the Isle of Man, but it has become obsolete in its application to the Islands and is now only of practical utility to the limited number of certified loan societies²⁸ which continue to operate in England. The repeals proposed would remove provisions, relating mainly to the jurisdiction or procedure of the courts in enforcing claims, which are now obsolete or unnecessary.

The Hereditary Revenues Act 1856 enabled the perpetual annuities to which it related to be redeemed by the Treasury out of the Consolidated Fund. The entry proposed for repeal became spent in 1924 when the last £360 of the annuity to which it refers was commuted. But the Act continues to apply to an annuity of £375·80²⁹ now payable to an insurance company.

The India Stock Transfer Act 1862 and the India Stock Certificate Act 1863 are part of a code of five Acts³⁰ which continues to regulate India stock, that is, stock issued for the purpose of the government of India before 15 August 1947. The stock is practically obsolete: only £2,605·11, mostly held by a single subscriber, remains outstanding on the registers kept by the Bank of England and the Bank of Ireland. The repeals proposed would get rid of the separate criminal offences relating to India stock, namely—

- (a) offences striking at the forgery, counterfeiting or alteration of India stock certificates and coupons (section 14 of the 1862 Act and section 13 of the 1863 Act) and the making or using of plates for printing India stock certificates or coupons (section 15 of the 1863 Act) which remain applicable to Scotland, the sections concerned having been repealed for England and Wales and for Ireland by the Forgery Act 1913;
- (b) an offence of falsely personating the holder of any interest in India stock (section 14 of the 1863 Act) which remains applicable throughout the United Kingdom.

These separate offences have become unnecessary and serve no useful purpose now. In Scotland the protection afforded by the common law is adequate to deal with any criminal conduct which might now occur in relation to India stock. In England and Wales and in Northern Ireland, criminal personation is

²⁸ Details of their membership and funds are given in the annual reports of the Registrar of Friendly Societies. The limit on individual loans is £15.

²⁹ The annuity represents the uncommuted residue of a pension of £2,000 granted by William III in 1694 in consideration of the faithful services of Henry de Nassau d'Auverquerque.

³⁰ The other Acts are the East India Unclaimed Stock Act 1885, the Government of India (Amendment) Act 1916 and the East India Loans Act 1937.

struck at by statutory offences under the Theft Act 1968 and the Theft Act (Northern Ireland) 1969 respectively. This legislation superseded and repealed the False Personation Act 1874, which had made general provision for the punishment of false personation with intent fraudulently to obtain property.

The repeals proposed to the Sheriffs Act 1887 and the Stamp Duties Management Act 1891 are of provisions relating to stamp duty which are agreed by the Inland Revenue to be obsolete.

The Eire (Confirmation of Agreements) Act 1938 is spent. It confirmed and implemented three agreements entered into with the Government of Eire (restyled the Republic of Ireland in 1949). Two of these agreements, providing for the transfer of Admiralty property and the settlement of outstanding financial claims, were given effect to soon after the Act was passed. The third, a trade agreement, was terminated (with savings which have since become spent) by a trade agreement which entered into force on 1 July 1966³¹.

The 1938 Act also charged on the Consolidated Fund of the United Kingdom the sums certified by the National Debt Commissioners to be necessary to defray scheduled payments under the Land Law (Ireland) Act 1896 and the Irish Land Acts 1903 and 1909 in respect of land situate in Eire. The National Debt Office confirms that these provisions are now spent. The Guaranteed Land Stock (2½% 1921 or after) created and issued under the 1896 Act was finally repaid in 1964 and the liability of the Consolidated Fund in respect of the 1903-1909 Acts has since then been finally extinguished.

The Czecho-Slovakia (Financial Claims and Refugees) Act 1940 is agreed by the Treasury to be spent. The trustees of the Czecho-Slovak Refugee Trust established by deed in 1939, whose functions had necessarily dwindled away with the passage of time, have been formally discharged and the Czecho-Slovak Refugee Fund for which the Act provided has been wound up. The final accounts of the Fund were published on 17 January 1978³².

Section 2 of the Festival of Britain (Supplementary Provisions) Act 1949 and the Festival of Britain (Additional Loans) Act 1951, which authorised the making of loans not exceeding £570,000 and £1,000,000 respectively, are spent.

The repeal proposed to the Trustee Investments Act 1961 is consequential on the Trustee Investments (Additional Powers) Order 1973, which amended paragraph 9 of Part II of the 1961 Act following the changes in local government in Northern Ireland effected by the Local Government Act (Northern Ireland) 1972.

³¹ Agreement establishing a free trade area between the United Kingdom and the Republic of Ireland. Treaty Series No. 31 (1966); Cmnd. 3026.

³² House of Commons Paper No. 159 of 1976-77.

PART VI

HOUSING

A considerable volume of housing legislation has been enacted since 1885. The detailed revision now proposed is part of a continuing process of rationalising the accumulated body of law on this topic, but its principal objective has been to facilitate the preparation of an authoritative and serviceable text of the legislation for inclusion in the relevant title of *Statutes in Force*, the official revised edition of the statutes.

The repeal proposals in this Part have been agreed to by the departments responsible for the administration of housing legislation in England, Wales, Scotland and Northern Ireland, namely, the Department of the Environment, the Welsh Office, the Scottish Development Department and the Department of the Environment for Northern Ireland. The details of the proposals are explained below.

In the Housing of the Working Classes Act 1885 as it applies to Scotland³³, the remaining substantive provision is section 7, which concerns the duty of local authorities to secure the sanitary condition of premises. This provision has been superseded by later Scottish legislation, including in particular the Building (Scotland) Act 1959.

Section 52(2) of the Housing, Town Planning, &c. Act 1919, which applies to England and Wales, contains ancillary provisions which are obsolete or unnecessary in consequence of the repeal of Part I of the Act (Housing of the Working Classes) by the Statute Law (Repeals) Act 1977.

In the Housing, Town Planning, &c. (Scotland) Act 1919, section 48 (control of farmed-out houses) is obsolete in consequence of the repeal of the Glasgow Corporation Order Confirmation Act 1918 by the Glasgow Corporation Consolidation (Water, Transport and Markets) Order Confirmation Act 1964. Of the remaining provisions, section 46 is a spent repealing enactment and sections 50, 52 and 53 are ancillary.

The Housing, &c. Act 1923 applies to Great Britain. Inquiries have established that no payments now fall to be made under any of the provisions of the Act which have been repealed for England and Wales, but are still outstanding as respects Scotland, in particular sections 3, 4 and 6. Part III (amendments of the Small Dwellings Acquisition Acts) has recently been repealed in its application to Scotland by the Tenants' Rights,

³³ The Act applies to the United Kingdom but there are unresolved problems regarding the residual effects of section 3 in England and of other provisions in Northern Ireland.

etc. (Scotland) Act 1980³⁴. The whole Act as it applies to Scotland is consequently obsolete.

In the Housing (Financial Provisions) Act 1924, which applies to Great Britain, the outstanding provisions as respects England and Wales are sections 13 and 17 and as respects Scotland sections 1 to 7, 9 to 11, 13, 16 and 17 and Schedules 1 and 2. But inquiries have established that no payments now fall to be made under any of the provisions of the Act, which is accordingly obsolete.

The Housing (Revision of Contributions) Act 1929, now applicable only to Scotland, retrospectively amended an order made under section 5 of the Housing (Financial Provisions) Act 1924 which is long since spent.

In the Housing Act 1930, sections 43 and 44, which apply to Scotland, amended or modified provisions of the Housing (Financial Provisions) Act 1924 which have since become obsolete. The remainder of the Act applies to Great Britain but is made up of obsolete transitional or ancillary provisions.

The residue of the Housing (Rural Authorities) Act 1931 is an empty shell consisting only of obsolete ancillary provisions.

Section 92(1) of the Housing Act 1935, which applies to England and Wales, reduced the limit on advances under the Small Dwellings Acquisition Acts 1899 to 1923 from £1,200 to £800. It has been superseded by section 44(1) of the Housing Act 1949 which increased the limit to the present maximum of £5,000. The repeals proposed to section 100 are of unnecessary ancillary provisions.

In the Housing (Scotland) Act 1935, the remaining provisions are sections 35, 86, 87 and 89 and Schedule 5. Section 35 formed part of the code of legislation relating to the housing of rural workers and its proposed repeal is consequential on the repeal of the Housing (Rural Workers) Act 1926 by the Housing (Financial Provisions) (Scotland) Act 1972. The proposed repeals of section 87 and Schedule 5 (minor amendments) are consequential on the repeal of the Housing (Scotland) Act 1930 by the Housing (Financial Provisions) (Scotland) Act 1972. Sections 86 and 89 are ancillary provisions which fall with the rest of the Act.

The Housing (Emergency Powers) Act 1939, which was amended by the Repair of War Damage Act 1941, enabled local authorities in Great Britain to make fit for housing purposes

³⁴ The Tenants' Rights, etc. (Scotland) Act 1980 also repealed the other enactments forming part of the Scottish Small Dwellings Acquisition code, including section 83 of the Housing (Scotland) Act 1935 and section 39 of the Housing (Scotland) Act 1949.

buildings which had been rendered unfit by reason of war damage. Inquiries have established that these Acts are no longer relied upon in practice and have ceased to serve any useful purpose.

The Building Materials and Housing Act 1945, which had effect in certain respects throughout the United Kingdom, is obsolete or unnecessary as originally enacted. In particular—

- (a) sections 2 and 3, which established and regulated the Building Materials and Housing Fund, became obsolete on 31 March 1954 when the Fund was closed;
- (b) section 5, which amended the Housing (Temporary Accommodation) Act 1944, is obsolete in consequence of the repeal of that Act in 1972;
- (c) section 6 (so far as unrepealed), which increased the limit on advances under the Small Dwellings Acquisition Acts to £1,500, has been superseded by section 44(1) of the Housing Act 1949 as respects England and Wales and is obsolete as respects Scotland;
- (d) sections 7 and 8, which imposed conditions on the sale of houses constructed under the authority of Defence Regulations, ceased to be operative, at the latest, on 20 December 1953;

the remaining provisions being ancillary. The application of specified provisions of the Act for the purposes of Part V of the Housing Act 1957 has ceased to have effect in consequence of the enactment of section 91 of the Housing Act 1980.

In the Housing Act 1949, the proposed repeal of section 5 (which applies to England and Wales) is consequential on the repeal of the Building Societies Act 1939 by the Building Societies Act 1962. Section 43 (which also applies to Northern Ireland) amended and extended section 7 of the Building Materials and Housing Act 1945 and is obsolete. The remaining repeals proposed are consequential.

In the Housing (Scotland) Act 1949, the remaining provisions are sections 38 and 49(1) and (2). Section 38 corresponds to section 43 of the Housing Act 1949 and became obsolete, at the latest, on 20 December 1953. Section 49 contains ancillary provisions which fall with the rest of the Act.

The Housing (Scotland) Act 1950 consolidated the Housing (Scotland) Acts 1925 to 1949 and has itself been largely repealed by subsequent legislation. Section 76, now proposed for repeal, provides for repayments of advances made by local authorities under section 75. Section 75 was repealed by the

Housing (Financial Provisions) (Scotland) Act 1968 and since there are no advances outstanding, section 76 is now obsolete. Section 187 and Schedule 13 are spent repealing provisions. The remaining repeals proposed are consequential on these or previous repeals.

In the Housing Repairs and Rents Act 1954, which applies to England and Wales, the only substantive provision remaining is section 50, which explains a provision in the Acquisition of Land (Authorisation Procedure) Act 1946. The repeals proposed are of ancillary provisions which are either spent or have no bearing on section 50.

The repeal proposed to the Clean Air Act 1956 is consequential on the repeal of sections 22 and 161 of the Housing (Scotland) Act 1950 by the Housing (Scotland) Act 1966.

The repeals proposed to the Housing and Town Development (Scotland) Act 1957 are consequential on repeals already made or now proposed to the Housing (Scotland) Act 1950.

In the Housing (Financial Provisions) Act 1958, which applies to England and Wales, the repeals proposed to sections 28 and 59 are of provisions relating to the liability of local authorities to make payments under earlier Acts. Inquiries have established that all liabilities under the Acts concerned have now been discharged and the provisions are accordingly obsolete. The repeal proposed to section 54 (restrictions on local authorities' borrowing powers) is consequential on the repeal of section 1 of the 1958 Act by the Housing Finance Act 1972.

In the House Purchase and Housing Act 1959, which applies in general to the United Kingdom, sections 3 and 25 are spent repealing enactments. The repeal proposed to section 28(3) is consequential on the repeal of section 28(2) by the Housing Act 1969. The other repeals proposed are of definitions which are not needed for the construction of the residue of the Act and of other redundant ancillary provisions.

In the Housing Act 1961, which applies to England and Wales, the proposed repeals of sections 30 and 31 are consequential on repeals made by the Housing Act 1969. The other repeals proposed are of redundant repealing or ancillary provisions.

The repeals proposed to sections 34 and 36 of the Housing (Scotland) Act 1962 are of redundant ancillary provisions. Those to Schedule 4 are of modifications of the Housing (Scotland) Act 1950 and the Housing, &c. Act 1923 which are now obsolete.

Section 63 of the Housing Act 1964 has already been repealed for England and Wales and it is obsolete in its application to Scotland in consequence of repeals made by the Housing

(Financial Provisions) (Scotland) Act 1968 and the Housing Act 1969. The other proposed repeals are of redundant ancillary provisions.

Section 209 of the Housing (Scotland) Act 1966 (construction of references to Lands Tribunal) is obsolete in consequence of the Lands Tribunal Act 1949 (Appointed Day) (Scotland) Order 1971, which brought sections 1 to 4 of the Lands Tribunal Act 1949 into operation in Scotland.

The repeals proposed to the Housing (Financial Provisions) (Scotland) Act 1968 are of provisions relating to payments under earlier Acts which no longer fall to be made.

The repeals proposed to Schedule 8 to the Housing Act 1969, which applies to England and Wales, are consequential on the repeal of sections 121 and 171 to 176 of the Housing Act 1957 by the Housing Act 1974 and the Local Government Act 1972 respectively.

In the Housing (Scotland) Act 1969, the repeal proposed to section 66 and the proposed repeal of paragraph 30 of Schedule 6 are consequential on the proposed repeal of section 209 of the Housing (Scotland) Act 1966. The proposed repeals of paragraphs 20 and 47 of Schedule 6 are consequential on, respectively, the repeal of section 155 of the Housing (Scotland) Act 1966 by the Housing Act 1974 and the repeal of section 37 of the Town and Country Planning (Scotland) Act 1969 by the Town and Country Planning (Scotland) Act 1972. The proposed repeal of paragraph 41 of Schedule 6 is consequential on the proposed repeal of section 59 of the Housing (Financial Provisions) (Scotland) Act 1968.

In the Housing (Financial Provisions) (Scotland) Act 1972, the proposed repeal of section 23(1)(c) and of paragraph 2(a)(ii) of Schedule 4 are consequential on the proposed repeals of section 35 of the Housing (Scotland) Act 1935. Section 80 is an expenses provision which has had its effect. The entries proposed for repeal in Schedule 1 are obsolete because payments no longer fall to be made under the provisions to which they refer. The repeal proposed to Schedule 9 is consequential on the repeal of Schedule 6 to the Local Government (Scotland) Act 1947 by the Local Government (Scotland) Act 1975.

PART VII

LOCAL GOVERNMENT

The Glasgow Act of 1768 is spent and its proposed repeal is agreed to by the District Council of the City. The Act empowered the Magistrates and Council of Glasgow to carry out works which have long since been completed and it amended an earlier

Act of 1758 which was repealed by the combined effect of local legislation passed in 1845 and 1858.

The General Police and Improvement (Scotland) Supplemental Act 1862 confirmed a provisional order relating mainly to the charging of assessments for the maintenance of roads in Leith. The Lothian Regional Council and the Edinburgh District Council agree that the provisions of the Act and of the provisional order are either spent or are no longer needed.

Section 25 of the Metropolitan Streets Act 1867 (refuse removal by the scavenger from streets in the City of London named in orders of the Commissioners of Sewers) has become a dead letter. Orders are no longer made under the section and more recent legislation regulates the removal of refuse in the City. The proposed repeal is agreed to by the Corporation of the City of London.

The Local Authorities (Treasury Powers) Act 1906, which applies to England and Wales, transferred to the Local Government Board the functions of the Treasury under the Burial Acts 1852 to 1900 as respects dealings with property, loans and matters connected therewith. These functions devolved on the successors to the Local Government Board, but the Act became obsolete on 1 April 1974 when burial boards were finally abolished and section 20 of the Burial Act 1852 was repealed by the Local Government Act 1972.

The Slaughterhouses Act 1954 and the Slaughter of Animals (Amendment) Act 1954 were repealed in their application to Scotland by the Slaughter of Animals (Scotland) Act 1980. The Acts in their application to England and Wales consist only of obsolete ancillary provisions, the substantive provisions having been consolidated by later legislation³⁵.

The Public Lavatories (Turnstiles) Act 1963 made provision for the abolition of turnstiles in lavatories or sanitary conveniences controlled by local authorities in Great Britain. The repeals proposed are of an obsolete financial provision relating to the expense of removing existing turnstiles and of an obsolete reference to a local authority within the meaning of the London Government Act 1939.

The proposed repeal of section 154 of the Transport Act 1968 (expenditure incurred by a district council in Scotland) is consequential on the repeal of section 226 of the Local Government (Scotland) Act 1947 by the Local Government (Scotland) Act 1973.

In the Local Government (Scotland) Act 1973, the repeals proposed to sections 56, 147 and 213 are of spent transitional

³⁵ Part IV of the Food and Drugs Act 1955, now reconsolidated in the Slaughterhouses Act 1974.

provisions. Section 167 has been superseded by section 17 of the Marriage (Scotland) Act 1977.

PART VIII

OATHS AND AFFIRMATIONS

The repeals proposed in this Part are consequential on—

- (a) the repeal of the Quakers and Moravians Acts 1833 and 1838 (which had been unnecessary since 1888) by the Statute Law (Repeals) Act 1977;
- (b) the enactment of section 8 of the Administration of Justice Act 1977 (now consolidated in the Oaths Act 1978) which enabled a solemn affirmation to be made instead of an oath, for all purposes required by law, without any inquiry as to the grounds for objecting to an oath; and
- (c) the removal by the Interpretation Act 1978 of an anomalous provision in section 3 of the Interpretation Act 1889 which had restricted to Acts passed after 1850 the operation of the general rule as to the construction of statutory references to oaths and affidavits.

PART IX

PENSIONS

Section 3⁸⁶ of the Lord Chancellor's Pension Act 1832 provides for the award of a pension, charged on the Consolidated Fund, to the Lord High Chancellor on retirement from office. The proposals would remove out of date provisions, in particular—

- (a) obsolete references to the office of the Lord Keeper of the Great Seal⁸⁷, which has been in abeyance for centuries;
- (b) an otiose provision reserving the payment of charges imposed by earlier Acts; and
- (c) a taxation provision which originally operated to displace the Pensions Duty Acts then in force but which was in its turn displaced by section 187 of the Income Tax Act 1842, now section 525 of the Income and Corporation Taxes Act 1970.

The India Military Funds Act 1866 and the Bombay Civil Fund Act 1882 transferred to the Government of India responsibility for the assets, liabilities and management of certain

⁸⁶ Sections 1 and 2 (suppression of sinecure offices connected with the Court of Chancery) were repealed in 1874.

⁸⁷ The Lord Keeper Act 1562 was repealed in 1969.

pension funds. Although the funds still exist, with known and registered beneficiaries, the Acts are obsolete and unnecessary. Responsibility for the funds, after devolving on the newly created Dominions of India and Pakistan in 1947, was assumed by the Government of the United Kingdom under arrangements which took effect by virtue of the Pensions (India, Pakistan and Burma) Act 1955. The funds are now administered under the authority of the Overseas Pensions Act 1973.

The Poor Law Officers' Superannuation Act 1896 is obsolete. It now consists in effect of a saving for the rights of persons who in 1896 elected that the Poor Law Officers' Superannuation Act 1864 should continue to apply to them.

The Telephone Transfer Act 1911 enabled the assets and staff of the National Telephone Company Ltd. to be taken over by the Postmaster General. The transfer took effect on 31 December 1911 and the residue of the Act consists only of provisions regulating the superannuation rights in the civil service of pre-1912 employees of the National Telephone Company Ltd. These provisions are spent.

Section 3 of the Naval and Military War Pensions, &c. Act 1915 vested in a statutory committee of the Royal Patriotic Fund Corporation various functions regarding pensions and other benefits for death or disablement due to service in the 1914-1918 World War. The statutory committee was dissolved in 1917, when its functions were either abolished or transferred to other authorities, but section 3(1) still specifies the original functions of the statutory committee. These functions are now all obsolete with the exception of that specified in paragraph (j) which has devolved on the Secretary of State for Social Services and enables the provision of special medical treatment and welfare work respecting 1914-1918 war pensioners. Section 3(1) is accordingly proposed for repeal except in so far as it relates to this residual function. The amendment contained in Schedule 2 to the Bill would bring the existing reference to the statutory committee in section 3(1) up to date by substituting a reference to the Secretary of State.

The Naval and Military War Pensions, &c. (Transfer of Powers) Act 1917 dissolved the statutory committee of the Royal Patriotic Fund Corporation and distributed its assets and functions. It also provided for the constitution of a special grants committee, which inherited certain of these functions, but which is itself now defunct. The work of the special grants committee had withered away as the years passed by and the committee was allowed to lapse in 1972. Since then the whole of the 1917 Act has been redundant.

In the War Pensions (Administrative Provisions) Act 1918, sections 8 and 9(2) and (3), which relate to the constitution and

functions of the special grants committee, are obsolete in consequence of the demise of that committee. The remainder of section 9³⁸, so far as proposed for repeal, provides for the placing of neglected children in institutional care and serves no useful purpose. In practice neglected children are not nowadays taken into care under the War Pensions legislation but are dealt with instead under the general law relating to children in need of care. The repeals proposed to section 18 are of redundant ancillary provisions.

Section 9 of the War Pensions Act 1920 amended section 9(4) of the War Pensions (Administrative Provisions) Act 1918. Its proposed repeal is consequential on the repeals proposed to the 1918 Act.

Section 33 of the Electricity (Supply) Act 1926 (as separately substituted for England and Wales and for Scotland by section 34 of the Local Government Superannuation Act 1937 and section 29 of the Local Government Superannuation (Scotland) Act 1937 respectively) enabled electricity authorities in Great Britain to adopt the appropriate 1937 local government pensions legislation. The section is obsolete and unnecessary in consequence of the Superannuation Act 1972.

Act of Parliament of Northern Ireland

The repeals proposed to the Children and Young Persons Act (Northern Ireland) 1968 are consequential on the proposed repeal of section 9(4) and (6) of the War Pensions (Administrative Provisions) Act 1918.

PART X

POST OFFICE

The Post Office Act 1961 reorganised the financial arrangements of the Post Office and was largely overtaken by the Post Office Act 1969 which reconstituted the Post Office in its present form. With the exceptions referred to below, the substantive residue of the Act consists of financial provisions which were required for a transitional period after 1969 but which are all now spent or obsolete. The exceptions are section 23 (proof of documents executed or signed by the Postmaster General before 1 October 1969) and the entries in the Schedule amending the Exchequer and Audit Departments Acts 1866 and 1921. The effect of section 23 would be preserved by the proposed amendment of the Post Office Act 1969 contained in Schedule 2 to the Bill. The relevant entries in the Schedule are excepted from repeal.

³⁸ Section 9(4), as substituted by section 9 of the War Pensions Act 1920, was repealed for England and Wales by the Children and Young Persons Act 1969, but remains in force in Scotland and Northern Ireland.

The repeal proposed to the National Loans Act 1968 is consequential on the proposed repeal of section 14 of the Post Office Act 1961. Section 14 of the 1961 Act, as amended by the National Loans Act 1968, provided for the payment out of the National Loans Fund of the terminable annuities outstanding on 28 March 1961 in favour of the National Debt Commissioners in consequence of now repealed legislation³⁹. The section became obsolete on 31 December 1979 with the payment of the last instalment of the only terminable annuity still in existence then.

In the Post Office Act 1969—

- (a) section 1 (abolition of office of master of the Post Office) and the following provisions so far as proposed for repeal, namely, sections 2(6), 6(1) and (2), 12(10) and 14(18) (exercise of functions or membership of Post Office before the appointed day) became spent or obsolete on 1 October 1969, the appointed day⁴⁰ for the purposes of the Act;
- (b) section 6(2A), as read with the Post Office Act 1977, provided for a temporary increase in the membership of the Post Office which ceased to be effective on 31 March 1980⁴¹;
- (c) section 17 enabled the making of orders for the purpose of removing difficulties or uncertainties relating to the vesting in the Post Office of property, rights and liabilities but the power was never exercised and ceased to be exercisable on 1 October 1970;
- (d) section 19 (abolition of Post Office Fund, etc., and transfer of assets to the Post Office), section 68 (abolition of exemptions from tolls), section 83 (repeal of certain provisions of Telegraph Act 1868) and section 107 (transfer of Postmaster General's interest in certain lands in Hammersmith) are spent;
- (e) the proposed repeals of sections 34 and 85 are respectively consequential on the proposed repeals of sections 8 and 12 of the Post Office Act 1961;
- (f) section 50 (transfer to the Post Office of responsibility for the payment of a pension under the Injuries in War (Compensation) Act 1915) is obsolete in consequence of the death of the pensioner in 1974;
- (g) section 74(1) (carry-over of tax relief for losses incurred by the Postmaster General) is spent;

³⁹ Post Office and Telegraph (Money) Acts 1935 to 1959 and section 5 of the Commonwealth Telegraphs Act 1949.

⁴⁰ Post Office Act 1969 (Appointed Day) Order 1969.

⁴¹ Section 6(2A) enabled the Secretary of State to continue the increase in membership by order made by statutory instrument, but the power was not exercised and ceased to be exercisable on 31 March 1980.

- (h) section 82 (temporary exercise by the Post Office of functions connected with the issue of vehicle excise licences) became redundant on 1 April 1971 by virtue of the Vehicle and Driving Licences (Transfer of Functions) (Appointed Date) Order 1971 made under the Vehicle and Driving Licences Act 1969;
- (i) the repeals proposed to sections 127 and 129(1) (stamp duty) are consequential on the proposed repeal of section 17;
- (j) section 131 and Schedule 7 (settlement of financial matters outstanding on the appointed day) are spent or obsolete;
- (k) in Schedule 4 (adaptations of other enactments), the repeals proposed are consequential on previous repeals;
- (l) Schedule 9 contains general transitional provisions and the paragraphs proposed for repeal are spent or obsolete.

The Post Office Act 1977, which altered the maximum membership of the Post Office during the period between 29 July 1977 and 31 March 1980, is spent in its operation.

PART. XI

ROAD TRAFFIC AND HIGHWAYS

Sections 35 and 36 of the Bloomsbury Square Act of 1806 prohibited the standing or plying for hire of hackney coaches in the vicinity of Bloomsbury Square on pain of a fine not exceeding £2 or imprisonment for a period not exceeding one month. These provisions are still in force, having been expressly saved by section 6 of the London Hackney Carriages Act 1850, and form part of the inherited body of hackney carriage law applying to London taxicabs⁴².

The prohibition reflected the lowly social status accorded to the hackney coach in the early 19th century, as vividly recorded by a contemporary writer⁴³. It is absurdly out of date and the Commissioner of the Metropolitan Police Force (the responsible authority for the siting and control of taxi ranks) and the Bedford Estate agree that the 1806 provisions are unnecessary and no longer serve any useful purpose in their application to taxicabs. Bloomsbury Square itself is now the site of an underground car park.

⁴² The London Hackney Carriage Acts as a whole were considerably revised and simplified by the Statute Law (Repeals) Act 1976.

⁴³ "Jehu", *The London Magazine* (1825) vol. ii (N.S.) 556: "A hackney coach—fogh! who can be a gentleman and visit in a hackney coach. Who can, indeed?—to predicate nothing of stinking wet straw, and broken windows, and cushions on which the last dandy has cleaned his shoes, and of the last fever it has carried to Guy's, or the last load of convicts transported to the hulks."

The residue of the Stage Carriages Act 1832 consists of section 48 (penalty on the driver or guard of any stage carriage endangering passengers or property through intoxication, negligence, etc.) and section 103 (jurisdiction of justices). These provisions have come to be applicable only to tramcars and trolley vehicles⁴⁴ in Great Britain and in practice are only applicable to the Blackpool tramway system. The provisions are still in use in Blackpool, but they badly need to be brought up to date and there is a separate proposal for their modernisation by local legislation applicable to Blackpool. The proposed repeal will facilitate this proposal and enable the Act to be got rid of for the rest of Great Britain, where it is obsolete.

The proposed repeal of section 6 of the London Hackney Carriages Act 1850 is consequential on the proposed repeal of sections 35 and 36 of the Bloomsbury Square Act of 1806.

Turnpike Law

Turnpike roads, administered by statutory bodies of turnpike trustees, became the main roads of the Kingdom in the 18th century and until the development of a network of railways constituted the principal means of communication for the transit of goods and passengers. They have left their mark in the considerable body of general statute law which developed in connection with them. This body of law applies to England and Wales and individual provisions of it also apply or may apply to Scotland; none of it now applies to Northern Ireland.

The code of turnpike law of general application is mainly contained in the Turnpike Roads Act 1822⁴⁵ as explained and amended by later legislation⁴⁶. Many of the individual provisions of the code were repealed during the 19th century and others were dealt with⁴⁷ by the Highways Act 1959 and the London Government Act 1963. But much of it is still with us. Its utility has been reviewed in conjunction with work on the reconsolidation of highway law which has recently been completed. The repeals now proposed are the outcome of that review.

⁴⁴ The 1832 Act was repealed so far as it related to other public service vehicles by the Road Traffic Act 1930. As to its application to tramcars, see *Chapman v. Kirke* [1948] 2 K.B. 450.

⁴⁵ The Act was the third consolidation of turnpike law, following consolidations of 1766 and 1773. Its objects are summarised in W. T. Jackman, *The Development of Transportation in Modern England* (3rd ed. 1966) 228. For the history of turnpikes see S. & B. Webb, *The Story of the King's Highway* (1913); W. Albert, *The Turnpike Road System in England 1663-1840* (1972).

⁴⁶ 1823 c. 16, 1823 c. 95, 1824 c. 69, 1827 c. 24, 1828 c. 77, 1831 c. 25, 1832 c. 124, 1833 c. 80, 1834 c. 81, 1835 c. 18, 1839 c. 46, 1840 c. 39, 1840 c. 51, 1841 c. 33, 1849 c. 87 ss.4-7, 1853 c. 135 s.6, 1866 c. 105, 1867 c. 121 ss.2, 4, 6, 1868 c. 99 s.6, 1869 c. 90, 1871 c. 115 s.20.

⁴⁷ See Highways Act 1959, s.6, s.309 and Sch. 22, s.311 and Sch. 23, s.312 and Sch. 25; *Report of the Committee on Consolidation of Highway Law* (1959) Cmnd. 630, pp.7, 13, 61, 69, 75, 89, 111, 113, 143, 176-7, 181-2, 185; London Government Act 1963, s.16(2) and Sch. 6 para. 70.

As early as 1663 the justices in quarter sessions had been authorised to erect gates and levy tolls as a means of financing the improvement and maintenance of stretches of the Great North Road. From 1706 onwards numerous bodies of turnpike trustees were created to exercise these functions in relation to particular roads. Their powers were granted for limited periods, initially of 21 years, but were normally renewed on expiry. At the height of the turnpike system, in the mid-1830's, there are said to have been about 1100 separate bodies of trustees administering between them some 22,000 miles of road and having an annual toll revenue exceeding £1½ million.

The weakness of the turnpike system lay in its financial structure and administration. The trusts were burdened by heavy capital debts incurred at their inception and some tolls did little more than pay the cost of their collection. By 1830 there were cases of trusts which had not paid interest on their bonds for 30 or even 50 years and the advent of the railways reduced many more to a state of chronic insolvency. The inability of many trusts to maintain their roads and abuses in the collection of tolls caused mounting public dissatisfaction and in South Wales led to the Rebecca Riots of 1842-3. From 1864 onwards, on the initiative of House of Commons committees to which Bills renewing trusts were referred, a positive policy of winding up as many trusts as possible got under way. The process was completed for England and Wales in 1895 when the last turnpike trust, that for the Anglesea portion of the Shrewsbury and Holyhead Road, finally expired⁴⁸ and its roads consequentially became disturnpiked. Elsewhere turnpike roads came to an end by virtue of positive legislation: in Scotland the Roads and Bridges (Scotland) Act 1878 and the Local Government (Scotland) Act 1889 and in Ireland the Turnpikes Abolition Act (Ireland) 1857.

The enactments within the scope of the present proposals consist broadly of the still unrepealed provisions of—

- (a) the code of law applicable generally to turnpike roads and turnpike trusts, as contained in the Turnpike Roads Act 1822 and legislation supplementing it;
- (b) legislation⁴⁹ for the establishment and application of sinking funds to discharge money borrowed on the credit of the English turnpike trusts and for restricting any increase of turnpike debts;
- (c) a series of Turnpike Trusts Arrangement Acts⁵⁰ confirming provisional orders reducing the rate of interest on mortgage debts secured on the tolls of particular

⁴⁸ *25th Annual Report of the Local Government Board* (1895-6), C. 8212, clix.

⁴⁹ 1849 c. 87 s.3, 1853 c. 135 ss.3-5. 1854 c. 58.

⁵⁰ 1854 c. 51, 1855 c. 102, 1856 c. 12, 1857 c. 9, 1858 c. 80, 1859 c. 33, 1860 c. 70, 1861 c. 46, 1862 c. 56, 1863 c. 98, 1864 c. 79, 1865 c. 91, 1866 c. 92, 1867 c. 66, 1868 c. 66, 1870 c. 22.

turnpike roads and extinguishing arrears of interest on such debts;

- (d) a series of Turnpike Acts Continuance Acts⁵¹ which, apart from renewing or discontinuing particular trusts, made provision for the maintenance and administration of roads and bridges during the transitional period between the ending of the turnpike system and the adoption of general highway law for all roads;
- (e) provisions of a permanent nature⁵² in Turnpike Acts Continuance Acts applying highway law to turnpike roads or continuing the operation of turnpike law in relation to highways which had formerly been turnpike roads.

These enactments have no application to roads or bridges on which tolls are now exacted⁵³ and for the most part they became obsolete or spent in consequence of the extinction of turnpike roads and the final winding up of the old turnpike trusts⁵⁴.

Their significance now rests on the provisions referred to in category (e) above. The existence of this category is the main reason why the general turnpike law was not finally disposed of in the late 19th century. In 1888-9 the Statute Law Committee considered a proposal for the prospective repeal of the turnpike Acts in conjunction with a consolidation of the scattered provisions relating to disturnpiked roads. The proposal was not proceeded with due to consolidation difficulties. Of the specific problems mentioned then⁵⁵, two (relating respectively to encroachments and the getting of materials) have since been resolved by changes in the law⁵⁶, but a third remains: it relates to the effect of section 13 of the Annual Turnpike Acts Continuance Act 1872 on the Railways Clauses Consolidation Act 1845. Its existence does not however prejudice the present proposals, which do not include the repeal of section 13 of the 1872 Act.

⁵¹ 1867 c. 121 ss.3, 5, 1868 c. 99 s.7, 1871 c. 115 ss.15-19, 1872 c. 85 ss.14, 15, 1875 c. cxci.

⁵² 1864 c. 75; 1872 c. 85 s.13, 1882 c. 52, 1884 c. 52.

⁵³ See 1823 c. 95 s.90. These tolls are either governed by separate legislation (e.g. Severn Bridge Tolls Act 1965) or are taken for the use of a private thoroughfare (e.g. College Road, Dulwich).

⁵⁴ The settlement of the final accounts of the trusts is officially recorded in the Annual Local Taxation Returns for the years 1895-1898. These records do not cover the Leeds and Birstall Trust, which expired in 1890, but for practical purposes the accounts of that trust too can be regarded as having been settled. Its surviving papers are held in the Archives Department of Leeds City Library.

⁵⁵ Statute Law Committee Papers 1881-93, House of Lords Record Office SLC 23.

⁵⁶ See Highways Act 1959, s.311 and Sch. 23; *Report of the Committee on Consolidation of Highway Law* (1959) Cmnd. 630, pp.143, 176-7; London Government Act 1963, s.16(2) and Sch. 6 para. 70.

The residual effects of the legislation now proposed for repeal are contained in two provisions. The first is section 8 of the Annual Turnpike Acts Continuance Act 1882 which, as amended in 1959, empowers a highway authority in England and Wales to enforce a contract or obligation entered into with the trustees of a turnpike road for the maintenance, watering or lighting of that road notwithstanding the expiration of the trust concerned. The section can only have effect in relation to contracts or obligations entered into before 1895 when the last turnpike trust expired. Highway authorities and bodies representing highway authorities have been consulted to determine whether the provision should be preserved in a reconsolidation of highway law but the view of all consultees is that the provision is no longer of practical utility. It is accordingly proposed for repeal.

The other provision is section 6(4) of the Annual Turnpike Acts Continuance Act 1884 which provides that an annual rentcharge of £106 payable to the commissioners responsible for the maintenance of a turnpike road in Anglesea should continue to be paid to the authority liable for the time being to repair and maintain the relevant portion of the road and a particular embankment. The rentcharge is now payable to the highway authority concerned by British Rail. The effect of the provision would be preserved by the textual amendment of the Chester and Holyhead Railway Act 1844 which is contained in Schedule 2 to the Bill.

PART XII

WAR AND EMERGENCY

War Damage

The Trustee (War Damage Insurance) Act 1941 was enacted to settle doubts as to whether trustees in England and Wales and in Northern Ireland had power to effect insurance under two war damage schemes operated during the 1939-1945 World War. These schemes, which were operated originally by virtue of Part II of the War Damage Act 1941 (subsequently replaced by Part II of the War Damage Act 1943), have been wound up and the proposed repeal of the Act of 1941 is consequential on the proposed repeal of the War Damage Act 1943.

In the War Damage Act 1943, replacing earlier legislation—

- (a) Part I embodied the main statutory scheme, originally administered by the War Damage Commission, for the making of compensation payments and the levying of contributions in respect of war damage to land and buildings during the statutory "risk period" which began on 3 September 1939;

- (b) Part II provided for two insurance schemes originally administered by the Board of Trade, namely, a business chattels scheme covering war damage to plant and machinery and a private chattels scheme covering war damage to household and commercial chattels.

The right to claim a compensation payment under these schemes depended on notification having been made in accordance with statutory regulations, but extensions of time were freely given during the war and for some time thereafter. In 1961, following an announcement in Parliament⁵⁷, a White Paper⁵⁸ published detailed proposals for the final settlement of war damage payments within a period then estimated as extending over five to seven years. These proposals, in a modified and simplified form, were implemented by the War Damage Act 1964. Under that Act the War Damage Commission was abolished and responsibility for the residual administration of the schemes was transferred to the Inland Revenue. The statutory "risk period" for the purposes of war damage payments was ended as from 1 October 1964 and statutory time limits were imposed for the final settlement of outstanding claims. The last of these time limits expired on 30 September 1974. Since then all the schemes have been wound up and the Inland Revenue agrees that the legislation relating to them is spent and unnecessary.

By section 71 of the War Damage Act 1943 provision was also made for a separate scheme in respect of war damage to highways. In 1964 no outstanding highway payments remained to be made in Northern Ireland and the residual administration of the scheme in Great Britain was transferred to the departments responsible for highways. These departments agree that the legislation relating to this scheme is similarly now spent.

Section 2 of the Miscellaneous Financial Provisions Act 1946 charged on the Consolidated Fund payments in respect of war damage to land or goods but by virtue of a Treasury direction dated 12 May 1975 (given under the War Damage Act 1964) payments after that date became payable only from funds voted by Parliament for the purpose. As from that date the section has been obsolete and its proposed repeal is in any event consequential on the other war damage repeals.

The War Damage (Public Utility Undertakings, &c.) Act 1949 embodied a special scheme under which war damage payments were payable to public utility undertakings and, in certain special cases, to persons other than public utility undertakings. Claims by public utility undertakings were satisfied by global payments made under section 1 and those by other persons were subject to statutory time limits imposed by the War

⁵⁷ (1960-61) 645 H.C. Deb. Written Answers, 207.

⁵⁸ "Final Settlement of War Damage Payments". Cmnd. 1583.

Damage Act 1964 which have long since expired. The scheme has been wound up and the Inland Revenue, which was responsible for its residual administration, agrees that the legislation relating to it is spent and unnecessary.

The War Damage (Clearance Payments) Act 1960 authorised the making of cost of works payments in respect of the work of clearing debris from sites notwithstanding that the damage involved total loss and would only have qualified for a value payment under the earlier war damage legislation. Its proposed repeal is consequential on the proposed repeal of the War Damage Act 1943.

The War Damage Act 1964 provided for the final winding up of the war damage schemes and its purposes have been accomplished.

Section 118(3) of the Licensing Act 1964, consolidating earlier legislation, applied the definition of "war damage" in the War Damage Act 1943 for the purpose of the declaration of licensing planning areas in England and Wales. Some licensing planning areas still survive, but the provision relates only to the declaration of fresh areas and the Home Office agrees that it serves no useful purpose now.

The repeals proposed to the Public Records Act 1958, the Universities and College Estates Act 1964, the Administration of Justice Act 1965 and the Judicature (Northern Ireland) Act 1978 are consequential on the final winding up of the war damage schemes.

War Risks Insurance

The War Risks Insurance Act 1939 enabled the Board of Trade to operate a commodity insurance scheme against war risks which was the forerunner of the schemes later introduced under the war damage legislation. The scheme which was actually operated under the Act during the 1939-1945 World War has long since been wound up.

The 1939 Act was originally intended to be permanent legislation but between 1940 and 1945 it was extensively amended by Defence Regulations⁵⁹ which were continued in force⁶⁰ until 10 December 1952. The expiry of the relevant Defence Regulations ended the operation of the amendments to the Act but did not revive the Act in its original form because the post-war Acts continuing the Regulations had expressly provided that section 38(2) of the Interpretation Act 1889 should apply on the expiry

⁵⁹ See in particular S.R. & O. 1940 Nos. 771, 1142 and 1616 and 1945 No. 738.

⁶⁰ Emergency Laws (Transitional Provisions) Act 1946; Emergency Laws (Miscellaneous Provisions) Act 1947; Emergency Laws Continuance Order 1950; Emergency Laws Continuance Order 1951.

of the Regulations as it applied on the repeal of Acts of Parliament. The result is that the text of the 1939 Act is for practical purposes meaningless and a further scheme could not be operated under the Act without substantive legislation by Parliament⁶¹. The Department of Trade agrees that the Act is not of practical utility.

The repeals proposed in respect of the Restriction of Advertisements (War Risks Insurance) Act 1939, the War Damage Act 1941, the War Damage (Amendment) Act 1942 and the Sale of Goods Act 1979 are consequential on the proposed repeal of the War Risks Insurance Act 1939.

The Insurance Contracts (War Settlement) Act 1952, following precedent⁶², enabled effect to be given to inter-governmental agreements relating to contracts of insurance and reinsurance made by persons who subsequently became enemies as the result of the 1939-1945 World War. Rights and liabilities under the agreements given effect to by virtue of the Act have long since been discharged and the Act is accordingly spent.

The repeals proposed to the Marine and Aviation Insurance (War Risks) Act 1952 are of spent transitional provisions relating to agreements, or the payment of sums of money, under the War Risks Insurance Act 1939.

Reinstatement in Civil Employment

The Reinstatement in Civil Employment Act 1944 is the earliest of three reinstatement codes, the others being constituted by Part II of the National Service Act 1948 as originally enacted, and by Part II of that Act as applied in modified form by later legislation⁶³. These codes relate to different categories of persons, but their provisions are closely interlocked to form a complex statutory tangle. The proposed repeals are the second stage⁶⁴ of a pre-consolidation revision of the legislation as a whole.

The code contained in the Reinstatement in Civil Employment Act 1944 was brought in to facilitate the return of servicemen and women enlisted for war service after 26 May 1939 to their old jobs on demobilisation at the end of the 1939-1945 World War: it provided machinery whereby employers could be

⁶¹ See also 22 *Halsbury's Laws* (3rd ed. 1958) p.405, note (m).

⁶² See e.g. Treaty of Peace Act 1919 and Treaty of Peace Order 1919, Sch., section V, Annex III.

⁶³ Reinstatement in Civil Employment Act 1950, as in turn applied by section 145 of the Reserve Forces Act 1980 (replacing separate applications by section 5(2) of the Army Reserve Act 1962, section 2(6) of the Navy, Army and Air Force Reserves Act 1964, section 9(5) of the Reserve Forces Act 1966 and section 2(7) of the Ulster Defence Regiment Act 1969).

⁶⁴ The first stage was implemented by the Statute Law (Repeals) Act 1977.

compelled to reinstate their former employees during the period of six months following demobilisation. The code in its original form was unsuitable to peace-time conditions. It was accordingly modified in 1947⁶⁵ when legislation providing for peace-time national service was introduced, to ensure that the peace-time reinstatement obligations of employers applied only in relation to persons who had undergone a period of compulsory service (at that time limited to 12 months). The object of the 1947 modification was to avoid imposing on an employer the unreasonable requirement to take back a person who *volunteered* for a military service engagement which might extend over five, seven or more years⁶⁶. But the code in its original form was retained, pending the making of final demobilisation arrangements, as respects persons who had previously enlisted for war service. The final stage of war-time demobilisation was not reached until 1954, when section 5 of the Navy, Army and Air Force Reserves Act 1954 formally ended all remaining engagements in the armed forces subsisting by virtue of emergency enactments and repealed the enactments themselves.

For practical purposes the Act of 1944 became redundant in 1954, but due to an oversight then it was not expressly repealed and the technical machinery for terminating its operation was inadvertently removed. The duration of the Act had been governed by provisions⁶⁷ terminating the reinstatement obligations of employers six months after the making of an Order in Council under the Armed Forces (Conditions of Service) Act 1939 terminating the operation of the latter Act (the main enactment compulsorily extending the engagements of members of the armed forces for the duration of the war). The 1939 Act was not in fact terminated by an Order in Council under its provisions but was instead expressly repealed by Act of Parliament—the Navy, Army and Air Force Reserves Act 1954. To remove any doubt there might otherwise be as to the continuing effects of the 1944 Act, we recommend its express repeal. The Ministry of Defence and the Department of Employment agree that the Act is not in any event of practical utility now, more than 30 years later, in respect of any person who volunteered for war service between 1939 and 1947.

In the National Service Act 1948 (the residue of which relates only to reinstatement in civil employment) the provisions of sections 40, 41(5), 43(4), 51 and 52 are spent or obsolete in their application to all the reinstatement codes. The other proposed repeals are consequential on the proposed repeal either of

⁶⁵ National Service Act 1947, s. 12(2) and Sch. 2 (now consolidated in Part II of the National Service Act 1948). The modification has been carried over into the later code governing the reinstatement of members of the present reserve forces, e.g. the Ulster Defence Regiment.

⁶⁶ (1946-47) 435 H.C. Deb. col. 1695.

⁶⁷ Reinstatement in Civil Employment Act 1944, ss. 1(2)(b), 20(1).

these provisions or of the Reinstatement in Civil Employment Act 1944.

The residue of the National Service (Amendment) Act 1948 amended section 40 of the National Service Act 1948 and its proposed repeal is consequential on the proposed repeal of that section.

The repeals proposed to sections 1 and 5(4) of the Reinstatement in Civil Employment Act 1950 are respectively consequential on the proposed repeals of sections 40 and 60(3) of the National Service Act 1948.

Other Enactments

Section 9 of the Emergency Laws (Repeal) Act 1959 and section 21 of the Emergency Laws (Re-enactments and Repeals) Act 1964 enabled Orders in Council to continue in force, in the Channel Islands or the Isle of Man, local Defence Regulations corresponding to those contained in the Defence (General) Regulations 1939. The powers were exercised in 1960 and 1964⁶⁸ but with the lapse or re-enactment of all the provisions of the Defence (General) Regulations 1939 the necessity for corresponding legislation in the Channel Islands and the Isle of Man has fallen away. The proposed repeals, which are agreed to by the Home Office and the insular authorities, will extend to the Islands by virtue of clause 2 of the Bill.

PART XIII

MISCELLANEOUS

The Northumberland Fishery Society Act of 1789 is obsolete. The society it incorporated, with a share capital not exceeding £50,000, does not exist now and inquiries indicate that the Act was a dead letter from the beginning.

The Harbours Act 1814, which dealt with the throwing of ballast or other rubbish to endanger or obstruct navigation, has outlived its usefulness, the archaic provisions for its enforcement in Great Britain⁶⁹ being particularly unsatisfactory. The mischief at which the Act was aimed is dealt with more effectively now by later legislation, in particular the Dumping at Sea Act 1974, Part II of the Coast Protection Act 1949, the Harbours Act (Northern Ireland) 1970 and by-laws made by harbour authorities. The Act of 1814 is agreed to be no longer of

⁶⁸ See S.I. 1960 Nos. 208, 209, 210; 1964 Nos. 2035, 2036, 2037.

⁶⁹ In Great Britain the penalties are still only recoverable by resort to a common informer action, the Act not having been scheduled to the Common Informers Act 1951. In Northern Ireland the common informer procedure does not apply.

practical utility by the departments responsible for its administration, by the National Ports Council and by representative harbour authorities in England and Wales, Scotland and Northern Ireland.

The repeal proposed to the School Grants Act 1855 would rectify a textual mistake made when the Act was amended in 1978.

The repeal proposed to section 11 of the Defence Act 1860, as amended in its application to Scotland, is of obsolete or unnecessary words the repeal of which would bring the English and Scottish texts of the enactment into uniformity.

Section 16 of the Harbours Transfer Act 1862 transferred the powers of the Admiralty under the Harbours Act 1814 to the Board of Trade. Its proposed repeal is consequential on the proposed repeal of the Harbours Act 1814.

Section 69 of the Sea Fisheries Act 1868 (publication and proof of Orders in Council) is obsolete in consequence of the repeal of section 66 by the Sea Fisheries Act 1968.

In the National Galleries of Scotland Act 1906, the repeals proposed to section 4 (constitution of the Board of Trustees for the National Galleries of Scotland) are of provisions which ceased to be operative by virtue of section 6 of the National Museum of Antiquities of Scotland Act 1954. The repeal proposed to section 8 is of a provision which was superseded by section 34(3) of the Finance Act 1954 (growing produce of the Consolidated Fund).

In the Reorganisation of Offices (Scotland) Act 1928, sections 2, 4, 7, 8 and 9 are spent or obsolete provisions in connection with the abolition of the Scottish Board of Health, the Board of Agriculture for Scotland, the Prison Commissioners for Scotland and of the offices of Deputy Clerk Register, Director of Chancery and Keeper of the Minute Book and Record of Edictal Citations. Section 11 is a spent repealing enactment. The proposed repeals of section 12 (savings) and of the definition in section 13 are consequential on repeals already made or now proposed.

The Cotton Manufacturing Industry (Temporary Provisions) Act 1934 enabled statutory effect to be given to rates of wages agreed between representative organisations in the cotton manufacturing industry. The machinery for making orders under the Act, after being continued in force for 20 years by successive Expiring Laws Continuance Acts, finally expired on 31 December 1957 and the Act is still alive only to the extent that it continues in force orders made before that date. One order ⁷⁰

⁷⁰ Cotton Manufacturing Industry (Rates of Wages for Weavers) Order 1937 (S.R. & O. 1937 No. 298; Rev. 1948 V p.43).

made in 1937 to determine the rates of wages of weavers has not been revoked formally but is clearly obsolete having regard to intervening economic events. Nowadays the terms and conditions of employment for the majority of manual workers in the cotton manufacturing industry are substantially determined by national collective bargaining arrangements. The industry is still largely concentrated in the north-west of England where a single Central Committee negotiates for employees in spinning and weaving.

In the Public Records (Scotland) Act 1937, section 4 and Schedule 1 (transfer of certain documents to the Keeper of the Registers and Records of Scotland) and section 13(2) (abolition of offices of Principal Extractor of the Acts and Decrees of the Court of Session and his Assistant) are spent in their operation. The repeals proposed to section 5(2) are consequential on the repeal of the Town Councils (Scotland) Act 1900 by the Local Government (Scotland) Act 1947.

Section 2 of the Public Health (Scotland) Act 1945 is obsolete in consequence of the revocation of the regulations and orders to which it relates.

Section 3(1) to (3) of the Cable and Wireless Act 1946 contains spent transitional provisions relating to events which took place on 1 January 1947 when the share capital of Cable and Wireless Ltd. was brought into public ownership.

The Palestine Act 1948 made provision for the termination of British jurisdiction in Palestine on 15 May 1948 and for purposes connected with the ending of the mandate then. Apart from paragraph 2 of Schedule 2 (application of section 51 of the Conveyancing (Scotland) Act 1874), the provisions of the Act are either spent or, after the lapse of more than 30 years, unnecessary. The effect of paragraph 2 of Schedule 2 would be preserved by the textual amendment of section 51 of the Conveyancing (Scotland) Act 1874 contained in Schedule 2 to the Bill.

The proposed repeal of section 26 of the Sea Fish Industry Act 1951 is consequential on the repeal of section 10 of the Herring Fishery (Scotland) Act 1808 by the Statute Law Revision Act 1963.

Section 6 of the National Museum of Antiquities of Scotland Act 1954 altered the constitution of the Board of Trustees for the National Galleries of Scotland. The alterations made then would be textually reflected by the express repeals proposed to section 4 of the National Galleries of Scotland Act 1906 and by the proposed amendment of that section contained in Schedule 2 to the Bill.

In the Clean Air Act 1956, section 33(2) is a spent financial provision and the repeals proposed to Schedule 2 are consequential on repeals made in 1974 to the Alkali, &c. Works Regulation Act 1906.

The repeal proposed to section 6(2) of the Nurses Agencies Act 1957 is consequential on the repeal of section 85 of the Public Health Acts Amendment Act 1907 by the Employment Agencies Act 1973.

In the Opencast Coal Act 1958, the proviso to section 52(4) became obsolete on 1 March 1971 when sections 1 to 3 of the Lands Tribunal Act 1949 came into force in Scotland.

The repeal proposed to the Mental Health (Scotland) Act 1960 is consequential on the repeal proposed to section 11 of the Defence Act 1860.

The repeal proposed to section 54(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 is consequential on the repeal of section 54(1)(d) by the Children Act 1975.

In the Health Services and Public Health Act 1968, section 74 (abolition for Scotland of fees payable under section 4(2) of the Infectious Disease (Notification) Act 1889) and section 75 (repeal of section 34(2)(i) of the Mental Health (Scotland) Act 1960) are spent.

The National Insurance and Supplementary Benefit Act 1973 was passed to implement increases in the national insurance, industrial injuries and supplementary benefits then payable: its detailed provisions are explained in a White Paper⁷¹ published at the time. The Act has been overtaken by parallel legislation for Great Britain and for Northern Ireland passed between 1974 and 1977 which either changed or consolidated the law relating to social security. The combined effect of the repeals⁷² made by this legislation has been to reduce the 1973 Act to a meaningless residue consisting of a single ancillary provision, namely, section 9(1).

The repeals proposed to the Town and Country Amenities Act 1974 are of transitional provisions, which are now spent or unnecessary, relating to events which took place before 31 August 1974.

⁷¹ "The 1973 Review of Social Security Benefits and Associated Changes". Cmnd. 5288.

⁷² The repeals for Great Britain were effected by the National Insurance Act 1974, the Social Security Benefits Act 1975, the Social Security (Consequential Provisions) Act 1975 and the Supplementary Benefits Act 1976; those for Northern Ireland by the National Insurance Measure (Northern Ireland) 1974, the Social Security (Consequential Provisions) Act 1975, the Supplementary Benefits Act 1976 and the Supplementary Benefits (Northern Ireland) Order 1977.

The repeals proposed to the Airports Authority Act 1975 are of spent transitional provisions.

The repeal proposed to the Agriculture (Miscellaneous Provisions) Act 1976 is consequential on the repeal of the Hop (Prevention of Frauds) Act 1866 by the Hop Certification Regulations 1979 made under section 2(2) of the European Communities Act 1972.

The Maplin Development Authority (Dissolution) Act 1976, which abolished the Authority, is spent.

The repeal proposed to the Unfair Contract Terms Act 1977 would correct an error by removing an inoperative provision relating to Scotland. The provision adapted as respects Scotland an amendment of section 14(1) of the Supply of Goods (Implied Terms) Act 1973 (as originally enacted and as substituted by paragraph 36 of Schedule 4 to the Consumer Credit Act 1974). That section (as now amended by paragraph 16 of Schedule 2 to the Sale of Goods Act 1979) disapplies section 11(4) of the Sale of Goods Act 1979 in the case of certain agreements. Section 11(4) of the Sale of Goods Act 1979 does not however apply to Scotland, being excluded by section 11(1) of the 1979 Act.

Act of Parliament of Northern Ireland

The repeal proposed to the Harbours Act (Northern Ireland) 1970 is consequential on the proposed repeal of the Harbours Act 1814.

SCHEDULE 2

AMENDMENTS

Chester and Holyhead Railway Act 1844

The proposed amendment is consequential on the proposed repeal (Part XI of Schedule 1) of the Annual Turnpike Acts Continuance Act 1884.

Conveyancing (Scotland) Act 1874

The proposed amendment is consequential on the proposed repeal (Part XIII of Schedule 1) of the Palestine Act 1948.

National Galleries of Scotland Act 1906

The proposed amendment is consequential on the proposed repeal (Part XIII of Schedule 1) of section 6 of the National Museum of Antiquities of Scotland Act 1954.

Naval and Military War Pensions, &c. Act 1915

The proposed amendment is consequential on the repeals proposed (Part IX of Schedule 1) to the War Pensions Acts 1915 to 1920.

Post Office Act 1969

The proposed amendment is consequential on the proposed repeal (Part X of Schedule 1) of the Post Office Act 1961.

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