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Commission**

Reforming the law



Scottish Law Commission

2015: 50 years promoting law reform

Statute Law Repeals: Twentieth Report
Draft Statute Law (Repeals) Bill

**50
YEARS**



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

(LAW COM No 357)
(SCOT LAW COM No 243)

**STATUTE LAW REPEALS:
TWENTIETH REPORT**

DRAFT STATUTE LAW (REPEALS) BILL

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

Laid before the Scottish Parliament by the Scottish Ministers

June 2015

Cm 9059

SG/2015/60



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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 Right Honourable Lord Justice Lloyd Jones, *Chairman*
Professor Elizabeth Cooke¹
Stephen Lewis
Professor David Ormerod QC
Nicholas Paines QC.

The Chief Executive of the Law Commission is Elaine Lorimer.

The Law Commission is located at 1st Floor, Tower, 52 Queen Anne's Gate, London SW1H 9AG

The Scottish Law Commissioners are:

The Honourable Lord Pentland, *Chairman*
Caroline Drummond
David Johnston QC
Professor Hector L MacQueen
Dr Andrew J M Steven

The Chief Executive of the Scottish Law Commission is Malcolm McMillan.

The Scottish Law Commission is located at 140 Causewayside, Edinburgh, EH9 1PR.

The terms of this report were agreed on 11 May 2015.

The text of this report is available on the Internet at:

<http://www.lawcom.gov.uk>

<http://www.scotlawcom.gov.uk>

¹ Professor Cooke's term of office as Commissioner ended on 31 May 2015.

LAW COMMISSION SCOTTISH LAW COMMISSION

STATUTE LAW REPEALS: TWENTIETH REPORT DRAFT STATUTE LAW (REPEALS) BILL

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THE LAW COMMISSION AND THE SCOTTISH LAW COMMISSION

STATUTE LAW REPEALS: TWENTIETH REPORT Draft Statute Law (Repeals) Bill

To the Right Honourable Michael Gove, MP, Lord Chancellor and Secretary of State for Justice, and the Scottish Ministers.

1. In pursuance of section 3(1)(d) of the Law Commissions Act 1965, we have prepared the draft Bill which is *Appendix 1* and recommend that effect be given to the proposals contained in it. An explanatory note on the contents of the draft Bill forms *Appendix 2*. *Appendix 3* lists the individuals and organisations we consulted about our proposals.
2. The report recommends the repeal of enactments which have been identified, after detailed research and consultation, as being spent, obsolete, unnecessary or otherwise not now of practical utility.¹ The proposals have been widely canvassed with the government departments and other bodies concerned, including the relevant authorities throughout Wales, Scotland and Northern Ireland.² We have also consulted the relevant authorities in Ireland and India about the enactments that related to those countries. The report is available on the Law Commissions' websites (www.lawcom.gov.uk and www.scotlawcom.gov.uk).
3. The report is submitted in pursuance of the Law Commissions' programme on statute law. The broad objective of this programme is to modernise and simplify the statute book.

| | | |
|----------|--|---|
| (Signed) | DAVID LLOYD JONES <i>Chairman, Law Commission</i> | PAUL B CULLEN <i>Chairman, Scottish Law Commission</i> |
| | ELIZABETH COOKE ³ | C S DRUMMOND |
| | STEPHEN LEWIS | D E L JOHNSTON |
| | DAVID ORMEROD | HECTOR L MACQUEEN |
| | NICHOLAS PAINES | ANDREW J M STEVEN |
| | ELAINE LORIMER <i>Chief Executive</i> | MALCOLM McMILLAN <i>Chief Executive</i> |

11 May 2015

¹ The enactments proposed for repeal are specified in Schedule 1 to the draft Bill. The Schedule is divided into Parts, some of which are subdivided into Groups.

² Where the proposals extend to Wales, those consulted include the Wales Office and the Counsel General to the Welsh Government. Where the proposals extend to Scotland, those consulted include the Scottish Government and the departments responsible for reserved matters in relation to Scotland. Where the proposals extend to Northern Ireland, those consulted include the Northern Ireland Office and the Northern Ireland Executive.

³ Professor Cooke's term of office as Commissioner ended on 31 May 2015.

Appendix 1 - Draft Statute Law (Repeals) Bill

CONTENTS

- 1 Repeals
- 2 Extent
- 3 Short title and commencement

-
- Schedule 1 – Repeals
 - Part 1 – British India
 - Part 2 – Churches
 - Part 3 – Criminal Law
 - Part 4 – Taxation
 - Part 5 – Trade and Industry
 - Part 6 – General Repeals
 - Schedule 2 – Savings

A
B I L L

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 Repeals

The enactments referred to in Schedule 1 are repealed to the extent shown, subject to the savings contained in Schedule 2.

2 Extent

- (1) Any repeal made by this Act (and any saving in Schedule 2 which relates to it) extends to the part or parts of the United Kingdom to which the enactment being repealed extends. 5
- (2) Her Majesty may by Order in Council provide for any repeal made by this Act to extend, with or without modifications, to any of the Channel Islands, the Isle of Man or any British overseas territory. 10

3 Short title and commencement

- (1) This Act may be cited as the Statute Law (Repeals) Act 2015.
- (2) This Act comes into force on the day on which it is passed.

SCHEDULES

SCHEDULE 1

Section {jref}

REPEALS

PART 1

BRITISH INDIA

5

GROUP 1 - ANGLO-INDIAN BANK COMPANIES

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| Agra and Masterman's Bank (Limited) Act 1865 (28 & 29 Vict. c.xcii) | The whole Act. | 10 |
| Mercantile Bank of India (Limited) Act 1893 (56 & 57 Vict. c.xxi) | The whole Act. | |

GROUP 2 - ANGLO-INDIAN TELEGRAPH COMPANIES

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| European and Indian Junction Telegraph Act 1857 (20 & 21 Vict. c.xc) | The whole Act. | 15 |
| Red Sea and India Telegraph Act 1859 (22 & 23 Vict. c.iv) | The whole Act. | 20 |
| India Rubber, Gutta Percha and Telegraph Works Company (Limited) Act 1884 (47 & 48 Vict. c.ci) | The whole Act. | |
| India Rubber, Gutta Percha and Telegraph Works Company (Limited) Act 1903 (3 Edw.7 c.xxvi) | The whole Act. | 25 |

GROUP 3 - ASSAM COMPANIES

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| Assam Company's Act 1865 (28 & 29 Vict. c.cxxix) | The whole Act. | 30 |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|---|
| Assam Company's (Reduction of Capital) Act 1876 (39 & 40 Vict. c.xx) | The whole Act. | |
| Assam Company's Act 1888 (51 & 52 Vict. c.vii) | The whole Act. | 5 |
| Upper Assam Tea Company's Act 1898 (61 & 62 Vict. c.xiv) | The whole Act. | |

GROUP 4 - INDIA OFFICE

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 27 & 28 Vict. c.51 (1864) (India Office Act) | The whole Act. | 10 |
| India Office Site and Approaches Act 1865 (28 & 29 Vict. c.32) | The whole Act. | 15 |
| India Office (Sale of Superfluous Land) Act 1881 (44 & 45 Vict. c.7) | The whole Act. | |

GROUP 5 - MADRAS AND EAST INDIA IRRIGATION AND CANAL COMPANIES

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| Madras Irrigation and Canal Act 1858 (21 & 22 Vict. c.viii) | The whole Act. | |
| East India Irrigation and Canal Act 1861 (24 & 25 Vict. c.cviii) | The whole Act. | |
| Madras Irrigation and Canal (Accounts) Act 1863 (26 & 27 Vict. c.clxxxi) | The whole Act. | 25 |
| East India Irrigation and Canal Act 1866 (29 & 30 Vict. c.ccci) | The whole Act. | |
| Madras Irrigation and Canal Act 1866 (29 & 30 Vict. c.cccii) | The whole Act. | 30 |
| East India Irrigation and Canal Act 1869 (32 & 33 Vict. c.7) | The whole Act. | |
| Madras Irrigation and Canal Act 1872 (35 & 36 Vict. c.lxi) | The whole Act. | 35 |

GROUP 6 - GENERAL REPEALS

| <i>Repeal</i> | <i>Extent of repeal</i> |
|---|-------------------------|
| 1 & 2 Vict. c.xcvii (1838) (India Steam Ship Company Act) | The whole Act. |

| <i>Repeal</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 3 & 4 Vict. c.vi (1840) (Liverpool East India Warehouse Company Act) | The whole Act. | |
| East India Coal Company Limited Act 1860 (23 & 24 Vict. c.liii) | The whole Act. | 5 |
| Indian Railway Annuities (Sinking Funds) Act 1909 (9 Edw. 7 c.xxii) | The whole Act. | 10 |

PART 2

CHURCHES

| <i>References</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| 28 Hen.8 c.31 (1536) (Enlarging St Margaret's Churchyard Southwark Act) | The whole Act. | 15 |
| 10 Ann. c.43 (1711) (Deal Chapel of Ease Act) | The whole Act. | |
| 4 Geo.2 c.20 (1730) (Church at Gravesend Act) | The whole Act. | 20 |
| 8 Geo.2 c.27 (1734) (Church of St Leonard, Shoreditch Act) | The whole Act. | |
| 11 Geo.2 c.23 (1737) (St Leonards, Shoreditch Act) | The whole Act. | |
| 13 Geo.2 c.12 (1739)(Church in Sheffield Act) | The whole Act. | 25 |
| 14 Geo.2 c.27 (1740) (St Botolph, Aldgate Act) | The whole Act. | |
| 18 Geo.2 c.3 (1744) (St Margaret's Church, King's Lynn Act) | The whole Act. | 30 |
| 26 Geo.2 c.38 (1753) (Stone Church, Stafford Act) | The whole Act. | |
| 26 Geo.2 c.45 (1753) (Manchester Church Act) | The whole Act. | 35 |
| 3 Geo.3 c.49 (1763) (Canterbury: Church of St Andrew Act) | The whole Act. | |
| 5 Geo.3 c.65 (1765) (Church of All Hallows, City Act) | The whole Act. | |
| 5 Geo.3 c.94 (1765) (Hertford Church Act) | The whole Act. | 40 |
| 7 Geo.3 c.69 (1767) (St Martin's Church, Worcester Act) | The whole Act. | |

| <i>References</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 14 Geo.3 c.93 (1774) (Lewisham Church Act) | The whole Act. | |
| 16 Geo.3 c.22 (1776) (Tardebigg Church, Worcester and Warwick Act) | The whole Act. | 5 |
| 17 Geo.3 c.32 (1776) (Church, Buckingham Act) | The whole Act. | |
| 25 Geo.3 c.95 (1785) (Holy Trinity Church, Bristol Act) | The whole Act. | 10 |
| 26 Geo.3 c.15 (1786) (Liverpool Rectory Act) | The whole Act. | |
| 26 Geo.3 c.117 (1786) (All Saints' Church, Newcastle Act) | The whole Act. | |
| 27 Geo.3 c.17 (1787) (East Stonehouse Chapel Act) | The whole Act. | 15 |
| 27 Geo.3 c.49 (1787) (St James' Parish, Bristol Act) | The whole Act. | |
| 27 Geo.3 c.62 (1787) (Hanley Chapel, Stafford Act) | The whole Act. | 20 |
| 27 Geo.3 c.63 (1787) (St Mary Church, Wanstead Act) | The whole Act. | |
| 27 Geo.3 c.64 (1787) (Portsea Chapel Act) | The whole Act. | |
| 28 Geo.3 c.74 (1788) (Paddington Parish Church Act) | The whole Act. | 25 |
| 29 Geo.3 c.14 (1789) (St Mary, Wanstead Act) | The whole Act. | |
| 30 Geo.3 c.20 (1790) (St Thomas Church, Bristol Act) | The whole Act. | 30 |
| 30 Geo.3 c.79 (1790) (East Grinstead Church Act) | The whole Act. | |
| 31 Geo.3 c.71 (1791) (All Saints Church, Southampton Act) | The whole Act. | 35 |
| 31 Geo.3 c.73 (1791) (Saffron Walden Parish Church Act) | The whole Act. | |
| 32 Geo.3 c.88 (1792) (Lane End Chapel, Stoke upon Trent Act) | The whole Act. | 40 |
| 33 Geo.3 c.43 (1793) (Paddington Parish Church Act) | The whole Act. | |
| 33 Geo.3 c.45 (1793) (Hanbury Church Act) | The whole Act. | 45 |

| <i>References</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 33 Geo.3 c.101 (1793) (All Saints Church, Southampton Act) | The whole Act. | |
| 34 Geo.3 c.107 (1794) (Tipton Church, Stafford Act) | The whole Act. | 5 |
| 38 Geo.3 c.i (1797) (All Saints Church, Southampton Act) | The whole Act. | |
| 38 Geo.3 c.xxxv (1798) (St James' Parish, Bristol (Division) Act) | The whole Act. | 10 |
| 38 Geo.3 c.lxii (1798) (St Peter's Church, St Albans Act) | The whole Act. | |
| 39 & 40 Geo.3 c.li (1800) (Chelmsford Parish Church Act) | The whole Act. | 15 |
| 41 Geo.3 c.lxiv (1801) (Leeds Kirkgate Street Church Act) | The whole Act. | |
| 43 Geo.3 c.ix (1803) (St Peter's Church, St Albans Act) | The whole Act. | |
| 43 Geo.3 c.lxii (1803) (Dagenham Parish Church Act) | The whole Act. | 20 |
| 45 Geo.3 c.lxvi (1805) (Redditch Chapel Act) | The whole Act. | |
| 45 Geo.3 c.c (1805) (All Saints Lewes Parish Church Act) | The whole Act. | 25 |
| 46 Geo.3 c.iv (1806) (Chertsey Parish Church Act) | The whole Act. | |
| 46 Geo.3 c.lxi (1806) (Great Yarmouth Parish Church Act) | The whole Act. | 30 |
| 46 Geo.3 c.lxviii (1806) (St Peter's Parish Church, St Albans Act) | The whole Act. | |
| 47 Geo.3 Sess.1 c.x (1807) (Chertsey Parish Church Act) | The whole Act. | 35 |
| 47 Geo.3 Sess.2 c.lxi (1807) (Shireoaks Chapel, Worksop, Right of Patronage Act) | The whole Act. | |
| 47 Geo.3 Sess.2 c.lxxvii (1807) (Standard Hill, Nottingham, Chapel Act) | The whole Act. | 40 |
| 49 Geo.3 c.cxv (1809) (Worthing Chapel of Ease Act) | The whole Act. | |
| 51 Geo.3 c.i (1811) (East Grinstead Parish Church Act) | The whole Act. | 45 |

| <i>References</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 51 Geo.3 c.lxviii (1811) (Chapels of St Mary and St Paul, Birmingham Act) | The whole Act. | |
| 51 Geo.3 c.cxxvi (1811) (Hungerford Parish Church Act) | The whole Act. | 5 |
| 51 Geo.3 c.clii (1811) (Sevenoaks Parish Church Repair Act) | The whole Act. | |
| 52 Geo.3 c.cix (1812) (St Sidwell, Exeter, Parish Church Act) | The whole Act. | 10 |
| 52 Geo.3 c.cx (1812) (Bishop Stortford Parish Church Act) | The whole Act. | |
| 54 Geo.3 c.lxxvii (1814) (Sculcoates Additional Church Act) | The whole Act. | 15 |
| 54 Geo.3 c.cx (1814) (St Sidwell’s Church, Exeter Act) | The whole Act. | |
| 55 Geo.3 c.v (1815) (Stockport Parish Church Act) | The whole Act. | 20 |
| 55 Geo.3 c.xx (1815) (Hungerford Parish Church Repairing and Enlarging Act) | The whole Act. | |
| 55 Geo.3 c.xxi (1815) (St John’s Church, Wakefield Act) | The whole Act. | 25 |
| 55 Geo.3 c.xliv (1815) (St Thomas, Dudley, Parish Church Act) | The whole Act. | |
| 55 Geo.3 c.lxxix (1815) (Hanworth Parish Church Act) | The whole Act. | 30 |
| 55 Geo.3 c.lxxx (1815) (Rochdale Chapel of Ease Act) | The whole Act. | |
| 56 Geo.3 c.xxviii (1816) (St George the Martyr, Middlesex, Parish Church Act) | The whole Act. | 35 |
| 56 Geo.3 c.lxv (1816) (St Mark’s Church, Liverpool Act) | The whole Act. | |
| 57 Geo.3 c.liii (1817) (Stansted Chapel, Stoughton (Sussex) Act) | The whole Act. | 40 |
| 59 Geo.3 c.xi (1819) (St George the Martyr, Middlesex, Parish Church and Churchyard Act) | The whole Act. | 45 |

| <i>References</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 59 Geo.3 c.xxxvii (1819) (St Hilds Chapel, Jarrow Act) | The whole Act. | |
| 59 Geo.3 c.lxiii (1819) (St John the Baptist, Peterborough, Parish Church Act) | The whole Act. | 5 |
| 60 Geo.3 & 1 Geo.4 c.ii (1820) (Liverpool Church Act) | The whole Act. | |
| 1 Geo.4 c.lviii (1820) (St Matthew's Chapel, Pendleton Act) | The whole Act. | 10 |
| 1 & 2 Geo.4 c.cxiv (1821) (St Nicholas in Harwich Parish Church Act) | The whole Act. | |
| 3 Geo.4 c.xx (1822) (Great Yarmouth Parish Church Act) | The whole Act. | 15 |
| 3 Geo.4 c.lxxi (1822) (St Mary's Church, Greenwich Act) | The whole Act. | |
| 5 Geo.4 c.xx (1824) (Worthing Chapel of Ease Act) | The whole Act. | 20 |
| 5 Geo.4 c.xxi (1824) (St John's Church in Roundhay Act) | The whole Act. | |
| 5 Geo.4 c.xl (1824) (Maidenhead Chapel Act) | The whole Act. | 25 |
| 5 Geo.4 c.lxiv (1824) (Oldham Church, Burial Ground and Church Rates Act) | The whole Act. | |
| 5 Geo.4 c.cxxvii (1824) (St Nicholas Harwich Church Act) | The whole Act. | 30 |
| 6 Geo.4 c.xxxiii (1825) (St Mary's Chapel, Hastings Act) | The whole Act. | |
| 6 Geo.4 c.lv (1825) (St James, Poole, Church Act) | The whole Act. | 35 |
| 6 Geo.4 c.cxcv (1825) (St Dunstan in the East Parish Borrowing Act) | The whole Act. | |
| 7 Geo.4 c.li (1826) (Church of St David, Liverpool Act) | The whole Act. | 40 |
| 7 & 8 Geo.4 c.xcii (1827) (Wisbech Chapel of Ease Act) | The whole Act. | |
| 9 Geo.4 c.xv (1828) (Hove Chapel of Ease Act) | The whole Act. | |
| 9 Geo.4 c.xcix (1828) (Oldham Church Act) | The whole Act. | 45 |

| <i>References</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| 10 Geo.4 c.xcvi (1829) (St Dunstan in the West Parish Church Act) | The whole Act. | |
| 11 Geo.4 & 1 Will.4 c.xl (1830) (Church of St Augustine, Walton-on-the-Hill Act) | The whole Act. | 5 |
| 1 Will.4 c.xxiii (1831) (St John’s Church, Liscard (Cheshire) Act) | The whole Act. | 10 |
| 2 & 3 Will.4 c.lxxix (1832) (Church of St Mary, Birkenhead Act) | The whole Act. | |
| 2 & 3 Will.4 c.lxxx (1832) (Parish Church of St Bartholomew, Chichester Act) | The whole Act. | 15 |
| 4 & 5 Vict. c.xxxvii (1841) (Birkenhead Holy Trinity Church Act) | The whole Act. | |
| 5 & 6 Vict. c.lxi (1842) (Kingstown Episcopal Mariners Church Act) | The whole Act. | 20 |
| 8 & 9 Vict. c.xxvi (1845) (Claughton-cum-Grange (St Andrew) Church Act) | The whole Act. | 25 |
| St Patrick’s Cathedral Economy Fund Act 1851 (14 & 15 Vict. c.lxxxii) | The whole Act. | |
| 20 & 21 Vict. c.xxxvi (1857) (St Philip’s Church, Liverpool Act) | The whole Act. | 30 |
| Kilkenny Cathedral Economy Fund Act 1864 (27 & 28 Vict. c.3) | The whole Act. | |
| 28 & 29 Vict. c.lviii (1865) (Church of St John, Portsea Act) | The whole Act. | 35 |
| Exeter Chapel of St John’s Hospital Act 1878 (41 & 42 Vict. c.xix) | The whole Act | 40 |
| 45 & 46 Vict. c.x (1882) (St Philip’s Church (Liverpool) Act) | The whole Act. | |
| St Peter’s (Clifton Bristol) Church Act 1883 (46 & 47 Vict. c.xvi) | The whole Act. | 45 |

| <i>References</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| Birstall Wesleyan Chapel Trust Scheme Confirmation Act 1890 (53 & 54 Vict. c.clxxxiv) | The whole Act. | |
| Hanover Chapel (Regent Street) Act 1891 (46 & 47 Vict. c.xvi) | The whole Act. | 5 |
| Saint Simon and Saint Jude's Church Anfield Act 1892 (55 & 56 Vict. c.cxliv) | The whole Act. | |
| Church of Emmanuel West End Hampstead Act 1899 (62 & 63 Vict. c.lxxvii) | The whole Act. | 10 |
| All Saints' Church (Cardiff) Act 1899 (62 & 63 Vict. c.clvi) | The whole Act. | |
| Bosden Wesleyan Trust Property Charity Scheme Confirmation Act 1913 (3 & 4 Geo.5. c.clxxiii) | The whole Act. | 15 |
| Eatington Wesleyan Methodist Chapel Property Charity Scheme Confirmation Act 1919 (9 & 10 Geo.5. c.lxxxvii) | The whole Act. | 20 |

PART 3

CRIMINAL LAW

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|---|----|
| Treason Act 1945 (8 & 9 Geo.6 c.44) | The whole Act. | 25 |
| Prison Act 1952 (15 & 16 Geo.6 and 1 Eliz.2 c.52) | Section 50. | |
| Children and Young Persons Act 1963 (c.37) | Section 17(2). Sections 31 and 32. | 30 |
| Criminal Justice Act 1967 (c.80) | Section 100(2A). | |
| Criminal Law Act 1977 (c.45) | Section 36. Section 53(1). Section 58. Schedule 9. | 35 |
| Criminal Evidence Act 1979 (c.16) | The whole Act. | |
| Criminal Justice Act 1982 (c.48) | Section 41. | |
| Police and Criminal Evidence Act 1984 (c.60) | Section 49. | 40 |
| Interception of Communications Act 1985 (c.56) | The whole Act. | |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|--|----|
| Criminal Justice Act 1988 (c.33) | Section 54. Section 56(1). | |
| Entertainments (Increased Penalties) Act 1990 (c.20) | The whole Act. | 5 |
| Criminal Justice and Public Order Act 1994 (c.33) | Section 17. Section 19(2). Sections 149 and 150. | |
| Proceeds of Crime Act 1995 (c.11) | The whole Act. | 10 |
| Criminal Appeal Act 1995 (c.35) | Section 28. | |
| Criminal Justice and Court Services Act 2000 (c.43) | Section 57(3)(a). | |
| Sexual Offences (Amendment) Act 2000 (c.44) | The whole Act. | 15 |
| Criminal Justice Act 2003 (c.44) | Section 26. Section 318(2). | |

PART 4

TAXATION

| <i>Reference</i> | <i>Extent of repeal</i> | <i>20</i> |
|---|--|-----------|
| Bank Charter Act 1844 (7 & 8 Vict. c.32) | Schedule A. | |
| Finance Act 1896 (59 & 60 Vict. c.28) | Section 38. | |
| Finance Act 1920 (10 & 11 Geo.5 c.18) | The whole Act. | 25 |
| Currency and Bank Notes Act 1928 (18 & 19 Geo.5 c.13) | Section 10. | |
| Finance Act 1940 (3 & 4 Geo.6 c.29) | Sections 26 to 39. Section 41. Section 65(4). Schedule 1. Schedules 5 and 6. | 30 |
| Finance Act 1942 (5 & 6 Geo.6 c.21) | Sections 37 to 41. Section 49(5). | 35 |
| Finance (No.2) Act 1945 (9 & 10 Geo.6 c.13) | Section 29. Sections 31 to 36. Section 38. Sections 46 to 50. Section 51(3). Sections 58 and 59. Section 62(4). Schedules 5 and 6. Schedule 8. | 40 |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|--|----|
| Finance Act 1946 (9 & 10 Geo.6 c.64) | Sections 36 to 43. Section 45. Section 58. Schedules 8 and 9. | 5 |
| Finance Act 1947 (10 & 11 Geo.6 c.35) | Section 74(4), (5) and (11). | |
| Finance (No.2) Act 1947 (11 & 12 Geo.6 c.9) | The whole Act. | |
| Finance Act 1948 (11 & 12 Geo.6 c.49) | Section 71. Section 78. Section 82(5). | 10 |
| Finance Act 1949 (12, 13 & 14 Geo.6 c.47) | Section 51. Section 52(2) and (7). | |
| Finance Act 1951 (14 & 15 Geo.6 c.43) | Sections 39 and 40. | 15 |
| Finance Act 1960 (8 & 9 Eliz.2 c.44) | Section 67. | |
| Finance Act 1961 (9 & 10 Eliz.2 c.36) | The whole Act. | 20 |
| Finance Act 1966 (c.18) | Section 12. | |
| Taxes Management Act 1970 (c.9) | Section 47A. Section 57A. Section 62(3). Section 77A. Section 85A. Section 86A. Section 91A. | 25 |
| Finance Act 1974 (c.30) | Section 56. | |
| Finance (No.2) Act 1975 (c.45) | Section 44(5). Section 45(2) to (4). Section 46. Section 74. | 30 |
| Finance Act 1980 (c.48) | Section 104. | |
| Finance Act 1981 (c.35) | Section 134. Schedule 17. | 35 |
| Finance Act 1982 (c.39) | Section 12. Sections 139 to 142. Schedule 19. | |
| Finance Act 1984 (c.43) | Section 3. Section 6. Section 57(1)(a). | 40 |
| Finance Act 1986 (c.41) | Section 74. Section 112. In Schedule 4, in Part 1, paragraphs 1 and 3. | 45 |
| Advance Petroleum Revenue Tax Act 1986 (c.68) | The whole Act. | |
| Finance Act 1988 (c.39) | Section 45. Sections 51 and 52. | |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|--|----|
| Finance Act 1988 (c.39) – <i>cont.</i> | Sections 59 and 60. Section 70. | |
| Finance Act 1989 (c.26) | Section 17. Section 65. Section 81. | 5 |
| Finance Act 1990 (c.29) | Section 93. Section 106. Section 129. | |
| Finance Act 1991 (c.31) | Section 29. | 10 |
| Finance (No.2) Act 1992 (c.48) | Section 7. Section 9. Section 46(5). | |
| Finance Act 1993 (c.34) | Section 14. Section 16. Section 36(2). Section 105(3). | 15 |
| Finance Act 1994 (c.9) | Section 46. Section 136. Section 214(1). Section 216(2). Section 235(4). Section 254. | 20 |
| Finance Act 1996 (c.8) | Section 6(3) and (4). Schedule 1. | 25 |
| Finance Act 1999 (c.16) | Section 6. | |

PART 5

TRADE AND INDUSTRY

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| Refreshment Houses Act 1860 (23 & 24 Vict. c.27) | The whole Act. | 30 |
| Telegraph Act 1863 (26 & 27 Vict. c.112) | The whole Act. | |
| Telegraph Act 1868 (31 & 32 Vict. c.110) | The whole Act. | 35 |
| Telegraph Act 1870 (33 & 34 Vict. c.88) | The whole Act. | |
| Essential Commodities Reserves Act 1938 (1 & 2 Geo.6 c.51) | The whole Act. | 40 |
| Imperial Telegraphs Act 1938 (1 & 2 Geo.6 c.57) | The whole Act. | |
| Restriction of Advertisement (War Risks Insurance) Act 1939 (2 & 3 Geo.6 c.120) | The whole Act. | 45 |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|---|----|
| Cable and Wireless Act 1946 (9 & 10 Geo.6 c.82) | The whole Act. | |
| Statistics of Trade Act 1947 (10 & 11 Geo.6 c.39) | Section 10. | 5 |
| Industrial Organisation and Development Act 1947 (10 & 11 Geo.6 c.40) | Sections 1 to 9. Section 12. Section 14. Section 15(2) to (4). Schedules 1 and 2. | 10 |
| Companies Act 1947 (10 & 11 Geo.6 c.47) | The whole Act. | |
| Trade Descriptions Act 1968 (c.29) | Section 17. | |
| Local Employment Act 1970 (c.7) | The whole Act. | 15 |
| Atomic Energy Authority (Special Constables) Act 1976 (c.23) | The whole Act. | |
| Weights and Measures &c Act 1976 (c.77) | The whole Act. | 20 |
| Dock Work Regulation Act 1976 (c.79) | The whole Act. | |
| Industry Act 1979 (c.32) | The whole Act. | |
| Crown Agents Act 1979 (c.43) | The whole Act. | 25 |
| Insurance Companies Act 1980 (c.25) | The whole Act. | |
| Industry Act 1980 (c.33) | Sections 2 and 2A. Section 4(3). In section 5, subsections (1), (4), (6) to (8). Section 6(3). In section 21, subsections (1) and (2). Schedule 2. | 30 |
| Employment Act 1980 (c.42) | The whole Act. | |
| Supply of Goods and Services Act 1982 (c.29) | Section 20(2). Schedule. | 35 |
| Industrial Development Act 1985 (c.25) | The whole Act. | |
| Wages Act 1986 (c.48) | The whole Act. | |
| Import and Export Control Act 1990 (c.45) | The whole Act. | 40 |
| Agriculture Act 1993 (c.37) | Section 60. | |
| Sunday Trading Act 1994 (c.20) | Section 1(2). Section 4. Section 9(3). Schedule 4. | 45 |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|---|----|
| Sale of Goods (Amendment) Act 1994 (c.32) | The whole Act. | |
| Crown Agents Act 1995 (c.24) | Sections 3 and 4. Sections 8 to 11. | 5 |
| Welsh Development Agency Act 1997 (c.37) | The whole Act. | |
| Competition Act 1998 (c.41) | Section 1. Section 17. Sections 69 and 70. | 10 |
| Enterprise Act 2002 (c.40) | Sections 9 and 10. Sections 207 and 208. Section 247. Section 263. | |
| Consumer Credit Act 2006 (c.14) | Section 15. | 15 |
| Consumers, Estate Agents and Redress Act 2007 (c.17) | Section 25(8). Schedule 2. | |

PART 6

GENERAL REPEALS

20

GROUP 1 - AGRICULTURE

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| Agriculture (Miscellaneous Provisions) Act 1943 (6 & 7 Geo.6 c.16) | The whole Act. | 25 |
| Agriculture (Miscellaneous Provisions) Act 1949 (12,13 & 14 Geo.6 c.37) | The whole Act. | |
| Horticulture Act 1960 (8 & 9 Eliz.2 c.22) | The whole Act. | 30 |
| Agriculture (Miscellaneous Provisions) Act 1963 (c.11) | Section 20. | |
| Farm Land and Rural Development Act 1988 (c.16) | Section 3. | |

GROUP 2 - INTERNATIONAL

35

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|-------------------------|----|
| Mandated and Trust Territories Act 1947 (11 & 12 Geo.6 c.8) | The whole Act. | |
| Foreign Compensation Act 1950 (14 Geo.6 c.12) | The whole Act. | 40 |
| Foreign Compensation Act 1962 (11 & 12 Eliz.2 c.4) | The whole Act. | |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|---|
| Foreign Compensation Act 1969 (c.20) | The whole Act. | |
| Foreign Compensation (Amendment) Act 1993 (c.16) | The whole Act. | 5 |

GROUP 3 - POLICE

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| Constables (Scotland) Act 1875 (38 & 39 Vict. c.47) | The whole Act. | |
| Police Act 1909 (9 Edw.7 c.40) | The whole Act. | 10 |
| Police Pensions Act 1921 (11 & 12 Geo.5 c.31) | The whole Act. | |
| Metropolitan Police (Staff Superannuation and Police Fund) Act 1931 (21 & 22 Geo.5 c.12) | The whole Act. | 15 |
| Police Act 1976 (c.46) | The whole Act. | |
| Police Officers (Central Service) Act 1989 (c.11) | The whole Act. | |

GROUP 4 - SOCIAL SECURITY

20

| <i>Reference</i> | <i>Extent of repeal</i> | |
|--|-------------------------|----|
| National Health Service Act 1966 (c.8) | The whole Act. | |
| Family Allowances and National Insurance Act 1967 (c.90) | The whole Act. | 25 |
| National Insurance Act 1974 (c.14) | The whole Act. | |
| Social Security Benefits Act 1975 (c.11) | The whole Act. | 30 |

GROUP 5 - MISCELLANEOUS REPEALS

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|--|----|
| 52 Hen.3 (1267) (Statute of Marlborough) | In Chapter 4, the first paragraph. Chapter 15. | |
| Married Women's Policies of Assurance (Scotland) Act 1880 (43 & 44 Vict c.26) | Section 1. | 35 |
| Married Women's Property Act 1882 (45 & 46 Vict. c.75) | In section 11, the first paragraph. | |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|---|------------------------------|
| Merchant Shipping Act 1906 (6 Edw.7 c.48) | The whole Act. | |
| Industrial Assurance (Juvenile Societies) Act 1926 (16 & 17 Geo.5 c.35) | The whole Act. | 5 |
| Societies (Miscellaneous Provisions) Act 1940 (3 & 4 Geo.6 c.19) | The whole Act. | |
| Savings Banks Act 1949 (12, 13 & 14 Geo.6 c.13) | The whole Act. | 10 |
| Housing Act 1949 (12, 13 & 14 Geo.6 c.60) | The whole Act. | |
| Law Reform (Miscellaneous Provisions) Act 1949 (12, 13 & 14 Geo.6 c.100) | The whole Act. | 15 |
| Exchequer and Audit Departments Act 1950 (14 & 15 Geo.6 c.3) | The whole Act. | |
| Public Works Loans Act 1952 (1 & 2 Eliz.2 c.3) | The whole Act. | 20 |
| Rent Act 1957 (5 & 6 Eliz.2 c.25) | The whole Act. | |
| Landlord and Tenant (Temporary Provisions) Act 1958 (6 & 7 Eliz.2 c.68) | The whole Act. | 25 |
| Ministers of the Crown (Parliamentary Secretaries) Act 1960 (9 & 10 Eliz.2 c.6) | The whole Act. | |
| Housing Act 1964 (c.56) | The whole Act. | |
| Fishing Vessels (Safety Provisions) Act 1970 (c.27) | The whole Act. | 30 |
| Mr Speaker King’s Retirement Act 1971 (c.13) | The whole Act. | |
| Friendly Societies Act 1971 (c.66) | The whole Act. | 35 |
| Friendly Societies Act 1974 (c.46) | Section 107(3). Schedule 7. | |
| International Road Haulage Permits Act 1975 (c.46) | The whole Act. | |
| Guard Dogs Act 1975 (c.50) | Sections 2 to 4. In section 5(1), the words “or 2”. In section 5(2)(a), the words “or any prescribed fee” and from “or of any regulations” to “of this Act”. Section 6. In section 7, the entries for “guard dog kennels”, “local authority”, “prescribed” and “regulations”. | 40 45 |

| <i>Reference</i> | <i>Extent of repeal</i> | |
|---|---|----|
| Guard Dogs Act 1975 (c.50) – <i>cont.</i> | Section 8(2). | |
| Public Health Laboratory Service Act 1979 (c.23) | The whole Act. | 5 |
| Education (Amendment) Act 1986 (c.1) | The whole Act. | |
| Safety at Sea Act 1986 (c.23) | The whole Act. | |
| Parliamentary and other Pensions Act 1987 (c.45) | Section 4. | 10 |
| Sea Fish (Conservation) Act 1992 (c.60) | Section 10. | |
| Land Drainage Act 1994 (c.25) | The whole Act. | |
| Merchant Shipping Act 1995 (c.21) | Section 171. Section 182. Schedule 4. | 15 |
| Audit (Miscellaneous Provisions) Act 1996 (c.10) | The whole Act. | |
| Sea Fisheries (Shellfish) (Amendment) Act 1997 (c.3) | The whole Act. | 20 |
| Referendums (Scotland and Wales) Act 1997 (c.61) | The whole Act. | |
| Greater London Authority (Referendum) Act 1998 (c.3) | The whole Act. | |

SCHEDULE 2 Section [ref] 25

SAVINGS

Metropolitan Police Act 1829 (c.44)

- 1 The repeal by this Act of section 4 of the Metropolitan Police (Staff Superannuation and Police Fund) Act 1931 (provision as to bank accounts of Receiver for the Metropolitan Police District) does not affect the amendments made by that section to section 10 of the Metropolitan Police Act 1829. 30

Horticultural Produce (Sales on Commission) Act 1926 (c.39)

- 2 The repeal by this Act of section 20 of the Horticulture Act 1960 does not affect the amendment made by that section to section 2 of the Horticultural Produce (Sales on Commission) Act 1926 (inspection of books, etc) 35

Foreign Compensation Act 1950 (c.12)

- 3 The repeal by this Act of the Foreign Compensation Act 1950 does not affect any provision made by Order in Council under section 7 of that Act (administrative and financial provisions) with respect to the payment of 40

pensions or other benefits to officers or servants of the Foreign Compensation Commission or with respect to the winding up of the Foreign Compensation Commission.

Landlord and Tenant Act 1954 (c.56)

- 4 The repeal by this Act of the Schedule to the Local Employment Act 1970 does not affect the amendments made by that Schedule to section 60 of the Landlord and Tenant Act 1954 (special provisions as to certain premises where the Secretary of State or the English Industrial Estates Corporation is the landlord). 5

Public Records Act 1958 (c.51) 10

- 5 The repeal by this Act of the Crown Agents Act 1979 does not affect the amendments made by Part 1 of Schedule 6 to that Act to Schedule 1 to the Public Records Act 1958 (definition of public records).

Police Act 1976 (c.46)

- 6 The repeal by this Act of the Schedule to the Police Act 1976 (The Police Complaints Board) does not affect the provisions in that Schedule for the payment of pensions or gratuities to or in respect of members of that Board. 15

Civic Government (Scotland) Act 1982 (c.45)

- 7 The repeal by this Act of section 2 of the Entertainments (Increased Penalties) Act 1990 (increase of penalties: Scotland) does not affect the amendments made by that section to section 7 of the Civic Government (Scotland) Act 1982. 20

Criminal Justice (International Co-operation) Act 1990 (c.5)

- 8 The repeal by this Act of section 14(3) of the Proceeds of Crime Act 1995 does not affect the amendment made by that subsection to section 9 of the Criminal Justice (International Co-operation) Act 1990 (enforcement of overseas forfeiture orders). 25

Land Drainage Act 1991 (c.59)

- 9 The repeal by this Act of section 1 of the Land Drainage Act 1994 does not affect the amendment made by that section inserting Part 4A of the Land Drainage Act 1991 (duties with respect to the environment and recreation). 30

APPENDIX 2

EXPLANATORY NOTE ON THE DRAFT BILL

CLAUSES 1 – 3

Clause 1

- 1 Clause 1 repeals the enactments contained in Schedule 1 and introduces the savings in Schedule 2.

Clause 2

- 2 Subsection (1) has the effect of extending the Bill to all parts of the United Kingdom (ie England and Wales, Scotland and Northern Ireland). This means that the repeal of any enactment by the Bill is effective in each part of the UK to which the enactment itself extends.
- 3 Subsection (2) provides power by Order in Council to extend the Bill's effect to the Channel Islands, the Isle of Man and any British overseas territory. The Bill itself is limited to the United Kingdom by virtue of subsection (1), so if any enactment repealed extends to any of those territories it will be possible by Order in Council to ensure that the repeal extends there too.

Clause 3

- 4 Clause 3 provides for the short title and commencement. The Bill will come into force upon Royal Assent.

SCHEDULES 1 AND 2 TO THE DRAFT BILL

- 5 The following pages explain the repeals contained in *Schedule 1* and the savings contained in *Schedule 2*.

EXPLANATORY NOTE ON THE DRAFT BILL

SCHEDULE 1: REPEALS

BRITISH INDIA

INTRODUCTION

- 1.1 This part of the report proposes the repeal of 24 obsolete Acts relating to British India. Most of the Acts enabled companies in the Victorian era to be established and to operate various commercial undertakings in, or in connection with, British India.¹
- 1.2 These repeal proposals represent the third phase of the Law Commission's endeavour to review statute law relating to the Indian subcontinent which remains on the UK statute book after India, Pakistan (and later Bangladesh), Ceylon (subsequently Sri Lanka) and Burma (Myanmar) achieved independence and sovereign status.²
- 1.3 The first phase of the project tackled the last remaining statutes relating to the former East India Company. A dozen such Acts were repealed by the *Statute Law (Repeals) Act 2008 (c.12)*. The second phase of the project centred on the Indian railway system. Some 38 railway Acts were repealed by the *Statute Law (Repeals) Bill 2013*.
- 1.4 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

GROUP 1 – ANGLO-INDIAN BANK COMPANIES

Agra and Masterman's Bank

- 1.5 The Agra and Masterman's Bank ("the Bank") was the product of an 1864 amalgamation between the former Agra and United Service Bank (which had been incorporated in 1857)³ and the London-based banking partnership of Masterman, Peters, Mildred and Company. The former took over the latter in order to achieve beneficial membership of the London Clearing House.⁴

¹ The expression "British India" meant all territories and places within Her Majesty's dominions which were governed by the Queen through the governor-general of India, and excluded those territories which were then ruled by any native prince or chief under the suzerainty of the Queen exercised through the governor-general: see definitions in the Interpretation Act 1889 (c.63), s 18 (which Act is now repealed and superseded).

² Independence was granted to India (and Pakistan was formed as a separate Dominion) by the India Independence Act 1947 (c.30).

³ The Agra and United Service Bank Ltd. had been established by deed of settlement in January 1857 and incorporated by royal charter in May 1857: see preamble to the Act 28 & 29 Vict. c.xcii (1865), discussed below. Agra was the former capital of Hindustan (on the river Yamuna), now situated in Uttar Pradesh in India, some 200 km south of New Delhi.

⁴ See Sally Miller, *Studies in the Economic History of the Pacific Rim* (1998, Routledge), p 136.

Agra and Masterman's Bank (Limited) Act 1865

- 1.6 The purpose of this 1865 Act⁵ was to enable the Bank to restructure its share capital. For example, it authorised the company to divide each of its original £100 shares into two £50 shares and issue appropriate replacement share certificates.⁶
- 1.7 The 1860s, however, were a period of economic turbulence in Britain. Bank failure became endemic. The Bank had deposited reserves with Overend, Gurney and Company, who specialised in investment and discounting bills of exchange. Overend Gurney overstretched itself and in 1866 collapsed after trying to reconstitute itself.⁷ As a result the Bank itself ceased to be viable and the process of its formal winding-up began,⁸ a process that was completed only in 1902 when the Bank was gradually dissolved. By that stage the Bank's shares had long ceased to have any residual value with the result that the 1865 Act had become obsolete.

Mercantile Bank of India

- 1.8 The Mercantile Bank of Bombay ("the Bank") was formed in November 1853, and in 1857 was granted a royal charter.⁹ By 1858 the Bank had established offices not only in India but also in Shanghai and Hong Kong, with its head office in London. It was renamed the Mercantile Bank of India, London and China.¹⁰ Financial difficulties caused the Bank to lose its charter status in 1893. In anticipation of that loss, in December 1892 the Bank became incorporated under the Companies Acts 1862-90 as a company limited by shares. It was renamed the Mercantile Bank of India Limited.

Mercantile Bank of India (Limited) Act 1893

- 1.9 The purpose of the 1893 Act¹¹ was to resolve any doubt that the Bank was able to issue shares expressed in rupees or dollars as well as in pounds sterling. Accordingly the Act permitted the Bank to create "silver capital", expressed in rupees or dollars, in substitution for an equivalent amount of unissued capital. The capital was to be divided into shares and would carry "such rights privileges qualifications and conditions" as the company determined.

⁵ 28 & 29 Vict. c.xcii.

⁶ The 1865 Act, ss 2, 3.

⁷ See John Marriott, *Beyond the Tower: A History of East London* (2011).

⁸ In 1867 the Bank transferred part of its undertaking to a new company, the Agra Bank Ltd. By 1901, however, this new company was in liquidation.

⁹ In 1854 the bank's head office was in Bombay, and a branch office had opened in Madras. Between 1854 and 1923 the Madras branch occupied four different sets of offices, concluding with its own Mercantile Bank Buildings (at First Line Beach): see Madras Tercentenary Celebration Committee, *The Madras Tercentenary Commemoration Volume* (1939).

¹⁰ See *Mercantile Bank of India, London and China* – eNotes.com Reference at [http://www.enotes.com/topic/Mercantile Bank of India, London and China](http://www.enotes.com/topic/Mercantile%20Bank%20of%20India,%20London%20and%20China) .

¹¹ 56 & 57 Vict. c.xxi.

- 1.10 The Second World War impacted adversely on the Bank's Far East operations. In 1959 the Bank (which had then become simply Mercantile Bank Ltd) was acquired by the Hongkong and Shanghai Banking Corporation (HSBC). The Bank lost its separate identity as a result of this merger and its former property and interests were subsequently disposed of. The 1893 Act has accordingly long been obsolete.

GROUP 2 – ANGLO-INDIAN TELEGRAPH COMPANIES

European and Indian Junction Telegraph Company

- 1.11 The European and Indian Telegraph Company - which had a nominal capital of £200,000¹² - promoted what was to become the *European and Indian Junction Telegraph Act 1857*¹³ so that it could be formally incorporated, and act in the stead of the original company. The Company's purpose was identified as laying down and using wires for telegraphic communication between the continent of Europe and British India, "commencing at or near the port of Seleucia on the coast of Syria, and terminating at Bussorah, or some other point at the head of the Persian Gulf".¹⁴ The undertaking was described as "one of great public and national importance".¹⁵ The 1857 Act provided for the Company to have the necessary powers.
- 1.12 In September 1857, however, the Ottoman government rejected the Company's application for a concession to run cables through its territory (principally on the ground that the enterprise was British government-owned). Instead, the Ottoman government decided to construct its own telegraph link from Constantinople to the Persian Gulf *via* Scutari (now Uskudar), Mosul and Bussorah (now Basra).¹⁶ This spelt the end of the Company and its aspirations. The dissolution of the Company shortly afterwards means that the 1857 Act has long been obsolete.

¹² The capital was divided into 20,000 £10 shares.

¹³ 20 & 21 Vict. c.xc.

¹⁴ Preamble to the 1857 Act.

¹⁵ Preamble to the 1857 Act. By section 20 of the Act the successor company's principal office was to be located in London. Any public notice which had to be given under the Act was to be placed in a daily newspaper published in London or Middlesex: the 1857 Act, s 45.

¹⁶ See Steven Roberts, *A History of the Telegraph Companies in Britain between 1838 and 1868*, ch 13 (accessed at <http://distantwriting.co.uk/companiesandforeigntraffic.html> on 2 July 2012).

Red Sea and India Telegraph Company

- 1.13 The Red Sea and India Telegraph Company Ltd was formed as a joint stock company in July 1858 with the object of establishing a telegraphic communication link between England and India by the Red Sea. In November 1858 the Company entered into an agreement with the Treasury whereby the Company undertook to lay an electric telegraph line from Alexandria to Kurrachee, via the Red Sea and Aden. In order that the project could be expedited the Company needed to be incorporated and to acquire additional powers. The *Red Sea and India Telegraph Act 1859*¹⁷ provided for the Company to be incorporated as The Red Sea and India Telegraph Company and to be given the necessary additional powers.
- 1.14 Technical problems, however, meant that the cable laid was unable to transmit telegraphs from Karachi (or Bombay) to Suez.¹⁸ In 1862, because of continuing transmission problems, the Treasury entered into an agreement with the Red Sea company and a new company, the Telegraph to India Company Ltd, under which the Red Sea company would transfer all its assets to the new company.¹⁹
- 1.15 The enterprise was not a success (the submarine cables were found to be irreparable) and it was soon abandoned by government.²⁰ Direct communication to India had to await the Persian Gulf cable installation in 1864.²¹ The Red Sea Company became redundant when its assets were transferred in 1862 to the Telegraph to India Company Ltd. The 1859 Act became obsolete at that point.

India Rubber, Gutta Percha and Telegraph Works Company

- 1.16 The Gutta Percha company had been formed in March 1864, initially as Silver's India Rubber Works and Telegraph Cable Company Limited (a joint stock company). It had taken over the business and assets of the former firm Silver & Co (run by Messrs S.W. and H.A. Silver). The firm had premises in Silvertown, manufacturing products made from India rubber, various gums and ebonite. By special resolution, in July 1864, the new company changed its name to the India Rubber Gutta Percha and Telegraph Works Company Ltd.²²

¹⁷ 22 & 23 Vict. c.iv. "India" in the context of the Act was to mean "the territories vested in Her Majesty by the Act 21 and 22 Victoria, chapter 106 [Government of India Act 1858]", and the Act was to apply to the company in India as well as in England (together with the Companies Clauses Consolidation Act 1845): the 1859 Act, ss 2, 3.

¹⁸ See Daniel R. Headrick, *The Invisible Weapon: Telecommunications and International Politics, 1851-1945* (Oxford UP, 1991), at pp 19, 20.

¹⁹ See 25 & 26 Vict. c.39 (1862). The heads of agreement were referred to in the preamble to the Act and were recited in the Schedule.

²⁰ The portion of line overland from Alexandria to Suez did function.

²¹ See *History of the Atlantic Cable and Undersea Communications (1859 Suez-Aden-Karachi Cable)* at <http://atlantic-cable.com/Cables/1859SuezKarachi/index.htm>. See also the detailed work by Steven Roberts, *Distant Writing: A history of the telegraph companies in Britain between 1838 and 1868* at ch 13 (The Companies Abroad), available at <http://distantwriting.co.uk/companiesandforeigntraffic.html>. Communication means of a different sort also made progress during the decade: in November 1869 the Suez Canal opened for maritime traffic.

²² See preamble to 47 & 48 Vict. c.ci (1884).

- 1.17 In 1884 the Gutta Percha company wished to extend its objects beyond those originally defined,²³ but “doubts [had] arisen as to the competency of the company to adopt such additional objects without the authority of parliament”.²⁴ Those doubts were resolved by the *India Rubber, Gutta Percha and Telegraph Works Company (Limited) Act 1884*.²⁵
- 1.18 By 1903 further clarification of the company’s objects was needed in relation to the holding of shares in other companies (which had become a customary means by which goods and work were paid for), and the acquisition of real property (land) “in several of the colonies of the United Kingdom and elsewhere abroad” where the company carried on business.²⁶ Parliamentary authority was again required in order to alter the company’s memorandum of association. This was effected by the *India Rubber, Gutta Percha and Telegraph Works Company (Limited) Act 1903*.²⁷
- 1.19 Until about 1927 the Company excelled in the production of submarine cable and marine equipment,²⁸ but from 1927 onwards it started to experience financial difficulties. In 1933 the British Goodrich Rubber Company bought a controlling interest in the Company and, by 1934, control of both companies had passed to the British Tyre and Rubber Company (later BTR). In 1955 the Company - now a wholly-owned subsidiary of its parent organisation - was renamed the Silvertown Rubber Company.
- 1.20 In 1965, following a corporate reorganisation, and the cessation of rubber tyre manufacture, BTR sold the Silvertown works (the site of which was later redeveloped as the Thameside industrial estate).²⁹ The Gutta Percha company as an entity became moribund, and the 1884 and 1903 Acts became obsolete.

²³ The various specific objects of the Company (some five) were set out in clause 3 of the 1864 memorandum of association: see preamble to 47 & 48 Vict. c.ci (1884), which recites the objects verbatim.

²⁴ Preamble to 47 & 48 Vict. c.ci (1884).

²⁵ 47 & 48 Vict. c.ci.

²⁶ See preamble to 3 Edw.7 c.xxvi (1903).

²⁷ 3 Edw.7 c.xxvi.

²⁸ See, for example, article in *The Telegraphist* 1 April 1887 which describes the Company’s operations, its four steam ships (used for international cable laying), and its range of telegraph instruments and apparatus manufactured for various governments (at <http://atlantic-cable.com/CableCos/Silvertown/index.htm>).

²⁹ See *Grace’s Guide* at http://www.gracesguide.co.uk/India_Rubber,_Gutta_Percha_and_Telegraph_Works_Co.

GROUP 3 – ASSAM COMPANIES

Assam Company

- 1.21 The East India Company lost its monopoly on the Chinese tea trade in 1833. The British government therefore turned its attention to tea planting in India, and in 1834 the governor general of India established a tea committee to investigate the most promising areas for tea cultivation. In the following years the government established several experimental tea plantations in Assam, and in 1838 the first shipment of Assam tea was sent to London, where it was enthusiastically received.³⁰
- 1.22 A group of merchants from London and Calcutta formed the Assam Company in February 1839, and applied to the government for the transfer of its tea plantations.³¹ In late 1839, the governor general made over two-thirds of the government's tea plantations and labourers to the merchants, and disbanded the tea committee.³²

Assam Company's Act 1865

- 1.23 The Assam Company had expended large sums out of both capital and revenue on its Assam estates. In order to expand its operations and raise capital it required powers beyond those in its original deeds of settlement. The solution was to be reincorporated by parliamentary Act. Accordingly the *Assam Company's Act 1865*³³ incorporated the Assam Company under the name "The Assam Company" and gave it the powers that it required.

Assam Company's (Reduction of Capital) Act 1876

- 1.24 By 1876 The Assam Company needed to restructure its share capital. Such a change required parliamentary authority. Accordingly the *Assam Company's (Reduction of Capital) Act 1876*³⁴ provided for this restructuring and reduced the Company's nominal share capital.

³⁰ Taknet, *The Heritage of Indian Tea* (2002) excerpted at <http://www.teauktion.com/home/heritage.asp>.

³¹ Assam Company: Heritage, <http://www.assamco.com/heritage.html>.

³² Kling, *Partner in Empire: Dwarkanath Tagore and the Age of Enterprise in Eastern India* (1976) p 150.

³³ 28 & 29 Vict. c.cxxix. Section 1 gave the Act its short title "for all purposes". By section 2 the 1865 Act was to come into force two months after the governor general of India's legislative council had passed an Act repealing the 1855 Indian Act. And by section 40 no provisions in the 1865 Act were to take effect where they were repugnant to the laws in force in India.

³⁴ 39 & 40 Vict. c.xx. The substance of the Act was very short, embracing only six sections. Section 1 gave the 1876 Act its short title, and provided that the previous 1865 Act and the 1876 Act could be cited together as "The Assam Company's Acts, 1865 and 1876" (and by section 3 the two Acts were to be construed as one Act). Section 2 provided for interpretation of terms, so that reference to the company would mean the Assam Company as incorporated by the 1865 Act. Section 6 provided that the costs of obtaining the Act were to be borne by the company.

Assam Company's Act 1888

- 1.25 By 1888 the Company envisaged acquiring further lands in Assam with a view to "consolidating their estates in India".³⁵ To this end it needed to be able to borrow £30,000 on mortgage and make further restructuring changes to its share capital. However, the company had no borrowing powers, and further adjustment of its share capital required parliamentary authority. Accordingly the Assam Company's Act 1888³⁶ provided the necessary powers, including power to borrow up to £30,000.
- 1.26 The Company was further restructured in the 1920s. In 1924 it was re-constituted as the new Assam Company Limited. The new Assam Company continued to trade throughout the Second World War and after India achieved independence in 1947.³⁷ On 23 May 1980 a notice was published in the *London Gazette* that the old Assam Company's name had been struck off the Register.³⁸ The company was therefore dissolved on that date, in accordance with section 353(5) of the Companies Act 1948. As a consequence, the three Acts relating to the original Assam Company - 1865, 1876 and 1888 - have now become spent and can be repealed.

Upper Assam Tea Company

- 1.27 During the 1850s there was a boom in Assam tea consumption. The Assam Company lost its monopoly as dozens of rival tea companies established plantations in the area. One such new enterprise was the Upper Assam Tea Company which was incorporated in 1862.³⁹ By the 1890s the Company wished to make changes to its capital restructuring. This required legislation, resulting in the *Upper Assam Tea Company's Act 1898*.⁴⁰

³⁵ Preamble to 51 & 52 Vict. c.vii (1888).

³⁶ 51 & 52 Vict. c.vii. Section 1 provided for the short title of the Act and for citation of the three Acts of 1865, 1876 and 1888. Section 2 provided for interpretation of various terms and, in particular, that reference to "the company" meant the Assam Company incorporated under the 1865 Act.

³⁷ In 1977 the Assam Company's Indian undertakings were amalgamated with those of five other tea companies to form the Assam Company (India) Limited. Shares in the new company were issued to the public in 1979. On 4 December 1989, it was renamed the Assam Company Limited. Now part of the Duncan Macneill Group, it currently owns 15 tea estates, and has also diversified into oil and natural gas production.

³⁸ *London Gazette*, 23 May 1980, p 7516.

³⁹ Taknet, *The Heritage of Indian Tea* (2002), excerpted at <http://www.teauction.com/home/heritage.asp>.

⁴⁰ 61 & 62 Vict. c.xiv.

- 1.28 The Upper Assam Tea Company has ceased to exist as an entity. In 1977 it was amalgamated with five other tea companies to form the Assam Company (India) Limited,⁴¹ and in December 1989 it was renamed the Assam Company Limited (today part of the Duncan Macneill Group). On 10 July 1980 a notice was published in the *London Gazette* that the Upper Assam Tea Company's name had been struck off the Register.⁴² The company was therefore dissolved on that date, in accordance with section 353(5) of the Companies Act 1948. Accordingly the 1898 Act relating to the original Upper Assam Tea Company has become obsolete.

GROUP 4 – INDIA OFFICE

Background

- 1.29 From 1786 onwards the East India Company (originally a trading entity) ruled British India on behalf of the Crown.⁴³ But by 1813 the company had lost much of its trading monopoly⁴⁴ and in 1858, following the Sepoy Rebellion of 1857, the Crown assumed direct governance of India, leaving the company with a much reduced purpose until its dissolution in 1874.
- 1.30 The India Office was formed in 1858 (under the new Secretary of State for India). The East India Company's offices in Leadenhall Street in the City of London (East India House) were deemed too small and too remote from Whitehall to accommodate the new India Office on a permanent basis. As a consequence a building for the India Office was included in the already extant plans for a new Foreign Office building.⁴⁵
- 1.31 The Foreign and India Offices were built in the period 1861 to 1868. The India Office moved in September 1861 from East India House (which was then demolished) to the Westminster Hotel. Building work on the India Office started in September 1863 (followed by work on the Foreign Office), and work on both Offices was completed by June 1868.⁴⁶ The India Office then relocated to its new premises.⁴⁷

⁴¹ The Economic Times: Assam Company (India) Ltd. Company Information.

⁴² *London Gazette*, 10 July 1980, p 9833.

⁴³ See the East India Company Act 1786 (26 Geo.3 c.16), repealed in 1793. The East India Company had been formed in 1600.

⁴⁴ See the East India Trade Act 1813 (54 Geo.3 c.34), repealed in 1823.

⁴⁵ *The Foreign and Commonwealth Office: History*, available at <http://www.fco.gov.uk/resources/en/pdf/4103709/fco-history.pdf>. The principal architect responsible for the India Office's interiors and part of its exterior was M. Digby Wyatt, appointed in 1859.

⁴⁶ See Anthony Seldon, *The Foreign Office* (Harper Collins, 2000), pp 48-54, 79-86 (the book contains some fine illustrations of the exterior and interior of the Foreign Office and the India Office, including Durbar Court in the latter).

⁴⁷ The separate Colonial Office was subsequently added to the complex, along with the Home Office (built 1870-75), thus completing the central quadrangle.

- 1.32 The India Office building adjoined that of the Foreign Office, situated on the south-western corner of the site, facing across St James's Park and fronting on to King Charles Street, off Whitehall.⁴⁸ With Indian independence in 1947 the India Office ceased to have a role.⁴⁹ The building was taken over by the Foreign Office, providing accommodation for the German Department in the former India Office council chamber.⁵⁰ Today the whole complex is occupied by the Foreign Office and the building has listed status. Renovation of the old India Office building was completed in 1987.
- 1.33 The formalities for acquisition of the site for the India Office building in 1864 and 1865, and the later sale of superfluous land in 1881, gave rise to three pieces of legislation.

India Office Act 1864

- 1.34 By a series of five Acts, spanning the years 1855 to 1862, Parliament authorised the acquisition of parcels of land for the extension of public offices in Downing Street. By 1864 the land had been purchased by, and was vested in, the Commissioners of Her Majesty's Works and Public Buildings.⁵¹ The Secretary of State in Council of India had already contributed a proportion of the acquisition moneys (some £33,220 17s 7d) with a view to building new accommodation for the India Office on part of the combined site.⁵²
- 1.35 In 1864 the Secretary of State in Council of India wished to complete the purchase of a specific site within the landholding so that his department's offices could be built. The purchase value was put at £86,765 17s 4d, leaving the balance of £53,544 19s 9d to be paid to the Commissioners.⁵³ In order that the balance could be paid, and the relevant land transferred for the service of the government of India, Parliamentary authority was required. The 1864 Act⁵⁴ accordingly provided that, upon payment of the balance of the purchase price, the relevant site was to be transferred for the service of the government of India.

⁴⁸ The separate Colonial Office was subsequently added to the complex, along with the Home Office (built 1870-75), thus completing the central quadrangle.

⁴⁹ See Indian Independence Act 1947 (10 & 11 Geo.6 c.30). It is implicit in section 14(1) of that Act that the Secretary of State for India (together with his department) ceased to exist, and that his ancillary functions were transferred to another secretary of state or a minister.

⁵⁰ *FCO: India Office Council Chamber*, <http://www.fco.gov.uk/en/about-us/our-history/our-buildings/buildings-in-uk/king-charles-street/india-office>.

⁵¹ See preamble to 27 & 28 Vict. c.51 (1864). The five public offices extension Acts were: 18 & 19 Vict. c.95 (1855), 22 Vict. c.19 (1859), 24 & 25 Vict. cc.33 & 88 (1861), and 25 & 26 Vict. c.74 (1862).

⁵² In or just before 1862 the former State Paper Office was demolished to make way for a portion of the new India Office.

⁵³ Preamble to 27 & 28 Vict. c.51.

⁵⁴ 27 & 28 Vict. c.51 (1864). The Act did not carry a short title. The Act does not appear on the statute law database. The Queen's Printers' copy carries the heading "India Office". In the *Chronological Table of the Statutes 1235-2010 Pt 1* the 1864 Act is referred to as the "Westminster Offices Act" (unrepealed).

India Office Site and Approaches Act 1865

- 1.36 After the 1864 Act had been passed the Secretary of State found that further land was required for the India Office development. Acquisition of certain houses, buildings, and lands in the parish of St. Margaret, Westminster required additional parliamentary authority. The 1865 Act⁵⁵ accordingly empowered the Secretary of State to acquire the relevant site for use as his offices. The Act included power to acquire property compulsorily and to demolish existing buildings on the site.

India Office (Sale of Superfluous Land) Act 1881

- 1.37 By 1881, some 13 years after the new India Office had opened, a portion of the land acquired under the 1865 Act (to the south of Charles Street)⁵⁶ was found to be surplus to requirements. Accordingly the Secretary of State in Council of India agreed to sell the land on to the Commissioners of HM Works and Public Buildings for £68,600, but formal transfer required specific parliamentary authorisation. The 1881 Act⁵⁷ provided accordingly for the execution of this transfer of land.

- 1.38 The purpose underpinning the three Acts was to acquire land to build a new India Office for the Secretary of State in Council, and to dispose of a parcel of land which had ceased to be needed for the project. The India Office building was completed and occupied in 1868. It ceased to have a function when the India Office was abolished in 1947. At that juncture the role of Secretary of State in Council of India ceased, and the premises occupied by the India Office passed to the adjoining Foreign Office. The three Acts have long ceased to serve any useful purpose and may accordingly be treated as obsolete.

GROUP 5 – MADRAS AND EAST INDIA IRRIGATION AND CANAL COMPANIES

Background

- 1.39 Canal-building within the Indian subcontinent started in 1817, under British colonial administration, and continued thereafter. Its main purpose was to facilitate irrigation and conversion of wasteland for agricultural use. The revenue-earning from such land would be enhanced, and the incidence of famine caused by drought reduced. From 1849 onwards, when the Sikh army was disbanded, thousands of former soldiers lost productive employment and turned to anti-social behaviour and criminal activity. Redeployment on canal construction, and subsequent resettlement, provided a partial solution.⁵⁸

⁵⁵ 28 & 29 Vict. c.32.

⁵⁶ Now King Charles Street, London SW1.

⁵⁷ 44 & 45 Vict. c.7 (1881).

⁵⁸ See M. Jurriens, P.P. Mollinga and P. Wester *Protective Irrigation in India and Pakistan* (1996, Wageningen Agricultural University), chap 2.1, p 3.

- 1.40 The cost of irrigation construction was so substantial that the British government decided initially that it should be carried out by private enterprise. In 1857 the Madras Irrigation and Canal Company was formed. It was empowered to raise capital of £2 million, and started constructing schemes in 1863.⁵⁹ It operated until 1882 when it was bought out by the British government. The company then ceased to exist.⁶⁰
- 1.41 A second company - the East India Irrigation Company - was formed in 1860 to undertake development of the Mahanadi delta in Orissa (covering some 1.5 million acres of land), where works of irrigation and navigation were to be linked by canal to Calcutta (today Kolkata). This irrigation company had similar capital-raising powers, and also started construction work in 1863. However, by 1867 the Orissa project was suffering financial failure. In 1869 the government bought out the company. From 1866 onwards, government had decided that future canal irrigation projects should be run directly by the state, financed not from general revenues but through loans taken out by the government of India.⁶¹
- 1.42 The following paragraphs identify a number of obsolete Acts which related to these two companies and which are still on the United Kingdom statute book.

The Madras Irrigation and Canal Company

- 1.43 The Madras Irrigation and Canal Company had been incorporated for the purpose of undertaking works of irrigation and creation of navigable canals, with a view to improving both water supply and transportation within the Madras presidency and neighbouring territories.⁶² In order to undertake the necessary works, either on its own or in conjunction with the East India Company or the "supreme or other local governments of India", the irrigation company needed further incorporation and additional statutory powers.⁶³
- 1.44 The *Madras Irrigation and Canal Act 1858*⁶⁴ accordingly provided the Company with new powers to raise capital and enter into contracts. The first project carried out by the Company comprised a scheme of works consisting of a main irrigating canal and storage reservoirs, known as the Toombuddra project. The canal was divided into three portions: the Bellary section (Wallavapoor to Soonkasala), the Soonkasala to Cuddapah section, and the Nellore section (Cuddapah to Kistnapatam).

⁵⁹ The contract between the Secretary of State and the irrigation company - under which the government would take a share of the net profits and, in exchange, would provide all the requisite land - was executed in June 1863. Estimates for the selected scheme, involving excavation of a canal from the river Tungabhadra at Kurnool through to Cuddapah (today Kadapa), had been approved in 1860: see Dharma Kumar, Tapan Raychaudhuri, Irfan Habib and Meghnad Desai, *The Cambridge Economic History of India* (Cambridge UP, 1983), vol 2 c.1757-c.1970, at p 694.

⁶⁰ See Jurriens, Mollinga and Wester (above) at p 4, n 2.

⁶¹ Jurriens, Mollinga and Wester (above) at p 4, n 2.

⁶² Today the city of Madras is called Chennai. The neighbouring territories were: Berar, Mysore, Nagpore (now Nagpur), Orissa and South Mahratta: see preamble to 21 & 22 Vict. c.viii (1858).

⁶³ See preamble to 21 & 22 Vict. c.viii (1858).

⁶⁴ 21 & 22 Vict. c.viii.

- 1.45 By 1863 the Company had raised £1 million in capital, and had entered into a formal agreement with the Secretary of State in Council of India⁶⁵ whereby the Company undertook to execute water supply works for irrigation and navigation purposes. The estimated cost of the works exceeded the amount of capital thus far raised. Although the Company had power to raise additional capital, it lacked the ability to hold the moneys separately for different undertakings. Accordingly the *Madras Irrigation and Canal (Accounts) Act 1863*⁶⁶ was passed to give the necessary authority.
- 1.46 By 1866 the Company needed a supplementary arrangement with the Secretary of State whereby it could draw down additional moneys (up to £600,000) from the India Office and the government of Madras, secured by debenture, for the Toombuddra project. The contemplated arrangement was to be time-limited to five years, at which point the Company would either repay the loan, having completed the project “in perfect working order”, or, having failed to complete the project, would convey the canal and works to the Secretary of State.⁶⁷ Accordingly the *Madras Irrigation and Canal Act 1866*⁶⁸ was passed to give effect to this arrangement.
- 1.47 By 1871 the £600,000 advance had become repayable but the company had no means of raising the sum required except by additional borrowing. However, in consequence of doubts which had arisen as to the extent of borrowing powers under the 1866 Act, additional legislation was required. The *Madras Irrigation and Canal Act 1872*⁶⁹ was passed as a result.
- 1.48 The Company continued to operate its irrigation and canal works pursuant to the Acts of 1858, 1863, 1866 and 1872 until 1882 when it was bought out by the British government. The Company then ceased to operate and became defunct. As a result all four Acts became obsolete.

⁶⁵ By indenture dated 3 June 1863, comprising a preamble and 40 clauses.

⁶⁶ 26 & 27 Vict. c.clxxxi.

⁶⁷ See preamble to 29 & 30 Vict. c.cccii (1866). The arrangement was to run from 1 July 1866 (and was not to affect the original contract of June 1863). If the project were transferred to the government at the end of five years the government would pay the Company, in India Government 5% stock, the value of the capital expended on the works. On that occurring, the Company would be absolved from all existing liabilities.

⁶⁸ 29 & 30 Vict. c.cccii. The short title to the Act was given by section 1, and section 2 provided that all three Madras Irrigation and Canal Acts were to be construed as one. The Act’s purpose was to facilitate carrying into effect the contemplated “supplementary arrangement” (section 3) but, notwithstanding the Act, the Secretary of State in Council was under no binding obligation to enter into the proposed arrangement: section 8.

⁶⁹ 35 & 36 Vict. c.lxi.

The East India Irrigation and Canal Company

- 1.49 The East India Irrigation and Canal Company was formed in August 1860. Its purpose was to facilitate the construction and operation of works for irrigation, combined with navigable canals, and to afford water supply and transport facilities, in the dominions of the East Indies and, more particularly, in the province of Orissa.⁷⁰
- 1.50 In order to carry into effect these various works the Company required statutory incorporation. The *East India Irrigation and Canal Act 1861*⁷¹ accordingly incorporated the Company and provided it with powers to carry out construction works and raise the necessary capital.
- 1.51 In November 1861 the Company entered into a contract with the Secretary of State in Council to carry out the various works of irrigation and canal construction described in the 1861 Act, having secured the assent of the “supreme government” in India. The “supreme government” had undertaken to co-operate and assist the company in its project.⁷² By 1866 the Company had commenced the project works and had spent on it some £550,000 or more. At this stage the Company felt that its contract in Orissa should be operated as a separate undertaking. This meant that the capital raised so far would be treated as capital relating to the undertaking. The Company needed to raise a further £320,000 by borrowing on mortgage, specifically secured on the Orissa undertaking. This would involve cancellation of the initial share issue and reissue in the name of the undertaking. All of this was provided for by the *East India Irrigation and Canal Act 1866*.⁷³
- 1.52 Between 1866 and 1868 the Company entered into a further agreement with the Secretary of State in Council whereby it agreed to undertake another scheme of works, similar to those in the Orissa project, this time within the province of Behar (now Bihar). The Behar project (known as “the Behar undertaking”) would focus on the river Soane (today the Son), and would embrace territory to Chunar on one side and Patna on the other. However, at the time of the agreement, no capital had been created for this second project.⁷⁴ The Orissa project had started to run into financial difficulties.

⁷⁰ See preamble to 24 & 25 Vict. c.cviii (1861). The irrigation and navigation works were designed to affect the deltas of the rivers Mahanuddy (today Mahanadi), Byturny (or Byturnee, today Baitarani) and Brahmany (today Brahmani), which were to be connected by canal to Calcutta (Kolkata).

⁷¹ 24 & 25 Vict. c.cviii.

⁷² The “supreme government” in this context was the governor general of India in council (the governor general in 1861 was also the viceroy). The agreement dated 28 November 1861 (referred to as the “Orissa contract”) was set out in the Schedule to the 1866 Act. The works of irrigation and water supply affected the deltas of the rivers Mahanuddy, Byturnee and Brahminy (and their affluents) and involved the construction of a main irrigation canal through to Calcutta.

⁷³ 29 & 30 Vict. c.ccci.

⁷⁴ See preamble to 32 & 33 Vict. c.7 (1869).

- 1.53 By 1868 both parties (the Secretary of State and the Company) thought it expedient that responsibility for both projects - Orissa and Behar - should be transferred to government. To this end, three agreements were made which purported to effect the transfer of the Company's undertaking, and all rights and interests of the company in them.⁷⁵ The *East India Irrigation and Canal Act 1869*⁷⁶ gave effect to these agreements and resulted in the orderly winding up of the Company.
- 1.54 The winding up of the Company following the transfer of its assets to the British government in 1869 meant that the Acts of 1861, 1866 and 1869 ceased to serve any further purpose and thus became obsolete.

GROUP 6 – GENERAL REPEALS

India Steam Ship Company Act 1838

- 1.55 In 1838 certain entrepreneurs believed that “it would manifestly be for the advantage of the public that a line of steam communication should be established between this country [England] and India by way of the Cape of Good Hope, and between this country and Her Majesty's dominions in Australia”.⁷⁷ However, because the venture called for a significant outlay of capital moneys and carried attendant “great risk”, it was felt expedient to promote a joint stock company for the purpose.
- 1.56 The 1838 Act⁷⁸ authorised the establishment of the India Steam Ship Company for conveying passengers, goods and merchandise by steam ship or packet between “Her Majesty's European Dominions” and India, Australia and “divers other places beyond Madeira”, via the Cape of Good Hope.⁷⁹
- 1.57 No primary source archives relating to the India Steam Ship Company have been traced. It seems likely that the Company's operations never actually started. A notice was published in *The London Gazette* in September 1874 to announce the holding of a general meeting of the Indian Steam Ship Company for the purpose of completing its winding up.⁸⁰ This appears to indicate the demise of the Company that year. On that basis the 1838 Act has long been obsolete.

Liverpool East India Warehouse Company Act 1840

- 1.58 The Liverpool East India Warehouse Company had been formed to carry on the business of warehouse keeper, storing goods and merchandise in warehouses and other places of secure deposit in Liverpool and within a five mile radius of the port, and both to ship and land such goods and merchandise.

⁷⁵ The agreements were, first, one dated 30 November 1868 (articles of agreement) and, secondly, two dated 21 December 1868 (an indenture and further articles of agreement, the latter endorsed on the earlier articles): see preamble to 32 & 33 Vict. c.7 (1869) and the Schedule which identified the instruments.

⁷⁶ 32 & 33 Vict. c.7.

⁷⁷ From the preamble to the 1838 Act.

⁷⁸ 1 & 2 Vict. c.xcvii.

⁷⁹ The 1838 Act, ss 1, 2.

⁸⁰ *The London Gazette*, 18 September 1874, p 4443.

- 1.59 The *Liverpool East India Warehouse Company Act 1840*⁸¹ was promoted by a company or partnership known as the Liverpool East India Warehouse Company to give it power to conduct litigation in its own name, should the need arise. Without the Act all subscribing members of the Company would have to be named in legal proceedings, which had the potential to be cumbersome. Accordingly, the 1840 Act authorised legal action by the Company to be carried on in the name of the chairman or deputy chairman or one of the directors or past office holders (acting as nominal plaintiff), and legal proceedings against the Company to be brought against one of these office holders as a representative defendant.
- 1.60 No archives relating to the Company have been traced. The Company was not formerly incorporated and probably ceased to exist as an entity in the mid-1870s. Changes in civil litigation practice since the 19th century mean that procedures set up by the 1840 Act are now unnecessary, with the result that the Act has long been obsolete.

East India Coal Company Limited Act 1860

- 1.61 The East India Coal Company was set up as a limited liability company under a deed of settlement in November 1855 and, in October 1856, was registered as a joint stock company. The company's colliery operations were to be focussed on the province of Bengal, and administered from Calcutta (today Kolkata). In March 1859 the company, by special resolutions (confirmed in April 1859), adopted regulations⁸² for the governance of the company (designed to supersede those in the deed of settlement), authorised the appointment of a chairman and deputy chairman, and laid down arrangements for the holding of, and voting in, general meetings and for certain matters relating to shareholders. The directors acted on the resolutions, but doubts subsequently arose as to the resolutions' validity. Additionally, the company now needed power to establish a registration office (for shares, stock and bonds) in India. Parliamentary authority was required to address these issues.
- 1.62 The *East India Coal Company Limited Act 1860*⁸³ accordingly ratified the resolutions and provided the Company with power to operate in India and raise the necessary finance.
- 1.63 In July 1866 extraordinary general meetings of the Company resolved voluntarily to wind it up and to appoint a liquidator based in London.⁸⁴ In May 1881 notice was given in *The London Gazette* that the Company had been struck off the register and dissolved on that day.⁸⁵ The 1860 Act thereupon became obsolete.

⁸¹ 3 & 4 Vict. c.vi.

⁸² The regulations were those set out in Table B in the Schedule to the Joint Stock Companies Act 1856, subject to certain modifications.

⁸³ 23 & 24 Vict. c.liii.

⁸⁴ Notice in *The London Gazette*, 27 July 1866 at pp 4255-6.

⁸⁵ Notice in *The London Gazette*, 3 May 1881 at pp 2124-5.

Indian Railway Annuities (Sinking Funds) Act 1909

- 1.64 The first passenger train in India ran on a newly constructed line in 1853, under the auspices of the Great Indian Peninsula Railway Company. From then until 1868, significant British private investment led to the creation of a dozen or more large railway companies (and many smaller), with operations stretching across British India and Ceylon.⁸⁶
- 1.65 From 1868 onwards, the government of India started to develop the railway network as a form of state enterprise, either by acquiring existing undertakings through the guarantee surrender mechanism, or by direct investment and construction.⁸⁷ The railway companies became, in the main, simply operating companies running the undertakings for government.⁸⁸ Formal transfer of operating assets was secured by a series of railway purchase Acts which provided for the vesting of the relevant undertakings in the Secretary of State, and the termination of various contracts. Additionally, the legislation would provide for an accumulating sinking fund (to be paid out as capital on the fund maturing), with different classes of annuity holder.
- 1.66 Purchase arrangements and sinking funds were established for (put chronologically) -
- (a) the East Indian Railway Company in 1879⁸⁹
 - (b) the Eastern Bengal Railway Company in 1884⁹⁰
 - (c) the Scinde, Punjaub and Delhi Railway Company in 1886⁹¹
 - (d) the Great Indian Peninsula Railway Company in 1900,⁹² and
 - (e) the Madras Railway Company in 1908.⁹³

⁸⁶ For more background see the Law Commission's two publications: the consultation paper *Statute Law Revision: Indian Railways Repeal Proposals* (August 2007) and the final report *Statute Law Repeals: Nineteenth Report* (Law Com No 333, April 2012) at Part 3 Indian Railways.

⁸⁷ The Calcutta and South-Eastern Railway was the first undertaking to be transferred to the Indian government.

⁸⁸ Nationalisation of railway management did not occur until 1925 onwards.

⁸⁹ By the East Indian Railway Company Purchase Act 1879 (42 & 43 Vict. c.ccv).

⁹⁰ By the Eastern Bengal Railway Company Purchase Act 1884 (47 & 48 Vict. c.ccv).

⁹¹ By the Scinde, Punjaub and Delhi Railway Purchase Act 1886 (49 & 50 Vict. c.xlii).

⁹² By the Great Indian Peninsula Railway Purchase Act 1900 (63 & 64 Vict. c.cxxxviii).

⁹³ By the Madras Railway Annuities Act 1908 (8 Edw.7 c.iii).

- 1.67 In 1909 doubts had arisen as to whether the bodies charged with investing the various sinking funds' moneys could lawfully invest those moneys in the purchase of the annuity stock known as "annuities Class B".⁹⁴ *The Indian Railway Annuities (Sinking Funds) Act 1909*⁹⁵ provided the necessary parliamentary authorisation together with retrospective sanction for any 'B' annuities already purchased.
- 1.68 The 1909 Act has long been obsolete. It related to the investment of sinking fund moneys for five railway companies. In each instance the railway company has been dissolved and the attached sinking fund had been distributed over the period 1948 to 1959. By the time of India's and Pakistan's independence in 1947 their railway infrastructure network had been fully nationalised by government. Moreover each of the railway company purchase Acts (1879 to 1908) referred to in the 1909 Act has been repealed by the Statute Law (Repeals) Act 2013.⁹⁶

⁹⁴ The sinking funds were each funded by annuity holders known as Class B annuity holders.

⁹⁵ 9 Edw.7 c.xxii.

⁹⁶ 2013 (c.2), s 1, Sch 1, Pt 3.

PART 2

CHURCHES

INTRODUCTION

- 2.1 This part of the report proposes the repeal of 111 obsolete Acts relating to churches. Most of these Acts were passed to raise money for the repair, building or rebuilding of ancient parish churches in England. Parliamentary authority was necessary because the cost of the repair or building work had to be met by rates or other charges levied on the inhabitants of the parishes affected.
- 2.2 In most cases the Acts became obsolete once sufficient money had been raised from parishioners. In many instances, however, the churches no longer exist either at all or for their original purpose. Churches were often closed or converted because of falling populations in the locality or following their destruction as a result of enemy bombing during the Second World War.
- 2.3 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

Enlarging St Margaret's Churchyard Southwark Act (1536)

- 2.4 Dating from around 1100, the parish church of St Margaret in Southwark was situated in the place formerly known as St Margaret's Hill, now known as Borough High Street. The 1536 Act¹ was passed to authorise the purchase of an acre of land to extend the existing churchyard which had become too small for the burial of an ever-growing local population. Although the churchyard was duly extended in accordance with the 1536 Act, the church itself was closed in 1541, St Mary Overy becoming the new parish church in its place. The site of the disused church (together with the churchyard) was sold and redeveloped in 1545. Today the site is partly occupied by the Town Hall Chambers in Borough High Street. The 1536 Act became obsolete once the churchyard had been extended in accordance with the Act.

Deal Chapel of Ease Act (1711)

- 2.5 The main purpose of this 1711 Act² was to finance the building of a chapel of ease in Deal, Kent.³ A tax was imposed on all coal imported into the town or port of Deal between 1 May 1711 and 30 April 1727. The coal tax receipts were to be used to complete the chapel.

¹ 28 Hen.8 c.31.

² 10 Ann. c.43.

³ A chapel of ease is an Anglican chapel situated for the convenience of parishioners living a long distance from the parish church. Such chapels usually arose in cases where the parish population was growing rapidly.

- 2.6 The chapel was duly completed and consecrated in June 1716 and dedicated to St George. Most of the 1711 Act became obsolete once the tax-raising provisions ceased to be enforceable in 1727. Indeed most of the Act was repealed in 1973.⁴ The only remaining substantive provision is section 6 which contained arrangements for raising income from the pews and for the choosing of chapel wardens.⁵ These arrangements no longer operate with the result that the 1711 Act is obsolete. The chapel is still in use today and is known as the Civic Church of St George the Martyr, Deal.

Church at Gravesend Act (1730)

- 2.7 This 1730 Act⁶ was passed to authorise the rebuilding of St George's Church in Gravesend, Kent, following its destruction by fire in 1727. The Act authorised Commissioners appointed under earlier legislation to use £5000 of the funds raised under that legislation for the rebuilding of St George's. The rebuilding was duly completed in 1731, whereupon the 1730 Act became obsolete. The new church was re-opened in 1733 and remains in use to this day.

Church of St Leonard, Shoreditch Acts (1734 and 1737)

- 2.8 St Leonard's Church in Shoreditch is today known simply as "Shoreditch Church".⁷ By the early 18th century the church was in a state of collapse and the 1734 Act⁸ authorised its demolition and rebuilding by means of fund-raising provisions including the levying of local rates. The 1737 Act⁹ clarified provisions in the 1734 Act.
- 2.9 St Leonard's was duly rebuilt in accordance with the 1734 Act, the works being completed in 1740. The principal purpose of the 1734 and 1737 Acts was then fulfilled, and both Acts became obsolete once the funding arrangements in the 1734 Act expired a few years later.

Church in Sheffield Act (1739)

- 2.10 This 1739 Act¹⁰ was passed to settle issues relating to a chapel (which later became known as "St Paul's Church, Sheffield") built in 1721. The issues included the appointment of the curate and the letting of the pews. Falling congregations in the 1930s, however, resulted in St Paul's closing in 1937, the church being demolished in 1938. The site is today laid out to gardens, known as the Peace Gardens. The closure of the church and its subsequent demolition mean that the 1739 Act has long been obsolete.

⁴ Statute Law (Repeals) Act 1973, s 1, Sch 1, Part 3.

⁵ This provision about the choosing of chapel wardens was specifically saved by the County of Kent Act 1981 (c.xviii), s 133(2), Sch 6. The choosing arrangement was abandoned in or around 1990.

⁶ 4 Geo.2 c.20.

⁷ Shoreditch is situated in the London Borough of Hackney.

⁸ 8 Geo.2 c.27.

⁹ 11 Geo.2 c.23.

¹⁰ 13 Geo.2 c.12.

St Botolph, Aldgate Act (1740)

- 2.11 By the early 18th century St Botolph's Church, Aldgate was in a dangerous structural condition. The 1740 Act¹¹ authorised the demolition and rebuilding of this ancient church, and provided powers to raise the necessary finance. The building works were completed in 1744 and the 1740 Act became obsolete once the fund-raising arrangements expired a few years later. The church remains in use to this day.

St Margaret's Church, King's Lynn Act (1744)

- 2.12 The main purpose of this 1744 Act¹² was to raise money to complete the rebuilding of St Margaret's Church in King's Lynn, Norfolk. Much of the fabric of the church had been destroyed by a storm in 1741. The rebuilding works were completed, and the church re-opened, in 1749. The 1744 Act became obsolete once its fund-raising provisions expired a few years later. St Margaret's remains in use to this day.

Stone Church, Stafford Act (1753)

- 2.13 The parish church of St Michael and St Wulfad in Stone, Staffordshire had become dilapidated by the mid-18th century, and the purpose of this 1753 Act¹³ was to raise funds to rebuild it. The rebuilding work was completed in 1758 at which point the Act ceased to serve any useful purpose. The church remains in use to this day.

Manchester Church Act (1753)

- 2.14 The purpose of this 1753 Act¹⁴ was to authorise the building of a new church to serve the increasing population of Manchester. The church was duly built in accordance with the Act and it was consecrated to St Mary in 1756. However, falling attendances during the second half of the 19th century meant that the church became redundant. It was closed in 1890 and was subsequently demolished. Accordingly the 1753 Act has long ceased to serve any useful purpose.

Canterbury: Church of St Andrew Act (1763)

- 2.15 St Andrew's Church in Canterbury was situated in the middle of the high street. According to the preamble to this 1763 Act¹⁵ this rendered the passage of the high street "incommodious and unsafe". Accordingly the Act authorised the demolition of the church and its rebuilding in a more convenient place. The new church opened for divine service in 1773, at which point the Act ceased to serve any useful purpose. The church closed in the 1880s and the building was demolished in 1956.

¹¹ 14 Geo.2 c.27.

¹² 18 Geo.2 c.3.

¹³ 26 Geo.2 c.38.

¹⁴ 26 Geo.2 c.45.

¹⁵ 3 Geo.3 c.49.

Church of All Hallows, City Act (1765)

- 2.16 A church has stood on the site of All Hallows in the City of London since the early 12th century. By the mid-18th century the existing church had become derelict and the purpose of this 1765 Act¹⁶ was to authorise its rebuilding. The rebuilding works were duly completed in accordance with the Act in 1767, and the Act became obsolete once its fund-raising provisions expired a few years later. Today the church is still used occasionally for services, though its principal use is in providing a home for a number of charitable organisations.

Hertford Church Act (1765)

- 2.17 The purpose of this 1765 Act¹⁷ was to raise funds for the repair of All Saints' Church in Hertford. The works were duly carried out in accordance with the Act and the Act became obsolete once its fund-raising provisions expired a few years later. The church continued in use until 1891 when it was completely destroyed by fire. A new church of All Saints was consecrated in 1895 and remains in use to this day.

St Martin's Church, Worcester Act (1767)

- 2.18 The ancient church of St Martin's in the city of Worcester had deteriorated badly by the mid-18th century, and the purpose of this 1767 Act¹⁸ was to authorise its rebuilding and provide the necessary finance. The rebuilding works were duly completed and the new church was opened in 1772. The 1767 Act became obsolete once its fund-raising provisions expired a few years later. St Martin's remains in use to this day.

Lewisham Church Act (1774)

- 2.19 This 1774 Act¹⁹ was passed to raise funds for the rebuilding of St Mary's Church, Lewisham. The preamble to the Act described the structure as being "in so decayed and ruinous a condition that it is dangerous for the inhabitants to attend Divine Service therein". The rebuilding was duly completed and the church re-opened in 1777. The 1774 Act became obsolete once its fund-raising provisions expired a few years later. St Mary's is still in use today.

Tardebigg Church, Worcester and Warwick Act (1776)

- 2.20 The tower of the ancient church of St Bartholomew in Tardebigge²⁰ collapsed around 1774, severely damaging the rest of the church. The 1776 Act²¹ was passed to authorise and fund the rebuilding work. The necessary work was carried out and the new church opened in 1777. The Act became obsolete once its fund-raising provisions expired a few years later. St Bartholomew's remains in use to this day.

¹⁶ 5 Geo.3 c.65.

¹⁷ 5 Geo.3 c.94.

¹⁸ 7 Geo.3 c.69.

¹⁹ 14 Geo.3 c.93.

²⁰ Tardebigg (the 1776 Act omits the final "e") is situated between Bromsgrove and Redditch.

²¹ 16 Geo.3 c.22.

Church, Buckingham Act (1776)

- 2.21 The collapse of the spire on the church of St Peter and St Paul in Buckingham caused so much damage to the church that it was decided to rebuild the church on a new site. The purpose of the 1776 Act²² was to authorise the raising of funds to cover the cost. The rebuilding work was duly completed in accordance with the Act and the new church was consecrated in 1780. The Act became obsolete once its fund-raising provisions expired a few years later. The church remains in use to this day.

Holy Trinity Church, Bristol Act (1785)

- 2.22 The purpose of this 1785 Act²³ was to rebuild the ancient Holy Trinity Church in Bristol. The preamble to the Act described the church as being “in a ruinous condition, and incapable of being repaired”. The church was duly rebuilt (and the access roads to it widened) pursuant to the Act in or around 1791. The Act became obsolete once its fund-raising provisions expired a few years later. The church, today known as Christ Church, remains in use to this day.

Liverpool Rectory Act (1786)

- 2.23 This 1786 Act²⁴ was passed for the purpose of funding the income of two parish rectors in Liverpool. At a meeting of parishioners in 1785 it had been resolved that the annual sum of £100 should be paid to the rector of St Peter’s Church and to the rector of the parochial chapel of Our Lady and St Nicholas, in both cases in substitution for other ecclesiastical benefits. The Act provided for the funding of these payments from the rates. By the 1860s or thereabouts, however, these arrangements for funding the payments had been discontinued, with the result that the 1786 Act became obsolete. The Church of Our Lady and St Nicholas remains in use to this day.²⁵

All Saints’ Church, Newcastle Act (1786)

- 2.24 The ancient parish church of All Saints in Newcastle-upon-Tyne was in an unstable condition by the late 18th century. The purpose of this 1786 Act²⁶ was to authorise its demolition and rebuilding on a larger site and with better access. The church was duly rebuilt, the works being completed by 1796. However, because of declining use, the church was deconsecrated in 1961, the site being converted to office use in the 1980s. The Act became obsolete once the building work had been completed.

²² 17 Geo.3 c.32.

²³ 25 Geo.3 c.95.

²⁴ 26 Geo.3 c.15.

²⁵ St Peter’s Church was demolished in 1922.

²⁶ 26 Geo.3 c.117.

East Stonehouse Chapel Act (1787)

- 2.25 This 1787 Act²⁷ was passed to rebuild the chapel of East Stonehouse in Devon, later known as the Church of St George of Lydda. The necessary rebuilding work was duly completed with the new chapel opening in 1789. Following extensive damage during the Second World War, the chapel ceased to be used for ecclesiastical purposes. It was bought by the local authority in 1957 and the site was given over to industrial use in 1959. The 1787 Act is accordingly now obsolete.

St James' Parish, Bristol Act (1787)/St James' Parish, Bristol (Division) Act 1798

- 2.26 The preamble to the 1787 Act²⁸ recorded that the inhabitants of the parish of St James' in Bristol had become so numerous for the size of the existing church that a new parish church should be built. The Act contained fund-raising provisions and determined that the church should be known as St Paul's. Unfortunately the money needed to build the church soon ran out. Although the church was completed in 1794, new fund-raising powers were needed. The 1798 Act²⁹ accordingly extended until 1810 the fund-raising provisions contained in the 1787 Act.
- 2.27 St Paul's Church was declared redundant in 1988 and was closed. Today the building is used as a circus school. The Acts of 1787 and 1798 became obsolete in 1810 when their fund-raising powers expired.

Hanley Chapel, Stafford Act (1787)

- 2.28 This 1787 Act³⁰ was passed to rebuild a chapel in Stoke-on-Trent that had fallen out of repair. The chapel was duly rebuilt in 1788 and was known as the Chapel of St John the Evangelist. By the 1980s, however, the building had become unsafe and it was closed in 1985 pending redevelopment for commercial purposes. The 1787 Act is accordingly now obsolete.

St Mary Church, Wanstead Acts (1787 and 1789)

- 2.29 The medieval church of St Mary the Virgin in Wanstead was in a state of disrepair by the late 18th century. It was decided to rebuild the church, but on a larger scale. The 1787 Act³¹ authorised trustees to arrange the rebuilding and to levy rates to meet the costs. In the event the funds raised were not sufficient to cover the costs and the 1789 Act³² was passed to raise additional finance. This enabled the completion of the rebuilding in 1790. Both the 1787 and the 1789 Acts became obsolete once their fund-raising powers expired a few years later. St Mary's, now in the London Borough of Redbridge, remains in use to this day.

²⁷ 27 Geo.3 c.17.

²⁸ 27 Geo.3 c.49.

²⁹ 38 Geo.3 c.xxxv.

³⁰ 27 Geo.3 c.62.

³¹ 27 Geo.3 c.63.

³² 29 Geo.3 c.14.

Portsea Chapel Act (1787)/Church of St John, Portsea Act (1865)

- 2.30 The 1787 Act³³ was passed because the existing church accommodation in the parish of Portsea in Portsmouth was insufficient to accommodate the growing local population. The Act authorised the building of a chapel and a Minister's house. The purpose of the 1865 Act³⁴ was to amend the 1787 Act and to re-designate the chapel as the Church of St John, Portsea, in the County of Southampton. Both Acts became obsolete with the total destruction of the church by enemy bombing in August 1940.

Paddington Parish Church Acts 1788 and 1793

- 2.31 By the late 18th century the church that is today known as St Mary's, Paddington was in a poor state of repair. It was also too small to accommodate the local population. Accordingly the 1788 Act³⁵ was passed to rebuild the church on a new, larger site and to raise the necessary finance. The costs involved, however, were greater than anticipated. Although the church was rebuilt in accordance with the Act, more money was needed to complete works to the churchyard. The 1793 Act³⁶ contained further fund-raising provision for this purpose. Both Acts became obsolete once these provisions expired some years later.

St Thomas Church, Bristol Act (1790)

- 2.32 This 1790 Act³⁷ was passed to authorise the demolition and rebuilding of the church of St Thomas the Martyr in Bristol. Commissioners were appointed to levy parish rates to cover the costs and the rebuilding works were completed in 1793. However, falling congregations after the Second World War resulted in the church being declared redundant. The last service held there was in 1982 and the building was put into the care of the Churches Conservation Trust in 1988. The 1790 Act has been obsolete since the expiry of its fund-raising provisions in the early 1800s.

East Grinstead Church Acts (1790 and 1811)

- 2.33 According to the preamble to the 1790 Act³⁸ the steeple of St Swithin's church in East Grinstead "suddenly gave way, and falling upon the body of the said church, entirely demolished the same". The Act authorised the raising of funds to cover the rebuilding work needed. That the Act raised insufficient money is evidenced by the 1811 Act³⁹ which authorised the borrowing of a further £4000 to complete the work. The church was duly completed the following year, although it took until 1876 to repay all the money borrowed. It follows that both Acts have been obsolete since then. St Swithin's remains in use to this day.

³³ 27 Geo.3 c.64.

³⁴ 28 & 29 Vict. c.lviii.

³⁵ 28 Geo.3 c.74.

³⁶ 33 Geo.3 c.43.

³⁷ 30 Geo.3 c.20.

³⁸ 30 Geo.3 c.79.

³⁹ 51 Geo.3 c.i.

All Saints Church, Southampton Acts 1791, 1793 and 1797

- 2.34 The 1791 Act⁴⁰ was passed to authorise the taking down and rebuilding of the parish church of All Saints in Southampton. The Act also authorised the raising of the necessary finance. The preamble to the 1793 Act⁴¹ recorded that, although the old church had been taken down and work on rebuilding it had started, another £4000 would be needed to complete the work. The preamble to the 1797 Act⁴² recorded that, although the rebuilding work was now complete, a further £4000 was required to cover the costs of implementing the 1791 Act. Although all three Acts became obsolete once their fund-raising provisions expired, the church itself has ceased to exist following its destruction by enemy bombing in 1940.

Saffron Walden Parish Church Act (1791)

- 2.35 The present church of St Mary's Church in Saffron Walden, Essex dates mainly from the late 15th century. By the late 18th century the church was in a poor state of repair, having been struck by lightning in 1769. The 1791 Act⁴³ authorised the repair of the church and the raising of funds to meet the costs. The repairs were duly completed pursuant to the Act which accordingly became obsolete once its fund-raising provisions expired a few years later.

Lane End Chapel, Stoke upon Trent Act (1792)

- 2.36 The Lane End chapel in Stoke-on-Trent was dedicated to St John the Baptist and was also known as St John's Church, Longton. The preamble to the 1792 Act⁴⁴ recorded that the chapel had "become so ruinous, that the inhabitants cannot, without danger, attend divine service therein". The Act accordingly authorised the rebuilding of the chapel and the raising of funds to cover the costs. Although the chapel was duly rebuilt in 1795, mining subsidence prompted the demolition of the building in 1979. The site of the chapel is now used for retirement housing. The 1792 Act became obsolete once the rebuilding was complete in 1795.

Hanbury Church Act (1793)

- 2.37 The parish church of St Mary the Virgin in Hanbury, Worcestershire remains in use to this day. By the late 18th century, however, the structure needed repairs and some rebuilding. Accordingly the 1793 Act⁴⁵ appointed trustees to carry out the necessary works and authorised them to raise the moneys required for the purpose. The works were duly completed in or around 1795 and the Act became obsolete once its fund-raising provisions expired a few years later.

⁴⁰ 31 Geo.3 c.71.

⁴¹ 33 Geo.3 c.101.

⁴² 38 Geo.3 c.i.

⁴³ 31 Geo.3 c.73.

⁴⁴ 32 Geo.3 c.88.

⁴⁵ 33 Geo.3 c.45.

Tipton Church, Stafford Act (1794)

- 2.38 By the late 18th century the ancient parish church of Tipton in the West Midlands was thought to be too small and too dangerous for its parishioners. The purpose of the 1794 Act⁴⁶ was to rebuild the church and enlarge its cemetery. The necessary building works were completed in 1797 and the church was dedicated to St Martin. By the late 20th century, however, the church had become distanced from the main housing areas in the parish, and it was closed in 1989. The site is now in residential use. The 1794 Act became obsolete once its fund-raising provisions expired a few years later.

St Peter's Church, St Albans Acts 1798,1803 and 1806

- 2.39 Alterations made in 1756 to St Peter's parish church, St Albans so weakened the structure that the tower became dangerous. Money for underpinning repair work in 1785 was advanced by parishioners in return for annuities on their respective lives. These annuities were secured against the parish rate receipts but by 1796 there was insufficient parish income to make the annuity payments. Accordingly the 1798 Act⁴⁷ authorised the levy of further parish rates to meet the shortfall. Unfortunately the underpinning work proved insufficient to support the tower, with the result that further expensive repair work was needed. The 1803 Act⁴⁸ accordingly authorised this work and the fund-raising powers needed to pay for it. Unfortunately these additional funds proved insufficient, with the result that the 1806 Act⁴⁹ authorised the raising of further sums.
- 2.40 The tower was duly rebuilt in accordance with the 1798, 1803 and 1806 Acts, the church re-opening for divine service in February 1806. All three Acts became obsolete once the annuities and other debts had been paid off during the following years. St Peter's remains in use to this day.

Chelmsford Parish Church Act (1800)

- 2.41 The parish church of St Mary the Virgin in Chelmsford, Essex was originally built before 1300. It remains in use but is now better known as Chelmsford Cathedral. The nave partly collapsed in 1800 following excavations in the vaults, and an Act⁵⁰ was passed that year to pay for the cost of the repairs. The church was duly repaired in accordance with the Act in or around 1803. The Act became obsolete once its fund-raising provisions expired a few years later.

⁴⁶ 34 Geo.3 c.107.

⁴⁷ 38 Geo.3 c.lxii.

⁴⁸ 43 Geo.3 c.ix.

⁴⁹ 46 Geo.3 c.lxviii .

⁵⁰ 39 & 40 Geo.3 c.li.

Leeds Kirkgate Street Church Act (1801)

- 2.42 The preamble to this 1801 Act⁵¹ recorded the lack of Anglican churches to cope with the rapidly growing population of Leeds. An already existing church in the area would be suitable for the purpose but legislation would be needed to have this church consecrated for the purpose of divine worship within the Church of England. Accordingly the 1801 Act was passed and the church was dedicated to St James in 1801. In 1949, however, the church closed and the building was demolished the following year. The site is now part of a shopping precinct. The closure of the church meant that the Act became obsolete.

Dagenham Parish Church Act (1803)

- 2.43 The parish church of St Peter and St Paul in Dagenham, Essex was in need of urgent repair following a major collapse in 1798. The 1803 Act⁵² authorised trustees to secure the necessary repairs and to raise the finance to cover the costs. The church was duly repaired in accordance with the Act, which became obsolete once its fund-raising provisions expired a few years later. St Peter and St Paul's church remains in use to this day.

Redditch Chapel Act (1805)

- 2.44 According to the preamble to this 1805 Act,⁵³ a chapel at Redditch in Worcestershire was dedicated to Anglican worship in or around 1680. By 1805 the chapel had become unsafe through decay and lack of repair. The purpose of the Act was to authorise the rebuilding of the chapel on a new site in Redditch, and the raising of funds to pay for this. The new chapel, known as the Chapel on the Green, was duly built and dedicated to St Stephen. Unfortunately the chapel turned out to be too small for the growing local population. It was decided in 1851 to demolish the chapel and build a more substantial parish church.⁵⁴ The closure of the chapel meant that the 1805 Act became obsolete.

All Saints Lewes Parish Church Act (1805)

- 2.45 By the start of the 19th century, the parish church of All Saints in Lewes, East Sussex was in need of repair. It was also too small for the increasing local population. The 1805 Act⁵⁵ authorised trustees to demolish the church, build a larger version and raise money to cover the costs. The building works were duly completed in 1806. However, the church ceased to be used for ecclesiastical purposes in 1975, and has since been adapted as an arts and community centre. The 1805 Act became obsolete once its fund-raising provisions expired a few years later.

⁵¹ 41 Geo.3 c.lxiv.

⁵² 43 Geo.3 c.lxii.

⁵³ 45 Geo.3 c.lxvi.

⁵⁴ This new church was also dedicated to St Stephen. It remains in use to this day.

⁵⁵ 45 Geo.3 c.c.

Chertsey Parish Church Acts (1806 and 1807)

- 2.46 The 1806 Act⁵⁶ provided for the rebuilding of St Peter's Church in Chertsey, Surrey. The old church was in a state of decay and a larger church was needed. The Act authorised the demolition and rebuilding of the church and provided powers to raise money to cover the costs. The money soon ran out and the 1807 Act⁵⁷ was passed to authorise the raising of a further £6000 to complete the building. The rebuilding was completed in 1808 and both Acts became obsolete once their fund-raising provisions expired a few years later. St Peter's remains in use to this day.

Great Yarmouth Parish Church Acts (1806 and 1822)

- 2.47 By the early 1800s the parish church of St Nicholas in Great Yarmouth, Norfolk was in need of repair and rebuilding. The 1806 Act⁵⁸ appointed trustees to carry out the necessary repairs and rebuilding and gave them powers to raise money to cover the costs. Funds also came from coal duties levied on all coal delivered by sea to Yarmouth. These funds were insufficient, as evidenced by the preamble to the 1822 Act⁵⁹ which recorded that the money-raising provisions of the 1806 Act had been "found wholly inadequate to the completing [of] such repairs". The 1822 Act accordingly authorised the trustees to raise additional funds, including the raising of a loan of £4000.
- 2.48 The repairs and rebuilding works were eventually completed in or around 1834. Both Acts became obsolete once their fund-raising provisions expired a few years later.⁶⁰ The church, now known as the Minster Church of St Nicholas in Great Yarmouth, remains in use to this day.

Shireoaks Chapel, Worksop, Rights of Patronage Act (1807)

- 2.49 The preamble to this 1807 Act⁶¹ recorded that the village of Shireoaks in Worksop, Nottinghamshire was situated "a very considerable distance from any other parish church". The lord of the manor, the Reverend John Hewett, was building at his own expense a chapel for Anglican worship. Parliamentary authority was, however, needed to establish the necessary right to appoint the Minister to the chapel. Accordingly the 1807 Act vested this right in John Hewett and his successors. Moreover, once consecrated, the chapel would be known as Shireoaks Chapel.

⁵⁶ 46 Geo.3 c.iv.

⁵⁷ 47 Geo.3 Sess.1 c.x.

⁵⁸ 46 Geo.3 c.lxi.

⁵⁹ 3 Geo.4 c.xx.

⁶⁰ The coal duties were abolished with effect from March 1847.

⁶¹ 47 Geo.3 Sess.2 c.lxi.

- 2.50 Although the chapel was completed in 1809, the growth of the population of Shireoaks as a result of the expansion of the local coal-works meant that the chapel was too small for Sunday services. A new, much larger church – St Luke’s – was built in Shireoaks in the early 1860s. The old chapel ceased to be used as such and was converted to use as a local school. In 1974 a new local school opened, and the old chapel building has since been used as the village hall, run by St Luke’s. The closure of the chapel in the 1860s meant that the 1807 Act could no longer serve any useful purpose, and became obsolete.

Standard Hill, Nottingham, Chapel Act (1807)

- 2.51 This 1807 Act⁶² was passed to authorise the building of an Anglican chapel in Nottingham. The Act appointed Commissioners to arrange the purchase of a suitable site, to erect the chapel and to borrow up to £10,000 to cover the costs. The chapel, called St James’ Chapel, was duly built in accordance with the Act, the works being completed in 1809. In 1933, however, the chapel was closed. It was demolished two years later to make way for an extension to the Nottingham General Hospital. The closure of the chapel meant that the Act became obsolete.

Worthing Chapel of Ease Acts (1809 and 1824)

- 2.52 This chapel of ease was necessary so that residents in the newly-created town of Worthing would not need to travel the mile or so to the nearest available parish church. The 1809 Act⁶³ authorised the necessary purchase of land, the building works and the raising of funds to cover the costs. The funds proved insufficient and the 1824 Act⁶⁴ authorised the raising of an additional £3000.⁶⁵ The chapel was duly built in accordance with the 1809 Act and was dedicated to St Paul. Eventually, however, the building became unsafe and it was closed in 1996 because of major structural problems. Today the building serves as a community centre. The closure of the church means that both the 1809 and 1824 Acts are obsolete.

Chapels of St Mary and St Paul, Birmingham Act (1811)

- 2.53 This 1811 Act⁶⁶ was passed to amend provisions in an Act of 1772⁶⁷ relating to St Mary’s Chapel in Birmingham. The provisions had imposed restrictions upon the charging of pew rents at St Mary’s. The 1811 Act repealed those restrictions and substituted alternative provisions concerning pew rents. By the early 20th century, however, the population of the parish of St Mary had greatly reduced because homes had been converted into shops and warehouses. St Mary’s was therefore closed in 1925 and the site was sold. Accordingly the 1811 Act became obsolete.

⁶² 47 Geo.3 Sess.2 c.lxxvii.

⁶³ 49 Geo.3 c.cxv.

⁶⁴ 5 Geo.4 c.xx.

⁶⁵ The 1824 Act also revived the 1809 Act because it had mistakenly been repealed in 1821.

⁶⁶ 51 Geo.3 c.lxviii.

⁶⁷ 12 Geo.3 c.64.

Hungerford Parish Church Acts (1811 and 1815)

- 2.54 By the early 19th century the parish church of St Lawrence in Hungerford, Berkshire was in need of repair and enlargement. The 1811 Act⁶⁸ authorised trustees to replace the church tower, to repair and enlarge the church and to raise the necessary funds. Unfortunately, following the collapse of much of the church's ancient fabric in 1814, it proved necessary to carry out further rebuilding. Accordingly the 1815 Act⁶⁹ authorised these further works and the raising of additional funds. The rebuilding was duly completed in 1816. Both Acts became obsolete once the building works had been completed and the fund-raising provisions had expired. St Lawrence's remains in use to this day.

Sevenoaks Parish Church Repair Act (1811)

- 2.55 The preamble to this 1811 Act⁷⁰ recorded that parts of the parish church of St Nicholas, Sevenoaks were so decayed as to be dangerous to worshippers. The Act accordingly authorised trustees to raise money to carry out the necessary repairs. The works were duly completed in 1812, and the Act became obsolete once its fund-raising provisions expired a few years later. St Nicholas' continues in use to this day.

St Sidwell's Church, Exeter Acts (1812 and 1814)

- 2.56 By the early 1800s the fabric of this ancient Exeter church needed extensive repairs. Accordingly the 1812 Act⁷¹ appointed trustees with powers to carry out the necessary repairs and to raise money to pay for them. However the money raised proved insufficient. The 1814 Act⁷² recorded that a further £3200 was needed to complete the repairs, the walls requiring a complete rebuild. The repairs were duly completed in 1823. Both Acts became obsolete once their fund-raising provisions expired a few years later. St Sidwell's was virtually destroyed by enemy bombing in May 1942. It was, however, rebuilt in 1958 and is today used as a community centre incorporating a small chapel at which a weekly service is held.

Bishop Stortford Parish Church Act (1812)

- 2.57 A church has stood on the site of St Michael's in Bishop's Stortford, Hertfordshire since the 7th century. The current church dates from the early 1600s and from around 1800 required major repairs and restoration. Accordingly the 1812 Act⁷³ authorised the carrying out of repairs and provided fund-raising powers to cover the costs. The repairs were completed in 1819 and the Act became obsolete once its fund-raising provisions expired a few years later. St Michael's continues in use to this day.

⁶⁸ 51 Geo.3 c.cxxvi.

⁶⁹ 55 Geo.3 c.xx.

⁷⁰ 51 Geo.3 c.clii.

⁷¹ 52 Geo.3. c.cix.

⁷² 54 Geo.3 c.cx.

⁷³ 52 Geo.3 c.cx.

Sculcoates Additional Church Act (1814)

- 2.58 This 1814 Act⁷⁴ was passed to secure the building of a chapel of ease in the parish of Sculcoates, Hull. The chapel was needed so that residents who lived a long distance from the existing parish church could attend divine service. The Act authorised trustees to purchase land for building the chapel and to raise money to cover their costs. The chapel was duly built in accordance with the Act and was consecrated as Christ Church in Sculcoates in 1822. Unfortunately the building was badly damaged by enemy bombing in 1941. Although services continued until 1952, the building was demolished ten years later. Today the site is used as a car park. The demolition of the chapel means that the 1814 Act has long since been obsolete.

Stockport Parish Church Act (1815)

- 2.59 This 1815 Act⁷⁵ was passed to supplement the powers provided in an earlier enactment⁷⁶ for the repair and rebuilding work needed to the parish church of St Mary's, Stockport. The preamble to the 1815 Act recorded that the fund-raising powers contained in the earlier enactment had proved insufficient to complete the works. Accordingly the Act increased the fund-raising provisions and the works were completed in 1817. The Act became obsolete once these provisions expired a few years later. St Mary's continues in use to this day.

St John's Church, Wakefield Act (1815)

- 2.60 St John's Church, Wakefield was originally constructed as a chapel of ease to the existing parish church of All Saints. Since St John's did not then have its own parish, it was unable to raise parish rates to pay for the repairs that it needed. Accordingly the 1815 Act⁷⁷ authorised funds from the church rates raised by the parish of Wakefield to be used to repair St John's and to cover future works. The funds were duly raised and the repairs were carried out. The Act became obsolete once funds ceased to be paid to St John's. This may well have been in or around 1844 when St John's was granted its own parish.⁷⁸ St John's continues in use to this day.

⁷⁴ 54 Geo.3 c.lxxvii.

⁷⁵ 55 Geo.3 c.v.

⁷⁶ 50 Geo.3 c.cxliv.

⁷⁷ 55 Geo.3 c.xxi.

⁷⁸ St John's has confirmed that it no longer receives payments under the 1815 Act.

St Thomas, Dudley, Parish Church Act (1815)

- 2.61 The preamble to this 1815 Act⁷⁹ recorded that the parish church of St Thomas in Dudley, West Midlands needed rebuilding because the fabric had decayed. The church was also too small to accommodate the growing population. The Act accordingly appointed trustees to take down and rebuild the church. They were also authorised to raise £7000 to meet the costs. The rebuilding was duly completed in 1819, and the Act became obsolete once its fund-raising provisions expired a few years later. The church, now known as St Thomas & St Luke's, continues in use to this day.

Hanworth Parish Church Act (1815)

- 2.62 This 1815 Act⁸⁰ was passed to cover the costs of rebuilding the parish church of St George in Hanworth (now in the London Borough of Hounslow). The preamble to the Act recorded that, although the church had recently been rebuilt, the costs of the works had not yet been fully paid. Moreover money was needed to fund annuity payments to one of the parishioners who had advanced money for the rebuilding. The Act therefore authorised the raising of further money to meet these expenses. The rebuilding costs were paid in 1816 and the Act became obsolete once the annuity payments ceased to be payable. St George's continues in use to this day.

Rochdale Chapel of Ease Act (1815)

- 2.63 The preamble to this 1815 Act⁸¹ recorded that the parish church of Rochdale was an inconvenient distance from a large proportion of the parish population. It would therefore be "of great benefit and utility" if a chapel of ease were built in a more convenient location. Trustees were appointed to purchase land and erect a church, to be known as the church of St James. The church was duly built and was consecrated in 1821. The 1815 Act became obsolete once its fund-raising provisions expired a few years later. In 1975 the church ceased to be used by the Church of England, and became a church for Ukrainian Catholics.

St George the Martyr, Middlesex, Parish Church Acts (1816 and 1819)

- 2.64 These two Acts were passed for the purpose of repairing the parish church of St George the Martyr in Holborn, central London. The 1816 Act⁸² authorised trustees to carry out the necessary repairs and raise money for the purpose. The preamble to the 1819 Act⁸³ recorded that, although the repairs had now been carried out and the church had already re-opened for services, the repairs had cost more than expected and the trustees owed debts of £2000. Accordingly the 1819 Act authorised the trustees to raise additional funds to cover their debts. Both Acts became obsolete once their fund-raising provisions expired a few years later. St George's remains in use to this day.

⁷⁹ 55 Geo.3 c.xliv.

⁸⁰ 55 Geo.3 c.lxxix.

⁸¹ 55 Geo.3 c.lxxx.

⁸² 56 Geo.3 c.xxviii.

⁸³ 59 Geo.3 c.xi.

St Mark's Church, Liverpool Act (1816)

- 2.65 St Mark's Church in Liverpool was built in the early 19th century to cater for the growing local population. Funds had been raised by public subscription to provide for this. Legislation was, however, needed to establish regulations for the management of the new church. Accordingly the 1816 Act⁸⁴ authorised the use of the church for marriages and appointed Commissioners to ensure the proper management of the church. St Mark's closed in 1908 because of a declining congregation and the building was demolished in 1913. The Act has accordingly been obsolete for more than a century.

Stansted Chapel, Stoughton (Sussex) Act (1817)

- 2.66 This 1817 Act⁸⁵ was passed to establish the right of patronage of Stansted Chapel in Stansted Park, West Sussex. The chapel had originally been a brewery but in 1812 was converted to use as a chapel for the convenience of the inhabitants of Stansted House who would otherwise have needed to travel three miles to the nearest parish church. The chapel was recently de-consecrated and regular services are no longer held there. The chapel is now in the care of Stansted Park Foundation, a charitable organisation. The rights of patronage have long ceased to be exercised and the 1817 Act is therefore obsolete.

St Hilds Chapel, Jarrow Act (1819)

- 2.67 By 1810 the chapel of St Hilda (formerly known as St Hild) in South Shields, Tyne and Wear had fallen into disrepair. The parishioners agreed to repair and extend the building, and to fund the works by means of a parish rate. Although the chapel was duly rebuilt, the churchwardens were left with a debt of several thousand pounds. The 1819 Act⁸⁶ was accordingly passed to raise money by mortgage to repay this debt. The loan was repaid around 1830 whereupon the 1819 Act became obsolete. St Hilda's continues in use to this day.

St John the Baptist, Peterborough, Parish Church Act (1819)

- 2.68 This 1819 Act⁸⁷ was passed to authorise the carrying out of repairs to St John's in Peterborough and to raise money for the purpose. The Act authorised trustees to borrow up to £7000 and to raise a parish rate to pay off the loan. The building work was duly completed in 1820 and the Act became obsolete once the loan had been repaid in full, around 1865. St John's remains in use to this day.

⁸⁴ 56 Geo.3 c.lxv.

⁸⁵ 57 Geo.3 c.liii.

⁸⁶ 59 Geo.3 c.xxxvii.

⁸⁷ 59 Geo.3 c.lxiii.

Liverpool Church Act (1820)/St Philip's Church, Liverpool Acts (1857 and 1882)

- 2.69 The 1820 Act⁸⁸ was passed for the purpose of regulating and administering a newly-built church dedicated to St Philip. The Act provided for such matters as the appointment and duties of the minister and chaplain, and authorised the solemnisation of marriages in the church. The 1857 Act⁸⁹ authorised the separate offices of minister and chaplain to St Philip's to be united. It also empowered Liverpool Corporation to sell the advowson (the right to nominate the minister and chaplain). Because of falling attendances, however, the church was closed in 1882. It was proposed that the church building be sold and a replacement built elsewhere in Liverpool. The 1882 Act⁹⁰ appointed trustees with power to sell the church and use the proceeds to buy land on which to build a new church.
- 2.70 The old church premises were duly sold in 1882 and the new church, on Sheil Road, was opened in 1886. This new church was, in its turn, demolished and rebuilt in 1976. In 2009 it became the Worship Centre for the newly-created parish of All Saints, Liverpool. All three Acts are now obsolete. The 1820 and 1857 Acts ceased to serve any useful purpose upon the closure of the original church. The 1882 Act became obsolete when the new church was demolished.

St Matthew's Chapel, Pendleton Act (1820)

- 2.71 The preamble to this 1820 Act⁹¹ recorded that an Act had been passed in 1818⁹² to authorise the building of a chapel of ease in Pendleton, Greater Manchester. Unfortunately the trustees appointed by that Act had not been able to raise sufficient funds to build the chapel and had concluded that the project should be cancelled. Accordingly the 1820 Act repealed the 1818 Act and authorised the raising of sufficient funds to cover the cost of passing this repealing Act. The 1820 Act is itself now ripe for repeal.

St Nicholas Harwich Parish Church Acts (1821 and 1824)

- 2.72 By 1821 the parish church of St Nicholas in Harwich, Essex was in a dilapidated state and was too small to accommodate the parishioners. Accordingly the parishioners took down the church and began to build a new and larger version. The money they had raised proved insufficient for the purpose and the 1821 Act⁹³ was passed to raise funds for the completion of the church. Even these funds proved insufficient with the result that the 1824 Act⁹⁴ was passed to raise an additional £4000. This enabled the works to be completed. Both Acts became obsolete once the fund-raising provisions had expired a few years later. St Nicholas continues in use to this day.

⁸⁸ 60 Geo.3 & 1 Geo.4 c.ii.

⁸⁹ 20 & 21 Vict. c.xxxvi.

⁹⁰ 45 & 46 Vict. c.x.

⁹¹ 1 Geo.4 c.lviii.

⁹² 58 Geo.3 c.lxxxvi.

⁹³ 1 & 2 Geo.4 c.cxiv.

⁹⁴ 5 Geo.4 c.cxxvii.

St Mary's Church, Greenwich Act (1822)

- 2.73 The preamble to this 1822 Act⁹⁵ recorded that the existing parish church in Greenwich was far too small for the growing local population. Legislation was needed, however, to facilitate the building of a new church. The Act appointed trustees with powers to erect the new church and raise money to cover the cost. The new church was dedicated to St Mary and was consecrated in 1825 by the Bishop of Oxford. By 1919, however, the church had been declared redundant and the building was demolished in 1936. The 1822 Act became obsolete with the closing of St Mary's.

St John's Church in Roundhay Act (1824)

- 2.74 The preamble to this 1824 Act⁹⁶ recorded that there was no parish church within six miles of Roundhay in West Yorkshire and that "it would be of great benefit and utility" to the inhabitants if one were to be built. The Act dedicated the new church to St John and vested the rights of patronage in one Stephen Nicholson who had raised the money for the site and the building costs. St John's was consecrated in 1826. Unfortunately the cost of maintaining the church became unaffordable and it was closed in 2008. The building is now used by the Pentecostal City Mission. The 1824 Act became obsolete when St John's closed in 2008.

Maidenhead Chapel Act (1824)

- 2.75 The 1824 Act⁹⁷ was passed to authorise the taking down, rebuilding and enlarging of the existing chapel of St Andrew and St Mary Magdalene. Building work started that year and the chapel opened in 1826. However, in 1961 the building was declared unsafe. It was demolished and a new church of St Andrew and St Mary Magdalene was opened on the same site in 1965. The 1824 Act became obsolete when the church that it authorised was demolished.

⁹⁵ 3 Geo.4 c.lxxi.

⁹⁶ 5 Geo.4 c.xxi.

⁹⁷ 5 Geo.4 c.xl.

Oldham Church Acts (1824 and 1828)

- 2.76 Industrialisation led to a rapid increase in the population of Oldham (Greater Manchester) throughout the 18th century. The preamble to the 1824 Act⁹⁸ recorded that the parish church of St Mary was too small for the local inhabitants. Moreover the fabric of the church was badly decayed. Accordingly the Act authorised the taking down of the church and its replacement on an enlarged site. Fund-raising powers were provided to cover the costs. Although most of the church was taken down pursuant to the 1824 Act, that Act had not authorised the demolition of the chancel and two private chapels. Further legislation was needed. The 1828 Act⁹⁹ provided the necessary authority to take down all the buildings, enabling the new church to be consecrated in 1830. The church of St Mary with St Peter, Oldham remains in use to this day. The two Acts became obsolete once their funding provisions expired in the years following the rebuilding of the church.

St Mary's Chapel, Hastings Act (1825)

- 2.77 The preamble to this 1825 Act¹⁰⁰ recorded that, despite the increased population of Hastings in East Sussex, there was no church or chapel within the parish of St Mary in the Castle. Thomas Pelham, the Earl of Chichester, had now however agreed to build a church in the parish as the centrepiece to a new development of arcades and townhouses. The 1825 Act was passed to authorise the construction of the church and its consecration to St Mary. The church was duly built and opened in 1828. By 1970, however, the congregation was in decline and the church was closed. Following restoration work in the 1990s, the building re-opened as an arts and cultural centre in 1998. The 1825 Act became obsolete with the closure of the church in 1970.

St James, Poole, Church Act (1825)

- 2.78 The rebuilding of the parish church of St James in Poole, Dorset in the early 19th century had left the parish with significant debts. The purpose of the 1825 Act¹⁰¹ was to authorise the parish to clear these debts by borrowing £9000 against the security of an additional parish rate. The outstanding debts were repaid by around 1860 at which point the 1825 Act became obsolete. St James' remains in use to this day.

⁹⁸ 5 Geo.4 c.lxiv.

⁹⁹ 9 Geo.4 c.xcix.

¹⁰⁰ 6 Geo.4 c.xxxiii.

¹⁰¹ 6 Geo.4 c.lv.

St Dunstan in the East Parish Borrowing Act (1825)

- 2.79 The church of St Dunstan-in-the-East in the City of London had been rebuilt in 1817 at a cost of £36,000. Much of this had been secured against the parish rates. Doubts, however, had been raised as to whether the church was authorised to raise a rate for this purpose. Accordingly the 1825 Act¹⁰² had to be passed to resolve these doubts by authorising the parish to borrow the requisite amount on the security of the parish rates and to levy the necessary rates. The Act became obsolete once the outstanding loans had been repaid in the years following. St Dunstan's was destroyed during the London Blitz in 1941. Today the ruins are a Grade 1 listed building and the site is used as a public garden.

Church of St David, Liverpool Act (1826)

- 2.80 The preamble to this 1826 Act¹⁰³ recorded that, because many people from Wales had moved to Liverpool, it would be desirable to provide a new church there to hold services in the Welsh language. Sufficient funds had been raised to build the church, but the building required the authority of Parliament. Accordingly the 1826 Act appointed trustees to oversee the building work, and provided that two sermons were to be delivered in Welsh each Sunday. The church, dedicated to St David, was duly built and was consecrated in July 1827. In 1910, however, the site was bought by the Midland Railway who demolished the church in order to expand the Adelphi Hotel. The congregation of St David's moved to new church premises elsewhere in the city. The 1826 Act became obsolete with the closure of the church in 1910.

Wisbech Chapel of Ease Act (1827)

- 2.81 This 1827 Act¹⁰⁴ was passed to authorise the building of a new chapel in Wisbech, Cambridgeshire. The preamble to the Act recorded that the existing parish church of Wisbech was "inadequate to the accommodation of the inhabitants of the said parish". The chapel was duly built and it opened in 1831. Modelled on the Octagon of Ely Cathedral, it became known as the Octagon Church. The building subsequently became unsafe and the church was closed in 1946 before being demolished in 1952. The site is today occupied as commercial premises. The Act became obsolete with the church closure in 1946.

¹⁰² 6 Geo.4 c.cxcv.

¹⁰³ 7 Geo.4 c.li.

¹⁰⁴ 7 & 8 Geo.4 c.xcii.

Hove Chapel of Ease Act (1828)

- 2.82 The preamble to this 1828 Act¹⁰⁵ recorded that the existing parish church of Hove was inconvenient and inadequate for the accommodation of the local inhabitants. Work had begun on the building of a new chapel, but Parliamentary authority was needed for its completion. The Act provided for the completion of the building works and for the chapel to be dedicated to St Andrew. The architect was Charles Barry and the chapel became a fashionable place of worship in Victorian times. It was later known as St Andrew's Church. In 1990, however, the church was declared redundant due to declining congregations. The building is today known as St Andrew's Venue and is used as a concert hall and community centre. The 1828 Act became obsolete upon the closure of the church.

St Dunstan in the West Parish Church Act (1829)

- 2.83 A church has stood on the site of St Dunstan-in-the-West since medieval times. By the early 19th century the church needed rebuilding. Accordingly the 1829 Act¹⁰⁶ was passed to authorise the pulling down and rebuilding of the church. The Act included fund-raising provisions to cover the costs. The rebuilding was duly carried out in accordance with the Act, which became obsolete in 1872 when the final loan was repaid. St Dunstan's remains in use to this day.

Church of St Augustine, Walton-on-the-Hill Act (1830)

- 2.84 By 1830 the population of Everton in Liverpool had increased to the point where a new church was needed to accommodate it. Land and money was available but Parliamentary authority was needed before the church could be completed. Accordingly the 1830 Act¹⁰⁷ approved the construction of the new church, which was to be known as the Church of St Augustine. The building was duly constructed and was completed under the supervision of John Broadbent. In May 1941, however, the church was destroyed by enemy bombing and the site was disposed of. The 1830 Act has been obsolete since the destruction of the church.

St John's Church, Liscard (Cheshire) Act (1831)

- 2.85 The preamble to this 1831 Act¹⁰⁸ recorded that the parish church of Wallasey was too small to accommodate all the inhabitants in the area. A new church was proposed for Liscard, an area of Wallasey in Merseyside. The Act authorised the building of the church and the raising of funds to cover costs. The church, dedicated to St John, was duly built and opened in 1833. Unfortunately, because of a declining congregation, the church was closed in 2004. The closing of the church means that the 1831 Act is now obsolete.

¹⁰⁵ 9 Geo.4 c.xv.

¹⁰⁶ 10 Geo.4 c.xcvi.

¹⁰⁷ 11 Geo.4 & 1 Will.4 c.xl.

¹⁰⁸ 1 Will.4 c.xxiii.

Church of St Mary, Birkenhead Act (1832)

- 2.86 The church of St Mary in Birkenhead was built in 1821. Because of a subsequent growth in the local population, it was decided to extend the church. Its patron, Francis Price, was willing to build the extension at his own expense provided that part of his estate was freed from the obligation to pay an annual rent to the minister of St Mary's. Accordingly the 1832 Act¹⁰⁹ authorised these arrangements and the building was completed in 1835. In 1970, however, the building was declared unsafe and St Mary's was closed in 1974. It was partially demolished the following year. The 1832 Act has been obsolete since the church closed in 1974.

Parish Church of St Bartholomew, Chichester Act (1832)

- 2.87 The preamble to this 1832 Act¹¹⁰ recorded that the population of Chichester, West Sussex had begun to build a new church there because the existing church was too small. The money soon ran out, however, so legislation was needed to raise the remaining funds. Accordingly the Act appointed trustees to complete the church, which was to be dedicated to St Bartholomew. Fund-raising powers were provided and the church was completed in 1832 under the supervision of the architect George Draper. St Bartholomew's ceased being used as a parish church in 1954. It was used by the Chichester Theological College until its closure in 1994. It is currently the chaplaincy centre of Chichester College. The 1832 Act has been obsolete since the church closed in 1954.

Birkenhead Holy Trinity Church Act (1841)

- 2.88 Because the existing parish church of Birkenhead was too small to accommodate all the local worshippers, two local builders built a new and larger church at their own expense. An Act of Parliament, however, was needed for the consecration of the new church. Accordingly the 1841 Act¹¹¹ provided for the church to be consecrated as Holy Trinity and for the builders to enjoy the right to nominate the minister. The church was closed in 1974 following the merger of a number of parishes in Birkenhead. The building was demolished and the site is now an industrial estate. The 1841 Act is therefore now obsolete.

¹⁰⁹ 2 & 3 Will.4 c.lxxix.

¹¹⁰ 2 & 3 Will.4 c.lxxx.

¹¹¹ 4 & 5 Vict.c.xxxvii.

Kingstown Episcopal Mariners Church Act (1842)

- 2.89 The preamble to this 1842 Act¹¹² recorded that funds had been raised to build a chapel of ease “for the resort of seamen frequenting or residing at the harbour of Kingstown” (now Dun Laoghaire in County Dublin). The building had almost been completed but Parliamentary authority was needed for title to the land to be conveyed to the founders of the chapel. The Act accordingly authorised the conveyance of the land and established rights to appoint the chaplain. The church was to be known as the Kingstown Episcopal Mariners Church. Because of a declining congregation, however, the church was closed in 1971. The building re-opened as the National Maritime Museum of Ireland in 1978. The 1842 Act has been obsolete since the closure of the church.¹¹³

Claughton-cum-Grange (St Andrew) Church Act (1845)

- 2.90 The rapidly increasing population of Claughton-cum-Grange (an area in Birkenhead) in the early 1800s meant that a larger church was needed. A local landowner, William Jackson, had offered to build a church there at his own expense. Parliamentary authority was needed to achieve this. Accordingly the 1845 Act¹¹⁴ authorised the building of the church, which was to be known as the church of St Andrew. The right to nominate the minister was vested in Mr Jackson. In the event, no church of St Andrew was ever built. Mr Jackson did, however, build another church in the area. This was dedicated to St John the Baptist and was completed in 1858. It seems likely that it was built using the powers in the 1845 Act. St John’s was closed in 1974 following a re-organisation of parishes in Birkenhead. The Act is therefore now obsolete.

St Patrick’s Cathedral Economy Fund Act 1851

- 2.91 St Patrick’s Cathedral in Dublin was built during the 13th century. By the middle of the 19th century it was in need of repair. To provide funds for the repairs, the 1851 Act¹¹⁵ provided for money that would have been used for church salaries to be diverted into an “economy fund”. Borrowing powers were also included. The repair works were finally completed in 1865, by which time all outstanding loans had been repaid. The Act has therefore long been obsolete.¹¹⁶ St Patrick’s remains in use to this day.

¹¹² 5 & 6 Vict. c.lxi.

¹¹³ A further ground of repeal for this Act is that it concerns a building that is now within the jurisdiction of the Republic of Ireland. Accordingly the Act, though remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom.

¹¹⁴ 8 & 9 Vict. c.xxvi.

¹¹⁵ 14 & 15 Vict. c.lxxxii.

¹¹⁶ A further ground of repeal for this Act is that it concerns a building that is now within the jurisdiction of the Republic of Ireland. Accordingly the Act, though remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom.

Kilkenny Cathedral Economy Fund Act 1864

- 2.92 The present cathedral church of St Canice in Kilkenny, Ireland was built during the 1200s. By the mid-19th century, however, the building had fallen out of repair. To provide funds for the repairs, the Dean and Chapter had agreed to pay their surplus income from leases and rentcharges into an “economy fund”. The 1864 Act¹¹⁷ authorised this arrangement. It also authorised the borrowing of up to £10,000. The restoration work was duly undertaken and was completed in 1867, and the outstanding loan was repaid some years later. The Act thereupon became obsolete.¹¹⁸ St Canice remains in use to this day.

Exeter Chapel of St John’s Hospital Act 1878

- 2.93 St John’s Hospital in Exeter was established in the 13th century but, following the Reformation, its buildings began to be used as a school. By the late 19th century it was decided to sell the school site because new premises had been found elsewhere. An Act of Parliament was, however, required in order to include the Hospital chapel in the sale. The 1878 Act¹¹⁹ duly authorised the school governors to sell the site including the chapel. The sale proceeds, earmarked for building a new chapel and for an orphanage of St John’s Hospital, have since been used up. The 1878 Act accordingly is now obsolete.

St Peter’s (Clifton Bristol) Church Act 1883

- 2.94 The preamble to this 1883 Act¹²⁰ recorded that St Peter’s Church in Bristol had been found to be unsuited to the needs of the local parish. Moreover, a new and larger church had been built nearby. Parliamentary authority was required for the sale of the old church. The Act accordingly sanctioned the sale of the church building which was used first as a public library and then as a parish hall before being demolished in 1939. The Act no longer serves any useful purpose and is therefore now obsolete.

Birstall Wesleyan Chapel Trust Scheme Confirmation Act 1890

- 2.95 This 1890 Act¹²¹ was passed to confirm a scheme to hold the property of Birstall Methodist church in Birstall (West Yorkshire) on the terms of the Methodist model trust deed. The scheme confirmed by the Act had been approved by the Charity Commissioners but required Parliamentary authority before it came into force. By virtue of the Methodist Church Act 1976, all property previously held on a Methodist model trust deed is now vested in the Trustees for Methodist Church Purposes. This includes the current property of the Birstall Methodist Church. The 1890 Act is accordingly now obsolete.

¹¹⁷ 27 & 28 Vict.c.3.

¹¹⁸ A further ground of repeal for this Act is that it concerns a building that is now within the jurisdiction of the Republic of Ireland. Accordingly the Act, though remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom.

¹¹⁹ 41 & 42 Vict. c.xix.

¹²⁰ 46 & 47 Vict. c.xvi.

¹²¹ 53 & 54 Vict. c.clxxxiv.

Hanover Chapel (Regent Street) Act 1891

- 2.96 The preamble to this 1891 Act¹²² recorded that Hanover Chapel on Regent Street in London's West End was "remote from that part of the parish in which the parishioners principally reside". Moreover its porch formed "an inconvenient projecting obstruction in Regent Street". It was therefore decided to close the chapel and build a new church in nearby Davies Street. The 1891 Act accordingly provided the necessary authority for this. The chapel was closed in 1896 and the new church, St Anselm's, was consecrated in February that year. Falling attendances, however, prompted the closing of St Anselm's in 1938, and it was demolished the following year. The Act is therefore now obsolete.

Saint Simon and Saint Jude's Church Anfield Act 1892

- 2.97 By the late 19th century the population of the parish of St Barnabus in Liverpool had diminished to the point where it was decided to close the church of St Barnabus, sell the site and use the proceeds to build a new church elsewhere in Liverpool. Accordingly the 1892 Act¹²³ authorised the demolition of the old church, the sale of the site and the investment of the sale proceeds in building a new church. The new church, St Simon and St Jude's, was completed in 1896. In the 1980s, however, the new church was declared redundant. It was demolished in 1987, and the site is now used as a nursing home. The 1892 Act has therefore become obsolete.

Church of Emmanuel West End Hampstead Act 1899

- 2.98 The church of Emmanuel in West Hampstead was established in 1885. However, because there was already another church in the area, the church of Emmanuel ceased to be the parish church in 1898. The 1899 Act¹²⁴ provided authority for selling the church and site and transferring the proceeds to the Ecclesiastical Commissioners. The church was duly sold and demolished. The site is today occupied by a mansion block built in the 1920s. The 1899 Act has accordingly long been obsolete.

All Saints' Church (Cardiff) Act 1899

- 2.99 The preamble to this 1899 Act¹²⁵ recorded that the church of All Saints in Cardiff had been built in 1856. The population in the area had much decreased because of the extension of the docks and the subsequent conversion of dwelling houses into warehouses. Meanwhile a new church was urgently required in another part of the same parish. The Act authorised the sale of the church and the investment of the sale proceeds in a new church, also to be known as All Saints, in Adamsdown Square. The old church was duly sold in 1899 and the new church was built four years later. This new church was itself closed in 1965 when its parish was united with that of St John. The building has been used for commercial purposes since 1966. The 1899 Act is therefore now obsolete.

¹²² 46 & 47 Vict. c.xvi.

¹²³ 55 & 56 Vict. c.cxlvi.

¹²⁴ 62 & 63 Vict. c.lxvii.

¹²⁵ 62 & 63 Vict. c.clvi.

Bosden Wesleyan Trust Property Charity Scheme Confirmation Act 1913

- 2.100 This 1913 Act¹²⁶ was passed to confirm a scheme to hold Hazel Grove Methodist Church property on the terms of the Methodist model trust deed. The scheme confirmed by the Act had been approved by the Charity Commissioners but required Parliamentary authority before it could come into force. Hazel Grove Methodist Church remains in use today. However by virtue of the Methodist Church Act 1976, all property previously held on a Methodist model trust deed has now been vested in the Trustees for Methodist Church Purposes. This includes the property of the Hazel Grove Methodist Church. The 1976 Act therefore superseded the 1913 scheme, rendering the 1913 Act obsolete.

Eatington Wesleyan Methodist Chapel Property Charity Scheme Confirmation Act 1919

- 2.101 This 1919 Act¹²⁷ was passed to confirm a scheme to hold the school room of Ettington Methodist Church, Warwickshire,¹²⁸ on the terms of the Methodist model trust deed. The scheme confirmed by the Act had been approved by the Charity Commissioners but required Parliamentary authority before it could come into force. Ettington Methodist Church closed in the mid-20th century and the building was converted into private residences. Moreover the school room was demolished during the 1980s, rendering the 1919 Act obsolete.

¹²⁶ 3 & 4 Geo.5 c.clxxiii.

¹²⁷ 9 & 10 Geo.5 c.lxxxvii.

¹²⁸ The village of Ettington was formerly known as Eatington.

PART 3

CRIMINAL LAW

INTRODUCTION

- 3.1 This part of the report proposes the repeal of obsolete provisions from the criminal law. The proposals cover the period 1945 to 2003.
- 3.2 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

Treason Act 1945

- 3.3 The *Treason Act 1945*¹ was passed to amend the procedural rules in cases of treason. Previously the procedure used had dated from the 17th century and was both complex and archaic. The Act resulted in the procedure used for all categories of treason being assimilated with that for ordinary criminal cases.
- 3.4 Repeals to the 1945 Act over the years have meant that today only one substantive provision survives. This provision, section 3(2), extended the Treason Act of 1800 to Northern Ireland. Since, however, that 1800 Act was repealed in Northern Ireland in 1967,² section 3(2) is now spent. It follows that the 1945 Act is now obsolete and may be repealed on that basis.

Prison Act 1952

- 3.5 The purpose of the *Prison Act 1952*³ was to consolidate certain enactments relating to prisons and other institutions for offenders. Section 50 of the Act provided that section 22(2) (removal of prisoners) was to apply to persons detained in remand homes. Since this textual reference to section 22(2) has since been repealed,⁴ section 50 is now obsolete.⁵

Children and Young Persons Act 1963

- 3.6 The *Children and Young Persons Act 1963*⁶ was passed to amend the existing law relating to children and young persons. It contains a number of provisions that are now obsolete.

¹ 8 & 9 Geo.6 c.44.

² Criminal Law Act (Northern Ireland) 1967.

³ 15 & 16 Geo.6 and 1 Eliz.2 c.52.

⁴ Children and Young Persons Act 1969, s 72(4), Sch 6.

⁵ Section 50 also contained a provision relating to section 18(1) of the 1952 Act. However section 18(1) was repealed by the Criminal Justice Act 1967, ss 65,103(2), Sch 7, Pt 1.

⁶ 1963 c.37.

- 3.7 Section 17(2) amended section 47(2) of the Children and Young Persons Act 1933, and became obsolete when section 47(2) was repealed by the Crime and Disorder Act 1998.⁷ Section 31 amended section 1(1)(b) of the Children and Young Persons Act 1933 and became obsolete when the amended text was substituted by virtue of the Magistrates' Courts Act 1980.⁸ Section 32 amended section 7 of the 1933 Act and section 18 of the Children and Young Persons (Scotland) Act 1937 and became obsolete following substitutions of the amended text.⁹

Criminal Justice Act 1967

- 3.8 The *Criminal Justice Act 1967*¹⁰ amended the law relating to the proceedings of criminal courts. Section 100(2A) was inserted by the Criminal Justice Act 1982¹¹ which provided for the Parliamentary procedure to be followed in respect of orders made under section 60(1A) of the 1967 Act. Section 100(2A) became obsolete when section 60(1A) was repealed by the Criminal Justice Act 1991.¹²

Criminal Law Act 1977

- 3.9 The *Criminal Law Act 1977*¹³ contains a number of provisions that have become obsolete.
- 3.10 Section 36 has been repealed except for a definition in subsection (9) which is now unnecessary in the absence of any other provisions in that section. Section 53(1) repealed text in section 1(3) of the Obscene Publications Act 1959 and became spent as soon as it took effect. Section 58 now contains only subsections (2) and (5), both of which were amending provisions that became spent when the provisions that they amended were repealed.¹⁴ Schedule 9 provided for matters ancillary to section 47 of the 1977 Act and became spent when that section was repealed.¹⁵

⁷ The 1998 Act, ss 47(7), 120(2), Sch 10.

⁸ The 1980 Act, s 32.

⁹ Children and Young Persons (Protection from Tobacco) Act 1991, ss 1(2), (4), 2(2), (4).

¹⁰ 1967 c.80.

¹¹ The 1982 Act, s 33(b).

¹² The 1991 Act, s 101(2), Sch 13.

¹³ 1977 c.45.

¹⁴ Subsection (2) amended section 2(13) of the Children and Young Persons Act 1969, which was repealed by the Children Act 1989, s 108, Sch 15. Subsection (5) amended section 15(4) of the 1969 Act, which was repealed by the Powers of Criminal Courts (Sentencing) Act 2000, ss 165(4), 168(1), Sch 12, Pt 1.

¹⁵ Criminal Justice Act 1991, ss 5(2)(b), 101(2), Sch 13.

Criminal Evidence Act 1979

- 3.11 This 1979 Act¹⁶ was passed to amend the law on the cross-examination of defendants about their previous convictions and bad character. The general position was that a defendant could not be asked about these matters, but an exception existed where he gave evidence about the record or character of a co-defendant charged with the same offence. In some cases, however, two defendants were tried together but not charged with the same offence. This meant that one defendant could give evidence about the character of the other without being examined as to his or her own record. The 1979 Act was passed to rectify this anomaly.
- 3.12 The 1979 Act proceeded by amending the relevant statute law in England and Wales, in Scotland and in Northern Ireland. Over the years, however, the amendments in the Act have been repealed by later enactments.¹⁷ Today the only remaining substantive provision in the 1979 Act is a spent saving provision in section 1(2) in relation to persons charged before the Act came into force. Accordingly the Act is now obsolete.

Criminal Justice Act 1982

- 3.13 The purposes of the *Criminal Justice Act 1982*¹⁸ included the standardisation of fines. Section 41 amended section 2(3) of the Emergency Powers Act 1920, an amendment which became unnecessary when the 1920 Act was repealed by the Civil Contingencies Act 2004.¹⁹ Accordingly section 41 is now obsolete.

Police and Criminal Evidence Act 1984

- 3.14 The *Police and Criminal Evidence Act 1984*²⁰ was passed to amend the existing provisions relating to the powers and duties of the police. Section 49 of the Act amended section 67 of the Criminal Justice Act 1967 and became unnecessary when section 67 was repealed by the Crime (Sentences) Act 1997.²¹

¹⁶ 1979 c.16.

¹⁷ The reference to the Criminal Evidence Act 1898 (for England and Wales) was repealed by the Criminal Justice Act 2003, s 332, Sch 37, Pt 5; the reference to the Criminal Procedure (Scotland) Act 1975 was repealed by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 6, Sch 5; the reference to the Criminal Evidence Act (Northern Ireland) 1923 was repealed by the Criminal Justice (Evidence) (Northern Ireland) Order 2004, SI 2004/1501 (NI 10), art 46(2), Sch 2.

¹⁸ 1982 c.48.

¹⁹ The 2004 Act, ss 32, 34, Sch 3.

²⁰ 1984 c.60.

²¹ The 1997 Act, s 56, Sch 6.

Interception of Communications Act 1985

- 3.15 The *Interception of Communications Act 1985*²² was passed to regulate the interception of communications by the security services. It was prompted by an ECHR ruling that telephone tapping was unlawful in the absence of clear statutory provisions authorising it.²³
- 3.16 The 1985 Act was mostly repealed by the Regulation of Investigatory Powers Act 2000.²⁴ The only provisions still surviving are sections 11(1) and 12. Section 11(1) enacted the amendments in Schedule 2, which has since been repealed by the Communications Act 2003.²⁵ Section 12 contains ancillary provisions for the short title, commencement and repeals. Accordingly the 1985 Act no longer has any substantive provisions, and may be repealed as obsolete.

Criminal Justice Act 1988

- 3.17 The *Criminal Justice Act 1988*²⁶ was passed to amend the existing criminal law, including the making of changes to fines. Sections 54 and 56(1) inserted provisions into the Criminal Procedure (Scotland) Act 1975 that have since been repealed.²⁷ Accordingly sections 54 and 56(1) are now obsolete.

Entertainments (Increased Penalties) Act 1990

- 3.18 The purpose of the *Entertainments (Increased Penalties) Act 1990*²⁸ was to impose higher penalties for persons holding unlicensed parties or for breaching a party's licence conditions. This was a response to the increasing popularity of acid house parties, which were often organised illegally.
- 3.19 The 1990 Act was repealed for England and Wales in 2003.²⁹ Section 2, however, remains in force for Scotland. Section 2 amended section 7 of the Civic Government (Scotland) Act 1982 for the purpose of increasing penalties in Scotland. With the exception of this amendment, the 1990 Act now serves no useful purpose, and its repeal is proposed on that basis. The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).³⁰ This will permit the repeal of the 1990 Act as a whole.

²² 1985 c.56.

²³ *Malone v United Kingdom* (1984) 4 EHRR 14.

²⁴ The 2000 Act, s 82(2), Sch 5.

²⁵ The 2003 Act, s 406(7), Sch 19(1).

²⁶ 1988 c.33.

²⁷ Section 54 inserted section 289GD and section 56(1) inserted section 289GC. Both inserted provisions were repealed by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 6(1), Sch 5, para 1.

²⁸ 1990 c.20.

²⁹ Licensing Act 2003, s 199, Sch 7.

³⁰ Sch 2, para 7.

Criminal Justice and Public Order Act 1994

- 3.20 This 1994 Act³¹ was passed to amend the existing criminal law and criminal justice system. It contains several provisions which are now obsolete.
- 3.21 Section 17 amended section 1B of the Criminal Justice Act 1982 and became unnecessary when section 1B was repealed by the Crime and Disorder Act 1998.³² Section 19(2) amended provisions in the Children Act 1989³³ and became unnecessary when those provisions were repealed by the Care Standards Act 2000.³⁴ Section 149 substituted a new section 32(1) of the Criminal Justice Act 1991 and became unnecessary when section 32 was repealed by the Criminal Justice Act 2003.³⁵ Section 150 amended section 50(1) of the Criminal Justice Act 1991 and became unnecessary when section 50 was repealed by the Coroners and Justice Act 2009.³⁶

Proceeds of Crime Act 1995

- 3.22 The *Proceeds of Crime Act 1995*³⁷ was passed to strengthen the courts' powers to confiscate the proceeds of crime. With the exception of section 14, there are no remaining substantive provisions in the 1995 Act.³⁸ Section 14(1) and (2) made amendments to the Prevention of Terrorism (Temporary Provisions) Act 1989 and became unnecessary when the 1989 Act was repealed.³⁹ Section 14(3) inserted section 9(1A) into the Criminal Justice (International Co-operation) Act 1990. This amendment remains in force.
- 3.23 Accordingly, with the exception of the amendment made by section 14(3), the 1995 Act now serves no useful purpose, and its repeal is proposed on that basis.⁴⁰ The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).⁴¹ This will permit the repeal of the 1995 Act as a whole.

³¹ 1994 c.33.

³² The 1998 Act, ss 73(7)(a), 120(2), Sch 10.

³³ The 1989 Act, Sch 5, para 7(2)(ff); Sch 6, para 10(2)(jj).

³⁴ The 2000 Act, s 117(2), Sch 6.

³⁵ The 2003 Act, ss 303(a), 332, Sch 37, Pt 7.

³⁶ The 2009 Act, s 178, Sch 23, Pt 5.

³⁷ 1995 c.11.

³⁸ Most of the 1995 Act was repealed by the Proceeds of Crime Act 2002, s 457, Sch 12.

³⁹ Terrorism Act 2000, s 125(2), Sch 16, Pt 1.

⁴⁰ Section 15(4) and Sch 2 (repeals) and section 16 (short title, etc) are obsolete ancillary provisions.

⁴¹ Sch 2, para 8.

Criminal Appeal Act 1995

- 3.24 The purposes of this 1995 Act⁴² included making changes to the assessment of compensation for miscarriages of justice. Section 28 amended section 133 of the Criminal Justice Act 1988 by adding subsection (4A). Section 28 became unnecessary when a new subsection (4A) was substituted by the Criminal Justice and Immigration Act 2008.⁴³

Criminal Justice and Court Services Act 2000

- 3.25 The purposes of this 2000 Act⁴⁴ included making changes to police powers for drug-testing persons in custody. Section 57(3)(a) inserted text into section 38 of the Police and Criminal Evidence Act 1984 and became unnecessary when replacement text was substituted by the Drugs Act 2005.⁴⁵

Sexual Offences (Amendment) Act 2000

- 3.26 The *Sexual Offences (Amendment) Act 2000*⁴⁶ was passed to amend the existing law on sexual offences, including the creation of a new offence of sexual activity amounting to a breach of trust.
- 3.27 Since 2000 the law on sexual offences has been subject to widespread reforms. As a result the 2000 Act has been wholly repealed in Scotland⁴⁷ and mostly repealed in England, Wales and Northern Ireland⁴⁸ where the only unrepealed provisions are sections 1(3), 2(4) and 6(2) (all of which related to the 2000 Act as it related to Scotland before it was repealed there), section 1(5) (a spent repealing provision) and section 7 (short title, construction, commencement and extent). Accordingly the 2000 Act is now obsolete.

Criminal Justice Act 2003

- 3.28 The *Criminal Justice Act 2003*⁴⁹ was passed to amend the existing criminal justice system. It contains two provisions that are now obsolete.
- 3.29 Section 26 amended section 1 of the Criminal Justice and Court Services Act 2000 and became unnecessary when section 1 was repealed by the Offender Management Act 2007.⁵⁰ Section 318(2) amended section 14(1) of the Court Martial Appeals Act 1968 and became unnecessary when section 14(1) was substituted by the Armed Forces Act 2006.⁵¹

⁴² 1995, c.35.

⁴³ The 2008 Act, s 61(4).

⁴⁴ 2000 c.43.

⁴⁵ The 2005 Act, s 23(1), Sch 1, para 3(a).

⁴⁶ 2000 c.44.

⁴⁷ Sexual Offences (Scotland) Act 2009, s 61(2), Sch 6.

⁴⁸ Sexual Offences Act 2003, s 140, Sch 7.

⁴⁹ 2003 c.44.

⁵⁰ The 2007 Act, s 39, Sch 5, Pt 1.

⁵¹ The 2006 Act, s 272(2), Sch 8, para 12(3).

PART 4

TAXATION

INTRODUCTION

- 4.1 The provisions proposed for repeal in this part of the report relate to tax law spanning the period 1844 to 1999, which has become obsolete either through the passage of time or because of subsequent statutory intervention. In all, we recommend the repeal of four Acts in their entirety and parts of some 30 other Acts.
- 4.2 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

BANK CHARTER ACT 1844 (7 & 8 VICT c.32)

- 4.3 Schedule A to the *Bank Charter Act 1844* provided the form of the account required by section 6 of the same Act. Section 6 was repealed by the Banking Act 2009.¹ Schedule A is therefore unnecessary.

Finance Act 1896 (59 & 60 Vict c 28)

- 4.4 Section 38 of the *Finance Act 1896* amended section 27 of the Inland Revenue Regulation Act 1890 and became unnecessary when the 1890 Act was repealed.²

Finance Act 1920 (10 & 11 Geo 5 c 18)

- 4.5 Repeals to the *Finance Act 1920* over the years mean that only a handful of provisions survive.
- 4.6 Section 40(2) amended sections 99 and 116 of the Stamp Act 1891 to substitute “sixpence” for “penny” and became unnecessary when both provisions in the 1891 Act were repealed.³ Sections 43(1) and 64(1) will fall consequentially upon the repeal of section 40(2).
- 4.7 Section 37(2) has been repealed subject to a saving relating to stamp duty payable under section 115 of the Stamp Act 1891 on transfers to charities.⁴ The repeal of section 115⁵ and the fact that transfers to charities are now exempt from stamp duty⁶ mean that this saving is no longer necessary.
- 4.8 There being no other substantive provisions remaining in the 1920 Act, the whole of that Act is now obsolete.

¹ The 2009 Act, s 245.

² Commissioners for Revenue and Customs Act 2005, s 52(2), Sch 5.

³ Finance Act 1970, Sch 8, Pt 4.

⁴ Finance Act 1974, ss 49(3), 57, Sch 14, Pts 4,7.

⁵ Finance Act 1976, Sch 15, Pt 6.

⁶ Finance Act 1982, s 129.

Currency and Bank Notes Act 1928 (18 & 19 Geo 5 c 13)

- 4.9 Section 10 of the *Currency and Bank Notes Act 1928* provided for the amendment of Schedule A to the Bank Charter Act 1844. As noted above, Schedule A is now unnecessary. Section 10 is therefore also unnecessary.

Finance Act 1940 (3 & 4 Geo 6 c 29)

- 4.10 Sections 26-39 and 41 of the *Finance Act 1940* concerned the excess profits tax. This tax, levied on extra profits made by businesses as a result of the Second World War, was abolished in 1946.⁷ As a result, these provisions are now unnecessary. Schedules 5 and 6, which provided supplementary provisions on the excess profits tax, are also unnecessary.
- 4.11 Section 65(4) concerned the construction of Part 3 of the 1940 Act. Sections 26-39 and 41 are the only remaining provisions in Part 3. If they are repealed as now recommended, section 65(4) will also be unnecessary.
- 4.12 Schedule 1 set out rates of beer duties. It was introduced by sections 1 and 2, both of which have been repealed.⁸ The remaining parts of schedule 1 (parts 2, 5 and 6) are therefore unnecessary.

Finance Act 1942 (5 & 6 Geo 6 c 21)

- 4.13 Sections 37-41 of the *Finance Act 1942* concerned the abolished excess profits tax. As explained above, this tax has long been abolished. As a result, these provisions are now unnecessary. Section 49(5), which relates to the construction of sections 37-41, is also unnecessary.⁹

Finance (No 2) Act 1945 (9 & 10 Geo 6 c 13)

- 4.14 Sections 29 and 31-36 of and Schedule 5 to the *Finance (No 2) Act 1945* concerned the abolished excess profits tax. Sections 38 and 46-50 and Schedule 6 concerned post-war refunds of the excess profits tax. This was paid to businesses to aid reconstruction following the end of the Second World War.¹⁰
- 4.15 Section 51(3) concerned the arrangements for paying excess profits tax in British dominions outside the United Kingdom. Sections 58 and 59 and Schedule 8 concerned the exceptional depreciation allowance used in calculating profits for the purpose of the excess profits tax.¹¹ Section 62(4) concerned the construction of provisions relating to the excess profits tax.
- 4.16 These provisions have long been unnecessary.

⁷ Finance Act 1946, s 36.

⁸ Customs and Excise Act 1952, s 320(1), sch 12 pt 1; Finance Act 1942, s 49(8), sch 12.

⁹ According to legislation.gov.uk, section 49(5) has been repealed. However, this seems to be incorrect.

¹⁰ <http://webarhive.nationalarchives.gov.uk/+http://www.hmrc.gov.uk/history/taxhis6.htm> .

¹¹ The other provisions in section 51 were repealed by the Income Tax Act 1952, s 527, Sch 25.

Finance Act 1946 (9 & 10 Geo 6 c 64)

- 4.17 Sections 36-43 of, and Schedules 8 and 9 to, the *Finance Act 1946* concerned the abolished excess profits tax. Section 45 concerned the construction of Part 3 of the Act, none of which remains in force. Section 58 concerned the exceptional depreciation allowance in respect of income tax, excess profits tax and the national defence contribution. Section 58 has been repealed insofar as it related to income tax,¹² and therefore now only relates to the excess profits tax and the national defence contribution. The national defence contribution, introduced in 1937, was replaced by profits tax in 1947.
- 4.18 Accordingly all of these provisions are now unnecessary.

Finance Act 1947 (10 & 11 Geo 6 c 35)

- 4.19 In section 74 of the *Finance Act 1947* (short title, construction, extent and repeals), subsections (1), (4), (5), (7) and (9)-(11) remain in force. Subsections (4) and (5) concern the construction of Parts 3 and 4 and parts of Part 7, all of which have been repealed. Subsections (4) and (5) are therefore unnecessary.
- 4.20 Section 74(11) introduced Schedule 11. Parts 2 and 3 of Schedule 11 remain in force, but, as they merely gave effect to repeals, are now unnecessary. Subsection (11) is thus also unnecessary.

Finance (No.2) Act 1947 (11 & 12 Geo 6 c 9)

- 4.21 Section 8 of the *Finance (No.2) Act 1947* provided for liability for interest on tax arrears. As originally enacted, section 8 covered a range of taxes. In 1952 its scope was limited to arrears of profits tax and excess profits tax.¹³ Both taxes have now been abolished. The profits tax was abolished in 1965¹⁴ whilst the excess profits tax was abolished in 1946.¹⁵ The fact that these taxes were abolished so long ago means that the charging of interest on arrears of such taxes is now unnecessary. Since there are no other substantive provisions remaining, the whole of the 1947 Act is now obsolete and may be repealed.

Finance Act 1948 (11 & 12 Geo 6 c 49)

- 4.22 Section 71 of the *Finance Act 1948* defined “remuneration” for the purpose of enactments relating to the profits tax, which had replaced the national defence contribution. The profits tax was abolished and replaced by corporation tax in 1965. Section 71 is therefore unnecessary.¹⁶
- 4.23 Section 78 concerned relief from the excess profits tax. As explained above, this tax has long since been abolished, and section 78 is therefore also unnecessary.

¹² Income Tax Act 1952, s 527, sch 25.

¹³ Income Tax Act 1952, s 527, sch 25.

¹⁴ Finance Act 1965, s 46.

¹⁵ Finance Act 1946, s 36.

¹⁶ Part of subsection (2) was repealed by the Finance Act 1958, s 40(5), sch 9 pt 2.

- 4.24 Section 82(5) concerned the construction of Part 6 of the 1948 Act, and other parts of the Act relating to the profits tax. This provision is now unnecessary.

Finance Act 1949 (12, 13 & 14 Geo 6 c 47)

- 4.25 Section 51 of the *Finance Act 1949* originally concerned appeals against assessments to income tax, surtax, the profits tax, excess profits tax or the special contribution. Today, however, it relates only to the profits tax.¹⁷ As explained above, this has been abolished. Section 51 is therefore unnecessary.
- 4.26 Section 52(2) concerned the construction of Part 1 of the Act. Part 1 has been repealed in its entirety. The remaining part of section 52(7) concerned the construction of provisions relating to the profits tax. Section 52(2) and (7) are therefore now unnecessary.

Finance Act 1951 (14 & 15 Geo 6 c.43)

- 4.27 Section 39 of the *Finance Act 1951* amended section 78 of the Finance Act 1948 (relief from excess profits tax) which is proposed for repeal above. The repeal of section 78 will result in the consequential repeal of section 39.
- 4.28 Section 40 extended the time limit for commencing proceedings for penalties in cases of fraud or wilful default relating to the payment of excess profits tax or profits tax. As stated above in relation to the proposed repeal of sections 71 and 78 of the Finance Act 1948, both the excess profits tax and the profits tax have long since been abolished. Accordingly section 40 no longer serves any useful purpose.

Finance Act 1960 (8 & 9 Eliz 2 c 44)

- 4.29 Section 67 of the *Finance Act 1960* increased the rate of profits tax chargeable by virtue of section 25(1) of the Finance Act 1958 from 10% to 12.5% with effect from 1 April 1960. As stated above in relation to the proposed repeal of section 71 of the Finance Act 1948, the profits tax has long since been abolished. Moreover section 25 of the Finance Act 1958 has been repealed by the Finance Act 1965.¹⁸ Accordingly section 67 is now unnecessary.

Finance Act 1961 (9 & 10 Eliz 2 c 36)

- 4.30 Section 31 of the *Finance Act 1961* increased the rate of profits tax chargeable by virtue of section 25(1) of the Finance Act 1958 from 12.5% to 15% with effect from 1 April 1961. For the reasons given in the last paragraph, section 31 is now unnecessary.
- 4.31 The repeal of section 31 will mean that the Finance Act 1961 may be repealed in whole, the only unrepealed provision being section 37 which provides for the short title, interpretation and extent.

¹⁷ References to income tax and surtax were repealed by the Income Tax Act 1952, s 527(1), sch 25 pt 1, and references to excess profits tax and the special contribution were repealed by the Statute Law (Repeals) Act 2008, s 1(1), sch 1 pt 8.

¹⁸ The 1965 Act, s 97(5), Sch 22, Pt 5.

Finance Act 1966 (c 18)

- 4.32 The whole of section 12 of the *Finance Act 1966* (general betting duty), other than subsection (6)(b), was repealed by the Betting and Gaming Duties Act 1972.¹⁹ Subsection (6)(b) amended Schedule 5 to the Betting, Gaming and Lotteries Act 1963 and became unnecessary when Schedule 5 was repealed by the Gambling Act 2005.²⁰ Section 12 is accordingly now unnecessary.

Taxes Management Act 1970 (c 9)

- 4.33 Sections 47A, 57A, 62(3), 77A, 85A, 86A and 91A of this 1970 Act were inserted by the Development Land Tax Act 1976²¹ and ceased to have any effect in respect of any disposal of land taking place on or after 19 March 1985, by virtue of the repeal of the 1976 Act by the Finance Act 1985.²²

Finance Act 1974 (c 30)

- 4.34 Section 56 of the *Finance Act 1974* (trustee savings banks – special investments) amended section 18(1) of the Trustee Savings Banks Act 1969. The 1969 Act was repealed in its entirety by the Trustee Savings Banks Act 1981.²³ Section 56 is therefore unnecessary.

Finance (No 2) Act 1975 (c 45)

- 4.35 Parts of the *Finance (No 2) Act 1975* made amendments to the Taxes Management Act 1970. Some of these amendments are now unnecessary:
- (a) Section 44(5) amended section 29(5) of the 1970 Act. Section 29 was substituted by the Finance Act 1994.²⁴
 - (b) Section 45(2) amended section 55 of the 1970 Act in relation to years of assessment up to 1972-73. This amendment is no longer necessary.
 - (c) Section 45(3) amended section 56(9) of the 1970 Act. Section 56 was substituted by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.²⁵
 - (d) Section 45(4) amended section 48(2) of the 1970 Act. Section 48 was also substituted by the 2009 Order.²⁶
 - (e) Section 46(1) substituted section 86 of the 1970 Act. Section 86 was further substituted by the Finance Act 1995.²⁷

¹⁹ The 1972 Act, s 29(2), Sch 7.

²⁰ The 2005 Act, ss 356(3)(f), (4), Sch 17.

²¹ The 1976 Act, s 41(1), Sch 8, Pt 1.

²² The 1985 Act, s 98(6), Sch 27, Pt 10, Note 2.

²³ s 55(3), sch 8.

²⁴ s 191(1).

²⁵ SI 2009/56, art 3(1), sch 1 para 35.

²⁶ SI 2009/56, art 3(1), sch 1 para 28.

- (f) Section 46(2) amended section 86 of the 1970 Act in relation to years of assessment up to 1972-73. As stated above, section 86 has now been substituted.
- (g) Section 46(3) amended section 87 of the 1970 Act. Section 46(3)(a) has already been repealed by the Finance Act 1980.²⁸ Section 46(3)(b) inserted section 87(8) into the 1970 Act. Section 87 was substituted by the Income Tax Act 2007.²⁹
- (h) Section 46(5) amended section 109(2), (3) and (4) of the 1970 Act. Section 109(2) was repealed by the Finance (No 2) Act 1987.³⁰ Section 109(3) was substituted by the Finance Act 2013.³¹ Section 109(4) had already been substituted by the Finance Act 1972,³² and only applied to payments made before 6 April 1973.
- (i) Section 74 amended the Solicitors Act 1974 by inserting a reference to a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969. This amendment was repealed by the Trustee Savings Banks Act 1985.³³

4.36 Thus sections 44(5), 45(2)-(4), 46³⁴ and 74 of the 1975 Act are now unnecessary.

Finance Act 1980 (c 48)

4.37 Section 104 of the *Finance Act 1980* (increase of petroleum revenue tax) amended section 1(2) of the Oil Taxation Act 1975. The relevant words were subsequently substituted by the Finance Act 1982.³⁵ Section 104 is therefore unnecessary.

Finance Act 1981 (c 35)

4.38 Section 134 and Schedule 17 of the *Finance Act 1981* provide for a special tax on banking deposits chargeable for the year beginning 1 April 1981. The tax was payable by persons carrying on a banking business in the UK. The tax was chargeable at 2% if the average chargeable deposits exceeded £15m. The tax was a one-off charge and applied for just one year. Both section 134 and Schedule 17 are now unnecessary.

²⁷ s 110.

²⁸ The 1980 Act, s 122, Sch 20, pt 9.

²⁹ s 1027, sch 1 para 258.

³⁰ s 91(1).

³¹ s 79, sch 30 para 11(3).

³² s 111, sch 24 para 13.

³³ The 1985 Act, s 7(3), Sch 4.

³⁴ The only other provisions in section 46 not referred to in the note above have already been repealed. Subs (4) was repealed by Finance Act 1996, s 205, Sch 41, Pt 5(8). Subs (6) was repealed by the Income and Corporation Taxes Act 1988, s 844(4), Sch 31.

³⁵ s 132(1).

Finance Act 1982 (c 39)

- 4.39 Section 12 of the *Finance Act 1982* (delegation of Commissioners' functions) amended section 8(1) of the *Customs and Excise Management Act 1979*. Section 8(1) was repealed by the *Commissioners for Revenue and Customs Act 2005*.³⁶ Section 12 is therefore unnecessary.
- 4.40 Sections 139 to 142 required the payment of advance petroleum revenue tax (APRT) for chargeable periods ending after 31 December 1982 and before 1 January 1987. APRT was a temporary tax and ceased to be chargeable after 1986. Accordingly sections 139 to 142 (together with Schedule 19, which contains supplementary provisions relating to APRT) are now unnecessary.

Finance Act 1984 (c 43)

- 4.41 Section 3 amended sections 6(1) and 11(1)(a) of the *Hydrocarbon Oil Duties Act 1979* by inserting new rates of duties provisions. Subsequent amendments to those provisions mean that section 3 is now unnecessary.
- 4.42 Section 6 amended section 14 of the *Betting and Gaming Duties Act 1981* (rate of gaming licence duty) by substituting a new Table in subsection (1) in respect of gaming licences for any period after 31 March 1984. This amendment is now unnecessary because section 14 was repealed by the *Finance Act 1997* in relation to any gaming on or after 1 October 1997.³⁷
- 4.43 Section 57(1)(a) of the *Finance Act 1984* amended section 65(1) of the *Taxes Management Act 1970*. The relevant words were subsequently substituted by the *Finance Act 1998*.³⁸ Section 57(1)(a) is therefore unnecessary.

Finance Act 1986 (c 41)

- 4.44 Section 74(1) of the *Finance Act 1986* is a repealing provision and is now spent. Section 74(2) amended paragraph 12(3) of Part 4 of Schedule 18 to the *Finance Act 1980*. Paragraph 12(3) was repealed by the *Finance Act 1988*.³⁹ Section 74(3) is supplementary. The whole of section 74 is therefore unnecessary.
- 4.45 Section 112 (limit for local loans) amended section 4(1) of the *National Loans Act 1968* by inserting new loan ceilings. However this amendment has now been superseded by new loan ceilings, the current ceilings being set by the *Finance Act 2014*.⁴⁰ Section 112 is therefore unnecessary.
- 4.46 Part 1 of Schedule 4 to the 1986 Act amended the *Betting and Gaming Duties Act 1981*. Two of these amendments are now unnecessary:

³⁶ s 50(6), sch 4 para 21(c).

³⁷ The 1997 Act, s 113, Sch 18, Pt 2.

³⁸ s 117(3), sch 19 para 30(2).

³⁹ s 148, sch 14 pt 11.

⁴⁰ The 2014 Act, s 300.

- (a) Paragraph 1 of Schedule 4 amended section 1 of the 1981 Act. Section 1 was substituted by the Finance Act 2001.⁴¹
- (b) Paragraph 3 amended section 9 of the 1981 Act. Section 9 was repealed by the Gambling Act 2005.⁴²

4.47 Paragraphs 1 and 3 of Schedule 4 are therefore unnecessary.

Advance Petroleum Revenue Tax Act 1986 (c 68)

4.48 The *Advance Petroleum Revenue Tax Act 1986* was a one-off financial measure intended to benefit North Sea oil companies. Advance petroleum revenue tax (APRT) had been introduced by the Finance Act 1982. Because of the capital allowances available for development projects, an oil company was not liable to pay petroleum revenue tax on an oil field for the first few years of its production. In order to provide some income for the Exchequer during this period, the 1982 Act required companies to make advance payments of petroleum revenue tax during this period. These credits could later be offset against their eventual tax liabilities.

4.49 In the mid-1980s, however, the price of oil dropped considerably and oil companies faced cash-flow difficulties as a result. The 1986 Act provided for the immediate repayment of their APRT credits, with the aim of easing their difficulties. The Act was, however, only a transitory relief measure. It concerned only APRT paid by companies before 31 December 1986. Moreover claims for repayment of APRT had to be made by 28 February 1987. The passage of time since that cut-off date means that the Act has served no useful purpose for 25 years or more. It may now be repealed as obsolete.

Finance Act 1988 (c 39)

4.50 Section 45 of the *Finance Act 1988* substituted a new Part 1 (tables of flat rate cash equivalents) of Schedule 6 to the Income and Corporation Taxes Act 1988. Schedule 6 related to the taxation of directors and others in respect of cars. Schedule 6 was, however, repealed by the Income Tax (Earnings and Pensions) Act 2003 with effect from 6 April 2003.⁴³ Accordingly section 45 is now unnecessary.

4.51 Section 51(1) of the Finance Act 1988 (restriction of relief) inserted section 290A into the Income and Corporation Taxes Act 1988, and made a consequential amendment to section 289(12) of the same Act. Section 290A was repealed by the Finance Act 1998.⁴⁴ Section 289 was repealed by the Income Tax Act 2007.⁴⁵

⁴¹ s 6(1), sch 1 para 1.

⁴² s 356(4), sch 17.

⁴³ The 2003 Act, ss 722,723, 724(1), Sch 6, Pt 1, Sch 8, Pt 1.

⁴⁴ s 165(1), sch 27 pt 3.

⁴⁵ s 1031, sch 3 pt 2.

- 4.52 Section 51(2) (which is the only other subsection in section 51) amended the effect of Schedule 5 to the Finance Act 1983. Schedule 5 was repealed by the Income and Corporation Taxes Act 1988.⁴⁶
- 4.53 Section 52 (valuation of interests in land) inserted section 294(5A) into the Income and Corporation Taxes Act 1988. Section 294 was repealed by the Income Tax Act 2007.⁴⁷
- 4.54 Section 59 (reinsurance: general) substituted section 450(4)(b) of the Income and Corporation Taxes Act 1988 and paragraph 4 of Schedule 16 to the Finance Act 1973. Section 450 of the 1988 Act was repealed by the Finance Act 1993.⁴⁸ Schedule 16 to the 1973 Act was repealed by the 1988 Act.⁴⁹
- 4.55 Section 60 (reinsurance to close) substituted section 450(5) of, and inserted section 450(5A) into, the Income and Corporation Taxes Act 1988, and amended section 70 of the Finance (No 2) Act 1987. As stated above, section 450 of the 1988 Act was repealed by the Finance Act 1993.⁵⁰ Section 70 of the 1987 Act was repealed by the 1988 Act.⁵¹
- 4.56 Section 70 (charities: payroll deduction scheme) amended section 202(7) of the Income and Corporation Taxes Act 1988. Section 202 was repealed by the Income Tax (Earnings and Pensions) Act 2003.⁵²
- 4.57 Accordingly, all of these sections are now unnecessary.

Finance Act 1989 (c 26)

- 4.58 Section 17 of the *Finance Act 1989* (disbursements in Port of London) amended section 17 of the Customs and Excise Management Act 1979. Section 17 of the 1979 Act was repealed by the Commissioners for Revenue and Customs Act 2005.⁵³
- 4.59 Section 65 (employee share schemes: material interest) inserted paragraph 40 into Schedule 9 to the Income and Corporation Taxes Act 1988. The relevant part of Schedule 9 was repealed by the Income Tax (Earnings and Pensions) Act 2003, except so far as relating to profit sharing schemes.⁵⁴

⁴⁶ s 844(4), sch 31.

⁴⁷ s 1031, sch 3 pt 2.

⁴⁸ s 213, sch 23 pt 3.

⁴⁹ s 844(4), sch 31.

⁵⁰ s 213, sch 23 pt 3.

⁵¹ s 844(4), sch 31.

⁵² s 724(1), sch 8 pt 1.

⁵³ s 52(2), sch 5.

⁵⁴ s 722, sch 6 para 112(2). Paragraph 40 does not concern profit-sharing schemes.

4.60 Section 81 (offshore funds operating equalisation arrangements) amended section 758(6) of the Income and Corporation Taxes Act 1988. Section 758 was repealed by the Offshore Funds (Tax) Regulations 2009.⁵⁵

4.61 Accordingly, these provisions are now unnecessary.

Finance Act 1990 (c 29)

4.62 Section 93 (restrictions on Board's power to call for information) inserted section 20(7A) into the Taxes Management Act 1970. Section 20 was repealed by the Finance Act 2008.⁵⁶

4.63 Section 106 (corporation tax: collection) substituted section 10(2) of the Income and Corporation Taxes Act 1988. Section 10 was repealed by the Finance Act 1994.⁵⁷

4.64 Section 129 (settlement of stock disputes by deputy registrars) amended section 5 of the National Debt Act 1972. Section 5 was repealed by the Finance (No 2) Act 2005.⁵⁸

4.65 These provisions are all therefore unnecessary.

Finance Act 1991 (c.31)

4.66 Section 29 of the *Finance Act 1991* (car benefits) substituted a new Part 1 (tables of flat rate cash equivalents) of Schedule 6 to the Income and Corporation Taxes Act 1988. Schedule 6 related to the taxation of directors and others in respect of cars. Schedule 6 was, however, repealed by the Income Tax (Earnings and Pensions) Act 2003 with effect from 6 April 2003.⁵⁹ Accordingly section 29 is now unnecessary.

Finance (No 2) Act 1992 (c 48)

4.67 Section 7 of the *Finance (No 2) Act 1992* (bingo duty: increased exemption etc) substituted paragraph 2(1)(a) and amended paragraph 12(1) of Schedule 3 to the Betting and Gaming Duties Act 1981. Paragraph 2 was subsequently substituted and paragraph 12 was repealed by the Finance Act 2003.⁶⁰

4.68 Section 9 (amendments relating to new beer duty regime) inserted paragraphs 21A and 22A into Schedule 2 to the Finance Act 1991. Paragraph 21A was repealed by the Enterprise Act 2002.⁶¹ Paragraph 22A was repealed by the Insolvency (Northern Ireland) Order 2005.⁶²

⁵⁵ SI 2009/3001, art 13(2), sch 2.

⁵⁶ s 113(1), sch 36 para 67.

⁵⁷ s 258, sch 26 pt 5.

⁵⁸ s 70(1), sch 11 pt 5.

⁵⁹ The 2003 Act, ss 722,723, 724(1), Sch 6, Pt 1, Sch 8, Pt 1.

⁶⁰ ss 9(3), 9(8)(b).

⁶¹ s 278(2), sch 26.

⁶² SI 2005/1455, art 31, sch 9.

- 4.69 Section 46 (transfer of a trade: supplementary (1)) amended parts of the Taxation of Chargeable Gains Act 1992. Subsection (5) amended section 174(2) and (3) of the 1982 Act. These subsections were repealed by the Finance Act 2000.⁶³ Subsection (5) is accordingly unnecessary.

Finance Act 1993 (c 34)

- 4.70 Section 14 (hand-rolling tobacco) amended section 1(2) and (3) and inserted section 1(2A) of the Tobacco Products Duty Act 1979. Sections 1(2) and (2A) were repealed by the Tobacco Products (Descriptions of Products) Order 2003.⁶⁴ The amendment to section 1(3) was consequential on the insertion of section 2A, and is accordingly unnecessary.

- 4.71 Section 16 (small-prize machines) amended the Betting and Gaming Duties Act 1981. Some of its subsections have already been repealed. Those that remain in force are all now unnecessary:

- (a) Subsections (1) and (9) were supplementary.
- (b) Subsections (2) and (3) amended section 21(1) and inserted section 21(3A) into the 1981 Act. Section 21 was repealed by the Finance Act 2012.⁶⁵
- (c) Subsection (4) amended section 22. Section 22 was also repealed by the Finance Act 2012.⁶⁶
- (d) Subsection (5) has already been repealed by the Finance Act 1994.⁶⁷
- (e) Subsection (6) substituted section 25(4). Section 25 was also repealed by the Finance Act 2012.⁶⁸
- (f) Subsection (7) amended section 26(2). Section 26 was also repealed by the Finance Act 2012.⁶⁹
- (g) Subsection (8) has already been repealed by the Finance Act 1995.⁷⁰

- 4.72 Section 36(2) inserted paragraph 5B into Schedule 6 to the Insolvency Act 1986. Paragraph 5B was repealed by the Enterprise Act 2002.⁷¹

⁶³ s 156(1), sch 40, pt 2.

⁶⁴ SI 2003/1471, art 3(1).

⁶⁵ The 2012 Act, s 191, sch 24, para 53(a).

⁶⁶ The 2012 Act, s 191, Sch 24, para 53(a).

⁶⁷ The 1994 Act, s 258, Sch 26, pt 2.

⁶⁸ The 2012 Act, s 191, Sch 24, para 53(a).

⁶⁹ The 2012 Act, s 191, Sch 24, para 53(a).

⁷⁰ The 1995 Act, s 162, Sch 29, Pt 3.

⁷¹ s 251(1)(b).

- 4.73 Section 105(3) amended section 32A(5) of the Capital Gains Tax Act 1979. The 1979 Act was repealed by the Taxation of Chargeable Gains Act 1992.⁷²
- 4.74 These provisions are all now unnecessary.

Finance Act 1994 (c 9)

- 4.75 Section 46 of the *Finance Act 1994* (repayment supplement) amended section 20(1) and (2) of the Finance Act 1985. Section 20 has since been repealed by the Value Added Tax Act 1994.⁷³
- 4.76 Section 136 (parts of trades: computations in different currencies) inserted section 94A into the Finance Act 1993, and made a consequential amendment to section 95(6) of the same Act. Sections 94A and 95 were substituted by the Finance Act 2000.⁷⁴
- 4.77 Section 214(1) and section 216(2) repealed provisions in the Income and Corporation Taxes Act 1988. They are now unnecessary.
- 4.78 Section 235(4) inserted paragraph 11(2B) into Schedule 10 to the Finance Act 1987. Paragraph 11 was repealed by the Finance Act 2006.⁷⁵
- 4.79 Section 254 (appeals practice and procedure) amended section 56B of the Taxes Management Act 1970. Section 56B was repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.⁷⁶
- 4.80 Accordingly, these provisions are now unnecessary.

Finance Act 1996 (c 8)

- 4.81 Section 6(3) of the *Finance Act 1996* (mixing of rebated oil) inserted section 20AAA of the Hydrocarbon Oil Duties Act 1979 ("the 1979 Act"). However a replacement section 20AAA was substituted by the Finance Act 2004.⁷⁷ Section 6(4) of, and Schedule 1 to, the 1996 Act inserted Schedule 2A to the 1979 Act. However Schedule 2A was repealed by the Finance Act 2004.⁷⁸ These provisions are therefore unnecessary.

⁷² s 290(3).

⁷³ The 1994 Act, s 100, Sch 15.

⁷⁴ s 105(1).

⁷⁵ s 150(11).

⁷⁶ SI 2009/56, art 3(1), sch 1 para 36.

⁷⁷ The 2004 Act, s 9(4),(5).

⁷⁸ ss 9(3), 326, Sch 42, Pt 1(1).

Finance Act 1999 (c 16)

- 4.82 Section 6 of the *Finance Act 1999* (rate of pool betting duty) amended section 7(1) of the Betting and Gaming Duties Act 1981. Section 7 was substituted by the Finance Act 2002.⁷⁹ Section 6 is therefore unnecessary.

⁷⁹ s 12(1), sch 4 para 2. Section 7 has since been repealed by Finance Act 2014, s 196, Sch 28, pt 1, para 2.

PART 5

TRADE AND INDUSTRY

INTRODUCTION

- 5.1 The Acts proposed for repeal in this part of the report relate to trade and industry legislation, mostly dating from the 1930s onwards. These obsolete enactments reflect economic and social changes, many of which were brought about by developments in technology and commerce.
- 5.2 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

Refreshment Houses Act 1860

- 5.3 The *Refreshment Houses Act 1860*¹ was passed to encourage the drinking of wine rather than gin, which was considered a major social evil. It created three new kinds of excise licence, including a licence to sell wine in a refreshment house for consumption on the premises.²
- 5.4 Today the only surviving provision in the 1860 Act is section 44. This section applied where a term in a lease prohibited the use of premises as a vintner's or a public house. In such cases, section 44 provided that the term would also cover the new form of licensed refreshment house created by the Act.
- 5.5 Section 44 is now obsolete. It applied only to the selling of wine (not other kinds of alcohol) and only to leases that were in existence on 14 June 1860 when the 1860 Act came into force.³ Furthermore changes in the law since 1860 have abolished the licensing arrangements in the 1860 Act. The provision for holding a licence to sell wine for consumption in a refreshment house was abolished by the Finance (1909-10) Act 1910.⁴ Moreover the new alcohol licensing regime established by the Licensing Act 2003 repealed arrangements for licensing the sale of wine alone.⁵ Accordingly section 44 no longer serves any useful purpose. Because section 44 is the only surviving substantive provision in the 1860 Act, the repeal of that section will permit the repeal of that Act in its entirety.

¹ 23 & 24 Vict.c.27.

² The 1860 Act, s 7. Premises that were deemed to constitute refreshment houses for the purposes of the Act included all premises kept open for public refreshment, resort and entertainment at any time between 9.00 pm and 5 am, not being separately licensed for the sale of alcohol: the 1860 Act, s 6.

³ *Lorden v Brooke-Hitching* [1927] 2 KB 237, 253.

⁴ The 1910 Act, s 96(1), Sch 6.

⁵ The 2003 Act, ss 199, 200, Schs 7,8.

Telegraph Acts 1863, 1868 and 1870

- 5.6 *The Telegraph Act 1863*⁶ was passed to regulate the powers of telegraph companies. The first public telegraph line was opened in Britain in 1845, running between London and Gosport. By 1863 there were five main telegraph companies operating the inland network. Controversy had arisen over private Acts of Parliament which had granted individual companies wide powers to carry out works without the consent of landowners. The 1863 Act restricted these powers. Because of repeals over the years since then, the only remaining provision in the Act is its short title. The Act has accordingly ceased to serve any useful purpose and its repeal is proposed on that basis.
- 5.7 *The Telegraph Act 1868*⁷ was passed to enable the Post Office to take control of the British inland telegraph network. The telegraph companies had been criticised for their high prices and poor service, and campaigners had been lobbying for nationalisation for several years. Because of repeals over the years since then, the only remaining provision in the 1868 Act is its short title. The Act has accordingly ceased to serve any useful purpose and its repeal is proposed on that basis.
- 5.8 *The Telegraph Act 1870*⁸ was passed to extend the 1868 Act and the Telegraph Act 1869 to the Isle of Man and the Channel Islands.⁹ This resulted in the nationalisation of the Isle of Man Electric Telegraph Company in 1870 and the Jersey and Guernsey Telegraph Company in 1872. The only surviving provisions in the 1870 Act are the short title and section 3, which provided for the extension of the 1868 and 1869 Acts to the islands. Given that the 1869 Act has already been repealed, and only the short title of the 1868 Act remains, the 1870 Act no longer serves any useful purpose and may now be repealed on that basis.

Essential Commodities Reserves Act 1938

- 5.9 The purpose of this 1938 Act¹⁰ was to enable the Board of Trade to maintain reserves of commodities which would be essential for the country in the event of war. According to Schedule 1 of the Act, essential commodities included food, fertilisers and petroleum. The Board of Trade started to accumulate its reserves of essential commodities before war broke out in September 1939. By the end of that year, around £6 million of stocks had been accumulated, including over 100,000 tons of whale oil and 180 tons of biscuits.

⁶ 26 & 27 Vict. c.112.

⁷ 31 & 32 Vict. c.110.

⁸ 33 & 34 Vict. c.88.

⁹ The 1869 Act (32 & 33 Vict. c.73) was repealed by the Post Office Act 1969, s 141, Sch 11, Part 2.

¹⁰ 1 & 2 Geo.6 c.51.

- 5.10 It soon became apparent, however, that the 1938 Act was of limited value. The passing of the Emergency Powers (Defence) Act 1939 provided sufficient powers to deal with food supplies. By 1947 the Essential Commodities Reserves Fund established under the 1938 Act had been wound up, though no action was taken to repeal the Act itself. By then the stocks built up under the Act had been run down and not replaced. Today the Government does not use the Act which has clearly become obsolete over the last 70 years.

Imperial Telegraphs Act 1938/Cable and Wireless Act 1946

- 5.11 The *Imperial Telegraphs Act 1938*¹¹ and the *Cable and Wireless Act 1946*¹² were passed to deal with matters concerning Cable and Wireless Ltd (“the Company”). The Company had been formed in 1929 out of a merger of several cable telegraph companies authorised by the Imperial Telegraphs Act 1929. Under that Act, the Company leased the Government’s four beam wireless stations for an annual rent of £250,000. The 1929 Act also created a holding company (Cable and Wireless (Holding) Ltd) which owned the shares of the Company.
- 5.12 Because the Company’s telegraph rates were so high, its business became threatened by foreign competition. The Government accordingly entered into a new agreement with the Company whereby the annual rent was waived in return for 2.6 million shares in the Company. This agreement was given effect to by the 1938 Act. The Company continued, however, to face increasing competition from companies in America. At the same time there was dissatisfaction from Commonwealth countries with the way that the Company was being run. The national importance of telegraph infrastructure had become clear during the Second World War, and the Company faced demands for nationalisation of its assets. The 1946 Act gave effect to these demands by providing for the Company to be brought into public ownership. Once nationalised, the Company’s assets were acquired by government bodies throughout the Commonwealth. Within the United Kingdom, these assets were operated by the Post Office.
- 5.13 Today the Company is wholly in private hands. The British Telecommunications Act 1981 provided for the privatisation of the Company in stages. By 2002 this process was complete. Most of the Company’s assets were taken over by Vodafone plc in 2012. The assets of the Company’s holding company are today held by the Mineworkers’ Pensions Scheme.

¹¹ 1 & 2 Geo.6 c.57.

¹² 9 & 10 Geo.6 c.82.

- 5.14 Both the 1938 and the 1946 Acts are today obsolete. The only remaining provision of the 1938 Act relates to dividends on the Company's shareholding held by the Government,¹³ and became spent once the privatisation process was complete. The provisions in the 1946 Act that remain concern the share transfers that occurred at the time of nationalisation. These provisions have long been spent.¹⁴

Restriction of Advertisement (War Risks Insurance) Act 1939

- 5.15 The purpose of the *Restriction of Advertisement (War Risks Insurance) Act 1939*¹⁵ was to restrict the advertisement of insurance schemes which purported to indemnify property owners against war risks. In April 1937 the Government announced that it would not be setting up a national scheme to provide insurance against property damage caused by the imminent war. Private companies therefore sprang up to fill this apparent gap. This prompted concern, however, that these companies had nothing like the resources needed to provide comprehensive cover against war damage risks, whilst their advertising appeared to mislead the public about the level of cover available. Accordingly the 1939 Act provided that anyone wishing to advertise insurance against war risks must seek permission from the Board of Trade. Every application had to be approved by an advisory committee established under the Act. To publish advertisements without such permission was made a criminal offence.

- 5.16 Insurance law and practice over the past 70 years has made the 1939 Act obsolete. The sale of insurance today is regulated under modern consumer protection legislation protecting property owners to an extent not available back in 1939. Today any person or body offering war risks insurance would have to be authorised and supervised for conduct purposes by the Financial Conduct Authority, and for prudential purposes by the Prudential Regulation Authority. Moreover businesses offering contracts of insurance are carrying on "regulated activities" for the purposes of the Financial Services and Markets Act 2000. In order to carry on their business, insurers have to meet "threshold requirements" relating to, for example, their suitability and the adequacy of their resources. HM Treasury have confirmed that they are not aware of any modern use for the arrangements established by the 1939 Act. It therefore appears that the Act has been entirely superseded by modern regulatory practices and is now obsolete.

Statistics of Trade Act 1947

- 5.17 The *Statistics of Trade Act 1947*¹⁶ was passed to allow certain Government departments to obtain more readily the information necessary for the appreciation of economic trends and for the discharge of their functions. Indeed the Act remains the basis on which the Office for National Statistics gathers information relating to business.

¹³ The 1938 Act, s 1(1).

¹⁴ Another spent provision is section 4(4) which concerned the funding of any pension claims made against the holding company.

¹⁵ 2 & 3 Geo.6 c.120.

¹⁶ 10 & 11 Geo.6 c.39.

- 5.18 Although the 1947 Act as a whole continues to have value, section 10 has fallen out of use. Section 10 gives the Chancellor of the Exchequer power to make orders to require persons travelling by air into or out of the United Kingdom to provide their name, sex, marital status, occupation and country of departure or destination. This power was thought necessary to provide information which would become increasingly important as air travel grew in the second half of the 20th century. In the event no order was ever made under section 10. Instead the necessary information has been provided by means of the International Passenger Survey which since 1961 has been collecting information about air passengers entering and leaving the United Kingdom. Moreover immigration officials already have extensive powers to require this information.¹⁷ Accordingly section 10 of the 1947 Act no longer continues to serve any useful purpose.

Industrial Organisation and Development Act 1947

- 5.19 The main purpose of the *Industrial Organisation and Development Act 1947*¹⁸ was to empower Ministers to establish development councils for individual industries. These councils were to be established by order, would be funded by levies on businesses and would work to improve the efficiency of the individual industries by investing in research, training and marketing.
- 5.20 Although several development councils were established,¹⁹ few had any real impact on their industries. They often received little support from employers. Most of them were eventually dissolved and replaced by new industry bodies, funded on a voluntary basis. In 2008 the remaining three councils were dissolved when their functions were merged to form the Agriculture and Horticulture Development Board, established under the Natural Environment and Rural Communities Act 2006.²⁰
- 5.21 The provisions of this 1947 Act are now obsolete so far as they relate to the establishment of development councils. Their repeal is accordingly proposed, a proposal that is supported by Government. A consequential repeal will be section 60 of the Agriculture Act 1993, which amended section 4 of the 1947 Act. The one provision in the 1947 Act that is not proposed for repeal is section 11. This relates not to development councils but to a grant-making power in favour of the Council of Industrial Design. This body was renamed the Design Council in the 1970s and is now a charity incorporated by Royal Charter. The Department for Business, Innovation and Skills has asked for section 11 to remain on the statute book at least for the time being.

¹⁷ See, for example, the Immigration Act 1971, s 4, Sch 2.

¹⁸ 10 & 11 Geo.6 c.40.

¹⁹ The industries in question included clothing and agriculture.

²⁰ Agriculture and Horticulture Development Board Order 2008 (SI 2008/576). The three industries were horticulture, milk and potatoes.

Companies Act 1947

- 5.22 The *Companies Act 1947*²¹ was passed to implement the recommendations of the Cohen Report on the reform of company law. Much of the 1947 Act was soon overtaken by the consolidating Companies Act 1948, and most of the remaining provisions were repealed by later enactments. Today the only surviving substantive provisions are sections 92(2) to (4) and 99. These survive only for the purposes of section 115(4) and (5). Given that section 115 was repealed in 1985,²² these surviving provisions are now unnecessary, with the result that the 1947 Act as a whole is now obsolete.

Trade Descriptions Act 1968

- 5.23 This 1968 Act²³ was passed to make new provision for the prohibition of false trade descriptions. Section 17 inserted a new section 64A into the Trade Marks Act 1938, thereby enabling the proprietor of a trademark to request that goods infringing that trademark be prohibited from importation into the United Kingdom. However the Trade Marks Act 1938 has since been repealed with the result that section 17 has become obsolete²⁴.

Local Employment Act 1970

- 5.24 The *Local Employment Act 1970*²⁵ was passed to extend the Government's regional development policy and to provide funds for improving derelict land. Most of the 1970 Act has now been repealed. The only substantive provision that remains in force is the entry in the Schedule which amends section 60 of the Landlord and Tenant Act 1954.²⁶ With the exception of this amendment, the 1970 Act now serves no useful purpose, and its repeal is proposed on that basis. The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).²⁷ This will permit the repeal of the 1970 Act as a whole.

²¹ 10 & 11 Geo.6 c.47.

²² Insolvency Act 1985, s 235, Sch 10, Pt 3 (for England and Wales); Bankruptcy (Scotland) Act 1985, s 75, Sch 8 (for Scotland).

²³ 1968 c.29.

²⁴ The 1938 Act was repealed by the Trade Marks Act 1994, s106(2), Sch 5. The prohibition on infringing goods is now dealt with under section 89 of that Act.

²⁵ 1970 c.7.

²⁶ Section 60 empowers the Secretary of State as landlord of a property in a development or intermediate area to terminate a tenancy in order to achieve the purpose of providing employment appropriate to the needs of that area.

²⁷ Sch 2, para 4.

Atomic Energy Authority (Special Constables) Act 1976

- 5.25 This 1976 Act²⁸ was passed to increase the security of Britain's nuclear sites. It empowered the civilian guards at such sites to carry firearms and to use them off-site when protecting nuclear-related material. The individual substantive provisions of the Act have all been repealed over the years, but the Act itself has never been repealed in its entirety. Accordingly its formal repeal as a whole is now proposed.

Weights and Measures &c Act 1976

- 5.26 The purpose of this 1976 Act²⁹ was to continue the phasing out of imperial measures in the United Kingdom. Most of this Act was repealed in 1985.³⁰ The only remaining substantive provision is section 12, together with provisions ancillary to section 12. Section 12 provides that, where food or other goods are likely to be in short supply, the Minister may by order lift certain restrictions normally imposed on the supply of the goods. These restrictions relate to food safety and labelling requirements.
- 5.27 The need for this provision arose out of the sugar shortage of 1974 when packs of sugar were specially imported to cope with this emergency situation. In many cases the sale of this sugar potentially infringed weights and measures and labelling requirements. In the event, however, no order has ever been made under section 12 and it seems clear that this provision no longer serves any useful purpose. Its repeal is recommended on that basis. This will permit the final repeal of the 1976 Act as a whole.

Dock Work Regulation Act 1976

- 5.28 The *Dock Work Regulation Act 1976*³¹ was passed to reform the National Dock Labour Board. The Board had been established in 1947 to administer the Dock Labour Scheme. The Scheme prevented the use of casual labour in the industry by guaranteeing work for dockers and giving them rights to holidays, sick pay and pensions. The 1976 Act provided for the creation of a new scheme.
- 5.29 By 1989 the Dock Labour Scheme had come to be seen as an anachronism. Accordingly both the Scheme and the Board were abolished by the Dock Work Act 1989, rendering the 1976 Act obsolete. The Board was duly dissolved on 30 June 1990.³² The individual substantive provisions of the Act have all been repealed, but the Act itself has never been repealed in its entirety. Accordingly its formal repeal as a whole is now proposed.

²⁸ 1976 c.23.

²⁹ 1976 c.77.

³⁰ Weights and Measures Act 1985, s 98(1), Sch 13, Pt 1.

³¹ 1976 c.79.

³² National Dock Labour Board (Date of Dissolution) Order 1990, SI 1990/1158, art 2.

Industry Act 1979

- 5.30 This 1979 Act³³ was passed to raise the borrowing limits of the National Enterprise Board, the Scottish Development Agency and the Welsh Development Agency. These three bodies had been established to encourage economic development and industrial investment.
- 5.31 All three bodies have since ceased to exist.³⁴ The 1979 Act has been repealed already insofar as it applies to the National Enterprise Board and the Scottish Development Agency. Today the Act remains unrepealed only in relation to the Welsh Development Agency. Since this body no longer exists, the 1979 Act is now obsolete.

Crown Agents Act 1979 and 1995

- 5.32 The *Crown Agents Act 1979*³⁵ was passed to establish a new constitutional basis for the Crown Agents. The Crown Agents had been established under the Royal Prerogative by the Secretary of State for the Colonies in 1833.³⁶ They acted as commercial agents, with a monopoly on the supply of goods and services to colonial administrations. None of their activities were supported by any statutory authority.
- 5.33 By the 1960s the Crown Agents were carrying out a wide-ranging business, offering their financial and commercial services to overseas governments and international bodies. During the 1970s they expanded their business into the secondary banking sector. They suffered huge losses in the property crash of 1973, losses that had to be underwritten by the Government. This prompted calls for close governmental control over the Crown Agents, resulting in the passing of the *Crown Agents Act 1979*.

³³ 1979 c.32.

³⁴ The National Enterprise Board was merged with the National Research Development Council, before being dissolved in 1996 (British Technology Group Act 1991, s 1; National Enterprise Board (Dissolution) Order 1996, SI 1996/1448). The functions of the Scottish Development Agency were transferred to Scottish Enterprise in 1990, and the Agency was dissolved the following year (Enterprise and New Towns (Scotland) Act 1990, ss 22,23; Enterprise and New Towns (Scotland) Act 1990 Commencement Order 1990, SI 1990/1840). The functions of the Welsh Development Agency were transferred to the Welsh Assembly in 2006, and the Agency was dissolved (Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, SI 2005/3226).

³⁵ 1979 c.43.

³⁶ Originally known as the Joint Agents General for Crown Affairs, their name was changed in 1863 to Crown Agents for the Colonies, and in 1954 to Crown Agents for Overseas Governments and Administrations.

- 5.34 The 1979 Act re-constituted the Crown Agents as a body corporate and prescribed in detail their permitted activities and their financial powers and borrowing limits. Although the Crown Agents continued to provide services to overseas governments and development agencies, in March 1997 they were privatised pursuant to the Crown Agents Act 1995,³⁷ and all their property, rights and liabilities were vested in a newly-incorporated private company.³⁸ At that point the Crown Agents ceased to have any functions except those relating to the winding-up of their affairs. Today the new private company acts as an international development specialist, wholly owned by the not-for-profit Crown Agents Foundation.³⁹
- 5.35 Most of the 1979 Act was repealed by the 1995 Act.⁴⁰ The remaining provisions are primarily concerned with the Crown Agents Holding and Realisation Board which was established by the 1995 Act to take over and disengage from the Crown Agents' ill-fated activities in secondary banking. The Board was formally dissolved in July 2009⁴¹ and all the provisions in the 1979 Act that related to it are now obsolete. Also obsolete are the remaining provisions in that Act relating to the Crown Agents before privatisation. The only provisions in the 1979 Act that continue to have value are those in Part 1 of Schedule 6 which amended the Public Records Act 1958 so as to include references to the Crown Agents and the Board as organisations whose records are public records. The effect of this amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).⁴² This will permit the repeal of the 1979 Act as a whole.
- 5.36 The 1995 Act also contains a number of provisions that are now obsolete. These relate to the vesting of the Crown Agents' functions in the new private company, and became spent once the vesting was complete. There are also spent provisions relating to the winding-up of the Crown Agents and their affairs. The provisions in question are sections 3 and 4 (which empowered the Secretary of State to acquire a stake in the new private company when it was first incorporated), sections 8 to 10 (which provided for the residual functions and dissolution of the Crown Agents), and section 11 (which concerned the constitution of the Board). All are now proposed for repeal on the basis that they are obsolete.

³⁷ 1995 c.24.

³⁸ Crown Agents Act 1995 (Appointed Day) Order 1997, SI 1997/1139, art 2.

³⁹ The Crown Agents Foundation is the sole shareholder of the private company incorporated at privatisation. This company changed its name in 2013 to Crown Agents Ltd.

⁴⁰ The 1995 Act, s 13(2), Sch 2.

⁴¹ Crown Agents Holding and Realisation Board (Dissolution) Order 2009, SI 2014/1366

⁴² Sch 2, para 5.

Insurance Companies Act 1980

- 5.37 The *Insurance Companies Act 1980*⁴³ was passed to extend the Insurance Companies Act 1974 to Northern Ireland. This was in response to an EU directive which required each Member State to have a uniform law on insurance companies throughout its national territory. Because of extensive repeals since its enactment, the 1980 Act today has few substantive provisions remaining. These are spent provisions in Schedule 3 (which amended other enactments),⁴⁴ section 4(1) (which introduced Schedule 3) and section 5 (which provided the Act's short title, commencement and extent). Because it now contains no substantive live provisions, the 1980 Act is obsolete and may be repealed on that basis.

Industry Act 1980

- 5.38 The *Industry Act 1980*⁴⁵ was passed to reduce the powers of the Welsh Development Agency, the Scottish Development Agency and the National Enterprise Board. These three bodies were to cease to hold shares in companies, in accordance with the Government's policy of shrinking the public sector. The 1980 Act also amended the functions of the English Industrial Estates Corporation.
- 5.39 None of these bodies remain in existence today. As described above in relation to the Industry Act 1979, the Welsh Development Agency, the Scottish Development Agency and the National Enterprise Board (the Board) have all been dissolved. The English Industrial Estates Corporation was also dissolved (in April 1994) and its assets were transferred to the Urban Regeneration Agency (now the Homes and Communities Agency).⁴⁶

⁴³ 1980 c.25.

⁴⁴ These spent provisions are paragraphs 15(b), 17, 18 and 20 which amended the Industrial Assurance (Northern Ireland) Order 1979. This Order was revoked by the Financial Services and Markets Act 2000 (the 2000 Act, s 146(2)), subject to a saving that is now spent.

⁴⁵ 1980 c.33.

⁴⁶ Leasehold Reform, Housing and Urban Development Act 1993, s 184; Leasehold Reform, Housing and Urban Development Act 1993 (Commencement No 4) Order 1994, SI 1994/935.

- 5.40 As a result, much of the 1980 Act has already been repealed. A number of further provisions in the Act have been identified for repeal as being obsolete. These are sections 2 and 2A (which enabled the Board and the Agencies to transfer property), sections 4(3) and 5(1) (which amended provisions that have since been repealed),⁴⁷ section 5(4) (which set financial limits for outgoings under provisions that have since been repealed),⁴⁸ section 5(6) to (8) (which set a limit on the amount payable for shares held by the Board), section 6(3) (which amended a provision that has since been repealed),⁴⁹ section 21(1) and Schedule 2 (dealing with repeals), and section 21(2) (an obsolete saving provision relating to the property and activities of the Welsh Development Agency).

Employment Act 1980

- 5.41 The main purpose of the *Employment Act 1980*⁵⁰ was to curtail certain activities of the trade unions. It restricted the definition of lawful picketing, prevented union members from picketing at workplaces other than their own, and required 80% of a workforce to approve it becoming a closed shop. The individual substantive provisions of the Act have all been repealed over the years, but the Act itself has never been repealed in its entirety. Accordingly its formal repeal as a whole is now proposed.

Supply of Goods and Services Act 1982

- 5.42 This 1982 Act⁵¹ amended the terms that would be implied into certain contracts for the transfer or hire of goods and the supply of services. The Schedule to the Act contained transitional provisions that would be necessary if sections 4 and 9 of the Act came into force ahead of certain provisions in the Sale of Goods Act 1979 and the Consumer Credit Act 1974. In the event, sections 4 and 9 came into force in January 1983⁵² whereas the relevant provisions in the 1979 Act and the 1974 Act both came into force in May 1985. Accordingly the provisions in the Schedule, and in section 20(2) which gave effect to the Schedule, have been spent since May 1985.

⁴⁷ Welsh Development Act 1975, Sch 3, para 1, and s 18(3).

⁴⁸ The 1980 Act, s 5(3); Industry Act 1975, s 8(2).

⁴⁹ Welsh Development Agency Act 1975, s 20.

⁵⁰ 1980 c.42.

⁵¹ 1982 c.29.

⁵² The 1982 Act, s 20(3).

Industrial Development Act 1985

- 5.43 The *Industrial Development Act 1985*⁵³ was passed to amend the English Industrial Estates Corporation Act 1981. The English Industrial Estates Corporation provided premises for small businesses on industrial estates. The repeal of the 1981 Act by the Leasehold Reform, Housing and Urban Development Act 1993 has meant that the amending provisions of the 1985 Act are now obsolete. The remaining surviving provisions in the 1985 Act are also now obsolete, with the result that the 1985 Act as a whole may now be repealed.

Wages Act 1986

- 5.44 The *Wages Act 1986*⁵⁴ was passed to modernise the existing law concerning the payment of wages. It removed the right to payment in cash, prohibited certain deductions from wages, and limited the redundancy rebate. It also restricted the operation of wages councils. The individual substantive provisions of the Act have all been repealed over the years, but the Act itself has never been repealed in its entirety. Accordingly its formal repeal as a whole is now proposed.

Import and Export Control Act 1990

- 5.45 The *Import and Export Control Act 1990*⁵⁵ was a short Act passed to repeal section 9(3) of the Import, Export and Customs Powers (Defence) Act 1939. The 1939 Act was a piece of emergency legislation which had been intended to regulate imports and exports during the Second World War. Section 9(3) provided for its expiry at the end of the war. In the event, Government continued to find the 1939 Act useful after the end of the war. It was used, for example, to restrict the import of firearms and the export of national art treasures. The 1939 Act was therefore made permanent with the repeal of section 9(3) by the 1990 Act. Given that the 1990 Act did no more than repeal section 9(3), it became spent when it came into force at Royal Assent on 6 December 1990. The Act may therefore now be repealed as obsolete.

Sunday Trading Act 1994

- 5.46 The main purpose of the *Sunday Trading Act 1994*⁵⁶ was to facilitate the opening of shops on Sundays. Schedule 4 to the Act concerned the rights of shop workers, allowing them to opt out of Sunday working. The provisions of Schedule 4 have mostly been repealed by subsequent legislation,⁵⁷ leaving only paragraph 24, which is a spent repealing provision. Accordingly Schedule 4 as a whole may be repealed as obsolete along with section 4, which gave it effect. Other obsolete provisions in the 1994 Act are section 1(2) (another repealing provision) and section 9(3) (a spent commencement provision).

⁵³ 1985 c.25.

⁵⁴ 1986 c.48.

⁵⁵ 1990 c.45.

⁵⁶ 1994 c.20.

⁵⁷ Employment Rights Act 1996, s 242, Sch 3, Pt 1; Employment Tribunals Act 1996, s 45, Sch 3, Pt 1; Deregulation and Contracting Out Act 1994, s 81(1), Sch 17.

Sale of Goods (Amendment) Act 1994

- 5.47 The *Sale of Goods (Amendment) Act 1994*⁵⁸ was passed to abolish the rule of law relating to the sale of goods in market overt. The general rule of English law is that a buyer can obtain no better title to goods than that held by the seller.⁵⁹ Since medieval times, however, an exception had been made for goods sold in market overt. In such a case buyers would obtain good title to the goods so long as they bought them in good faith, even if the seller had no title.⁶⁰
- 5.48 By the 1990s the market overt exception was considered to be anachronistic. In modern times, when goods could be moved quickly anywhere in the country, it was enabling thieves to dispose of stolen goods more easily.⁶¹ Accordingly the market overt exception was abolished by the 1994 Act, which repealed the statutory provision that permitted it.⁶² The 1994 Act became spent as soon as this repeal took effect on 3 January 1995. The Act may therefore now be repealed as obsolete.

Welsh Development Agency Act 1997

- 5.49 The *Welsh Development Agency Act 1997*⁶³ was a short Act passed to increase the financial limits of the Welsh Development Agency. This was achieved by amendment to the Welsh Development Agency Act 1975. The Agency was, however, abolished in 2005 and its functions transferred to the Welsh Assembly⁶⁴ before being transferred to Welsh Ministers.⁶⁵ The provisions of the 1975 Act that were amended by the 1997 Act have also been repealed.⁶⁶ The 1997 Act thereupon became spent and it may therefore now be repealed as obsolete.

⁵⁸ 1994 c.32.

⁵⁹ Sale of Goods Act 1979, s 22(1).

⁶⁰ The market overt rule applied only in certain ancient street markets, and only to goods sold on open display between sunrise and sunset.

⁶¹ In the early 1990s, Gainsborough and Reynolds portraits were stolen from Lincoln's Inn and then sold in Bermondsey market. Because of the market overt rule, the portraits could not be recovered from the buyer.

⁶² The 1994 Act, s 1, which repealed the Sale of Goods Act 1979, s 22(1).

⁶³ 1997 c.37.

⁶⁴ Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, SI 2005/3226.

⁶⁵ By virtue of the Government of Wales Act 2006, Sch 11, para 30.

⁶⁶ The 2005 Order, art 7(1), Sch 1, para 18(1).

Competition Act 1998

- 5.50 The *Competition Act 1998*⁶⁷ was passed to strengthen the law on cartels and abuse of a dominant market position. It repealed and replaced a number of statutory provisions on the same topic. The repeals were made by sections 1, 17 and 70 and these sections became spent as soon as they took effect. Additionally section 69 amended section 83 of the Fair Trading Act 1973 and became spent following the repeal of section 83.⁶⁸ Accordingly sections 1, 17, 69 and 70 are now obsolete.

Enterprise Act 2002

- 5.51 The *Enterprise Act 2002*⁶⁹ was passed to amend the law on competition, insolvency and consumer protection. It contained a number of provisions which repealed text in other Acts. The repealing provisions were sections 9, 10, 207, 208, 247 and 263, and became spent when they took effect.

Consumer Credit Act 2006

- 5.52 The *Consumer Credit Act 2006*⁷⁰ was passed to make amendments to the Consumer Credit Act 1974. Section 15 of the 2006 Act repealed provisions in the 1974 Act and became spent when it took effect in April 2007.⁷¹

Consumers, Estate Agents and Redress Act 2007

- 5.53 The *Consumers, Estate Agents and Redress Act 2007*⁷² was passed to establish the National Consumer Council and to amend the law on consumer protection. Schedule 2 to the 2007 Act made amendments to section 28 of the Gas Act 1986, section 25 of the Electricity Act 1989 and various provisions in the Postal Services Act 2000. Schedule 2 is now obsolete along with its introductory provision, section 25(8). Part of the schedule has already been repealed.⁷³ The remaining amendments are now spent because the provisions amended have since been replaced.⁷⁴

⁶⁷ 1998 c.41.

⁶⁸ Section 83 was repealed by SI 2003/3180, art 2, Sch, para 1(5).

⁶⁹ 2002 c.40.

⁷⁰ 2006 c.14.

⁷¹ Consumer Credit Act 2006 (Commencement No 2 and Transitional Provisions and Savings) Order 2007, SI 2007/123, art 3(2), Sch 2.

⁷² 2007 c.17.

⁷³ The amendments to the Postal Services Act 2000 were repealed by the Postal Services Act 2011, s 91(1), Sch 12, para 188(b).

⁷⁴ The relevant parts of section 28 of the Gas Act 1986 and of section 25 of the Electricity Act 1989 have been replaced by new text: Electricity and Gas (Internal Markets) Regulations 2011, regs 37(5)(c), 39(4)(c).

PART 6

GENERAL REPEALS

INTRODUCTION

- 6.1 The Acts proposed for repeal under this general heading relate to topics as diverse as agriculture, housing, police pensions and guard dogs. They are grouped according to their subject matter, ending with a group of miscellaneous repeals.
- 6.2 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

GROUP 1 – AGRICULTURE

Agriculture (Miscellaneous Provisions) Act 1943

- 6.3 The *Agriculture (Miscellaneous Provisions) Act 1943*¹ was passed to modify schemes to increase food production in the United Kingdom during the Second World War. Nearly the whole of the Act was repealed in 1986.² The only substantive provision that remains is section 18(1). Section 18(1) amended the Corn Returns Act 1882 but became unnecessary when the 1882 Act was repealed in 2008.³ Accordingly the 1943 Act is now obsolete.

Agriculture (Miscellaneous Provisions) Act 1949

- 6.4 The purpose of the *Agriculture (Miscellaneous Provisions) Act 1949*⁴ was to authorise agricultural reforms, many of which were aimed at increasing the United Kingdom's agricultural output by 20% between 1947 and 1952. Today the only substantive provisions that remain are in section 8 which provided for the establishment of arrangements to assist in the provision of training in agricultural occupations. It was intended to aid the redeployment of labour in pursuit of the Government's full employment policy and, in particular, to help demobilised soldiers and young persons to find work. The Ministry of Agriculture, Fisheries and Food would pay maintenance expenses for workers being trained under existing agricultural schemes.

¹ 6 & 7 Geo.6 c.16.

² Statute Law (Repeals) Act 1986, s 1(1), Sch, Pt 2.

³ Agriculture and Horticulture Development Board Order 2008, SI 2008/576, art 18, Sch 5, Pt 7.

⁴ 12, 13 & 14 Geo.6 c.37.

- 6.5 When the 1949 Act was passed, around 4500 trainees were taking part in these schemes. In 1957 a departmental working party concluded that the Ministry should no longer take responsibility for agricultural training. Thereafter the various schemes were wound up, the final one (run by the YMCA) closing in 1969. Today section 8 no longer serves any useful purpose since no training programmes are operated under it. Given that section 8 is now the only substantive provision surviving in the 1949 Act, it follows that the whole Act is now obsolete and may be repealed on that basis.⁵

Horticulture Act 1960

- 6.6 The *Horticulture Act 1960*⁶ was designed to improve the efficiency of growing and distributing fruit, vegetables and flowers in the United Kingdom. Most of the Act was repealed in 2004.⁷ Today the only substantive remaining provision is section 20 which amended section 2 of the Horticultural Produce (Sales on Commission) Act 1926. With the exception of this amendment, the 1960 Act now serves no useful purpose, and its repeal is proposed on that basis. The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).⁸ This will permit the repeal of the 1960 Act as a whole.

Agriculture (Miscellaneous Provisions) Act 1963

- 6.7 The purposes of this 1963 Act⁹ included extending the time limits in arbitration proceedings relating to agricultural holdings. Section 20 extended the limits by reference to the relevant periods specified in the Agricultural Holdings Act 1948 and in the Agricultural Holdings (Scotland) Act 1949. The references to these provisions in the 1948 Act and the 1949 Act have since been repealed, rendering section 20 obsolete.¹⁰

Farm Land and Rural Development Act 1988

- 6.8 The *Farm Land and Rural Development Act 1988*¹¹ was passed to provide for the payment of grants for agricultural purposes, and to increase the limit on the number of members of the Development Commission. Section 3 provided for that increase in membership by amending Schedule 1 to the Miscellaneous Financial Provisions Act 1983. That amendment became unnecessary when Schedule 1 was repealed in July 2000 when the Development Commission was dissolved.¹² Section 3 thereupon became obsolete.

⁵ Section 15(3) (definition of “the appropriate Minister”) and sections 16(1) and 17 (dealing with extent and short title) will fall along with section 8.

⁶ 8 & 9 Eliz.2 c.22.

⁷ Statute Law (Repeals) Act 2004, s 1, Sch 1, Pt 2.

⁸ Sch 2, para 2.

⁹ 1963 c.11.

¹⁰ Agricultural Holdings Act 1984, s 10(4), Sch 4; Agricultural Holdings Act 1986, s 101, Sch 15, Pt 1; Agricultural Holdings (Scotland) Act 1991, s 88(2), Sch 13, Pt 1.

¹¹ 1988 c.16.

¹² Development Commission (Dissolution) Order 2000, SI 2000/1505, art 5.

GROUP 2 – INTERNATIONAL

Mandated and Trust Territories Act 1947

- 6.9 The *Mandated and Trust Territories Act 1947*¹³ was passed to make provision for the end of the League of Nations mandate system and its replacement by the system of United Nations trusteeship. The Act was a technical measure to ensure that references in the statute book to the mandate system could continue to operate despite the changeover to the trusteeship system.
- 6.10 The mandate system was established following the end of the First World War. All of the territories subject to League of Nations mandates were previously controlled by states defeated in the War – principally Imperial Germany and the Ottoman Empire. The transfer of territories was effected by several treaties.¹⁴ In cases where those territories were deemed unable to become independent immediately, a member of the Allied Powers took responsibility for their government, under a mandate from the League of Nations. The United Kingdom was responsible for six mandated territories.¹⁵
- 6.11 The League of Nations ceased to exist in 1946 and the remaining mandated nations were placed under the trusteeship of the United Nations. Since then, all former mandated and trust territories have achieved independence. The final trust territory to gain independence was Palau in 1994.
- 6.12 The 1947 Act provided that references in existing statutes to mandated territories should continue to apply to the territories in their new capacity as trust territories. There are only three pre-1947 Acts remaining in force which refer to mandated territories.¹⁶ Since there are no longer any such territories that remain mandated, the reference to them in these Acts is now spent. It follows that the 1947 Act no longer serves any useful purpose, and its repeal is proposed on that basis.

¹³ 11 & 12 Geo.6 c.8.

¹⁴ For example, the Treaty of Versailles in 1919, by which Germany renounced its claims to its former colonies.

¹⁵ These were Mesopotamia, Transjordan, Palestine, Togoland, Tanganyika and the Cameroons.

¹⁶ Colonial Probates (Protected States and Mandated Territories) Act 1927; Foreign Judgments (Reciprocal Enforcement) Act 1933, s 7; Evidence (Foreign, Dominion and Colonial Documents) Act 1933, s 1.

Foreign Compensation Acts 1950 to 1993

- 6.13 The *Foreign Compensation Act 1950*¹⁷ was passed to establish the Foreign Compensation Commission. The Commission was a tribunal which assessed the compensation due to British claimants who had suffered losses overseas at the hands of foreign governments. Often these losses would result from British industrial concerns being seized as part of a nationalisation programme. However the workload of the Commission gradually reduced to the point where it was decided to wind it up. Its last claims programme was in 1994 and the Commission was wound up on 29 March 2013.¹⁸ Four Acts relating to the Commission remain on the statute book despite its winding-up.
- 6.14 The Foreign Compensation Act 1950 was chiefly concerned with providing the constitution and the functions of the Commission. The winding-up of the Commission has made these unnecessary. The only provisions arising out of the 1950 Act that continue to have value are two Orders in Council made under section 7. The first of these was made in 1977 and provided that officers or servants of the Commission were to be granted the same pensions or other benefits as were granted to civil servants.¹⁹ The second of these orders was the order made to wind up the Commission in 2013.²⁰ As well as winding-up the Commission, the order also transferred the Commission's property, rights and affairs to the Secretary of State. It is anticipated that both orders will continue to have value for the foreseeable future. With the exception of these orders made under section 7, the 1950 Act now serves no useful purpose, and its repeal is proposed on that basis. The effect of the two orders may conveniently be preserved by the entry in Schedule 2 to the draft Bill (Savings).²¹
- 6.15 The main purpose of the *Foreign Compensation Act 1962*²² was to grant additional powers to the Commission. Following the Suez Crisis of 1956, all British property in Egypt had been nationalised. Although the Egyptian government agreed in 1959 to pay the United Kingdom £27.5 million in compensation, this turned out to be insufficient to meet every claim and had to be topped up with money provided by Parliament. The 1962 Act expanded the Commission's powers to deal with this situation. It also contained provisions relating to pensions for the Commission's staff. The whole of the Act is now obsolete.²³

¹⁷ 14 Geo.6 c.12.

¹⁸ Foreign Compensation Commission (Winding Up) Order 2013, SI 2013/236, art 3.

¹⁹ Foreign Compensation (Staff) (Superannuation Benefits) Order 1977, SI 1977/2148, art 3.

²⁰ SI 2013/236.

²¹ Sch 2, para 3.

²² 11 & 12 Eliz.2 c.4.

²³ Section 3 of the 1962 Act extended the order-making powers in section 7 of the 1950 Act. Savings are proposed above in relation to orders made under section 7.

- 6.16 The *Foreign Compensation Act 1969*²⁴ was passed to deal with claims that arose following the incorporation of the Baltic States into the USSR. In the 1940s the Soviet government had seized a variety of British assets in the region. Negotiations over compensation did not conclude until agreement was reached in 1968 whereby Baltic assets held by the British government were given to the Commission to compensate for the seizures. The whole of the Act is now obsolete.
- 6.17 The *Foreign Compensation (Amendment) Act 1993*²⁵ was passed to amend the 1950 Act in order to deal with compensation claims that arose from Iraq's invasion of Kuwait in 1990. In this case, an international compensation fund was administered by the United Nations. The Commission accordingly had to be empowered to receive and distribute compensation from a non-governmental organisation. The whole of the Act is now obsolete.

GROUP 3 – POLICE

Constables (Scotland) Act 1875

- 6.18 The *Constables (Scotland) Act 1875*²⁶ was passed to amend the existing law relating to constables and police officers in Scotland. It put an end to the practice for individuals to be sworn in as special constables for the purpose of protecting game stock on private estates in parts of Scotland. This practice was lawful under three 17th century Scots Acts. Although this gave these gamekeeper constables the powers and duties of police constables, they did not exercise them under the supervisory control of chief constables. Accordingly the 1875 Act provided that, after 1 October 1875, it should not be lawful for any constable appointed under the three Scots Acts to exercise any of the powers conferred on constables and peace officers by the Poaching Prevention Act 1862.
- 6.19 The 1875 Act is now obsolete. The three Scots Acts have all been repealed, as has the Poaching Prevention Act 1862.²⁷ It follows that the 1875 Act no longer serves any useful purpose.

²⁴ 1969 c.20.

²⁵ 1993 c.16.

²⁶ 38 & 39 Vict. c.47. The Act was given its title by the Short Titles Act 1896.

²⁷ The three Scots Acts were the Justice of the Peace Act 1617 (c.8), repealed by the Statute Law Revision (Scotland) Act 1906; the Justices of the Peace Act 1633 (c.25), repealed by the Statute Law Revision (Scotland) Act 1964; and the Justices of the Peace Act 1661 (c.338), repealed by the District Courts (Scotland) Act 1975. The Poaching Prevention Act 1862 was repealed as it applied to Scotland by the Wildlife and Natural Environment (Scotland) Act 2011, Sch.

Police Act 1909

- 6.20 The *Police Act 1909*²⁸ was passed to amend the existing law relating to the pensions and expenses of the Metropolitan police. It also increased the pensions available to the dependants of police officers killed on duty in England and Scotland. Successive amendments to the 1909 Act over the years have resulted in the Act's short title being the only provision still surviving. Accordingly the final repeal of this Act is now proposed.

Police Pensions Act 1921

- 6.21 This 1921 Act²⁹ established the first uniform pension scheme for police officers. The scheme introduced features which remained characteristic of police pensions throughout the 20th century. Repeals to the Act's individual provisions since 1921 have meant that that the Act is now obsolete. The only provision that has not been unconditionally repealed is section 10. This provided for the calculation of pensions payable to persons who had served as a civil servant (or staff officer of the Metropolitan Police) and in a police force. Although section 10 was repealed as long ago as 1948,³⁰ the repeal was subject to a saving in respect of former police officers who were in civilian employment in 1948 and who never again became police officers. This saving has long ceased to serve any useful purpose, with the result that the 1921 Act may now be formally repealed.

Metropolitan Police (Staff Superannuation and Police Fund) Act 1931

- 6.22 The purposes of this 1931 Act³¹ included amending section 10 of the Metropolitan Police Act 1829 which provided for the appointment of a Receiver for the Metropolitan Police District. The only provision in the 1931 Act that survives to this day is section 4 which amended section 10 of the 1829 Act. Although section 10 has been prospectively repealed by the Greater London Authority Act 1999,³² that repeal has yet to be brought into force, with the result that the amendment made to section 10 by section 4 of the 1931 Act is still needed. With the exception of that amendment, the 1931 Act now serves no useful purpose, and its repeal is proposed on that basis. The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).³³ This will permit the repeal of the 1931 Act as a whole.

²⁸ 9 Edw. 7 c.40.

²⁹ 11 & 12 Geo.5 c.31.

³⁰ Police Pensions Act 1948, s 3(4), Sch 1, Pt 1.

³¹ 21 & 22 Geo.5 c.12.

³² The 1999 Act, ss 325, 423, Sch 27 (para 1(d)), Sch 34, Pt 7.

³³ Sch 2, para 1.

Police Act 1976

- 6.23 The *Police Act 1976*³⁴ was passed to establish the Police Complaints Board, the first independent body set up to investigate complaints against the British police. The Board was replaced in 1985 by the Police Complaints Authority and most of the 1976 Act was repealed.³⁵ Today the only substantive provisions of the Act that survive are provisions in the Schedule authorising the payment of pensions to former members of the Board. Since the Act now serves no other useful purpose, its repeal is proposed on that basis. The effect of the pensions provisions may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).³⁶ This will permit the repeal of the 1976 Act as a whole.

Police Officers (Central Service) Act 1989

- 6.24 The *Police Officers (Central Service) Act 1989*³⁷ was passed to amend the status of police officers seconded to central service. These officers included, for example, officers working at training centres or forensic science laboratories. Previously, officers who moved to central service ceased to be members of a police force.
- 6.25 Today the only remaining substantive provision in the 1989 Act is section 2, which inserted sections 3A and 3B into section 38 of the Police (Scotland) Act 1967. Section 38 was repealed by the Police and Fire Reform (Scotland) Act 2012³⁸ with the result that section 2 is now unnecessary and the 1989 Act is obsolete.

GROUP 4 – SOCIAL SECURITY

National Health Service Act 1966

- 6.26 The *National Health Service Act 1966*³⁹ was passed to establish the General Practice Finance Corporation, which would make loans to GPs to fund the purchase and modernisation of surgeries and equipment. The Act also modified arrangements for doctors' salaries. The Corporation was duly established but was privatised under the Health and Medicines Act 1968, rendering most of the 1966 Act obsolete. The only provisions of the Act still surviving are those providing for the short title and extent. Accordingly the whole of the 1966 Act is now obsolete.

³⁴ 1976 c.46.

³⁵ Police and Criminal Evidence Act 1984, s 119(2), Sch 7, Pt 6.

³⁶ Sch 2, para 6.

³⁷ 1989 c.11.

³⁸ The 2012 Act, s 128(2), Sch 8, Pt 1.

³⁹ 1966 c.8.

Family Allowances and National Insurance Act 1967

- 6.27 The purpose of the *Family Allowances and National Insurance Act 1967*⁴⁰ was to provide more benefits to support families with children. The Act increased the rate of the family allowance and decreased the rate of the national insurance dependency benefit for children. Today the only remaining substantive provisions in the Act are section 1(6) which enacted Schedule 3 (commencement and transitionals) and two paragraphs in that Schedule. Those paragraphs dealt with transitional claims for arrears of the family allowance that fell due before the Act took effect. More than 40 years later, these paragraphs are now unnecessary. Accordingly the 1967 Act is now obsolete.

National Insurance Act 1974

- 6.28 The *National Insurance Act 1974*⁴¹ was passed to increase benefits and pensions. Most of the provisions in the Act have already been repealed⁴² to the point where the only surviving substantive provisions are contained in Schedule 4, which amended other social security legislation. The provisions remaining in Schedule 4 are paragraphs 36(b) and 38. Paragraph 36(b) amended Schedule 25 to the Social Security Act 1973. Schedule 25 has since been repealed.⁴³ Paragraph 38 amended paragraph 103 of Schedule 27 to the 1973 Act. Paragraph 103 has also since been repealed.⁴⁴ Now that Schedule 4 is spent, the ancillary provisions in sections 6(5), 8(1) and (6) have become unnecessary. Accordingly the whole of the 1974 Act is now obsolete.

Social Security Benefits Act 1975

- 6.29 The *Social Security Benefits Act 1975*⁴⁵ was passed to increase the rates of various pensions and benefits. It also introduced new benefits. Because of repeals to this Act since 1975, the only substantive provisions that remain today are a spent financial provision in section 12(1), Schedule 4 (which adapted the Act for Northern Ireland but which today contains spent references to the 1975 Act) and Schedule 6 (repeals). Given that the only other provisions in the Act are ancillary (dealing for example with citation and commencement), the 1975 Act is now obsolete.

⁴⁰ 1967 c.90.

⁴¹ 1974 c.14.

⁴² Principally by the Social Security (Consequential Provisions) Act 1975, s 1(2), Sch 1, Pt 1 and the Social Security Benefits Act 1975, s 14(6), Sch 6, Pt 1.

⁴³ Social Security (Consequential Provisions) Act 1975, s 1(2), Sch 1, Pt 1; S.I. 1975/1503 (N.I. 15), art 74(2), Sch 6.

⁴⁴ S.I. 1980/870 (N.I. 8), Sch 4, Pt 1.

⁴⁵ 1975 c.11.

GROUP 5 – MISCELLANEOUS

Statute of Marlborough 1267

- 6.30 The *Statute of Marlborough 1267*⁴⁶ originally contained some 29 chapters. It was designed to provide “more speedy ministrations of justice” and “convenient remedy” for the “manifold troubles and dissensions” that were facing the realm.⁴⁷ Today only four chapters remain unrepealed. Three of these concern distraint or distress, a common law remedy by which a person who was owed a debt, such as rent arrears, could seize the debtor’s goods and sell them to secure repayment.
- 6.31 Proposals for the repeal of two chapters in the Statute were discussed in our nineteenth Statute Law Repeals Report, published in 2012.⁴⁸ These were chapters 4 and 15. Chapter 4 prohibited the taking of unreasonable distresses and the removal of distrained goods out of the debtor’s county. Chapter 15 prohibited the levying of distress off the tenanted property (in the case of distress for rent arrears) or on a public highway.
- 6.32 Our proposals to repeal these chapters were based on changes in the law brought about by Part 3 of the Tribunals, Courts and Enforcement Act 2007. Part 3 (and the supplementary Taking Control of Goods Regulations 2013)⁴⁹ replaced the existing process of recovering debts through the removal and sale of property with a new “taking control of goods” process. Bailiffs are now known as “enforcement agents” and must seek authorisation before seizing goods. Additionally, the common law right to distrain for arrears of rent has been abolished.⁵⁰
- 6.33 At the time of our 2012 report, however, these changes in the law had not taken place and so the proposals could not be included in the Statute Law (Repeals) Act 2013 that gave effect to the other repeal proposals in our report. The changes came into force on 6 April 2014⁵¹ with the result that our proposals for the repeal of provisions in Chapters 4 and 15 of the 1267 Statute can now be included in the draft Bill attached to this report.

⁴⁶ 52 Hen.3.

⁴⁷ Preamble to the Statute of Marlborough.

⁴⁸ Law Com No 333, paras 2.7-2.11.

⁴⁹ S.I. 2013/1894.

⁵⁰ The 2007 Act, s 71. A new procedure may be used to recover commercial rent arrears: s 72. This procedure is known as Commercial Rent Arrears Recovery (CRAR).

⁵¹ Tribunals, Courts and Enforcement Act 2007 (Commencement No.11) Order 2014, S.I. 2014/768, art 2(1).

- 6.34 *Chapter 4* This Chapter is now unnecessary in so far as it prohibits the removal of distrained goods out of the debtor's home county. Civil justice is today administered on a national rather than on a county basis. Moreover the regulations made under the 2007 Act provide that the enforcement agent must, save in exceptional circumstances, remove the goods and secure them in or at a place that is within a reasonable distance from the place where control was taken of them.⁵²
- 6.35 The one provision in Chapter 4 that may still have some value is in its final paragraph which provides that "distresses shall be reasonable, and not too great". This appears to prohibit any distress where more goods are seized than are reasonably required to satisfy the debts and costs. The 2007 Act does in fact prohibit an enforcement agent from taking control of goods that exceed the value of the debt owed.⁵³ Since, however, the right to levy distress still exists in some circumstances outside the protection of the new regime established by the 2007 Act,⁵⁴ the overarching prohibition in Chapter 4 against unreasonable distress may be worth retaining on the statute book. Accordingly we do not propose the repeal of this part of Chapter 4.
- 6.36 *Chapter 15* prohibits the levying of distress away from the tenant's premises or on the public highway. Since distress for rent no longer exists in residential lettings and has been replaced by the new Commercial Rent Arrears Recovery procedure in commercial lettings, the prohibition on levying distress away from the premises is now unnecessary. The prohibition on levying distress on the public highway is also now unnecessary because it has been superseded by the new rules under the 2007 Act which enable an enforcement agent to take control of goods on a highway.⁵⁵ Accordingly the whole of Chapter 15 may now be repealed.
- 6.37 The repeal of these provisions will not affect Chapters 1 and 23 of the Statute of Marlborough. These appear to have continuing value.

⁵² Taking Control of Goods Regulations 2013, S.I. 2013/1894, reg 19.

⁵³ The 2007 Act, Sch 12, para 12.

⁵⁴ For example, Harbours, Docks and Piers Clauses 1847, s 44 (recovery of tonnage rates by distraint and sale of ship and tackle); Markets and Fairs Clauses Act 1847, s 38 (recovery of market tolls by distress).

⁵⁵ The 2007 Act, s 62(1), Sch 12, paras 9, 31-33. An exception exists in cases where there is a public health risk: the 2013 Regulations, reg 11.

Married Women's Policies of Assurance (Scotland) Act 1880

- 6.38 The *Married Women's Policies of Assurance (Scotland) Act 1880*⁵⁶ was passed to extend to Scotland the facilities for affecting policies of assurance for the benefit of married women and children that were available in England and Ireland. Section 1 of this Act provided that a married woman should have the same power of effecting a policy of assurance on her own life (or on her life and on her husband's life) and with the same beneficial interest in it as if she were an unmarried woman. At common law a husband acquired control over the property of his wife, so that she lacked the capacity to enter into contracts, including contracts of life insurance. Section 1 effectively reversed the common law position and put a married woman in the same position as an unmarried woman.
- 6.39 The position today is that a woman's right to take out a contract of insurance, whether on her own life or on the life of anyone else, is not dependent on her marital status. Accordingly the reversal of the common law position effected by section 1 of the 1880 Act no longer serves any useful purpose and may be repealed as being obsolete. This repeal proposal does not affect the remainder of the 1880 Act which continues to have value.

Married Women's Property Act 1882

- 6.40 The *Married Women's Property Act 1882*⁵⁷ was passed to consolidate the existing enactments relating to the property of married women. Much of the 1882 Act remains in force and continues to have value. However, part of section 11 of the Act is now obsolete and is proposed for repeal.
- 6.41 The obsolete text in section 11 is the opening paragraph which provides that a married woman may effect a policy upon her own life or upon the life of her husband for her own benefit. This provision reflects the wording in section 1 of the Married Women's Policies of Assurance (Scotland) Act 1880 recommended for repeal above. This obsolete text in section 11 is an amended version of section 10 of the Married Women's Property Act 1870, which was consolidated into section 11 of the 1882 Act.⁵⁸ It is clear that this provision in section 11 today serves no useful purpose because a woman's right to take out a policy of insurance on her own life, or on the life of anyone else, is not dependent upon her marital status.

⁵⁶ 43 & 44 Vict. c.26.

⁵⁷ 45 & 46 Vict. c.75.

⁵⁸ The purpose of this provision in section 10 of the 1882 Act is not entirely clear. The existing common law already provided that a person was entitled to insure his or her own life: *Wainwright v Bland* (1836) 150 ER 334. Similarly the common law already accepted that a married woman had an insurable interest in the life of her husband: *Reed v Royal Exchange Assurance Company* (1795) 170 ER 198. The most likely explanation for the provision in section 10 is that it was intended to ensure that the benefit of a policy taken out by a married woman should pass to her (or, in the event of her death, to her estate) and not into the hands of her husband's creditors.

Merchant Shipping Act 1906

- 6.42 The purpose of the *Merchant Shipping Act 1906*⁵⁹ was to improve safety and conditions on board merchant ships. It also extended the application of merchant shipping law to foreign ships using British ports. Over the years most of the 1906 Act has been repealed. Today the only provision that has not been repealed is text in section 82(3) enabling offences contained in section 702 of the Merchant Shipping Act 1894 to be prosecuted by indictment in Scotland.⁶⁰ Since section 702 has now been repealed,⁶¹ this residual text in section 82(3) has become unnecessary. Accordingly the whole of the 1906 Act is now obsolete.

Industrial Assurance (Juvenile Societies) Act 1926

- 6.43 This 1926 Act⁶² was passed to amend section 11 of the Industrial Assurance Act 1923. Section 11 had exempted friendly societies (or branches of friendly societies) with exclusively juvenile members⁶³ from the provisions of the 1923 Act. The 1923 Act was repealed by the Financial Services and Markets Act 2000⁶⁴ resulting in the amendment being unnecessary. There being no other substantive provisions left, the 1926 Act is accordingly now obsolete.

Societies (Miscellaneous Provisions) Act 1940

- 6.44 According to its long title, the *Societies (Miscellaneous Provisions) Act 1940*⁶⁵ amended the law on “trade unions, friendly societies, building societies and certain other societies for purposes connected with the present emergency”. Most of these changes were concerned with the impact of the Second World War on life in Britain and were intended to last only for the duration of the war, although a few were more permanent. Although all the substantive provisions of the Act have since been repealed, the Act itself remains on the statute book. Its formal repeal as a whole is now proposed.

Savings Banks Act 1949

- 6.45 The *Savings Banks Act 1949*⁶⁶ was passed to grant further powers to trustee savings banks and to improve their administration. The only surviving substantive provision in the Act is section 15 which provided for the abolition of naval savings banks.

⁵⁹ 6 Edw. 7 c.48.

⁶⁰ The repeal of section 69 of the 1906 Act was subject to a saving for liability incurred before the repeal was commenced: Merchant Shipping Act 1979, s 50(4). Given that the repeal was commenced in 1986, the saving is now unnecessary.

⁶¹ Merchant Shipping Act, s 314(1), Sch 12.

⁶² 16 & 17 Geo.5 c.35.

⁶³ Juvenile members were members under the age of 18.

⁶⁴ The 2000 Act, ss 416(1)(a), 432(3), Sch 22.

⁶⁵ 3 & 4 Geo.6 c.19.

⁶⁶ 12, 13 & 14 Geo.6 c.13.

- 6.46 The Naval Savings Bank 1866 had empowered the Admiralty to establish savings banks for the benefit of sailors and Royal Marines, on similar lines to ordinary trustee savings banks. They were set up on board ships and were open on paydays. When a sailor changed ships, his account could be transferred to the new ship. In 1911 around £300,000 was deposited in the Naval Savings Bank, with about £200,000 going in and out each year.
- 6.47 In 1933, however, the Admiralty decided that it would be more convenient to provide accounts directly with the Post Office. The Naval Savings Bank ceased to accept deposits in February 1933 and the last live account was closed in 1946, leaving £28,000 in dormant accounts, mostly belonging to sailors who had deserted during the First World War. Section 15 of the 1949 Act repealed the Naval Savings Banks Act 1866 and provided for unclaimed balances to be held for the benefit of Greenwich Hospital,⁶⁷ with the hospital making good any claims for the money. In the event the Treasury agreed to transfer the unclaimed funds to the hospital as part of its general funds. No refund claims ever seem to have been made and, given that about 70 years have elapsed since the last deposit was made, it is clear that no claims will ever be made in the future. Accordingly section 15 is now unnecessary with the result that the whole of the 1949 Act may be repealed as obsolete.

Housing Act 1949

- 6.48 The purpose of the *Housing Act 1949*⁶⁸ was to encourage the building of new houses and the improvement of the existing housing stock. The Act was soon superseded by subsequent housing legislation⁶⁹ with the result that no substantive provisions remain in force today. Despite this, the Act has never been repealed as a whole. Accordingly its formal repeal is now proposed.

Law Reform (Miscellaneous Provisions) Act 1949

- 6.49 The *Law Reform (Miscellaneous Provisions) Act 1949*⁷⁰ was passed to amend the law on matrimonial proceedings, wards of court and the estates of lunatics. Repeals made to the Act over the years mean that no substantive provisions remain in force for England and Wales. So far as Scotland is concerned, the only remaining substantive provisions are sections 4 and 7.

⁶⁷ Greenwich Hospital in south-east London was founded in 1694 for the relief and support of seamen and their dependants and for the improvement of navigation. To this day Greenwich Hospital continues to provide education, pensions and sheltered housing for seafarers and their dependants.

⁶⁸ 12, 13 & 14 Geo.6 c.60.

⁶⁹ Especially the Housing Act 1957 and the Housing (Financial Provisions) Act 1958.

⁷⁰ 12, 13 & 14 Geo.6 c.100.

- 6.50 *Section 4* was concerned with the legitimacy of children of voidable marriages. It provided that where a decree of nullity is granted in respect of a voidable marriage, any children who would have been the legitimate children of the parties to the marriage if it had been dissolved (instead of being annulled) should be deemed to be their legitimate children despite the annulment. *Section 4* was repealed for England and Wales in 1950⁷¹ and ceased to serve any useful purpose in Scotland when the status of legitimacy was abolished there in 2006.⁷²
- 6.51 *Section 7(1)* provided that, notwithstanding any rule of law, the evidence of a husband or wife should be admissible in any proceedings to prove whether marital intercourse took place between them during any period. *Section 7(2)* provided that a husband or wife should not be compellable in any proceedings to give evidence of such matters. Both subsections were repealed for England and Wales in 1950.⁷³ So far as Scotland is concerned, section 7(1) has never had effect. It was passed to overturn the rule in *Russell v Russell*,⁷⁴ a rule that was never adopted in Scottish law. *Section 7(2)* seems to have had no effect in Scotland either, being passed consequentially upon section 7(1).
- 6.52 There being no other substantive provisions surviving, the 1949 Act is now proposed for repeal. The repeals are supported by the Scottish Civil Justice Council and by the Faculty of Advocates.

Exchequer and Audit Departments Act 1950

- 6.53 According to its long title, the *Exchequer and Audit Departments Act 1950*⁷⁵ was passed to make further provision as to the salary and superannuation of the Comptroller and Auditor General.⁷⁶ The Act was needed to increase the Comptroller's salary and pension arrangements. This was because, until the passing of the *Exchequer and Audit Departments Act 1957*, an Act of Parliament was required to increase the Comptroller's salary. The 1957 Act, however, provided that this could be achieved by resolution of the House of Commons. The 1950 Act is therefore obsolete and no substantive provisions remain in force today. Despite this, the Act has never been repealed as a whole. Accordingly its formal repeal is now proposed.

⁷¹ Matrimonial Causes Act 1950, s 34(1), Sch.

⁷² Family Law (Scotland) Act 2006, s 21.

⁷³ Matrimonial Causes Act 1950, s 34(1), Sch.

⁷⁴ [1924] AC 687.

⁷⁵ 14 & 15 Geo.6 c.3.

⁷⁶ The Comptroller and Auditor General is a House of Commons official, responsible for issuing money to departments and auditing their accounts.

Public Works Loans Act 1952

- 6.54 The Public Works Loan Board was set up in 1793 to grant loans to local authorities and other bodies for the carrying out of public works. It was established on a permanent basis by the Public Works Loans Act 1817. Today the Board is part of the United Kingdom Debt Management Office. Until the passing of the National Loans Act 1968, Public Works Loans Acts had to be passed every year or so to top up the funds available to the Board. Although most of these Acts have been repealed, the *Public Works Loans Act 1952*⁷⁷ remains on the statute book. The only remaining provision is section 7 which provided for the short title. Accordingly the Act is obsolete and may now be repealed.

Rent Act 1957

- 6.55 The *Rent Act 1957*⁷⁸ was passed to begin the process of decontrolling rents in Great Britain. It provided for the gradual abolition of rent controls, beginning with the most valuable properties. Today the only provision in the Act that has not been repealed is section 27(1) (short title). Accordingly the Act is now obsolete and may be repealed.

Landlord and Tenant (Temporary Provisions) Act 1958

- 6.56 This 1958 Act⁷⁹ was passed to give relief to the tenants of certain residential lettings. The relief was in the form of restricting the landlord's right to recover possession of the premises. The need for the Act arose because of provisions in the Rent Act 1957 which had provided existing tenants with security of tenure only until October 1958. The 1958 Act protected these tenants by giving them more time to find alternative accommodation. As a temporary measure, the 1958 Act provided for its expiry on 1 August 1961.⁸⁰ Accordingly the Act, though still on the statute book, has ceased to serve any useful purpose for more than half a century.

Ministers of the Crown (Parliamentary Secretaries) Act 1960

- 6.57 This 1960 Act⁸¹ was passed to rationalise the rules on the appointment of Parliamentary Secretaries. These rules had developed on a piecemeal basis. The Act also increased the salary of the Captain of the Honourable Corps of Gentlemen-at-Arms (the Government Chief Whip in the House of Lords). Repeals since 1960 mean that the Act's only surviving provisions are sections 4(1) and 6. Section 4(1) introduced Schedule 1 and became unnecessary when the final entry in that schedule was repealed. Section 6 provided for the interpretation and short title and is unnecessary given the repeal of every substantive provision in the Act. It follows that the 1960 Act is now obsolete.

⁷⁷ 1 & 2 Eliz.2 c.3.

⁷⁸ 5 & 6 Eliz.2 c.25.

⁷⁹ 6 & 7 Eliz.2 c.68.

⁸⁰ The 1958 Act, s 5(4).

⁸¹ 9 & 10 Eliz.2 c.6.

Housing Act 1964

- 6.58 The *Housing Act 1964*⁸² was passed as part of the Government's strategy for clearing slums and addressing housing shortages. It included provisions to encourage the supply of new housing and the improvement of existing houses. Today the only substantive provision is section 100 which amended section 10(1) of the Housing and Town Development (Scotland) Act 1957 (empowering local authorities in Scotland to make town development schemes in conjunction with the provision of new housing). The Scottish Government has confirmed that section 100 no longer serves any useful purpose. The only other provisions in the 1964 Act are spent or ancillary. Accordingly the 1964 Act may be repealed as obsolete.

Fishing Vessels (Safety Provisions) Act 1970

- 6.59 This 1970 Act⁸³ was passed to empower the Board of Trade to make safety rules for fishing vessels. It implemented several recommendations of the Holland-Martin Committee which had been set up to investigate the safety of deep-sea trawlers following the loss of three such trawlers and 59 lives early in 1968. Today, as a result of repeals, the Act contains no substantive provisions and is therefore obsolete. Despite this, the Act has never been formally repealed as a whole. Its formal repeal is now proposed.

Mr Speaker King's Retirement Act 1971

- 6.60 This 1971 Act⁸⁴ was passed to provide a pension to the retiring Speaker of the House of Commons, Dr Horace King. Dr King, later Baron Maybray-King, was the first member of the Labour Party to hold this office. The Act provided Dr King with an annuity for life, with an annuity being payable after his death to his wife Una. Una King died in 1978, predeceasing her husband. Lord Maybray-King re-married in 1986 and died later that year. The 1971 Act was then amended so as to provide an annuity for the life of his widow (Sheila).⁸⁵ Upon his widow's death in October 2011, the 1971 Act (and the amending provision) became obsolete.

⁸² 1964 c.56.

⁸³ 1970 c.27.

⁸⁴ 1971 c.13.

⁸⁵ Parliamentary and other Pensions Act 1987, s 4.

Friendly Societies Acts 1971 and 1974

- 6.61 The *Friendly Societies Act 1971*⁸⁶ was passed to provide new procedures for merging or dissolving friendly societies. Due to declining membership, more societies were seeking to merge into larger groups, but the existing procedure for doing so was expensive and time-consuming. The 1971 Act accordingly included provisions to streamline the process. Today the only remaining substantive provisions in the 1971 Act are sections 11(5), 15(4) and 15(5). Section 11(5) amended the Friendly and Industrial and Provident Societies Act 1968 and became unnecessary when the 1968 Act was repealed by the Co-operative and Community Benefit Societies Act 2014.⁸⁷ Section 15(4) and (5) enabled the 1971 Act to be extended by Order in Council to the Channel Isles and the Isle of Man. No such orders have ever been made. Accordingly the 1971 Act is now obsolete.
- 6.62 The purpose of the *Friendly Societies Act 1974*⁸⁸ was to amend earlier friendly societies legislation. Schedule 7 was a transitory provision introduced by section 107(3) to ensure that section 107(1) and (2) was to have effect as set out in Schedule 7 until certain amendments to the Friendly Societies Act 1955 had come into force. When these amendments came into force on 6 April 1975, section 107(3) and Schedule 7 became obsolete.⁸⁹

International Road Haulage Permits Act 1975

- 6.63 The *International Road Haulage Permits Act 1975*⁹⁰ was passed to prevent the use of forged licences or permits when goods were carried abroad by road. Previously there had been a limit on the number of permits available to British hauliers. This had led to a widespread use of forged permits. The 1975 Act contained provisions prohibiting goods vehicles being used on international journeys unless the driver was in possession of the appropriate permit.

⁸⁶ 1971 c.66.

⁸⁷ The 2014 Act, s 151(4), Sch 7.

⁸⁸ 1974 c.46.

⁸⁹ Social Security Act 1973 (Commencement No 3) Order 1974, S.I. 1974/164.

⁹⁰ 1975 c.46.

- 6.64 Although the 1975 Act was duly brought into force in September 1975, and regulations were made under the Act to give effect to it,⁹¹ within 20 years the policy of the Act had been superseded by a new international road haulage regime agreed by European Union member states including the United Kingdom. As part of the creation of the single market, the rules relating to international road haulage within the European Union have been harmonised across all member states. Regulation (EEC) No 881/92 of 26 March 1992 consolidated existing legislation and created a new system for issuing Community Licences to haulage carriers. These licences are issued by each member state.⁹² The legislation covering the issue of these licences within the United Kingdom is the Goods Vehicles (Licensing of Operators) Act 1995.
- 6.65 These new arrangements have now wholly superseded the regime established under the 1975 Act. The regulations made in 1975 were revoked in 1995 and never replaced.⁹³ As a result, the only remaining substantive provisions of the Act (sections 1 and 2) have served no useful purpose for 20 years. The 1975 Act is accordingly now obsolete.

Guard Dogs Act 1975

- 6.66 The *Guard Dogs Act 1975*⁹⁴ was passed following several attacks on children by unattended guard dogs. The Act prohibited the use of dogs to guard premises unless they were under the control of a handler, and required persons hiring out guard dogs to have a licence for their kennels. Although the main provisions of the Act were duly brought into force, in 1978 the Government announced that it was not intending to bring the licensing provisions of the Act into force.⁹⁵ This was because of the administrative burden that the licensing system would impose on local authorities. Today these uncommenced provisions are no longer considered to be necessary, with the result that they will never be commenced. Since these provisions can never now serve any useful purpose, their repeal is proposed on this basis.⁹⁶ This will not affect the remainder of the 1975 Act which will continue in force.

⁹¹ Goods Vehicles (International Road Haulage Permits) Regulations 1975, S.I. 1975/2234.

⁹² So far as the UK is concerned, a community licence is granted free of charge to hauliers who have qualified for a Standard International Operator's Licence. This allows them to undertake journeys both nationally and internationally, including journeys outside the EU.

⁹³ Goods Vehicles (International Road Haulage Permits) (Revocation) Regulations 1995, S.I. 1995/1290, art 2.

⁹⁴ 1975 c.50.

⁹⁵ HL Deb 20 June 1978 vol 393 cols 949-950.

⁹⁶ The provisions proposed for repeal are sections 2 to 4, text in section 5, section 6 and text in sections 7 and 8.

Public Health Laboratory Service Act 1979

- 6.67 The purpose of this 1979 Act⁹⁷ was to extend the scope of the Public Health Laboratory Service (the PHLS), thereby enabling it to take over the management of the Microbiological Research Establishment (the MRE). The PHLS was established during the Second World War to provide defences against biological warfare. After the war, it was maintained to diagnose and control the spread of infectious diseases. The MRE had also been set up during the Second World War to study biological warfare, under the auspices of the Ministry of Defence.
- 6.68 The MRE was transferred to the Microbiological Research Authority in 1994.⁹⁸ This body is today part of Public Health England. The functions of the PHLS were sold to Oxoid Ltd in 2004 and the PHLS Board was dissolved the following year. Today its remaining business forms part of Public Health England. The result is that the 1994 Act now contains no substantive provisions and so is obsolete. The Act as a whole has, however, never been formally repealed. Such a repeal is now proposed.

Education (Amendment) Act 1986

- 6.69 The purpose of the *Education (Amendment) Act 1986*⁹⁹ was to amend the existing law about education support grants and teachers' duties. Although the provisions of the Act have been individually repealed since 1986 so that it is now obsolete, the Act itself has never been formally repealed. Accordingly, its formal repeal is now proposed.

Safety at Sea Act 1986

- 6.70 The *Safety at Sea Act 1986*¹⁰⁰ was passed to ensure certain safety measures on fishing boats. Such measures had previously been recommended by the Government, but a number of fishing disasters made these measures imperative. Although the provisions of the Act have been individually repealed since 1986 so that it is now obsolete, the Act itself has never been formally repealed. Accordingly, its formal repeal is now proposed.

Sea Fish (Conservation) Act 1992

- 6.71 This 1992 Act¹⁰¹ was passed to amend the law relating to licences under sections 4 and 4A of the Sea Fish (Conservation) Act 1967. Section 10 of the 1992 Act required Ministers to lay before Parliament a report reviewing the operation of that Act and its effectiveness for conserving sea fish. Since this duty had to be complied with by the end of June 1997, section 10 has long been obsolete.

⁹⁷ 1979 c.23.

⁹⁸ The MRE had by then been re-named The Centre for Applied Microbiology and Research.

⁹⁹ 1986 c.1.

¹⁰⁰ 1986 c.23.

¹⁰¹ 1992 c.60.

Land Drainage Act 1994

- 6.72 The purpose of the *Land Drainage Act 1994*¹⁰² was to impose conservation duties on bodies carrying out land drainage. It was intended to mitigate the environmental impact of the day-to-day operation of flood defence infrastructure, especially on sites of special scientific interest. Section 1 of the Act amended the Land Drainage Act 1991 by inserting sections 61A to 61E (Part 4A) into it. These sections, which impose duties on drainage boards and local authorities, remain in force. Section 2 repealed sections 12 and 13 of the 1991 Act and became spent when the repeal took effect. Section 3 provided for the short title, commencement and extent.
- 6.73 With the exception of the amendment made by section 1, the 1994 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendment may be conveniently preserved by the entry in Schedule 2 to the draft Bill (Savings).¹⁰³ This will permit the repeal of the 1994 Act as a whole.

Merchant Shipping Act 1995

- 6.74 Schedule 4 to the *Merchant Shipping Act 1995*¹⁰⁴ contained transitional provisions which had effect until Chapters 3 and 4 of the 1995 Act came into force. Those chapters both came into force on 30 May 1996, at which point Schedule 4 largely ceased to have effect.¹⁰⁵ The Schedule was, however, saved for the purpose of transitional provisions for the implementation of the Protocol of 1992 to amend the International Convention for Oil Pollution Damage 1969.¹⁰⁶ This saving was revoked on 16 May 1998 when the United Kingdom ceased to be a party to the 1969 Convention.¹⁰⁷ Accordingly Schedule 4 is now obsolete as are sections 171 and 182 which introduced the Schedule.

¹⁰² 1994 c.25.

¹⁰³ Sch 2, para 9.

¹⁰⁴ 1995 c.21.

¹⁰⁵ Merchant Shipping Act 1995 (Appointed Day No 1) Order 1996, S.I. 1996/1210, art 2.

¹⁰⁶ Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) Order 1996, S.I. 1996/1143, art 3.

¹⁰⁷ Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) (Revocation) Order 1997, S.I. 1997/2566, art 2.

Audit (Miscellaneous Provisions) Act 1996

- 6.75 The *Audit (Miscellaneous Provisions) Act 1996*¹⁰⁸ was passed to extend the powers of the Audit Commission for England and Wales¹⁰⁹ and the Accounts Commission for Scotland. Most of the 1996 Act has already been repealed.¹¹⁰ Section 4, which affected Scotland only, amended sections 98 and 235 of the Local Government (Scotland) Act 1973 and became unnecessary when the amended text in section 98 was repealed when Audit Scotland took over responsibility for the Audit Commission's finances.¹¹¹ The amendment to section 235 was consequential upon the amendment to section 98 and is therefore now unnecessary. Section 5, which also affected Scotland only, inserted section 1A into the Local Government Act 1992 (and made a consequential amendment to section 1) and became unnecessary when section 1A was repealed by the Local Government in Scotland Act 2003.¹¹²
- 6.76 The only other provisions in the 1996 Act are the short title and extent provisions. The whole of the 1996 Act is therefore now obsolete.

Sea Fisheries (Shellfish)(Amendment) Act 1997

- 6.77 This 1997 Act¹¹³ was passed to extend the protection of the Sea Fisheries (Shellfish) Act 1967 to lobsters and other crustaceans. This enabled lobster fisheries to be established, with regulations governing the management of their stock. It was hoped that this would prevent the over-exploitation of lobsters in United Kingdom waters. Following the repeal of section 1 of the 1997 Act in 2010,¹¹⁴ the only surviving provisions in the Act are the short title and extent. The 1997 Act is accordingly now obsolete.

Referendums (Scotland and Wales) Act 1997

- 6.78 The *Referendums (Scotland and Wales) Act 1997*¹¹⁵ was passed to provide for the holding of referendums on the establishment of a Scottish Parliament and a National Assembly for Wales. The Act included provisions on the electorate, the funding arrangements and technical details for the two referendums.

¹⁰⁸ 1996 c.10.

¹⁰⁹ The Audit Commission is to be abolished under the Local Audit and Accountability Act 2014.

¹¹⁰ Audit Commission Act 1998, s 54(3), Sch 5.

¹¹¹ Public Finance and Accountability (Scotland) Act 2000 (asp 1), Sch 4, para 3(5).

¹¹² The 2003 Act (asp 1), s 60(1)(h).

¹¹³ 1997 c.3.

¹¹⁴ Marine and Coastal Access Act 2009 (Commencement No 1 and Transitional Provisions) Order 2009, S.I. 2009/3345, art 2(2), Sch, para 27(b).

¹¹⁵ 1997 c.61.

- 6.79 The Scottish referendum was held on 11 September 1997 and the Welsh referendum on 18 September 1997. In both cases the majority vote was for the establishment of the new devolved institutions. The Scotland Act 1998 (establishing the Scottish Parliament) and the Government of Wales Act 1998 (establishing the Welsh Assembly)¹¹⁶ were enacted following the referendums. The first elections to both the Scottish Parliament and the Welsh Assembly took place on 6 May 1999.
- 6.80 Most of the provisions of the 1997 Act related to the holding of the two referendums and became unnecessary once the referendums had been held. The remaining provisions became unnecessary once the two institutions were established. It follows that the 1997 Act as a whole is now obsolete.

Greater London Authority (Referendum) Act 1998

- 6.81 The purpose of the *Greater London Authority (Referendum) Act 1998*¹¹⁷ was to authorise the holding of a referendum on the establishment of a Greater London Authority (the GLA). It included provisions on the conduct of the referendum, as well as authority to incur preparatory expenditure in the event of a yes vote.
- 6.82 The referendum was held on 7 May 1998. Following a yes vote, the Greater London Authority Act 1999 was passed to create the GLA. The first elections for the Mayor of London and the London Assembly were held on 4 May 2000, and the GLA was formally established on 3 July 2000.
- 6.83 The provisions of the 1998 Act relating to arrangements for the referendum became unnecessary once the referendum had been held. The provisions for the establishment of the GLA became spent once the first elections had been held in May 2000. The provisions authorising the expenditure involved in preparing for the GLA became spent once the GLA was established in July 2000. Accordingly the 1998 Act as a whole is now obsolete.

¹¹⁶ The Welsh Assembly, which was established by the Government of Wales Act 1998, was dissolved and replaced by the Assembly established by the Government of Wales Act 2006.

¹¹⁷ 1998 c.3.

EXPLANATORY NOTE ON THE DRAFT BILL

(continued)

SCHEDULE 2: SAVINGS

Metropolitan Police Act 1829

- 1 This saving provision arises from the proposal to repeal the Metropolitan Police (Staff Superannuation and Police Fund) Act 1931. The only substantive provision remaining in the 1931 Act is section 4 which amended section 10 of the Metropolitan Police Act 1829. The effect of this saving provision is to preserve the effect of the amendment of the 1829 Act notwithstanding the repeal of the 1931 Act. See paragraph 6.22.

Horticultural Produce (Sales on Commission) Act 1926

- 2 This saving provision arises from the proposal to repeal the Horticulture Act 1960. The only substantive provision remaining in the 1960 Act is section 20 which amended section 2 of the Horticultural Produce (Sales on Commission) Act 1926. The effect of this saving provision is to preserve the effect of the amendment of the 1926 Act notwithstanding the repeal of the 1960 Act. See paragraph 6.6.

Foreign Compensation Act 1950

- 3 This saving provision arises from the proposal to repeal the Foreign Compensation Act 1950. The only substantive provisions that subsist by virtue of the 1950 Act are two Orders in Council made under section 7. The effect of this saving provision is to preserve the effect of these Orders in Council notwithstanding the repeal of the 1950 Act. See paragraph 6.14.

Landlord and Tenant Act 1954

- 4 This saving provision arises from the proposal to repeal the Local Employment Act 1970. The only substantive provision remaining in the 1970 Act is an entry in the Schedule which amended section 60 of the Landlord and Tenant Act 1954. The effect of this saving provision is to preserve the effect of the amendment of the 1954 Act notwithstanding the repeal of the 1970 Act. See paragraph 5.24.

Public Records Act 1958

- 5 This saving provision arises from the proposal to repeal the Crown Agents Act 1979. The only substantive provision remaining in the 1979 Act is Schedule 6, Part 1 of which amended Schedule 1 to the Public Records Act 1958. The effect of this saving provision is to preserve the effect of the amendment of the 1958 Act notwithstanding the repeal of the 1979 Act. See paragraph 5.35.

Police Act 1976

- 6 This saving provision arises from the proposal to repeal the Police Act 1976. The only substantive provisions remaining in the 1976 Act are provisions in the Schedule authorising the payment of pensions or gratuities to members of the Police Complaints Board. The effect of this saving provision is to preserve the effect of these authorising provisions notwithstanding the repeal of the 1976 Act. See paragraph 6.23.

Civic Government (Scotland) Act 1982

- 7 This saving provision arises from the proposal to repeal the Entertainments (Increased Penalties) Act 1990. The only substantive provision remaining in the 1990 Act is section 2 which amended section 7 of the Civic Government (Scotland) Act 1982. The effect of this saving provision is to preserve the effect of the amendment of the 1982 Act notwithstanding the repeal of the 1990 Act. See *paragraph 3.19*.

Criminal Justice (International Co-operation) Act 1990

- 8 This saving provision arises from the proposal to repeal the Proceeds of Crime Act 1995. The only substantive provision remaining in the 1995 Act is section 14(3) which amended section 9 of the Criminal Justice (International Co-operation) Act 1990. The effect of this saving provision is to preserve the effect of the amendment of the 1990 Act notwithstanding the repeal of the 1995 Act. See *paragraph 3.23*.

Land Drainage Act 1991

- 9 This saving provision arises from the proposal to repeal the Land Drainage Act 1994. The only substantive provision remaining in the 1994 Act is section 1 which amended Part 4A of the Land Drainage Act 1991. The effect of this saving provision is to preserve the effect of the amendment of the 1991 Act notwithstanding the repeal of the 1994 Act. See *paragraph 6.73*.

APPENDIX 3 PERSONS AND ORGANISATIONS CONSULTED ABOUT THE REPEAL PROPOSALS IN THIS REPORT

THE FOLLOWING PERSONS AND ORGANISATIONS WERE CONSULTED ABOUT MOST OF OR ALL THE REPEAL PROPOSALS IN THIS REPORT

First Legislative Counsel, Northern Ireland
First Scottish Parliamentary Counsel
General Council of the Bar
HM Treasury
Ministry of Justice
Northern Ireland Executive
Northern Ireland Law Commission
Northern Ireland Office
Office of the Attorney General, Dublin
Office of the Solicitor to the Advocate General for Scotland
Scotland Office
Scottish Government
Senior Legislative Drafter, Isle of Man
The Law Society
Wales Office
Welsh Government

OTHER PERSONS AND ORGANISATIONS WHO WERE CONSULTED ON THE REPEAL PROPOSALS FOR INDIVIDUAL PARTS OF THE REPORT

PART 1 BRITISH INDIA

Bank of England
British Bankers Association
Companies House
Department for Business, Innovation and Skills
Department for Culture, Media and Sport
Department for Transport
Duncan Macneill Group of Companies
Foreign & Commonwealth Office
High Commissions for India, Pakistan and Bangladesh
HSBC plc

Invensys plc (as successor to BTR plc)
Ministry of Law and Justice (Government of India)
P & O Heritage (D P World)

PART 2 CHURCHES

All Hallows-on-the-Wall Church
All Saint Church, Newton Heath
All Saints Community Centre
All Saints' Church, Hertford
All Saints' Church, Liverpool
Archbishop of Dublin
Archbishop of York
Birstall Methodist Church
Bishop of Birmingham
Bishop of Bristol
Bishop of Cashel and Ossory
Bishop of Chelmsford
Bishop of Chester
Bishop of Chichester
Bishop of Dover
Bishop of Durham
Bishop of Ely
Bishop of Exeter
Bishop of Guildford
Bishop of Leeds
Bishop of Lichfield
Bishop of Liverpool
Bishop of Llandaff
Bishop of London
Bishop of Manchester
Bishop of Newcastle
Bishop of Norwich
Bishop of Oxford
Bishop of Peterborough
Bishop of Portsmouth
Bishop of Ripon and Leeds

Bishop of Rochester
Bishop of Salisbury
Bishop of Sheffield
Bishop of Southwark
Bishop of Southwell and Nottingham
Bishop of St Albans
Bishop of Wakefield
Bishop of Winchester
Bishop of Worcester
Bristol City Council
Chichester College
Christ Church, Bristol
Church of Our Lady and St Nicholas, Liverpool
Church of St Dunstan-in-the-West
Church of St Mary the Virgin, Banbury
Church of St Peter and St Paul, Buckingham
Deal Town Council
Diocese of Canterbury
Diocese of Rochester
Dover District Council
Emmanuel Church, Hampstead
Exeter School
Hawkshead Methodist Church
Hazel Grove Methodist Church
Henry Wood Hall
Holy Trinity Church, Gosport
Legal Department of the Church of Ireland
Legal Department of the Trustees for Methodist Church Purposes
Legal Office of the Church of England
Liverpool City Council
London Borough of Southwark
Manchester City Council
Marlborough College
National Maritime Museum of Ireland
Newcastle City Council
Oakwood Church

Old St Martin's Church, Worcester
Plymouth City Council
Southampton City Council
St Andrew's Church, Plymouth
St Anselm's Church, Belmont
St Bartholomew's Church
St Botolph's Church, Aldgate
St Canice's Cathedral, Kilkenny
St Cyprian with St James' Church, Leeds
St George's Church, Deal
St George's Church, Gravesend
St George's Church, Hanworth
St George's Church, Holborn
St Hilda's Church, South Shields
St James's Church, Poole
St James's Church, Bermondsey
St John's Church, Perlethorpe
St John's Church, Wakefield
St John's Hospital Educational Foundation
St John the Baptist's Church, Peterborough
St Lawrence's Church, Hungerford
St Leonard's Church, Hastings
St Leonard's Church, Shoreditch
St Luke's Church, Worksop
St Margaret's Church, King's Lynn
St Mary's Church, Hanbury
St Mary's Church, Paddington
St Mary's Church, Lewisham
St Mary's Church, Maidenhead
St Mary's Church, Oldham
St Mary's Church, Saffron Walden
St Mary's Church, Stockport
St Mary's Church, Wanstead
St Michael and St Wulfad's Church, Stone
St Michael's Church, Bishop's Stortford
St Nicholas' Church, Great Yarmouth

St Nicholas' Church, Harwich
St Nicholas' Church, Sevenoaks
St Patrick's Cathedral, Dublin
St Paul's Church, Birmingham
St Paul's Community Centre
St Peter and St Paul's Church, Dagenham
St Peter's Church, Chertsey
St Peter's Church, St Albans
St Peter's Church, Walworth
St Sidwell's Community Centre, Exeter
St Stephen's Church, Redditch
St Swithun's Church, East Grinstead
St Thomas & St Luke's Church, Dudley
Stansted Park Foundation
Stoke-on-Trent City Council
The Churches Conservation Trust
The St Mary in the Castle Charitable Trust
The Ukrainian Catholic Church of St Mary and St James, Rochdale
Worshipful Company of Carpenters

PART 3 CRIMINAL LAW

Department of Health
HM Prison Service
Home Office
MI5

PART 4 TAXATION

Department of Energy and Climate Change
HMRC
Home Office

PART 5 TRADE AND INDUSTRY

Association of British Insurers
Bank of England
British Beer and Pub Association
British Chambers of Commerce

British Hospitality Association
BTG plc
Cable and Wireless Communications plc
Coal Pension Trustee Services Ltd
Crown Agents Foundation
Department for Business, Innovation and Skills
Department for Communities and Local Government
Department for Culture, Media and Sport
Department for Environment, Food and Rural Affairs
Department for International Development
Department for Work and Pensions
Department of Energy and Climate Change
Design Council
Environment Agency
Financial Conduct authority
Food Standards Agency
Home Office
Homes and Communities Agency
Local Government Association
National Landlords Association
National Measurement Office
Office for National Statistics
Office of Water Services
Post Office
Scottish Enterprise
The Coal Authority
The Treasury Solicitor's Department
UK Coal
United Kingdom Atomic Energy Authority
Vodafone plc
Welsh Local Government Association

PART 6 GENERAL

Association of British Insurers
Association of Financial Mutuals
Association of Police and Crime Commissioners

Auditor General for Wales

Audit Scotland

Building Societies Association

Cabinet Office

Comptroller and Auditor General

Department for Business, Innovation and Skills

Department for Communities and Local Government

Department for Education

Department for Environment, Food and Rural Affairs

Department of Health

Department for Transport

Department for Work and Pensions

Driver and Vehicles Standards Agency

Electoral Commission

Faculty of Advocates

Family Law Association, Scotland

Financial Conduct Authority

Foreign & Commonwealth Office

Freight Transport Association

General Practice Finance Corporation Ltd

Greater London Authority

Greenwich Hospital

Home Office

Independent Police Complaints Commission

Investment and Life Assurance Group Ltd

LANTRA

Law Society of Scotland (Family Law Committee)

Lord Lyon, King of Arms

Marine Management Organisation
Maritime and Coastguard Agency
Merchant Navy Association
Metropolitan Police
Ministry of Defence
Naval Historical Branch
Police Federation for England and Wales
Police Scotland
Prudential Regulation Authority
Public Health England
Public Works Loans Board
Road Haulage Association
Scottish Child Law Centre
Scottish Civil Justice Council
TSB Bank plc

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