



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

(LAW COM No 256)
(SCOT LAW COM No 170)

**STATUTE LAW REVISION:
REPORT ON THE
CHRONOLOGICAL TABLE OF
PRIVATE AND PERSONAL ACTS**

*Presented to Parliament by the Lord High Chancellor and the Lord Advocate
by Command of Her Majesty
March 1999*

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 Hon Mr Justice Carnwath, *Chairman*
Professor Andrew Burrows
Miss Diana Faber
Mr Charles Harpum
Mr Stephen Silber, QC

The Secretary of the Law Commission is Mr Michael Sayers and its offices are at Conquest House, 37-38 John Street, Theobalds Road, London WC1N 2BQ.

The Scottish Law Commissioners are:

The Honourable Lord Gill, *Chairman*
Dr E M Clive
Mr P S Hodge, QC
Professor K G C Reid
Mr N R Whitty

The Secretary of the Scottish Law Commission is Mr J G S Maclean and its offices are at 140 Causewayside, Edinburgh EH9 1PR.

This report was approved by the Law Commission and the Scottish Law Commission on 26 November 1998.*

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

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* At the date of signing, the Chairman of the Law Commission was the Honourable Mrs Justice Arden DBE, who was succeeded on 2 February 1999 by the Honourable Mr Justice Carnwath.

**LAW COMMISSION
SCOTTISH LAW COMMISSION**

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THE LAW COMMISSION AND THE SCOTTISH LAW COMMISSION

STATUTE LAW REVISION: THE CHRONOLOGICAL TABLE OF PRIVATE AND PERSONAL ACTS

To the Right Honourable the Lord Irvine of Lairg, Lord High Chancellor of Great Britain, and the Right Honourable the Lord Hardie, QC, Her Majesty's Advocate

SUMMARY

This Report is published to coincide with the completion of the Law Commissions' Chronological Table of Private and Personal Acts and its publication as a single volume by The Stationery Office.¹ That publication marks the completion of a project authorised in 1974 for the preparation of a chronological table of local,² private and personal Acts to complement the long-established *Chronological Table of the Statutes*.³ It also marks the first occasion on which a complete record of all public general, local, private and personal Acts passed by the Parliaments at Westminster since 1539 has been made publicly available.

COMPLETION AND SCOPE OF THE TABLE; AUTHORITY FOR PUBLICATION

1. The Chronological Table⁴ of Private and Personal Acts ("the Table") for the first time lists the 11,000 private and personal Acts passed by the Parliaments at Westminster between 1539 and the end of 1997 in their chronological sequence and the specific repeals of, and amendments made to, those Acts.

¹ Copies of the Table may be obtained from The Stationery Office Bookshops listed on the back cover of this Report.

² The first and major part of the project was completed in 1996 when the *Chronological Table of Local Legislation 1797-1994* was published for the Law Commissions by HMSO coincident with the Commissions' Report on the Chronological Table of Local Legislation ((1996) Law Com No 241; Scot Law Com No 155; Cm 3301).

³ Public general legislation in force has been recorded in the *Chronological Table of the Statutes* first published in 1870 and issued annually since 1898.

⁴ A chronological table can be described as a list of Acts arranged in the order of their chapter numbers under each sessional or calendar year. For each Act details are given of its specific repeal, partial repeal, amendment, application etc. Acts which have been completely repealed are listed in italic or ordinary type and Acts which are in force or, in some cases, merely unrepealed, are listed in bold type.

2. The publication of the Table marks the completion of the final part of a project authorised by the Statute Law Committee in 1974 and since approved by its successor, the Advisory Committee on Statute Law.⁵
3. In 1974 the Statute Law Committee authorised the Statutory Publications Office to institute a table showing the effects of legislation passed on or after 1 January 1974 on earlier local, personal and private Acts. Between 1974 and 1992 that table was published as Section 4 of the *Chronological Table of the Statutes*.⁶
4. In the same year the Statute Law Committee also authorised the two Law Commissions to prepare a chronological table showing the effect of local, personal and private legislation passed before the end of 1973 i.e. to cover the period up to 1 January 1974 when Section 4 of the *Chronological Table of the Statutes* began. It was originally intended that our table should cover the 26,000 local Acts passed between 1797⁷ and the end of 1973 and the 11,000 private (later described as personal) Acts passed between 1539⁸ and the end of 1973. We completed the local Act part of the project in 1996 and amalgamated it with Section 4 of the *Chronological Table of the Statutes* to form the *Chronological Table of Local Legislation 1797-1994* which covers the 26,500 local Acts passed up to the end of 1994.⁹ The publication now of the Table of private and personal Acts brings the entire project to a close and means that there is available for the first time a chronological table for all public, local, private and personal Acts passed by the Parliaments at Westminster since 1539.
5. In the Report on the Chronological Table of Local Legislation (the “Report”) we gave a brief history of the whole project¹⁰ and we pointed out¹¹ that the publication of the local legislation table brought to an end the paradoxical situation in which since 1870 there had been a chronological table for the smaller number of public general Acts enacted by the Parliaments at Westminster (16,600 between 1797 and 1994) but no table for the larger number of local Acts (26,500 passed between 1797 and 1994).

⁵ The Statute Law Committee was succeeded in 1991 by the Advisory Committee on Statute Law whose members are listed in *Dod's Parliamentary Companion*, *Vacher's Parliamentary Companion* and *Whitaker's Almanack*.

⁶ This work is published annually in cumulative form by HMSO. Modern editions are arranged in three sections comprising: 1. Acts of the Parliaments at Westminster from 1235 onwards as they affect Great Britain but excluding the series of private Acts (1539 onwards) and the series of local and personal Acts (1797 onwards). 2. Acts of the Parliaments of Scotland (1424-1707). 3. Church Assembly Measures (1920-1971) and General Synod Measures (1972 onwards). There is a separate *Chronological Table of the Statutes, Northern Ireland*, arranged in four parts, which covers Irish legislation from 1310 onwards and United Kingdom legislation as it affects Northern Ireland.

⁷ In 1797 the public Acts were divided into a separate series of Public General Acts and Public Local and Personal Acts.

⁸ In 1539 public and private Acts were first distinguished on the official enrolments of Acts of Parliament.

⁹ The local legislation table is updated by cumulative annual supplements prepared at HMSO, Statutory Publications Section, 67 Tufton Street, London SW1 3QS.

¹⁰ Law Com No 241; Scot Law Com No 155; Cm 3301, paras.4.1-4.13.

¹¹ *Ibid.*, para 1.5.

6. The situation relating to private and personal Acts is different and more complex. Until the end of the eighteenth century nearly as many Acts were founded on private Bills as on public Bills, but in the entire period covered by the Table there were more than twice as many public Acts as private Acts. Between 1539 and 1997 24,700 public Acts were passed in contrast to 11,000 private and personal Acts. But between 1539 and 1797, when there were only two official categories of Acts - public and private - 8,000 Acts were classified as public and 6,700 as private. Indeed in certain periods private Acts out-numbered public Acts.¹² Furthermore, the substantive difference between the two categories was further reduced by the fact that in the eighteenth century an increasing proportion of the public Acts were founded on private Bills.¹³

THE IMPORTANCE OF PRIVATE AND PERSONAL LEGISLATION

7. In the Report we pointed out that “Local legislation has played a crucial part in the process whereby the United Kingdom has since the eighteenth century been changed from a predominantly agricultural and rural society into one that is predominantly urban and suburban.”¹⁴ Private and personal Acts have not, in general, played such an important part in that process and they do not have the continuing relevance which many local Acts have for some of the recently privatised statutory undertakings. But they have nevertheless made a significant contribution to the development of the United Kingdom over the past 460 years and they are, in certain important areas of the law, the precursors of local Acts.
8. Of the 11,000 Acts listed in the Table the most numerous appear to have been those relating to inclosures and landed estates. Inclosure Acts played a central part in modernising the country’s agricultural system¹⁵ by authorising the inclosure of open and commonable fields, consolidating small, scattered, landholdings into single, larger, units and “substituting individual interests in place of common interests ... as a means of furthering agriculture.”¹⁶ Estate Acts enabled landowners to exploit their estates by freeing them from the restrictions of the settlements and other legal impediments to which both the estates and their owners were often subject¹⁷ and some of them, by authorising the granting of building leases, led to important urban developments.¹⁸

¹² e.g. between 1603 and 1623 (reign of James I) 132 public Acts were passed in contrast to 169 private Acts, and between 1688 and 1713 (reigns of William and Mary, William III and Anne) there were 985 public Acts and 1458 private Acts.

¹³ Report, para 3.1, n.1.

¹⁴ *Ibid.*, para 3.1.

¹⁵ W E Tate, *The English Village Community and the Enclosure Movements* (1967) p 21.

¹⁶ F Clifford, *A History of Private Bill Legislation* vol I (1885) p 22.

¹⁷ W Holdsworth, *A History of English Law* vol XI (1938) pp 619-620.

¹⁸ e.g. 1723 (c.8) - enabling Duke of Norfolk to grant leases for 60 years of houses and ground in Arundel, Norfolk, Howard and Surrey streets in St Clement Danes parish (Middlesex); 1721 (c.11) - enabling Thomas Brown to grant building leases of his estate in Manchester; 1738 (c.16) - enabling Duke of Norfolk to grant building leases for 99 years of lands in or near Sheffield; 1838 (c.22) - enabling trustees of land in Paddington to grant building leases.

9. Some of the less numerous private Acts such as those relating to bridges,¹⁹ canals,²⁰ docks, ports and harbours,²¹ local government (including poor law and public health),²² roads²³ and water supply²⁴ were precursors of later local Acts. Other Acts related to such matters as charities, the church and ecclesiastical affairs, hospitals, schools and Oxford and Cambridge universities and their individual colleges.²⁵ On a more personal level private Acts related to attainders and their annulment and reversal, restitutions in blood and the restoration of honours, property and titles to those who had been deprived of them.²⁶ They also authorised changes of surname, so enabling those concerned to inherit in accordance with testators' wishes, divorce and the naturalization of foreigners as British subjects,²⁷ a notable example being the naturalization of George Frederick Handel by an Act of 1726.²⁸

CONTENTS AND PURPOSES OF THE TABLE

Contents

10. The Table lists in their chronological sequence the series of Private and Personal Acts passed by the Parliaments at Westminster between 1539 and the end of 1997 which comprise:

¹⁹ 1664 (c.34) - repair of Bengeworth bridge (Worcestershire); 1694 (c.8) - construction of bridge over river Axe (Somerset).

²⁰ 1758 (c.2), 1759 (c.2), 1762 (c.11) and 1766 (c.17), all relating to Francis, Duke of Bridgewater's canals.

²¹ 1663 (c.5) - Wells (Norfolk); 1695 (c.25) - Rotherhithe; 1716 (c.3) - Sunderland.

²² 1695 (c.32) - Bristol; 1697 (c.18) - Tiverton, (c.33) - Exeter, (c.34) - Hereford, (c.37) - Colchester, (c.47) - Kingston-upon-Hull and (c.48) - Shaftesbury; 1700 (12 & 13 Will.3) (c.6) - King's Lynn; 1702 (c.32) - Sudbury (Suffolk).

²³ e.g. 1663 (c.14) - repair of Hertfordshire, Cambridgeshire and Huntingdonshire highways; 1714 (c.25) - repair of highways between Tyburn and Uxbridge; 1718 (c.1) - Stokenchurch and New Woodstock road; 1718 (c.2) - Beaconsfield and Stokenchurch road.

²⁴ e.g. 1592 (c.10) - Stonehouse (Plymouth); 1685 (c.6) - Rochester; 1691 (c.37) - Shadwell waterworks (London); 1695 (c.31) - Bristol; 1697 (c.46) - Newcastle-upon-Tyne; 1709 (c.21) - Liverpool.

²⁵ Holdsworth, op cit, pp 621-622.

²⁶ Clifford, op cit, pp 355-371.

²⁷ Holdsworth, op cit, pp 622-624.

²⁸ 13 Geo.1 (c.2): "An Act for naturalizing Louis Sekeyhaye, George Frederick Handel and others." In accordance with a usual practice, Handel's name was added to the Bill after it had been introduced into Parliament (O E Deutsch, *Handel - A Documentary Biography* (1955) pp.202-205), and the signing of the Bill was "one of George I's last constitutional acts in Britain" (D Burrows, *Handel* (1994) p 122). The modern calendar year of Handel's naturalization is 1727, but the year 1726 is given in the Table in accordance with the then prevailing law whereby Acts of Parliament were deemed to come into effect on the first day of the session in which they were passed (see e.g. F A R Bennion, *Statutory Interpretation* (3rd ed 1997) pp 203-204), and which continued until the Acts of Parliament (Commencement) Act 1793 (c.13).

- (i) Private Acts (1539-1802);
- (ii) Local and Personal Acts, not printed (1802-1814);
- (iii) Private Acts (1815-1947);
- (iv) Personal Acts (1948 onwards).

No Private Acts were officially printed until 1815. Thereafter only a residue of Divorce, Name and Naturalization Acts, and some Inclosure Acts, were not officially printed at all and their only authoritative texts are the Original Acts in the House of Lords Record Office.²⁹ Since 1924 all Private Acts (styled Personal Acts since 1948) have been officially printed.

11. The Table lists the effects on the listed Acts of the following categories of legislation enacted or made between 1539 and the end of 1997:

- (i) Public General Acts of the Parliaments at Westminster;
- (ii) Measures of the Church Assembly and the General Synod of the Church of England;
- (iii) Local, Personal and Private Acts of the Parliaments at Westminster;
- (iv) Statutory Rules and Orders (before 1948) and Statutory Instruments (from 1948) which are classified as general and the most readily available texts of those which are classified as local;³⁰
- (v) Public General Acts of the Northern Irish Parliament 1922-1972 so far as they affect pre-1922 United Kingdom private Acts;
- (vi) Local and Private Acts of the Northern Irish Parliament 1922-1972 so far as they affect pre-1922 United Kingdom private Acts;
- (vii) Northern Ireland Statutory Rules so far as they affect pre-1922 United Kingdom private Acts.

Purposes

12. The *immediate purpose* of the Table is to provide an accessible and authoritative means for determining the extent to which private and personal legislation is in force. By recording the specific repeals, amendments and other modifications made to private and personal legislation the Table will be a basic tool and an important source of information for persons such as –

²⁹ M F Bond, *Guide to the Records of Parliament* (1971) p 102.

³⁰ It has not been possible to record the effects of all local subordinate legislation since no comprehensive collection of the texts of local Statutory Rules and Orders for the period 1890-1921 has yet been found, and the most readily accessible comprehensive collections for the period after 1922 - in the Statutory Publications Office, the Public Record Office and the British Library - have gaps in them (Report (Cm 3301), para 5.13).

- (a) those concerned with the preparation, enactment and making of primary and secondary legislation;
 - (b) those concerned with the continuing operation of certain kinds of private legislation, mainly local authorities;
 - (c) legal practitioners who have to advise their clients about the effect of private and personal legislation;
 - (d) members of the public who want to ascertain the effect of private and personal legislation for themselves;
 - (e) librarians who need to be able to supply information about private and personal legislation to all those concerned with the preparation and operation of legislation of all kinds, the legal profession and members of the public in general.
13. The *long term purpose* of the Table is to act as an essential aid for repealing and rationalising private and personal legislation. Besides recording the repeals, amendments and other modifications of private and personal legislation which have already been made, the Table will provide a means for recording all such modifications made in the future. It will³¹ therefore help us to include, in our future programmes of statute law revision, projects for the repeal of large numbers of private and personal Acts, both on a subject matter and on a geographical basis. The need for such work is striking: of the 11,000 Acts listed in the Table only 123 have been completely repealed and only 435 partly repealed, amended or otherwise specifically affected by later legislation, and it is likely that many, if not most, of the remaining 10,400 private and personal Acts are obsolete or spent.

CONCLUSION

14. We would like to take the opportunity provided by the completion of this project, the largest which we have undertaken, to express the hope that all those concerned with private and personal legislation in any way will make full use of the Table and benefit from it. We also hope that those who have responsibility for the preparation of primary and secondary legislation will bear the Table in mind, and use it whenever possible as an aid to the repeal and rationalisation of the 11,000 Acts listed in it.

³¹ Work on the preparation of the Table has already enabled us to identify particular private Acts as suitable candidates for inclusion in two of our statute law revision projects. The Act of 1694 (c. 1) for rebuilding the centre of Warwick after it had been destroyed by fire was repealed as part of our Warwickshire statute law revision project by the Statute Law (Repeals) Act 1995, Sched 1 Pt I, and the Act of 1662 (c. 34) for repairing Bengeworth bridge was repealed as part of our Hereford and Worcester statute law revision project by the Statute Law (Repeals) Act 1998, Sched 1 Pt V.

(Signed) MARY ARDEN, *Chairman, Law Commission*
ANDREW BURROWS
DIANA FABER
CHARLES HARPUM
STEPHEN SILBER

MICHAEL SAYERS, *Secretary*

BRIAN GILL, *Chairman, Scottish Law Commission*
E M CLIVE
P S HODGE
K G C REID
NIALL R WHITTY

J G S MACLEAN, *Secretary*

26 November 1998