

**STATUTE LAW REVISION:  
FIFTEENTH REPORT  
DRAFT STATUTE LAW  
(REPEALS) BILL**



LAW COMMISSION  
LAW COM No 233  
SCOTTISH LAW COMMISSION  
SCOT LAW COM No 150

**LAW COMMISSION  
SCOTTISH LAW COMMISSION**



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

(LAW COM No 233)

(SCOT LAW COM No 150)

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FIFTEENTH REPORT  
DRAFT STATUTE LAW  
(REPEALS) BILL**

*Presented to Parliament by the Lord High Chancellor and the Lord Advocate  
by Command of Her Majesty  
March 1995*

The Law Commission and the Scottish Law Commission were set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

The Law Commissioners are:

The Honourable Mr Justice Brooke, *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 Davidson, *Chairman*  
Dr E M Clive  
Professor P N Love CBE  
Mr W A Nimmo Smith QC  
Mr N R Whitty

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

This Report was approved by the Law Commission and the Scottish Law Commission on 25 January 1995.

**LAW COMMISSION  
SCOTTISH LAW COMMISSION**

**STATUTE LAW REVISION: FIFTEENTH REPORT  
DRAFT STATUTE LAW (REPEALS) BILL**

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**THE LAW COMMISSION  
AND  
THE SCOTTISH LAW COMMISSION**

**STATUTE LAW REVISION:  
FIFTEENTH REPORT**

**Draft Statute Law (Repeals) Bill**

*To the Right Honourable the Lord Mackay of Clashfern, Lord High Chancellor of Great Britain, and the Right Honourable the Lord Rodger of Earlsferry, QC, Her Majesty's Advocate.*

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.
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.<sup>1</sup> The proposals have been widely canvassed with the government departments and other bodies concerned. Appendix 3 lists the local authorities, statutory undertakers and other persons consulted in connection with a project to rationalise the local legislation of Bedfordshire, Nottingham, Nottinghamshire, Warwickshire and the Derwent Valley Water Board (Part I of Schedule 1 to the draft Bill). Appendix 4 lists those consulted in connection with the proposal to repeal the Glasgow Police Acts 1866-1904 and connected legislation (Part III, Group 1 of Schedule 1 to the draft Bill).
3. The report is submitted in pursuance of the Law Commissions' programmes on statute law. The broad objective of those programmes is to modernise and simplify the statute book.

<sup>1</sup> 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. The Parts are, in accordance with the drafting practice adopted in Statute Law (Repeals) Acts since 1975, presented according to their alphabetical order of title.

(Signed)

HENRY BROOKE, *Chairman, Law Commission*

ANDREW BURROWS

DIANA FABER

CHARLES HARPUM

STEPHEN SILBER

MICHAEL SAYERS, *Secretary*

C K DAVIDSON, *Chairman, Scottish Law Commission*

E M CLIVE

PHILIP N LOVE

W A NIMMO SMITH

NIALL R WHITTY

KENNETH F BARCLAY, *Secretary*

25 January 1995

# APPENDIX 1

## Statute Law (Repeals) Bill

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### ARRANGEMENT OF CLAUSES

Clause

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

SCHEDULES:

Schedule 1—Repeals.

Part I—Bedfordshire, Nottingham, Nottinghamshire,  
Warwickshire and Derwent Valley Water  
Board.

Part II—Overseas Jurisdiction.

Part III—Scottish Local Acts.

Part IV—Statutory Citation.

Part V—Transport.

Part VI—Miscellaneous.

Schedule 2—Consequential and Connected Provisions.





DRAFT

OF A

# B I L L

INTITULED

An Act to promote the reform of the statute law by the repeal, in accordance with recommendations of the Law Commission and the Scottish Law Commission, of certain enactments which (except in so far as their effect is preserved) are no longer of practical utility, and to make other provision in connection with the repeal of those enactments. A.D. 1995.

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

5    **1.**—(1) The enactments mentioned in Schedule 1 to this Act are hereby repealed to the extent specified in the third column of that Schedule.    Repeals and associated provisions.  
      (2) Schedule 2 to this Act shall have effect.

**2.**—(1) This Act extends to England and Wales, Scotland and Northern Ireland.    Extent.

10    (2) Any repeal by this Act of an enactment which extends to the Isle of Man shall also extend there.

      (3) Subject to subsection (2) above, this Act does not repeal any enactment so far as the enactment forms part of the law of a country outside the United Kingdom; but Her Majesty may by Order in Council  
15    provide that the repeal by this Act of any enactment specified in the Order shall on a date so specified extend to any of the Channel Islands or any colony.

**3.** This Act may be cited as the Statute Law (Repeals) Act 1995.    Short title.

## SCHEDULES

## SCHEDULE 1

## REPEALS

## PART I

BEDFORDSHIRE, NOTTINGHAM, NOTTINGHAMSHIRE, WARWICKSHIRE AND  
DERWENT VALLEY WATER BOARD

5

Chapter or Number	Short title	Extent of repeal	
<i>Group 1 - Bedfordshire</i>			
35 Geo. 3. c.87 (1795).	An Act for dividing, allotting, and inclosing the open and common fields, meadows, closes, commonable lands, pastures, commons, and waste grounds, within the several parishes of Saint Paul, Saint Peter, and Saint Cuthbert, in the town of Bedford, in the county of Bedford.	The whole Act.	10
37 Geo. 3. c.53 (1797).	An Act for dividing, allotting, and inclosing, the open and common fields, pastures, commons, and waste grounds, within the parish of Saint Mary, in the town of Bedford, in the county of Bedford.	The whole Act.	15
43 Geo. 3. c.cxxviii (1803).	An Act for the improvement of the town of Bedford in the county of Bedford, and for rebuilding the bridge over the river Ouse in the said town.	The whole Act.	20
50 Geo. 3. c.lxxxii (1810).	An Act for amending and enlarging the powers of [the Act 43 Geo. 3. c.cxxviii].	The whole Act.	25
55 Geo. 3. c.xxx (1815).	An Act for rebuilding Tempsford Bridge in the county of Bedford.	The whole Act.	30
16 & 17 Vict. c.cviii.	Midland Railway (Leicester and Hitchin) Act 1853.	Section 47.	35
			40
			45

Chapter or Number	Short title	Extent of repeal
26 & 27 Vict. c.32.	Local Government Supplemental Act 1863.	In the Schedule, the order relating to Bedford.
5 29 & 30 Vict. c.107.	Local Government Supplemental Act 1866 (No.4).	In the Schedule, the order relating to Bedford.
10 40 & 41 Vict. c.xxii.	Local Government Board's - Provisional Orders Confirmation (Horbury &c.) Act 1877.	Sections 2 to 4. In the Schedule, the order relating to Luton.
53 & 54 Vict. c.clxxxviii.	Electric Lighting Orders Confirmation (No.3) Act 1890.	In the Schedule, the Bedford Electric Lighting Order 1890.
15 56 & 57 Vict. c.viii.	Tramways Orders (1892) Confirmation Act 1893.	In the Schedule, the Bedford and Kempston Tramways Order 1892.
20 58 & 59 Vict. c.lxvii.	Electric Lighting Orders Confirmation (No.2) Act 1895.	In the Schedule, the Luton Corporation Electric Lighting Order 1895 except Articles 1, 2 and 5 and Schedule 1.
25 59 & 60 Vict. c.ccxxxvi.	Local Government Board's Provisional Orders Confirmation (No.13) Act 1896.	In the Schedule, the Counties of Bedford and Huntingdon (Swineshead and Tilbrook) Order 1896.
30 60 & 61 Vict. c.lxxi.	Local Government Board's Provisional Orders Confirmation (No.6) Act 1897.	In the Schedule, the Biggleswade Rural Order 1897.
35 60 & 61 Vict. c.lxxv.	Local Government Board's Provisional Orders Confirmation (No.10) Act 1897.	In the Schedule, the Counties of Bedford and Hertford (Caddington &c.) Order 1897 and the County of Hertford (Holwell &c.) Order 1897.
40 63 & 64 Vict. c.cxcix.	Tramways Orders Confirmation (No.2) Act 1900.	In the Schedule, the Bedford Corporation Tramways Order 1900.
45 1 Edw. 7. c.ccxxxiii.	Biggleswade Water Act 1901.	Sections 23, 25, 30 and 38. Section 40(1) to (3). Section 40(4) from "All works" to "Provided always that". Section 40(6), (8) and (9). Section 41(2), (3), (6) and (7). Section 84.
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## SCH. 1

Chapter or Number	Short title	Extent of repeal	
2 Edw. 7. c.lxxxii.	Local Government Board's Provisional Orders Confirmation (No.8) Act 1902.	In the Schedule, the Biggleswade Joint Hospital Order 1902.	5
2 Edw. 7. c.lxxxiii.	Local Government Board's Provisional Orders Confirmation (No.9) Act 1902.	In the Schedule, the Linslade Order 1902.	10
2 Edw. 7. c.cvii.	Bedford Corporation Water Act 1902.	The whole Act.	
1903 Cd.1574.	Leighton Buzzard and Hitchin Light Railway Order 1903.	The whole Order.	15
5 Edw. 7. c.cxciv.	Tramways Orders Confirmation (No.2) Act 1905.	In the Schedule, the Luton Corporation Tramways Order 1905 except Articles 1, 3, 4, 8(1) and 9(1) to (4) and (8).	20
6 Edw. 7. c.cxx.	Local Government Board's Provisional Orders Confirmation (No.8) Act 1906.	In the Schedule, the Counties of Bedford and Hertford (Alteration of County Boundaries) Order 1906.	25
7 Edw. 7. c.clvi.	Local Government Board's Provisional Orders Confirmation (No.6) Act 1907.	In the Schedule, the Dunstable (Extension) Order 1907.	30
S.R.&O. 1910 No. 837.	Borough of Bedford Wards Order 1910.	The whole Order.	
1 & 2 Geo. 5. c.lxxxvii.	Luton Corporation Act 1911.	Section 72.	
—	Bedford (Alteration of Electoral Divisions) Order 1921.	The whole Order.	35
S.R.&O. 1926 No.172.	Bedford (Alteration of Electoral Divisions) Order 1926.	The whole Order.	40
17 & 18 Geo.5. c.lxxxix.	Bedford Corporation Act 1927.	Sections 9, 23, 27, 28, 36 to 62 and 64 to 77. The Schedule.	
S.R.&O. 1927 No.1267.	Biggleswade Joint Hospital Order 1927.	The whole Order.	45
S.R.&O. 1928 No.729.	Luton Tramways Extension of Time Order 1928.	The whole Order.	
S.R.&O. 1930 No.596.	Luton Tramways Extension of Time Order 1930.	The whole Order.	
S.R.&O. 1931 No.660.	Luton Tramways Extension of Time Order 1931.	The whole Order.	50
S.R.&O. 1933 No.1231.	South Bedfordshire Order 1933.	The whole Order.	

Chapter or Number	Short title	Extent of repeal
5	S.R.&O. 1934 No.89. County of Bedford (Electoral Divisions) Order 1934.	The whole Order.
10	S.R.&O. 1934 No.101. — Order in Council dated 15 July 1935 for confirming a scheme altering wards etc. in Bedford.	The whole Order. The whole Order.
15	26 Geo. 5 & 1 Edw.8. c.viii. Ministry of Health Provisional Order Confirmation (Bedford Joint Hospital District) Act 1936.	The whole Act.
20	S.R.&O. 1936 No.281. S.R.&O. 1936 No.424. County of Bedford (Electoral Divisions) Order 1936.	The whole Order. The whole Order.
25	1 Edw.8 & 1 Geo.6. c.vii. Ministry of Health Provisional Order Confirmation (Bedford) Act 1937.	The whole Act.
30	S.R.&O. 1938 No.987. S.R.&O. 1938 No.1266. S.I.1951 No.1071. Bedford Joint Hospital Amendment Order 1938. Biggleswade Joint Hospital Amendment Order 1938. Bedford Water Order 1951.	The whole Order. The whole Order. The whole Order except Articles 1, 3, 4, 6 and 7.
35	S.I.1951 No.2149. Bedford (Amendment of Local Enactments) Order 1951.	The whole Order.
40	4 & 5 Eliz.2. c.lxiv. S.I.1956 No.855. 1961 c.xlii. Bedford Corporation Act 1956. Bedford Water Order 1956. Great Ouse Water Act 1961.	The whole Act. The whole Order. Sections 3, 5 to 7, 9 to 34 and 40. Section 41(1) and (2). Section 42(1) to (3). Sections 43, 50, 53, 55, 56, 70, 73(3), 79 to 96, 114 to 130 and 132. Section 133(1) and (4) to (6). Section 134(2) to (9), (10)(b) and (12). Sections 135, 136, 138 to 142, 145 and 147. Schedules 1 to 4.
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Chapter or Number	Short title	Extent of repeal	
S.I.1961 No.866. 1964 c.xxxiii.	Bedford (Amalgamation of Funds) Order 1961. Bedford Corporation Act 1964.	The whole Order. The whole Act.	5
S.I.1964. No.169.	Luton Order 1963.	The whole Order except Articles 1, 3, 4, 5, 51 and 57 and Schedule 5.	
S.I.1965 No.23.	Counties of Bedford and Buckingham (Leighton-Linslade) Order 1965.	The whole Order.	10
S.I.1965 No.138.	County Borough of Luton (Wards) Order 1965.	The whole Order.	
S.I.1965 No.568.	Great Ouse Water Order 1965.	The whole Order.	15
S.I. 1966 No.69.	Bedfordshire Water Board Order 1966.	Articles 3 to 13, 15 to 18, 20(2) to (6) and 21 to 44. Part II of Schedule 1. Schedules 2, 3, 5 and 6. The whole Order.	20
S.I.1967 No.1786. 1969 c.xlvi.	Bedford (Borough of Bedford) Order 1967. Bedford Corporation Act 1969.	The whole Act.	25
S.I.1970 No.81.	County of Bedford (Electoral Divisions) Order 1970.	The whole Order.	
S.I. 1971 No.2169.	Great Ouse Water Order 1971.	Articles 8 to 13, 17, 18, 20 to 29, and 34 to 36. The Schedule.	30
S.I. 1972 No.1924.	Lee Valley Water Order 1972.	Articles 15(b) and 16. In Part I of Schedule 3, the references to sections 6, 7, 14, 20 and 82 of the Great Ouse Water Act 1961. Part II of Schedule 3.	35
<i>Group 2 - Nottingham</i>			
7 Geo.3. c.36 (1767).	An Act for dividing and inclosing the open fields, meadows, common pastures and commonable lands lying south of the turnpike road leading from Nottingham to Alfreton within the liberties and townships of Lenton and Radford in the county of Nottingham.	The whole Act.	40
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Chapter or Number	Short title	Extent of repeal
5 10 15 20 25	36 Geo.3. c.152 (1796).  An Act for raising, maintaining, and keeping in repair the road from the north end of the bridge, commonly called the Old Trent Bridge, to the west end of Saint Mary's churchyard by way of Hollow Stone, in the parish of Saint Mary, in the town of Nottingham, and for erecting and maintaining such and so many flood bridges upon the said road as may be necessary to carry off the flood water, and for widening and improving the entrance into the town of Nottingham by way of Hollow Stone.	The whole Act except section 52.
30	36 Geo.3. c.114 (1796).  An Act for dividing and inclosing the forest, commons and waste lands within the liberties and townships of Lenton and Radford in the county of Nottingham.	The whole Act.
35	6 Will.4. c.xlv (1836).  An Act for establishing a general cemetery in the town and county of the town of Nottingham.	The whole Act.
40	2 & 3 Vict. c.28 (1839).  An Act for inclosing certain lands called the West Croft and Burton Leys, in the parish of Saint Mary in the town and county of the town of Nottingham.	The whole Act.
45 50	2 & 3 Vict. c.lxvi (1839).  An Act for forming a canal and other works within and near certain lands called the West Croft, in the parish of Saint Mary in the town and county of the town of Nottingham.	The whole Act except sections 6 to 9 and 11 to 15.



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Chapter or Number	Short title	Extent of repeal	
2 & 3 Vict. c.32 (1839).	An Act for inclosing, allotting, and improving certain open fields in the parish of Saint Mary in the town and county of the town of Nottingham.	The whole Act except sections 28, 32, 53 and 55 to 58.	5
7 & 8 Vict. c.7 (1844).	An Act for altering and amending [the Act 2 & 3 Vict. c.28].	The whole Act.	10
7 & 8 Vict. c.lvii (1844).	An Act for amending the provisions of [the Act 2 & 3 Vict. c.lxvi]; and for making certain improvements within the said town [of Nottingham].	The whole Act.	15
8 & 9 Vict. c.xix.	Nottingham Waterworks Act 1845.	The whole Act except sections 7, 40, 43, 45 and 46.	20
8 & 9 Vict. c.7 (1845).	An Act for inclosing lands in the parish of Saint Mary in the town and county of the town of Nottingham.	The whole Act except sections 53, 54, 59, 70, 97 to 99 and 173 to 175.	25
16 & 17 Vict. c.xi.	Nottingham Gas Act 1853.	The whole Act.	
17 & 18 Vict. c.x.	Nottingham Waterworks Amendment Act 1854.	The whole Act.	30
21 & 22 Vict. c.ix.	Nottingham Gas Amendment Act 1858.	The whole Act.	
23 & 24 Vict. c.118.	Local Government Supplemental Act 1860 (No.2).	In the Schedule, the order relating to Nottingham.	35
26 & 27 Vict. c.32.	Local Government Supplemental Act 1863.	In the Schedule, the order relating to Nottingham.	
26 & 27 Vict. c.xli.	Nottingham Gas Amendment Act 1863.	The whole Act.	
27 & 28 Vict. c.cix.	Nottingham Gas Act 1864.	The whole Act.	40
28 & 29 Vict. c.108.	Local Government Supplemental Act 1865 (No.5).	In the Schedule, the order relating to Nottingham.	
30 & 31 Vict. c.x.	Nottingham Improvement Act 1867.	The whole Act.	45
30 & 31 Vict. c.lxxv.	Wilford Bridge Act 1867.	The whole Act.	
33 & 34 Vict. c.cxiv.	Local Government Supplemental Act 1870.	In the Schedule, the order relating to Nottingham.	50
35 & 36 Vict. c.xcii.	Local Government Board's Provisional Orders Confirmation Act 1872.	In the Schedule, the order relating to Nottingham.	

Chapter or Number	Short title	Extent of repeal
5	35 & 36 Vict. c.cv. Nottingham and Leen District Sewerage Act 1872.	The whole Act.
10	36 & 37 Vict. c.lxxxii. Local Government Board's Provisional Orders Confirmation Act 1873 - (No.2).	In the Schedule, the two orders relating to Nottingham.
15	36 & 37 Vict. c.ccv. Nottingham Gas Act 1873.	The whole Act.
20	37 & 38 Vict. c.i. Local Government Board's Provisional Orders Confirmation Act 1874.	In the Schedule, the order relating to Nottingham.
25	37 & 38 Vict. c.cxxxvi. Nottingham Corporation (Gas) Act 1874.	The whole Act.
	37 & 38 Vict. c.cxxxvii. Nottingham Waterworks Act 1874.	The whole Act.
	37 & 38 Vict. c.cxciv. Nottingham Improvement Act 1874.	The whole Act except— (a) section 1; (b) section 88 from "The Markets and Fairs Clauses Act" to "limits of the borough"; (c) sections 89 to 93 and 110.
30	38 & 39 Vict. c.ccxi. Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley &c.) Act 1875.	In the Schedule, the order relating to Nottingham.
35	39 & 40 Vict. c.xvi. Local Government Board's Provisional Orders Confirmation (Briton Ferry, &c.) Act 1876.	In the Schedule, the two orders relating to Nottingham.
40	39 & 40 Vict. c.cxcviii. Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act 1876.	In the Schedule, the order relating to Nottingham and the Nottingham and Leen District Sewerage Board.
45	39 & 40 Vict. c.ccxxxv. Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) Act 1876.	In the Schedule, the order relating to Nottingham.
50	40 & 41 Vict. c.xxxi. Nottingham Borough Extension Act 1877.	The whole Act except sections 1, 3, 55, 56(2)(D) and 59.
	40 & 41 Vict. c.10. Chesterfield Estate (Nottingham Sewage) Act 1877.	The whole Act.

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Chapter or Number	Short title	Extent of repeal	
40 & 41 Vict. c.lxxvii.	Local Government Board's Provisional Orders Confirmation (Altrincham, &c.) Act 1877.	In the Schedule, the order relating to Nottingham.	5
40 & 41 Vict. c.cxxiv.	Tramways Orders Confirmation Act 1877.	In the Schedule, the Nottingham and District Tramways Order 1877 except Articles 1, 3, 4 and 30.	10
41 & 42 Vict. c.xlv.	Nottingham Waterworks Act 1878.	The whole Act.	
41 & 42 Vict. c.xci.	Nottingham Improvement Act 1878.	The whole Act except sections 1 and 6 and Schedule 1.	15
42 & 43 Vict. c.xi.	Nottingham Waterworks Act 1879.	The whole Act except sections 1, 2 and 4 so far as unrepealed.	20
42 & 43 Vict. c.cciv.	Nottingham Improvement Act 1879.	The whole Act except sections 1, 3, 26, 29, 30, 37, 39 and 47 to 52 and Schedules 2 and 3.	
43 & 44 Vict. c.ccviii.	Nottingham Corporation Loans Act 1880.	The whole Act.	25
44 & 45 Vict. c.cii.	Local Government Board's Provisional Orders Confirmation (Birmingham, Tame, and Rea, &c.) Act 1881.	In the Schedule, the order relating to Nottingham.	30
45 & 46 Vict. c.lix.	Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) Act 1882.	The whole Act.	35
45 & 46 Vict. c.lxii.	Local Government Board's Provisional Orders Confirmation (No.4) Act 1882.	In the Schedule, the order relating to Nottingham.	40
45 & 46 Vict. c.ccxvii.	Nottingham Corporation Act 1882.	The whole Act except sections 1, 2 and 78.	
46 & 47 Vict. c.lxxviii.	Nottingham Corporation Act 1883.	The whole Act except sections 1, 3, 13, 14, 19, 26 so far as unrepealed and 30.	45
47 & 48 Vict. c.cxii.	Tramways Orders Confirmation (No.1) Act 1884.	In the Schedule, the Nottingham Tramways Order 1884.	
47 & 48 Vict. c.ccxiv.	Local Government Board's Provisional Orders Confirmation (No.7) Act 1884.	In the Schedule, Articles 2 and 3 of the order relating to Nottingham.	50

Chapter or Number	Short title	Extent of repeal
5 50 & 51 Vict. c.xcix.	Local Government Board's Provisional Orders Confirmation (No.3) Act 1887.	In the Schedule, the order relating to Nottingham.
10 52 & 53 Vict. c.cxiii.	Local Government Board's Provisional Orders - Confirmation (No.11) Act 1889.	In the Schedule, the order relating to Nottingham.
15 53 & 54 Vict. c.xcxi.	Electric Lighting Orders Confirmation (No.6) Act 1890.	In the Schedule, the Nottingham Electric Lighting Order 1890.
15 55 & 56 Vict. c.lxxviii.	Local Government Board's Provisional Orders Confirmation Act 1892.	In the Schedule, the order relating to Nottingham.
20 55 & 56 Vict. c.ccxxiii.	Local Government Board's Provisional Orders Confirmation (No.12) Act 1892.	In the Schedule, the Nottingham Order 1892.
20 57 & 58 Vict. c.xxi.	Local Government Board's Provisional Orders Confirmation (No.3) Act 1894.	In the Schedule, the Nottingham Order 1894.
25 57 & 58 Vict. c.clxxviii.	Nottingham Corporation Act 1894.	The whole Act.
30 59 & 60 Vict. c.ci.	Local Government Board's Provisional Orders Confirmation (No.6) Act 1896.	Section 2. In the Schedule, the Basford (Selston) Order 1896.
30 59 & 60 Vict. c.clxxi.	Local Government Board's Provisional Orders Confirmation (No.22) Act 1896.	In the Schedule, the Nottingham Order 1896.
35 60 & 61 Vict. c.cc.	Nottingham Corporation Water Act 1897.	The whole Act except sections 1, 2, 4, 6, 9, 11 to 14 and 25 to 27 and the Schedule.
40 60 & 61 Vict. c.ccxxxviii.	Nottingham Improvement Act 1897.	The whole Act except sections 1 and 17.
40 61 & 62 Vict. c.lxxi.	Nottingham Corporation Act 1898.	The whole Act.
45 61 & 62 Vict. c.lxxxii.	Local Government Board's Provisional Orders Confirmation (No.8) Act 1898.	The whole Act.
45 62 & 63 Vict. c.ci.	Nottingham Corporation Act 1899.	The whole Act except sections 1, 3, 28, 29 and 32 and Schedule 1.
50 62 & 63 Vict. c.cclxxiii.	Tramways Orders Confirmation (No.2) Act 1899.	In the Schedule, the Ilkeston Corporation Tramways Order 1899.
50 63 & 64 Vict. c.cxxxii.	Nottingham Corporation Act 1900.	The whole Act.

## SCH. 1

Chapter or Number	Short title	Extent of repeal
2 Edw.7. c.ccxxxiii.	Nottingham Corporation Act 1902.	The whole Act except sections 1, 3, 5(3) and (7), 6(4) and (5), 18, 21 and 23. 5
3 Edw.7. c.cci.	Nottinghamshire and Derbyshire Tramways Act 1903.	The whole Act except— (a) sections 1 and 3; (b) section 101(1) to (7), (10) and (15); 10 (c) section 102(1), (2), (4), (5), (10) and (13); (d) section 104(1), (3), (13), (15), (17) and (18). 15
5 Edw.7. c.clxxv.	Nottingham Corporation Act 1905.	The whole Act except sections 1, 3, 23(2) and (5), 28, 29, 33 and the Schedule. 20
6 Edw.7. c.lx.	Nottinghamshire and Derbyshire Tramways Act 1906.	The whole Act except sections 1 and 8.
8 Edw.7. c.ci.	Nottinghamshire and Derbyshire Tramways Act 1908.	The whole Act except— (a) sections 1, 2 and 46; 25 (b) section 52(1), (3), (5), (6), (9), (10) and (13) to (16).
10 Edw.7 & 1 Geo.5. c.xliv.	Nottingham Corporation Act 1910.	The whole Act. 30
1 & 2 Geo.5. c.lxxxviii.	Nottinghamshire and Derbyshire Tramways Act 1911.	The whole Act.
3 & 4 Geo.5. c.cxiii.	Nottingham Corporation Act 1913.	The whole Act except— (a) sections 1 and 4; 35 (b) section 22(2) and (3); (c) section 23(1) to (5) and (9); 40 (d) section 26(1), (2), (4), (5) and (7).
5 & 6 Geo.5. c.lxvi.	Nottingham Corporation (Trent Navigation Transfer) Act 1915.	Sections 4, 6, 7, 11, 18 to 21, 23, 25 to 27, 29 to 31 and 34. 45 Section 28 except as it applies to the Trent Navigation Act 1906.
7 & 8 Geo.5. c.xi.	Nottinghamshire and Derbyshire Tramways Act 1917.	The whole Act. 50
10 & 11 Geo.5. c.lxvi.	Nottingham Corporation Act 1920.	The whole Act except— (a) sections 1 and 4; (b) section 16(1), (2), (4), (5), (8) and (10). 55

Chapter or Number	Short title	Extent of repeal
5 12 & 13 Geo.5. c.xv.	Nottingham Corporation (Trent Navigation) Act 1922.	The whole Act except sections 1, 3 and 8.
12 & 13 Geo.5. c.xxviii.	Nottinghamshire and Derbyshire Tramways Act 1922.	The whole Act.
10 13 & 14 Geo.5. c.iv.	Ministry of Health Provisional Orders Confirmation (No.1) Act 1923.	In the Schedule, the Nottingham Order 1923.
15 13 & 14 Geo.5. c.c.	Nottingham Corporation Act 1923.	The whole Act except sections 1, 4, 16, 25, 26, 28(2), 29 and 138.
20 15 & 16 Geo.5. c.cix.	Nottingham Corporation Act 1925.	The whole Act except— (a) sections 1, 3 and 4; (b) section 15(2), (3), (5), (7) and (8); (c) section 16; (d) section 26(1) to (7) and (11); (e) section 28(1) to (7) and (11).
25 18 & 19 Geo.5. c.xciii.	Nottinghamshire and Derbyshire Traction Act 1928.	The whole Act.
30 19 & 20 Geo.5. c.lxi.	Nottingham Corporation Act 1929.	The whole Act except sections 1, 3 to 9, 13, 14(2), 32(2), 38 and 69.
35 20 & 21 Geo.5. c.cxiv.	Nottingham Corporation Act 1930.	The whole Act.
40 21 & 22 Geo.5. c.lxvii.	Public Works Facilities Scheme (Nottingham Corporation) Confirmation Act 1931.	In the Schedule, the Nottingham Corporation (Waterworks) Scheme 1931 except— (a) Articles 1, 3 and 4; (b) Article 8 from "Provided that" to "may require."; (c) Articles 9, 10, 16 and 17(5) and (6).
45 22 & 23 Geo.5. c.lxxx.	Nottingham Corporation Act 1932.	The whole Act.
50 23 & 24 Geo.5. c.xxxi.	Nottinghamshire and Derbyshire Traction Company (Trolley Vehicles) Order Confirmation Act 1933.	The whole Act.
24 & 25 Geo.5. c.li.	Nottingham Corporation (Trolley Vehicles) Order Confirmation Act 1934.	The whole Act.

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Chapter or Number	Short title	Extent of repeal	
25 & 26 Geo.5. c.cxix.	Nottingham Corporation Act 1935.	The whole Act.	
26 Geo.5 & 1 Edw.8. c.xxviii.	Nottinghamshire and Derbyshire Traction Act 1936.	The whole Act.	5
1 & 2 Geo.6. c.xcv.	Nottingham Corporation Act 1938.	Sections 2, 5 to 16, 18, 20 to 22, 23(1), 25, 26, 31, 34, 36, 37, 39, 40, 43, 45 to 59, 61 to 69, 71 to 78, 80, 82, 83, 86, 88.	10
10 & 11 Geo.6. c.xi.	Nottinghamshire and Derbyshire Traction Act 1947.	The Schedule. The whole Act.	15
10 & 11 Geo.6. c.xxxvi.	Nottingham Corporation Act 1947.	The whole Act except— (a) sections 1, 3, 4, 13, 15(2), 16, 17, 24 and 25; (b) section 47 as it extends, applies and amends section 32(2) of the Nottingham Corporation Act 1929 and sections 29, 44 and 81 of the Nottingham Corporation Act 1938; (c) sections 48, 51 and 53.	20 25 30
15 & 16 Geo.6 & 1 Eliz.2. c.xxxiii.	Nottingham Corporation Act 1952.	The whole Act except sections 1, 3, 5, 6, 15(3), 21, 25, 27(2), 28, 30, 32 and 37 to 59.	35
15 & 16 Geo.6 & 1 Eliz.2. c.xlv.	Nottinghamshire and Derbyshire Traction Act 1952.	The whole Act.	40
S.I.1953 No.1152.	Nottingham Water Order 1953.	Articles 3, 4 and 5. The Schedule.	
S.I.1957 No.1638.	Nottingham Water Order 1957.	The whole Order except Articles 1, 2 and 8.	45
S.I.1957 No.2003.	Nottingham Water (No.2) Order 1957.	The whole Order.	
S.I.1958 No.1593.	Nottingham Water Order 1958.	Articles 3, 4 and 7. The Schedule.	
S.I.1959 No.583.	Leicester and Nottingham Water Order 1959.	The whole Order.	50
S.I.1960 No.418.	Nottingham Water Order 1960.	The whole Order.	
S.I.1966 No.63.	Nottingham Water Order 1966.	The whole Order.	

Chapter or Number	Short title	Extent of repeal
5 S.I.1966 No.1389.	Nottingham (River Derwent) Water Order 1966.	Articles 4, 5, 7 and 11. Schedule 1 except so far as it refers to paragraph 10 of Schedule 3 to the Water Act 1945. Schedule 2.
10 1971 c.vii.	Nottingham Corporation Act 1971.	The whole Act.
<i>Group 3 - Nottinghamshire</i>		
15 9 Geo.3. c.62 (1769).	An Act to rebuild the shire hall of the county of Nottingham; and for using the guildhall of the town and county of Nottingham for the purposes of a shire hall in the meantime.	The whole Act.
20 13 Geo.3. c.96 (1773).	An Act for the sale of certain charity estates therein mentioned, and to apply the money to arise therefrom in the building of a town hall and shambles in the town of Newark-upon-Trent; and in the purchasing of lands and hereditaments for enlarging the churchyard of the said town, and for opening the avenues thereto; and for laying out the residue of the money in purchasing other lands, to be settled to the charitable uses therein mentioned.	The whole Act.
30 3 & 4 Will.4. c.i (1832).	An Act for raising money to pay compensation for damages committed within the Hundred of Broxtowe in the county of Nottingham during the late riots and tumults therein.	The whole Act.
40 15 & 16 Vict. c.i.	Mansfield Gas Act 1852.	The whole Act except sections 4 and 32.
50 29 & 30 Vict. c.xxxi.	Newark Gas Act 1866.	Section 38.
33 & 34 Vict. c.ii.	Mansfield Water Act 1870.	Sections 8, 20, 21, 27, 41 and 42.



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Chapter or Number	Short title	Extent of repeal	
37 & 38 Vict. c.lxxxvii.	Gas and Water Orders Confirmation Act 1874.	In the Schedule, the Retford Gas Order 1874 except Articles 1, 7 and 15 and the Schedule.	5
38 & 39 Vict. c.lxiii.	Worksop Waterworks Act 1875.	Section 56.	
38 & 39 Vict. c.clxxv.	Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Act 1875.	In the Schedule, the order relating to Hucknall Torkard.	10
40 & 41 Vict. c.cxxx.	Gas and Water Orders Confirmation (Abingdon, &c.) Act 1877.	In the Schedule, the Mansfield Gas Order 1877.	15
41 & 42 Vict. c.clxxii.	Sutton-in-Ashfield Local Board Gas Act 1878.	The whole Act.	
41 & 42 Vict. c.cxcvii.	Mansfield Commissioners Gas Act 1878.	The whole Act.	20
46 & 47 Vict. c.cxxxvi.	Local Government Board's Provisional Orders Confirmation (No.5) Act 1883.	In the Schedule, the order relating to Hucknall-under-Huthwaite.	
47 & 48 Vict. c.lxxv.	Local Government Board's Provisional Orders Confirmation (Poor Law) (No.10) Act 1884.	In the Schedule, the order relating to Marnham and South Clifton.	25
48 & 49 Vict. c.i.	Local Government Board's Provisional Orders Confirmation Act 1885.	In the Schedule, the order relating to Mansfield.	30
51 & 52 Vict. c.cviii.	Water Orders Confirmation (No.2) Act 1888.	In the Schedule, the Mansfield Water Order 1888.	
54 & 55 Vict. c.cxxii.	Newark Corporation Act 1891.	Section 78(1) to (3), (5) and (6).	35
58 & 59 Vict. c.xci.	Local Government Board's Provisional Orders Confirmation (No.12) Act 1895.	In the Schedule, the Counties of Derby and Nottingham (Kirkby-in-Ashfield and Pinxton) Order 1895 and the County of Nottingham (Bole and West Burton) Order 1895.	40
59 Vict. (Sess.2). c.ii.	Gas and Water Orders Confirmation Act 1895 Session 2.	In the Schedule, Articles 30 and 41 of the Newark Gas Order 1895.	45
61 & 62 Vict. c.xxxi.	Local Government Board's Provisional Orders Confirmation (No.1) Act 1898.	In the Schedule, the Hucknall Torkard Order 1898.	50

Chapter or Number	Short title	Extent of repeal
5	62 & 63 Vict. c.xxxiv. Electric Lighting Orders Confirmation (No.1) Act 1899.	In the Schedule, the Worksop Electric Lighting Order 1899.
	62 & 63 Vict. c.xxxv. Electric Lighting Orders Confirmation (No.2) Act 1899.	In the Schedule, the Mansfield Corporation Electric Lighting Order 1899.
10	62 & 63 Vict. c.cxxxvi. Electric Lighting Orders Confirmation (No.11) Act 1899.	In the Schedule, the East Retford Electricity Supply Order 1899.
15	63 & 64 Vict. c.xxii. Electric Lighting Orders Confirmation (No.2) Act 1900.	In the Schedule, the Newark Electric Lighting Order 1900.
	1901 Cd.651. Mansfield and District Light Railways Order 1901.	The whole Order.
20	2 Edw.7. c.lxviii. Electric Lighting Orders Confirmation (No.3) Act 1902.	In the Schedule, the Hucknall Torkard Electric Lighting Order 1902.
25	4 Edw.7. c.xlix. Kirkby-in-Ashfield Urban District Council (Gas) Act 1904.	The whole Act except sections 1 and 10 and the Schedule.
	4 Edw.7. c.clxxix. Electric Lighting Orders Confirmation (No.8) Act 1904.	In the Schedule, the Sutton-in-Ashfield Urban District Electric Lighting Order 1904.
30	5 Edw.7. c.ci. Mansfield Corporation Act 1905.	Section 64.
	6 Edw.7. c.ci. Local Government Board's Provisional Orders Confirmation (No.2) Act 1906.	In the Schedule, the Sutton-in-Ashfield Order 1906.
35	7 Edw.7. c.liv. Electric Lighting Orders Confirmation (No.1) Act 1907.	In the Schedule, the Newark Electric Lighting (Amendment) Order 1907.
40	7 Edw.7. c.cxiv. Electric Lighting Orders Confirmation (No.3) Act 1907.	Section 6. Section 8 so far as it repeals the Mansfield Woodhouse Electric Lighting Order 1904.
45		In the Schedule, the Mansfield (Extension to Mansfield Woodhouse) Electric Lighting Order 1907.
50	1907 Cd.3487. Mansfield and District Light Railways (Extensions) Order 1907.	The whole Order.

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Chapter or Number	Short title	Extent of repeal	
8 Edw.7. c.cxlx.	Local Government Board's Provisional Orders Confirmation (No.9) Act 1908.	In the Schedule, Articles 1(1), (3) and (4) and 3 to 12 of the Sutton-in-Ashfield Order 1908.	5
9 Edw.7. c.xxvi.	Worksop Waterworks Act 1909.	Section 14. The Schedule.	
10 Edw.7 & 1 Geo.5. c.xl.	Worksop Urban District Council Act 1910.	The whole Act.	10
9 & 10 Geo.5. c.xxxix.	Newark Gas Act 1919.	Sections 53, 54, 58, 63 and 65.	
1920 Cmd.355.	Mansfield and District Light Railways (Extensions) Order 1920.	The whole Order.	15
S.R. & O. 1921 No.567.	Newark Gas (Charges) Order 1921.	The whole Order.	
S.R. & O. 1924 No.609.	Mansfield Corporation Gas Order 1924.	The whole Order except— (a) Articles 1, 3, 8(1), 30(1), (4) and (5) and 31(1), (5) and (6); (b) Schedule 1.	20
15 & 16 Geo.5. c.xcviii.	Mansfield Corporation Act 1925.	Section 24.	25
S.R. & O. 1926 No.243.	Newark Gas Order 1926.	The whole Order except Articles 1 and 10 and Schedule 2. Schedule 2 so far as it saves—	30
		(a) section 38 of the Newark Gas Act 1866;	
		(b) Articles 30 and 41 of the Newark Gas Order 1895;	35
		(c) sections 53, 54, 58, 63 and 65 of the Newark Gas Act 1919;	40
		(d) the Newark Gas (Charges) Order 1921.	
S.R. & O. 1926 No.1665.	Mansfield and District Light Railways (Extensions &c.) Order 1926.	The whole Order.	45
19 & 20 Geo.5. c.lxxvi.	Mansfield District Traction Act 1929.	The whole Act.	
S.R. & O. 1934 No.1418.	Mansfield Gas Order 1934.	The whole Order.	50
1 Edw.8 & 1 Geo.6. c.xxxvi.	Mansfield District Traction Act 1937.	The whole Act.	

Chapter or Number	Short title	Extent of repeal
S.R. & O. 1939 No.723.	Sutton-in-Ashfield Gas Order 1939.	The whole Order.
5 S.R. & O. 1939 No.749.	Mansfield Gas Order 1939.	The whole Order.
S.I. 1958 No.2280.	Newark Corporation Water Order 1958.	Articles 3 to 5. Article 7. The Schedule.
10 S.I. 1961 No.2143.	Worksop Water Order 1961.	Articles 6 and 7. The Schedule.
S.I. 1962 No.1281.	Mansfield Water Order 1962.	Articles 3, 4 and 7. The Schedule.
S.I. 1963 No.1332.	Central Nottinghamshire Water Board Order 1963.	Articles 3 and 25.
<i>Group 4 - Warwickshire</i>		
6 & 7 Will. & Mar. c.1 20 (1694).	An Act for rebuilding the town of Warwick and for determining differences touching houses burnt or demolished by reason of the late dreadful fire there.	The whole Act.
25 54 Geo.3 c.xlv (1814).	An Act for providing a convenient house, with suitable accommodations, for His Majesty's judges at the assizes for the county of Warwick.	The whole Act.
30		
7 Geo.4. c.iv (1826).	An Act for maintaining and repairing the bridge over the river Avon, at or near Stratford-upon-Avon, in the county of Warwick, and for widening and improving the approaches thereto.	The whole Act.
35		
40 15 & 16 Vict. c.69.	Public Health Supplemental Act 1852 (No.2).	Section 5.
20 & 21 Vict. c.lxvii.	Stratford-upon-Avon Gas Act 1857.	The whole Act.
26 & 27 Vict. c.xxxiii.	Rugby Waterworks Act 1863.	Sections 24 and 39.
45 30 & 31 Vict. c.xvii.	Stratford-upon-Avon Gas Act 1867.	The whole Act.
34 & 35 Vict. c.clxxxviii.	Sewage Utilisation Supplemental Act 1871.	Section 2. In the Schedule, the order relating to Hillmorton.
50		

## SCH. 1

Chapter or Number	Short title	Extent of repeal	
35 & 36 Vict. c.clviii.	Tramways Orders Confirmation Act 1872 (No.4).	In the Schedule, the Leamington and Warwick Tramways Order 1872.	5
39 & 40 Vict. c.cci.	Local Government Board's Provisional Orders Confirmation (Bath &c.) Act 1876.	In the Schedule, the order relating to Warwick.	10
41 & 42 Vict. c.cix.	Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1878.	In the Schedule, the order relating to the Rugby Rural Sanitary Authority.	15
42 & 43 Vict. c.xliii.	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879.	In the Schedule, the orders relating to the Rugby and Southam Rural Sanitary Authorities.	20
42 & 43 Vict. c.cxix.	Stratford-upon-Avon Borough Act 1879.	Sections 2 to 29, 31, 32, 34 to 53, 55 to 77, 80, 81, 87 to 90, 93 to 95, 97 and 98.	25
42 & 43 Vict. c.cxciii.	Tramways Orders Confirmation Act 1879.	Schedules 2 and 3. In the Schedule, the Leamington and Warwick Tramways Order 1879.	30
44 & 45 Vict. c.i.	Local Government Board's Provisional Orders Confirmation (Godalming &c.) Act 1881.	In the Schedule, the Stratford-upon-Avon Order 1881.	35
45 & 46 Vict. c.c.	Water Orders Confirmation Act 1882.	In the Schedule, Articles 13 and 14 of the Kenilworth Water Order 1882.	40
45 & 46 Vict. c.cxxxviii.	Tramways Orders Confirmation (No.1) Act 1882.	In the Schedule, the Leamington and Warwick Tramways (Amendment) Order 1882.	45
45 & 46 Vict. c.ccxxx.	East Warwickshire Waterworks Act 1882.	Sections 2, 4, 5, 7 to 24, 38, 55 and 73.	50
46 & 47 Vict. c.xc.	Local Government Board's Provisional Orders Confirmation (No.6) Act 1883.	In the Schedule, the order relating to Stratford-upon-Avon.	
47 & 48 Vict. c.ccx.	Local Government Board's Provisional Orders Confirmation (No.4) Act 1884.	In the Schedule, the Warwick Joint Hospital District Order 1884.	

Chapter or Number	Short title	Extent of repeal
5 48 & 49 Vict. c.ci.	Local Government Board's Provisional Orders Confirmation (No.4) Act 1885.	In the Schedule, the order relating to Atherstone Rural Sanitary Authority.
10 51 & 52 Vict. c.lxi.	Local Government Board's Provisional Orders - Confirmation (No.3) Act 1888.	In the Schedule, the Stratford-upon-Avon Order 1888.
53 & 54 Vict. c.ccxxxvii.	Local Government Board's Provisional Orders Confirmation (No.11) Act 1890.	The whole Act.
15 55 & 56 Vict. c.cxcviii.	Local Government Board's Provisional Orders Confirmation (No.7) Act 1892.	In the Schedule, the Warwick Joint Hospital District Order 1892.
20 58 & 59 Vict. c.lxxxvi.	Local Government Board's Provisional Orders Confirmation (No.5) Act 1895.	In the Schedule, the County of Warwick (Stoneton) Order 1895.
25 59 & 60 Vict. c.xxix.	Local Government Board's Provisional Orders Confirmation (No.4) Act 1896.	In the Schedule, the Stratford-upon-Avon Order 1896.
30 59 & 60 Vict. c.lxxv.	Local Government Board's Provisional Orders Confirmation (No.3) Act 1896.	In the Schedule, the County of Gloucester (Batsford) Order 1896 and the County of Warwick (Oldberrow) Order 1896.
35 59 & 60 Vict. c.civ.	Local Government Board's Provisional Orders Confirmation (No.9) Act 1896.	In the Schedule, the Warwick Joint Hospital District Order 1896.
60 & 61 Vict. c.ccxiv.	East Warwickshire Waterworks Act 1897.	The whole Act.
40 62 & 63 Vict. c.xxi.	Nuneaton and Chilvers Coton Urban District Council Waterworks Act 1899.	Sections 2 to 4 and 17.
45 62 & 63 Vict. c.xxxvi.	Electric Lighting Orders Confirmation (No.4) Act 1899.	In the Schedule, the Rugby Electric Lighting Order 1899.
62 & 63 Vict. c.cxxv.	Electric Lighting Order Confirmation (No.18) Act 1899.	The whole Act.
50 62 & 63 Vict. c.ccxxvi.	Worcestershire County Council (Transfer of the Parish of Yardley) Act 1899.	The whole Act.

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Chapter or Number	Short title	Extent of repeal
63 & 64 Vict. c.xlix.	Electric Lighting Orders Confirmation (No.5) Act 1900.	In the Schedule, the Nuneaton and Chilvers Coton Electric Lighting Order 1900. 5
63 & 64 Vict. c.cxcix.	Tramways Orders Confirmation (No.2) Act 1900.	In the Schedule, the Warwick Tramways Order 1900.
1 Edw. 7. c.xxxix.	Electric Lighting Orders Confirmation (No.4) Act 1901.	In the Schedule, the Stratford-upon-Avon Electric Lighting Order 1901. 10
1 Edw.7. c.clxxxi.	Tramways Orders Confirmation (No.2) Act 1901.	In the Schedule, the Leamington Tramways Order 1901. 15
1 Edw.7. c.cclxix.	Rugby Water and Improvement Act 1901.	Sections 3, 5 to 7, 9, 10, 43 to 61, 65, 68, 69, 71, 72, 75 to 78, 80, 81, 83 to 85, 87, 88, 90 to 112, 115 to 128, 134 to 144, 147 to 150, 155 to 168 and 170 to 179. 20
2 Edw.7. c.lxxxii.	Local Government Board's Provisional Orders Confirmation (No.5) Act 1902.	Schedules 1 and 2. In the Schedule, the Stratford-upon-Avon Order 1902. 25
3 Edw.7. c.lxi.	Local Government Board's Provisional Orders Confirmation (No.4) Act 1903.	Section 2 as it applies to Stratford-upon-Avon. In the Schedule, the Stratford-upon-Avon Order 1903. 30
4 Edw.7. c.xxvii.	Nuneaton and Chilvers Coton Urban District Council (Prevention of Floods) Act 1904.	The whole Act except sections 1 and 13 to 15. 35
5 Edw.7. c.lxxv.	Local Government Board's Provisional Orders Confirmation (No.9) Act 1905.	In the Schedule, the Rugby Joint Hospital Order 1905. 40
5 Edw.7. c.cxiii.	Electric Lighting Orders Confirmation (No.5) Act 1905.	Section 6. In the Schedule, the Stratford-upon-Avon Electric Lighting Order 1901 (Amendment) Order 1905. 45
6 Edw.7. c.cxvii.	Education Board Provisional Orders Confirmation (Kesteven &c.) Act 1906.	In the Schedule, the order relating to Warwickshire. 50

Chapter or Number	Short title	Extent of repeal
5 7 Edw.7. c.cliii.	Local Government Board's Provisional Orders Confirmation (No.3) Act 1907.	In the Schedule, the Rugby Joint Hospital Order 1907.
10 2 & 3 Geo.5. c.cxxxv.	Local Government Board's Provisional Orders - Confirmation (No.9) Act 1912.	In the Schedule, the Stratford-upon-Avon Order 1912.
15 9 & 10 Geo.5. c.xliii.	Nuneaton Corporation Act 1919.	The whole Act.
15 11 & 12 Geo.5. c.xci.	Nuneaton Corporation Act 1921.	Sections 2 to 7, 9, 11, 15, 22, 28 to 30, 32 and 34 to 52. The Schedule.
20 13 & 14 Geo.5. c.lxxv.	Rugby Urban District Council Act 1923.	The whole Act except sections 1, 4, 5, 8, 9, 30, 35 to 38, 40 and 168 and Schedule 1.
25 14 & 15 Geo.5. c.xx.	Ministry of Health Provisional Order Confirmation (Stratford-upon-Avon Extension) Act 1924.	The whole Act.
25 19 & 20 Geo.5. c.xliv.	Leamington and Warwick Traction Act 1929.	The whole Act.
30 S.R.&O. 1929 No.336.	Rugby Urban (Public Health) Order 1929.	The whole Order.
30 S.R.&O. 1929 No.438.	Rugby Rural (Urban Powers) Order 1929.	The whole Order.
35 21 & 22 Geo.5. c.ix.	Ministry of Health Provisional Order Confirmation (Gloucestershire, Warwickshire and Worcestershire) Act 1931.	The whole Act.
40 S.R.&O. 1931 No.261.	Borough of Nuneaton (Extension) Order 1931.	The whole Order.
40 S.R.&O. 1931 No.270.	Borough of Warwick Order 1931.	The whole Order.
45 —	Rugby Urban District (Extension) Order 1931.	The whole Order.
45 S.R.&O. 1932 No.104.	County of Warwick (Electoral Divisions) Order 1932.	The whole Order.
50 S.R.&O. 1932 No.185.	Warwickshire Review Order 1932.	The whole Order.
50 S.R.&O. 1932 No.677.	Order in Council consequential upon the grant of a charter of incorporation to Rugby.	The whole Order.



## SCH. 1

Chapter or Number	Short title	Extent of repeal	
23 & 24 Geo.5. c.v.	Ministry of Health Provisional Order Confirmation (Rugby Joint Hospital District) Act 1933.	The whole Act.	5
23 & 24 Geo.5. c.xli.	Rugby Corporation Act 1933.	The whole Act.	
23 & 24 Geo.5. c.xci.	Ministry of Health Provisional Order Confirmation (Warwick) Act 1933.	The whole Act.	10
S.R.&O. 1933 No.339.	Borough of Rugby (Public Health &c.) Order 1933.	The whole Order.	15
25 & 26 Geo.5. c.iv.	Ministry of Health Provisional Order Confirmation (Leicester and Warwick) Act 1935.	The whole Act.	
25 & 26 Geo.5. c.vi.	Ministry of Health Provisional Order Confirmation (Gloucester and Warwick) Act 1935.	The whole Act.	20
S.R.&O. 1935. No.1099.	Warwick Joint Hospital Amendment Order 1935.	The whole Order.	25
1 & 2 Geo.6. c.ix.	Ministry of Health Provisional Order Confirmation (Nuneaton Extension) Act 1938.	The whole Act.	30
S.R.&O. 1938 No.387.	Warwick Joint Hospital Amendment Order 1938.	The whole Order.	
S.I. 1954 No.1653.	Borough of Nuneaton (Food) Order 1954.	The whole Order.	
4 Eliz.2. c.xii.	Nuneaton Corporation Act 1955.	The whole Act.	35
4 & 5 Eliz.2. c.lxxviii.	Rugby Corporation Act 1956.	The whole Act.	
S.I. 1956. No.446.	Warwickshire and Coventry (Boundaries) Order 1956.	The whole Order.	40
S.I. 1956 No.1229.	Leamington Water Order 1956.	The whole Order except Articles 1 to 3.	
S.I. 1960 No.154.	North East Warwickshire Water Board Order 1960.	The whole Order except Articles 1, 3, 14(2), 39(1) and 40 and Schedules 5 and 7.	45
S.I. 1961 No.2193.	Rugby Joint Water Board Order 1961.	The whole Order except Articles 1, 2, 14(2) and 21(1) and Schedule 4.	50
S.I. 1962 No.348.	North East Warwickshire Water Board Order 1962.	The whole Order.	

Chapter or Number	Short title	Extent of repeal
S.I. 1962 No.637.	Borough of Rugby (Wards) Order 1962.	The whole Order.
5 S.I. 1962 No.1282.	Rugby (Amendment of Local Enactment) Order 1962.	The whole Order.
S.I. 1963 No.38.	South Warwickshire Water Board Order 1963.	The whole Order except Articles 1, 2, 22 and 23(1) and Schedule 4.
10 S.I. 1964 No.680.	North East Warwickshire Water Board Order 1964.	Article 3 and the Schedule.
S.I. 1966 No.472.	South Warwickshire Water Board (Clifford Chambers) Water Order 1966.	The Schedule except so far as it refers to paragraph 10 of Schedule 3 to the Water Act 1945.
15 S.I. 1966 No.799.	South Warwickshire Water Board (Wellesbourne Mountford Airfield) Water Order 1966.	Articles 3(2) and 4 and the Schedule.
20 S.I. 1967 No.375.	Rugby and South Warwickshire Water Order 1966.	The whole Order except Articles 1 to 3, 4(1), 6, 8 to 12, 13(1) to (5) and 26 to 28.
S.I. 1968 No.166.	Rugby Joint Water Board (Charges) Order 1968.	The whole Order.
30 S.I. 1969 No.166.	South Warwickshire Water Board (Charges) Order 1969.	The whole Order.
S.I. 1969 No.919.	South Warwickshire Water Board Order 1969.	The whole Order.
S.I. 1969 No.1227.	Rugby Joint Water Board Order 1969.	The whole Order.
S.I. 1969 No.1483.	South Warwickshire Water Board (Offchurch) Water Order 1969.	The whole Order except Articles 1, 2 and 7 and the Schedule.
40 S.I. 1969 No.1672.	South Warwickshire Water Board and Coventry (Variation of Limits) Order 1969.	The whole Order.
1970 c.vi.	Warwickshire County Council Act 1970.	The whole Act.
45 S.I. 1970 No.995.	North East Warwickshire Water Board Order 1970.	The whole Order.
S.I. 1971 No.430.	North East Warwickshire Water Board (Charges) Order 1971.	The whole Order.
50 S.I. 1971 No.1509.	Coventry Birmingham and Rugby Water Order 1971.	The whole Order except Articles 1, 2 and 4 and Schedule 2.

## SCH. 1

Chapter or Number	Short title	Extent of repeal	
S.I. 1972 No.1270.	Rugby Joint Water Board Order 1972.	The whole Order.	
S.I. 1973 No.587.	North East Warwickshire Water Board (Charges) Order 1973.	The whole Order.	5
S.I. 1973 No.2127.	Rugby Joint Water Board (Extension of Operation of Byelaws) Order 1973.	The whole Order.	10
<i>Group 5 - Derwent Valley Water Board</i>			
62 & 63 Vict. c.cclxix.	Derwent Valley Water Act 1899.	Sections 2, 3, 5 to 23, 28, 32 to 36, 38 to 44, 48, 49, 51, 56, 57, 61, 63, 77 to 80, 83, 89, 94, 96, 97, 101, 107, 111 to 114, 116, 117 and 119.	15
		Section 121 from "Incorporation of Acts;" to "county council;".	20
		Section 129. Schedules 1 and 2.	
1 Edw.7. c.lxxx.	Derwent Valley Water Act 1901.	Sections 2, 3, 5 to 8, 12 to 14, 16 to 18, 21, 26 to 29, 31 to 33 and 35.	25
4 Edw.7. c.cxcvi.	Derwent Valley Water Act 1904.	Sections 2, 3, 5, 7, 8, 14, 15, 17, 19, 20, 31, 33 to 35, 37 to 40, 43, 44, 46, 47 and 49.	30
		The Schedule.	
9 Edw.7. c.lxiii.	Derwent Valley Water Act 1909.	The whole Act except sections 1 and 3 to 6.	
2 & 3 Geo.5. c.xxxviii.	Derwent Valley Water Act 1912.	The whole Act except sections 1, 2 and 3.	35
10 & 11 Geo.5. c.clxv.	Derwent Valley Water Act 1920.	Sections 2, 3, 5 to 10, 12 to 17, 19, 22 to 24, 31, 32(12), 38 to 45, 49 and 53.	
14 & 15 Geo.5. c.lxxiii.	Ministry of Health Provisional Orders Confirmation (No.7) Act 1924.	In the Schedule, the Derwent Valley Water Order 1924.	40
17 & 18 Geo.5. c.lxx.	Derwent Valley Water Act 1927.	Sections 2, 3, 5 to 7, 9 to 12, 14, 17 to 19, 22 and 24.	45
25 & 26 Geo.5. c.cv.	Derwent Valley Water Act 1935.	Sections 2, 3, 8, 9, 14, 16 to 20 and 22.	
1 & 2 Geo.6. c.lxii.	Derwent Valley Water Act 1938.	Sections 2, 4, 5, 7 to 9, 11, 13, 15, 16, 17(1), 19 to 23, 26 and 27.	50

Chapter or Number	Short title	Extent of repeal
5 7 & 8 Geo.5. c.xviii.	Derwent Valley Water Act 1944.	Sections 2, 3, 7, 8, 10, 11(1), 12, 14 to 16, 25(1), 39, 40, 53, 55 to 60, 63 and 64.
	Derwent Valley Water Order 1949.	The whole Order.
10 S.I. 1955 No.1174.	Derwent Valley Water Order 1955.	Articles 3, 4, 5(2) and 6 to 9. The Schedule.
15 S.I. 1957 No.330.	Derwent Valley Water Order 1956.	Articles 3, 7 to 9, 11 and 12(2). The Schedule except so far as it refers to paragraph 10 of Schedule 3 to the Water Act 1945.
20 S.I. 1959 No.1794.	Derwent Valley Water Board (Drought) Order 1959.	The whole Order.
	Derwent Valley Water Order 1965.	The whole Order.
25 S.I. 1969 No.1526.	Derwent Valley Water Order 1969.	The whole Order.

PART II  
OVERSEAS JURISDICTION

Chapter	Short title	Extent of repeal
<i>Group 1 - Associated States</i>		
30 1969 c.29. 1971 c.77.	Tanzania Act 1969. Immigration Act 1971.	Section 6(3)(a) and (4). In section 8(4)(b), the words "associated state".
35 1973 c.27.	Bahamas Independence Act 1973.	In section 3(1)(a), the words "or an associated state".
40 1978 c.15. 1979 c.43.	Solomon Islands Act 1978. Crown Agents Act 1979.	Section 7(3). Section 6(4). In section 7, the words "or associated state". In Schedule 3, in Part I, paragraph 1, the words "or associated state".

## SCH. 1

Chapter	Short title	Extent of repeal	
1979 c.60.	Zimbabwe Act 1979.	In section 4(5), the words "of any associated state or".	
1980 c.2.	Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980.	Section 1(3).	5
1980 c.67.	Anguilla Act 1980.	Section 1(1). Section 2(2).	10
1981 c.52.	Belize Act 1981.	Section 4(5). In section 5(2), the words "or an associated state".	
1981 c.53.	Deep Sea Mining (Temporary Provisions) Act 1981.	In section 1(5)(b), the words "or an associated state".	15
1981 c.61.	British Nationality Act 1981.	Section 53(6). In section 53(7), the words "and (6)".	20
1982 c.16.	Civil Aviation Act 1982.	In section 64(2) and (6)(b), the words "or an associated state". In section 65(3)(b), the words "or an associated state". In section 69A(7)(c), the words "or of an associated state".	25
		In section 70, the words "or (b) between the United Kingdom and any associated state," and "or state".	30
		In section 84(2)(a) and (4), the words "or an associated state".	35
1983 c.6.	British Nationality (Falkland Islands) Act 1983.	Section 5(5) from "and it is hereby declared" onwards.	40
<i>Group 2 - Other Repeals</i>			
11 Will.3 c.12.	An Act to Punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.	The whole Act.	45
42 Geo.3 c.85.	Criminal Jurisdiction Act 1802.	In section 1, the words "the said recited Act passed in the reign of King William aforesaid, or" and " , or either of them,".	50

Chapter	Short title	Extent of repeal
33 & 34 Vict. c.90.	Foreign Enlistment Act 1870.	Section 33.
5 48 & 49 Vict. c.49.	Submarine Telegraph Act 1885.	In section 6(5), the words "or in a supreme court in India".
1 Edw.8 & 1 Geo.6 c.16.	Regency Act 1937.	In section 2(2), the words "and to the Government of India".
10 2 & 3 Geo.6 c.65.	Prize Act 1939.	Section 4(1)(c).
5 & 6 Geo.6 c.17.	Anglo-Venezuelan Treaty (Island of Patos) Act 1942.	The whole Act.
15 7 & 8 Geo.6 c.7. 9 & 10 Geo.6 c.45.	Prize Salvage Act 1944. United Nations Act 1946.	Section 2(1)(b). In section 1(2), the words "British India" and "and territories in India."
20 1967 c.58.	Criminal Law Act 1967.	In Schedule 2, paragraph 15(1) from the beginning to "and".
1967 c.71.	Aden, Perim and Kuria Muria Islands Act 1967.	The whole Act.

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PART III  
SCOTTISH LOCAL ACTS

Chapter or Number	Short title	Extent of Repeal
<i>Group 1 - Glasgow Police Acts</i>		
30 29 & 30 Vict. c.cclxxiii.	Glasgow Police Act 1866.	The whole Act.
36 & 37 Vict. c.xxxviii.	Glasgow Police Act 1873.	The whole Act.
35 38 & 39 Vict. c.liii.	Glasgow Police Act 1875.	The whole Act.
40 & 41 Vict. c.cxxviii.	General Police and Improvement (Scotland) Act 1862 Order Confirmation (Glasgow) Act 1877.	The whole Act.
40 40 & 41 Vict. c.clxvii.	Glasgow Police Act 1877.	The whole Act.

## SCH. 1

Chapter or Number	Short title	Extent of Repeal	
42 & 43 Vict. c.cxxiii.	Glasgow Municipal Act 1879.	The whole Act.	
45 & 46 Vict. c.xix.	Glasgow Corporation and Police Act 1882.	The whole Act.	5
48 & 49 Vict. c.xv.	Glasgow Police Act 1885.	The whole Act.	
53 & 54 Vict. c.ccxxi.	Glasgow Police (Amendment) Act 1890.	The whole Act.	10
54 & 55 Vict. c.xxxvii.	Glasgow Police (Sewage &c.) Act 1891.	The whole Act.	
55 & 56 Vict. c.clxv.	Glasgow Police (Further Powers) Act 1892.	The whole Act.	
58 & 59 Vict. c.cxlili.	Glasgow Corporation and Police Act 1895.	The whole Act.	15
1 Edw. 7. c.clxiii.	Glasgow Corporation (Police) Order Confirmation Act 1901.	The whole Act.	
3 Edw. 7. c.clii.	Glasgow Corporation (Police) Order Confirmation Act 1903.	The whole Act.	20
4 Edw. 7. c.clxxi.	Glasgow Corporation (Police) Order Confirmation Act 1904.	The whole Act.	25
5 Edw. 7. c.cxxvii.	Glasgow Corporation Order Confirmation Act 1905.	In the Schedule— (a) Article 73 of the Order; (b) Article 74 of the Order; (c) Article 79 of the Order, so far as relating to (i) the Glasgow Police Act 1866, (ii) the Glasgow Corporation and Police Act 1882, (iii) the Glasgow Police Act 1885, (iv) the Glasgow Police (Amendment) Act 1890 and (v) the Glasgow Police (Sewage &c.) Act 1891.	30 35 40 45
7 Edw. 7. c.cxlvi.	Glasgow Corporation Act 1907.	Sections 43 and 70(3).	
2 & 3 Geo. 5. c.cxliv.	Glasgow Corporation Order Confirmation Act 1912.	In the Schedule, Article 22 of the Order.	50
4 & 5 Geo. 5. c.clxxviii.	Glasgow Corporation Order Confirmation Act 1914.	In the Schedule, Articles 4(1) and (2), 11 and 17 of the Order.	

## SCH. 1

Chapter or Number	Short title	Extent of Repeal
5 9 & 10 Geo. 5. c.xcvi.	Glasgow Corporation Order Confirmation Act 1919.	In the Schedule, Articles 10, 12 and, so far as relating to Article 28 of the Glasgow Corporation and Police Act 1895, Article 35 of the Order.
10 11 & 12 Geo. 5. c.xv.	Glasgow Corporation Order Confirmation Act 1921.	In the Schedule, Articles 10(3) and 23 of the Order.
15 15 & 16 Geo. 5. c.cxxxi.	Glasgow Boundaries Act 1925.	In section 31, from the beginning to the words "Act of 1866 and", the word "respectively" and the words "said section 43 and the".
20 17 & 18 Geo. 5. c.lix.	Glasgow Corporation Order Confirmation Act 1927.	In the Schedule, Articles 76 and 77 of the Order.
20 & 21 Geo. 5. c.xxxvii.	Glasgow Corporation Act 1929.	Sections 20, 22(2) and (4), 30 and 31.
20 & 21 Geo. 5. c.clxxvii.	Glasgow Corporation Act 1930.	Section 39.
25 24 & 25 Geo. 5. c.lxix.	Glasgow Corporation Order Confirmation Act 1934.	In the Schedule, Article 47 of the Order.
12 & 13 Geo. 6. c.xix.	Glasgow Corporation Order Confirmation Act 1949.	In the Schedule, Article 6 of the Order.
30 2 Eliz. 2. c.i.	Glasgow Corporation (Water &c.) Order Confirmation Act 1953.	In the Schedule, Article 12 of the Order.
S.I. 1956 No.1996.	Police (Local Enactments) (Scotland) Order 1956.	In the Schedule, all entries in cols. 1, 2 and 3 relating to the Glasgow Police Act 1866.
35 5 & 6 Eliz. 2. c.xiv.	Glasgow Corporation Order Confirmation Act 1957.	In the Schedule, Article 9 of the Order.
9 & 10 Eliz. 2. c.xxxix.	Glasgow Corporation Order Confirmation Act 1961.	In the Schedule, Article 9 of the Order.
40 1964 c.xliii.	Glasgow Corporation Consolidation (Water, Transport and Markets) Order Confirmation Act 1964.	In the Schedule, Article 73 of the Order.
45 1965 c.ii.	Glasgow Corporation Order Confirmation Act 1965.	In the Schedule, Article 8 of the Order.
1970 c.i.	Glasgow Corporation Order Confirmation Act 1970.	In the Schedule, Article 16 of the Order.



## SCH. 1

Chapter or Number	Short title	Extent of Repeal	
<i>Group 2 - Dog Warden Acts</i>			
1976 c.xxxii.	East Kilbride District Council Order Confirmation Act 1976.	The whole Act.	5
1977 c.xxii.	City of Glasgow District Council Order Confirmation Act 1977.	The whole Act.	
1978 c.xix.	Monklands District Council Order Confirmation Act 1978.	The whole Act.	10
1979 c.xvii.	Stirling District Council Order Confirmation Act 1979.	The whole Act.	15
1979 c.xx.	Kilmarnock and Loudoun District Council Order Confirmation Act 1979.	The whole Act.	
1980 c.iv.	Inverness District Council Order Confirmation Act 1980.	The whole Act.	20
1980 c.v.	Kirkcaldy District Council Order Confirmation Act 1980.	The whole Act.	
1980 c.vi.	Lochaber District Council Order Confirmation Act 1980.	The whole Act.	25
1980 c.vii.	Strathkelvin District Council Order Confirmation Act 1980.	The whole Act.	30
1980 c.viii.	West Lothian District Council Order Confirmation Act 1980.	The whole Act.	
1981 c.iii.	Cumnock and Doon Valley District Council Order Confirmation Act 1981.	The whole Act.	35
1981 c.iv.	Dunfermline District Council Order Confirmation Act 1981.	The whole Act.	
1981 c.xxxiii.	Midlothian District Council Order Confirmation Act 1981.	The whole Act.	40

Chapter or Number	Short title	Extent of Repeal
<i>Group 3 - Other Repeals</i>		
5 20 & 21 Geo. 5 c.xix.	Lanarkshire, Renfrewshire and Dunbartonshire Education Authorities Order Confirmation Act 1929.	The whole Act.
10 15 & 16 Geo. 6 & 1 Eliz. 2 c.xvii.	Kilmarnock Corporation Order Confirmation Act 1952.	The whole Act.
15 15 & 16 Geo. 6 & 1 Eliz. 2 c.lii.	Hamilton Burgh Order Confirmation Act 1952.	The whole Act.
15 1970 c.xxxv.	Fife County Council Order Confirmation Act 1970.	The whole Act.
1970 c.lviii.	Stirling County Council Order Confirmation Act 1970.	The whole Act.
20 1971 c.xxvii.	Dunbarton County Council Order Confirmation Act 1971.	The whole Act.
1974 c.ii.	Ayr County Council Order Confirmation Act 1974.	The whole Act.
25 1974 c.xv.	Fife County Council Order Confirmation Act 1974.	The whole Act.
S.I. 1978 No.584.	Fife County Council Order Confirmation Act 1974 (Application of Provisions) (No.1) Order 1978.	The whole Order.
30 S.I. 1978 No.585.	Fife County Council Order Confirmation Act 1974 (Application of Provisions) (No.2) Order 1978.	The whole Order.
35		

PART IV  
STATUTORY CITATION

Chapter	Short title	Extent of Repeal
40 59 & 60 Vict. c.14.	Short Titles Act 1896.	Section 1. Schedule 1. In Schedule 2, the entries relating to the following groups of Acts:— Bank Notes Acts 1826 to 1852.
45		

## SCH. 1

Chapter	Short title	Extent of Repeal
	Bankruptcy Acts 1883 to 1890.	
	Bankruptcy (Scotland) Acts 1856 to 1881.	5
	Baths and Washhouses Acts 1846 to 1882.	
	Births, Deaths, and Marriages (Scotland) Acts 1854 to 1860.	10
	Births and Deaths Registration (Ireland) Acts 1863 to 1880.	
	Bridges Acts 1740 to 1815.	15
	Bridges (Ireland) Acts 1813 to 1875.	
	British Subjects Acts 1708 to 1772.	
	Building Societies Acts 1874 to 1894.	20
	Burial Grounds (Scotland) Acts 1855 to 1886.	
	Charitable Trusts Acts 1853 to 1894.	25
	Companies Acts 1862 to 1893.	
	Congested Districts Board (Ireland) Acts.	
	Copyright Acts 1734 to 1888.	30
	Coroners (Ireland) Acts 1829 to 1881.	
	County Courts (Ireland) Acts 1851 to 1889.	35
	County Infirmarys (Ireland) Acts 1805 to 1833.	
	Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892.	40
	Drainage and Navigation (Ireland) Acts 1842 to 1857.	45
	Durham County Palatine Acts 1836 to 1889.	
	East India Company (Money) Acts 1786 to 1858.	50
	East India Loans Acts 1859 to 1893.	
	Education (Scotland) Acts 1872 to 1893.	
	Elementary Education	55

Chapter	Short title	Extent of Repeal
5		Acts 1870 to 1893. Endowed Schools Acts 1869 to 1889. Fisheries (Ireland) Acts 1842 to 1895. Government Annuities Acts 1829 to 1888.
10		Herring Fisheries (Scotland) Acts 1821 to 1890. Highway Acts 1835 to 1885.
15		International Copyright Acts. Judicature (Ireland) Acts 1877 to 1888.
20		Juries Acts 1825 to 1870. Justiciary Court (Scotland) Acts 1783 to 1892.
25		Labourers (Ireland) Acts 1883 to 1892. Lancaster County Palatine Acts 1794 to 1871.
30		Licensing (Ireland) Acts 1833 to 1886. Life Assurance Companies Acts 1870 to 1872.
35		Lunacy (Scotland) Acts 1857 to 1887. Lunacy (Ireland) Acts 1821 to 1890.
40		Matrimonial Causes Acts 1857 to 1878. Medical Acts. Merchandise Marks Acts 1887 to 1894.
45		Metropolis Management Acts 1855 to 1893. Municipal Corporations (Ireland) Acts 1840 to 1888.
50		Naval Enlistment Acts 1835 to 1884. Patents, Designs, and Trade Marks Acts 1883 to 1888.
55		Petroleum Acts 1871 to 1881. Police Acts 1839 to 1893. Police (Scotland) Acts 1857 to 1890. Post Office Acts 1837 to

## SCH. 1

Chapter	Short title	Extent of Repeal
		1895. Post Office (Duties) Acts 1840 to 1891. Post Office (Management) Acts 1837 to 1884. 5 Post Office (Money Orders) Acts 1848 to 1883. Post Office (Offences) 10 Acts 1837 and 1884. Post Office Savings Bank Acts 1861 to 1893. Prison Acts 1865 to 1893. Prisons (Scotland) Acts 15 1860 to 1887. Prisons (Ireland) Acts 1826 to 1884. Public Libraries Acts 1892 and 1893. 20 Public Libraries (Ireland) Acts 1855 to 1894. Public Libraries (Scotland) Acts 1887 and 1894. 25 Public Money Drainage Acts 1846 to 1856. Salmon Fisheries (Scotland) Acts 1828 to 1868. 30 Salmon and Freshwater Fisheries Acts 1861 to 1892. Small Debt (Scotland) Acts 1837 to 1889. 35 Solicitors Acts 1839 to 1894. Solicitors (Ireland) Acts 1849 to 1881. Superannuation Acts 1834 to 1892. 40 Trustee Savings Banks Acts 1863 to 1893. Trusts (Scotland) Acts 1861 to 1891. 45 Universities and College Estates Acts 1858 to 1880. Weights and Measures Acts 1878 to 1893. 50 Yeomanry Acts 1802 to 1826.
11 & 12 Geo.6 c.62.	Statute Law Revision Act 1948.	Section 5. Schedule 2.

Chapter	Short title	Extent of Repeal
1951 c.1 (N.I.).	Short Titles Act (Northern Ireland) 1951.	Section 1. The Schedule.
5 1964 c.80.	Statute Law Revision (Scotland) Act 1964.	The whole Act.
1977 c.18.	Statute Law (Repeals) Act 1977.	Section 3. Schedule 3.
1978 c.45.	Statute Law (Repeals) Act - 1978.	Section 2. Schedule 3.

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PART V  
TRANSPORT

Chapter	Short title	Extent of Repeal
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*Group 1 - Pilotage Orders Confirmation Acts*

15	54 & 55 Vict. c.xlvii.	Pilotage Orders Confirmation (No.2) Act 1891.	The whole Act
	56 & 57 Vict. c.xxxvi.	Pilotage Orders Confirmation Act 1893.	The whole Act.
20	60 & 61 Vict. c.clvii.	Pilotage Order Confirmation Act 1897.	The whole Act.
	2 Edw.7. c.lxxvi.	Pilotage Order Confirmation Act 1902.	The whole Act.
	3 & 4 Geo.5. c.clxv.	Pilotage Order (London) Confirmation Act 1913.	The whole Act.
25	10 & 11 Geo.5. c.ciii.	Pilotage Orders Confirmation (No.1) Act 1920.	The whole Act.
	10 & 11 Geo.5 c.civ.	Pilotage Orders Confirmation (No.2) Act 1920.	The whole Act.
30	10 & 11 Geo.5. c.cxxiv.	Pilotage Orders Confirmation (No.3) Act 1920.	The whole Act.
35	11 & 12 Geo.5. c.vi.	Pilotage Orders Confirmation (No.1) Act 1921.	The whole Act.
	11 & 12 Geo.5. c.xvi.	Pilotage Orders Confirmation (No.2) Act 1921.	The whole Act.
40	11 & 12 Geo.5. c.lv.	Pilotage Orders Confirmation (No.3) Act 1921.	The whole Act.

## SCH. 1

Chapter	Short title	Extent of Repeal	
11 & 12 Geo.5. c.lvi.	Pilotage Orders Confirmation (No.4) Act 1921.	The whole Act.	
11 & 12 Geo.5. c.lxxi.	Pilotage Orders Confirmation (No.6) Act 1921.	The whole Act.	5
11 & 12 Geo.5. c.lxxii.	Pilotage Orders Confirmation (No.7) Act 1921.	The whole Act.	
11 & 12 Geo.5. c.cxii.	Pilotage Orders Confirmation (No.5) Act 1921.	The whole Act.	10
12 & 13 Geo.5. c.xiii.	Pilotage Orders Confirmation (No.2) Act 1922.	The whole Act.	15
12 & 13 Geo.5. c.xxxvii.	Pilotage Orders Confirmation (No.1) Act 1922.	The whole Act.	
12 & 13 Geo.5. c.xxxviii.	Pilotage Orders Confirmation (No.3) Act 1922.	The whole Act.	20
1976 c.xxi.	Stornoway Harbour Order Confirmation Act 1976.	In the Schedule, Part VII of the Order.	
<i>Group 2 - Other Repeals</i>			25
1 Edw.8 & 1 Geo.6 c.xc.	London Passenger Transport Act 1937.	Section 69.	
1975 c.36.	Air Travel Reserve Fund Act 1975.	The whole Act.	
1978 c.8.	Civil Aviation Act 1978.	The whole Act.	30
1980 c.66.	Highways Act 1980.	In section 18(8), the word "rural".	
1982 c.16.	Civil Aviation Act 1982.	In section 48(7)(a), the words from "and" to "a council".	35
		Section 60(3)(k).	
		In Schedule 14, paragraph 11.	
		In Schedule 15, paragraph 20.	40
1984 c.32.	London Regional Transport Act 1984.	In Schedule 4, paragraph 8(4)(a) and (5).	
1985 c.67.	Transport Act 1985.	In section 35(4)(a), the words from " , not being a licence" to "suspension".	45
		Section 39(4) from "(not being" onwards.	
		Section 89(6)(a)(i).	

PART VI  
MISCELLANEOUS

SCH. 1

Chapter or Number	Short title	Extent of Repeal
5	<i>Group 1 - General Repeals</i>	
48 Geo.3 c.128.	Regimental Accounts Act 1808.	The whole Act.
57 Geo.3 c.93.	Distress (Costs) Act 1817.	The whole Act.
10 60 Geo.3 & 1 Geo.4 c.1.	Unlawful Drilling Act 1819.	In section 1, the words from "or to be punished" to "shall be had" where they first appear.
15 7 & 8 Geo.4 c.17.	Distress (Costs) Act 1827.	The whole Act.
2 & 3 Vict. c.47.	Metropolitan Police Act 1839.	Sections 35 to 37.
8 & 9 Vict. c.113.	Evidence Act 1845.	Section 4.
20 37 & 38 Vict. c.81.	Great Seal (Offices) Act 1874.	Section 4 from "There shall be paid" to the end. Section 7.
25 38 & 39 Vict. c.16.	Regimental Exchange Act 1875.	In section 9, the proviso. The whole Act.
48 & 49 Vict. c.72.	Housing of the Working Classes Act 1885.	The whole Act.
30 54 & 55 Vict. c.40.	Brine Pumping (Compensation for Subsidence) Act 1891.	The whole Act.
10 & 11 Geo.5. c.43.	Firearms Act 1920.	The whole Act.
35 11 & 12 Geo.5. c.7.	Tribunals of Inquiry (Evidence) Act 1921.	In section 1(1), the words "(whether before or after the commencement of this Act)".
40 15 & 16 Geo.5. c.58.	Greenwich Hospital (Disused Burial Ground) Act 1925.	The whole Act.
26 Geo.5 & 1 Edw.8 c.49.	Public Health Act 1936.	Section 309(4). Section 315.
45 2 & 3 Geo.6 c.72.	Landlord and Tenant (War Damage) Act 1939.	In section 326(6), the words "isolation hospital committee". In section 6(1), the words "or a notice of retention". In section 6(4), the words "in respect of a notice
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## SCH. 1

Chapter or Number	Short title	Extent of Repeal
2 & 3 Geo.6 c.89. 2 & 3 Geo.6 c.107.	Trading with the Enemy Act 1939. Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939.	of disclaimer or a notice to elect". In section 6(5), the words "a notice of retention". 5 In section 15, the words "a notice of retention", "or retention", and "notice of retention", wherever occurring. 10 Section 17(2) and (3).
4 & 5 Geo.6 c.41.	Landlord and Tenant (War Damage) (Amendment) Act 1941.	In section 1(2), the words from "or has at any time" to "been,". 15 In section 2(1)(a), the words from "or has at any time" to "been,". Section 1(9). 20 Section 2(1) to (4). In section 2(5), from the beginning to "Act, and" and the word "said". Section 2(6) to (8). 25 Sections 3 to 9. In section 10(1), from "and" to the end. Section 10(2) and (3). In section 11, from "and any proceedings" to the end. 30 Section 16. Section 17(5). The Schedule, so far as it relates to modifications of section 6 of the Landlord and Tenant (War Damage) Act 1939. 35
5 & 6 Geo.6 c.9 (N.I.).	Landlord and Tenant (War Damage) Act (Northern Ireland) 1941.	In section 6(1), the words "or a notice of retention". 40 In section 6(4), the words "in respect of a notice of disclaimer or a notice to elect". 45 In section 6(5), the words "a notice of retention or". 50 In section 14, the words "a notice of retention", "or retention" and "notice of retention", wherever occurring. 55

Chapter or Number	Short title	Extent of Repeal
5 1965 c.18. 1966 c.39.	War Damage Act 1965. Land Registration Act 1966.	Part III. Section 36. Section 38(3). Section 1(2). The whole Act.
10 1968 c.28 (N.I.).	Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	In Schedule 2, the entry relating to the Evidence Act 1845.
1969 c.48.	Post Office Act 1969.	In Schedule 9, paragraph 17(2)(a) and (5)(c).
15 1971 c.54.	Land Registration and Land Charges Act 1971.	Section 2(6).
1972 c.70.	Local Government Act 1972.	In section 243(4), the words "of election or".
20 1980 c.25.	Insurance Companies Act 1980.	In Schedule 3, paragraphs 16 and 19.
1982 c.50.	Insurance Companies Act 1982.	In Schedule 5, paragraph 22(b) and (e).
1989 c.24.	Social Security Act 1989.	In Schedule 7, paragraph 27.
25 S.I. 1989 No.438.	Community Charges (Administration and Enforcement) Regulations 1989.	In Schedule 8, paragraph 12(3) and (4). Regulation 39(9).
30 S.I. 1989 No.1058.	Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.	Regulation 14(9).
35 1990 c.8.	Town and Country Planning Act 1990.	In section 252(12), the word "rural". In Schedule 14, in paragraph 1(2)(b)(ii), the word "rural" wherever it appears.
40 S.I. 1992 No.613.	Council Tax (Administration and Enforcement) Regulations 1992.	Regulation 45(9).

## SCH. 1

Chapter or Number	Short title	Extent of Repeal	
	<i>Group 2 - Bank of England</i>		
3 Geo.1 c.8.	Bank of England Act 1716.	The whole Act.	
4 Geo.3 c.49. (1764)	An Act to enable the Governor and Company of the Bank of England to purchase Houses and Ground for opening a Passage for Carriages, from Cornhill to the Bank, and making more commodious several other Passages leading thereto; and for enlarging the Buildings of the said Bank, and making the same more commodious.	The whole Act.	5
			10
			15
5 Geo.3 c.91. (1765)	An Act for vesting certain Glebe Lands belong to the Rectory of the Parish Church of Saint Christopher, in the City of London, in the Governor and Company of the Bank of England; and for making a Recompence to the Rector of the said Parish, and his Successors, in lieu thereof; and for obviating certain Doubts in an Act passed in the Thirty third Year of the Reign of His late Majesty, for widening certain Streets, Lanes, and Passages, within the City of London.	The whole Act except so far as it purports to obviate certain doubts in the Act of 33 Geo.2 c.30 (1759) for widening certain streets, lanes and passages within the City of London.	20
			25
			30
			35
			40
6 Geo. 3 c.76. (1766)	An Act to enable the Governor and Company of the Bank of England to purchase certain Houses and Ground contiguous and near to the Bank; and for making certain Avenues leading thereto more commodious.	The whole Act.	
			45
			50

Chapter or Number	Short title	Extent of Repeal
5 10 15 20 25 30 35	21 Geo.3 c.71. (1781)  An Act for vesting the Parish Church of Saint Christopher le Stocks, in the City of London, and the Materials and Site thereof and the Church-yard thereto adjoining, in the Governor and Company of the Bank of England, and their Successors for ever; and for uniting the said Parish to the Parish of Saint Margaret Lothbury, in the said City.	The whole Act.
20 25 30 35	33 Geo.3 c.15. (1793)  An Act to enable the Governor and Company of the Bank of England to purchase certain Houses and Ground contiguous to the Bank of England.	The whole Act.
25 30 35	39 & 40 Geo.3 c.lxxxix. (1800)  An Act to empower the Governor and Company of the Bank of England to purchase certain Houses and Ground contiguous to the Bank of England and to enable them to improve certain Avenues adjacent thereto.	The whole Act.

## SCHEDULE 2

## CONSEQUENTIAL AND CONNECTED PROVISIONS

*Unlawful Drilling Act 1819 (c.1)*

1. In section 1 of the Unlawful Drilling Act 1819 (prohibition on unauthorised meetings of persons for the purpose of being trained, or of practising military exercise)—

- (a) (in its application to Great Britain) for the words “the lieutenant, or two justices of the peace for any county or riding” substitute “a Secretary of State, or any officer deputed by him for the purpose”;
- (b) (in its application to Northern Ireland) for the words “the lieutenant, or two justices of the peace for any county or riding” substitute “a Secretary of State”;
- (c) (in its application to Great Britain and Northern Ireland) for the words “be transported” substitute “imprisonment”.

## SCH. 2

*Conveyancing (Scotland) Act 1874 (c.94)*

2. In section 51 of the Conveyancing (Scotland) Act 1874, after "1948" there shall be inserted "or

(c) the Supreme Court of Aden before 30th November 1967,".

*Aden, Perim and Kuria Muria Islands Act 1967 (c.71)*

5

3. The repeal by this Act of the Aden, Perim and Kuria Muria Islands Act 1967 shall not affect the continued operation of—

(a) section 4 of that Act (Aden Widows' and Orphans' Pension Fund), and

(b) any regulations under that section,

in accordance with section 2(3) of the Overseas Pensions Act 1973 (certain 10 repealed provisions to have effect as schemes under section 2 of that Act).

## APPENDIX 2

### EXPLANATORY NOTE ON THE DRAFT BILL

#### CLAUSES 1 - 3

1. *Clause 1* repeals the enactments mentioned in Schedule 1 and introduces the consequential and connected provisions in Schedule 2.
2. *Clause 2* provides for the extension of repeals, and associated amendments, to the Isle of Man, the Channel Islands and colonies. So far as the draft Bill extends directly to the Isle of Man, it has been agreed to by the authorities in the Isle of Man. The repeals in Schedule 1 which affect the Isle of Man are those relating to the following Acts:
  - Foreign Enlistment Act 1870 (Part II)
  - Short Titles Act 1896 (Part IV)
  - Trading with the Enemy Act 1939 (Part VI)
  - Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939 (Part VI)
  - Prize Act 1939 (Part II)
  - Prize Salvage Act 1944 (Part II)
  - United Nations Act 1946 (Part II)
  - Tanzania Act 1969 (Part II)
  - Immigration Act 1971 (Part II)
  - Bahamas Independence Act 1973 (Part II)
  - Solomon Islands Act 1978 (Part II)
  - Zimbabwe Act 1979 (Part II)
  - Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980 (Part II)
  - Anguilla Act 1980 (Part II)
  - Belize Act 1981 (Part II)
  - British Nationality Act 1981 (Part II)
  - British Nationality (Falkland Islands) Act 1983 (Part II).
3. *Clause 3* provides the short title. The draft Bill would come into force on its enactment.

## **SCHEDULE 1**

### **Repeals**

#### **PART I**

### **BEDFORD, NOTTINGHAM, NOTTINGHAMSHIRE, WARWICKSHIRE AND DERWENT VALLEY WATER BOARD**

- 1.1 The Statute Law (Repeals) Act 1989<sup>1</sup> implemented a project to rationalise the accumulated body of local authority legislation in South Yorkshire. The proposals in this Part would implement a similar project to rationalise local authority legislation in Bedfordshire, the City of Nottingham, Nottinghamshire and Warwickshire. The project includes related proposals affecting the legislation of the Derwent Valley Water Board. The proposals, like those relating to South Yorkshire, are based on a detailed review of the legislation carried out for the Law Commission by Mr J S Phipps (Chief Executive of Leicester City Council 1973-1982). The proposed repeals have been considered and agreed to, so far as they are concerned, by the local authorities, statutory undertakers and other consultees listed in Appendix 3.
- 1.2 The bulk, uncertain operation and inaccessibility of local legislation are problems of long standing. Local legislation (public local Acts as distinct from public general Acts) was historically one of the principal means by which Parliament, from the time of the industrial revolution onwards, developed the institutions of modern society. The structure of legislation has progressively altered, as Parliament has moved to a system of legislation in general terms, but a very substantial volume of local statute law continues to regulate the activities of numerous public and other authorities. It is not normally included in revised editions of the statute law, it is inadequately indexed and, until 1974, no official record was kept of repeals and amendments affecting it. Successive reorganisations of public authorities have exacerbated the problems, since new authorities normally inherit the legislation promoted for the benefit of their predecessors but subject to complicated modifications in general terms.
- 1.3 Against this background section 262(9) of the Local Government Act 1972 made a fresh start by triggering the operation of a scheme<sup>2</sup> to reform local authority

<sup>1</sup> Statute Law (Repeals) Act 1989, Sch 1, Pt IX (South Yorkshire). For the background to that project, see Statute Law Revision: Thirteenth Report (1989) Law Com No 179, Scot. Law Com No 117, Cm 671, pp 111-114.

<sup>2</sup> The scheme for England and Wales is set out in Department of the Environment Circular 14/74 and a circular letter dated 10 May 1974. See also Foulkes, "The Enactment of the County of South Glamorgan Act 1976", [1977] PL 272. South Glamorgan was the first county to implement the scheme.

legislation in England and Wales outside Greater London. The underlying purpose of that scheme was to create-

“a corpus of local legislation which is relevant to present needs, greatly reduced in bulk, accessible to those who need to use it and capable of being indexed so that it can be modified, as necessary, in later years when further general or local Acts are passed”.

The mechanism provided by section 262(9) was a cesser in general terms of particular categories of local statutory provisions, but the detailed effects of the mechanism are complex and require to be implemented by later legislation. If this is not done, the effect of the mechanism may simply be to substitute one form of uncertainty for another. Accordingly, during the lengthy interim period which was allowed before the cesser finally took effect on 31 December 1987,<sup>3</sup> the new counties and other authorities created by the Local Government Act 1972 were required to review the accumulated mass of local Acts and orders which they had inherited and thereafter to promote fresh legislation to re-enact those powers which were still needed and to translate the effect of the general cesser into specific repeals of identified local statutory provisions. At the same time local authorities were encouraged to review the substantial body of local statutory provisions exempted from the cesser<sup>4</sup> with a view to repealing them so far as they were no longer needed. The main categories of exempted provisions are those which relate to *statutory undertakings*, or which are *protective provisions* for the benefit of particular bodies or persons.

- 1.4 A considerable number of counties in England and Wales promoted Bills<sup>5</sup> containing comprehensive repeal schedules which implemented fully the scheme underlying section 262(9) of the Local Government Act 1972. Other counties, however, promoted Bills<sup>6</sup> which only repealed the provisions which they re-enacted, leaving much of their local legislation to lapse without being identified. In some counties<sup>7</sup> no rationalising Bills were promoted at all; in others (as mentioned below) certain district councils promoted Bills but not the county itself. The overall effect

<sup>3</sup> Metropolitan Counties (Local Statutory Provisions) Order 1979 (SI 1979 No 969); Greater Manchester (Local Statutory Provisions) Order 1980 (SI 1980 No 1845); Non-Metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 (SI 1983 No 619); Non-Metropolitan and Welsh Counties (Local Statutory Provisions) Order 1986 (SI 1986 No 2106).

<sup>4</sup> Local Government Act 1972, s 262(12)(i) to (v) and (13).

<sup>5</sup> See eg County of Merseyside Act 1980 (c.x); Cheshire County Council Act 1980 (c.xiii); West Yorkshire Act 1980 (c.xiv); County of Lancashire Act 1984 (c.xxi).

<sup>6</sup> See e.g. South Yorkshire Act 1980 (c.xxxvii); Greater Manchester Act 1981 (c.ix); County of Avon Act 1982 (c.iv).

<sup>7</sup> e.g. Buckinghamshire, Hertfordshire, West Sussex, Gloucestershire, Shropshire.



of the initiative is therefore patchy and there is a need for it to be supplemented by further repealing legislation.

1.5 In Bedfordshire and Warwickshire only Luton Borough Council and Warwick District Council promoted rationalising Bills: the Luton Borough Council Act 1985 (c.xi) and the Warwick District Council Act 1984 (c.xxiv) respectively. These Acts had no effect outside the areas of the councils concerned and did not repeal many of the obsolete statutory undertaking provisions applying within their respective areas. The proposals affecting Bedfordshire and Warwickshire take account of the repeals already effected by the Luton Borough Council Act 1985 and the Warwick District Council Act 1984. For the City of Nottingham a rationalising Bill was drafted in 1981 but was never enacted.<sup>8</sup> The Nottinghamshire County Council Act 1985 (c.xv) dealt with legislation relating to the county and its districts other than the City of Nottingham. Although it repealed a number of local enactments relating to water supply, it did not deal with the bulk of the obsolete local authority statutory undertaking provisions applying within the county. The present proposals would deal with these provisions and similar provisions applying to the City of Nottingham, together with other spent or obsolete enactments not repealed by the Nottinghamshire County Council Act 1985.

1.6 The review of local legislation within the scope of this project has been carried out in accordance with the same principles as were adopted for the review of South Yorkshire legislation and, before that, for other major local authority rationalisation Bills.<sup>9</sup> The review covers local Acts, provisional orders made on the application of a local authority or which were subject to special parliamentary procedure and other major orders forming an integral part of the legislation of local authorities. It has two main objectives. The first is to identify the local statutory provisions on which the cesser mechanism operated but which have not been expressly repealed. Such repeals are needed for the purpose of resolving uncertainties in an area of enacted law which is notorious for its uncertain operation. A sophisticated system has been developed since 1974<sup>10</sup> to record the extent to which local legislation remains in force but the detailed effects of the cesser, as such, are in practice incapable of being recorded. The second main objective is to repeal local statutory provisions which were exempted from the cesser but which are no longer needed. The repeal

<sup>8</sup> The repeals affecting the City of Nottingham are based on those in the abortive 1981 Bill, although they are not identical in all respects.

<sup>9</sup> The West Yorkshire Act 1980 incorporated the results of a review of some 800 local Acts and orders. For a discussion of the practical problems of promoting legislation of this type, see K F W Gumbley, *Notes on Section 262 Bills* (West Yorkshire Metropolitan County Council, 1978).

<sup>10</sup> The effect of local legislation passed since 1974 is recorded in the *Chronological Table of the Statutes* (HMSO), Section 4. The *Chronological Table of Local Legislation* (Law Commission and Scottish Law Commission), on which work is approaching completion, will record the effect of all local legislation passed since 1797.

proposals affecting exempted provisions are outlined below under the headings "Statutory Undertaking Provisions", "Protective Provisions" and "Miscellaneous Exempted Provisions". Finally, the opportunity has been taken to include for repeal other enactments which have been identified in the course of consultation as being spent, obsolete or unnecessary.

#### *Statutory Undertaking Provisions*

- 1.7 The Local Government Act 1972 exempted from cesser all local statutory provisions relating to a statutory undertaking, namely, any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any telephone undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power, water<sup>11</sup> or district heating. However, local authorities have been directly involved in many of these activities and their inherited legislation reflects the functions for which they were formerly responsible, either directly or as the successor to private companies. A detailed examination of this legislation shows that much of it is now redundant both as respects the local authorities to whom it originally related and as respects the successor undertakers.
- 1.8 Local authorities lost their functions relating to electricity, gas and water following the nationalisation of the electricity and gas industries in 1948-49 and the establishment of statutory water authorities in 1973. Accordingly, the local statutory provisions relating to the following matters are proposed for repeal:
- (a) specific powers for operating former local authority undertakings which were superseded by the general powers contained in the Electricity Act 1947,<sup>12</sup> the Gas Act 1948<sup>13</sup> or, in the case of water undertakings, were unnecessary for the achievement of the purposes for which the statutory water authorities were created in 1973 and have been superseded by the powers given to water and sewerage undertakers by the Water Act 1989;<sup>14</sup>
  - (b) provisions to regulate the management of the former local authority undertakings, and to regulate relations between local authorities as electricity, gas or water undertakers which became unnecessary following the nationalisation of the electricity and gas industries or the creation of water authorities under the Water Act 1973;

<sup>11</sup> The statutory reference to "water" was repealed by the Water Act 1973, but the relevant local statutory provisions were continued in operation in a modified form by the Water Act 1973, s 34(2) and Sch 6 Pt II which remain in force although they have been prospectively repealed by the Water Act 1989, ss 190(3), 194(3) and (4) and Sch 27, Pt II.

<sup>12</sup> See now Electricity Act 1989.

<sup>13</sup> See now Gas Act 1986.

<sup>14</sup> See now Water Industry Act 1991.

- (c) supply code provisions (ie provisions dealing with the relationship between the undertakers and their customers and with the distribution network of electricity, gas or water mains) which have been superseded by other codes regulating the supply of electricity,<sup>15</sup> gas,<sup>16</sup> or water,<sup>17</sup> or are no longer required;
- (d) obsolete provisions defining the areas of supply of the former local authority undertakers;
- (e) provisions authorising the use of specific land for generating electricity or manufacturing gas, the construction and maintenance of works (including mains outside streets) which are obsolete in consequence of the abandonment of works or have lapsed.

1.9 In Bedfordshire there has been only one municipal road passenger transport operator, Luton Corporation, which operated a tramway undertaking, long ago abandoned, and a bus undertaking,<sup>18</sup> now sold to another operator. The Bedford and Kempston Tramway Company obtained power in 1892 to operate a tramway at Bedford, Bedford Corporation obtained similar powers in 1900 and in 1903 the Leighton Buzzard and Hitchin Light Railway Company obtained power to construct a light railway across the county.<sup>19</sup> None of these powers were exercised and they are accordingly proposed for repeal. The legislation relating to the abandoned Luton Corporation tramway undertaking is spent and is proposed for repeal except for protective provisions which have a continuing operation.

1.10 In Nottinghamshire there were at one time three tramway operators: the Mansfield and District Tramways Company,<sup>20</sup> Nottingham Corporation and the

<sup>15</sup> Schedule 6 to the Electricity Act 1989. These provisions have replaced the previous code in the Schedule to the Electric Lighting (Clauses) Act 1899, as adapted and applied by the Electricity Act 1947, s 57 and Pt III of Sch 4.

<sup>16</sup> Schedule 5 to the Gas Act 1986.

<sup>17</sup> Water Industry Act 1991, ss 37-93, 142-150, 155-222 and Schs 6, 9, 11, 12, 13 and 14, consolidating the equivalent provisions in the Water Act 1989. The 1989 provisions in general replaced the former code contained in Schedule 3 to the Water Act 1945 which applied throughout most of Bedfordshire and Warwickshire and in that part of Nottinghamshire supplied by the former Central Nottinghamshire Water Board. Schedule 3 to the 1945 Act was not applied in the area formerly supplied by the water undertaking of Nottingham Corporation, but the Corporation's local water powers have also been superseded by those contained in the Water Act 1989.

<sup>18</sup> Luton Corporation had no local Act bus operating powers and evidently relied on those in the Road Traffic Act 1930.

<sup>19</sup> Leighton Buzzard and Hitchin Light Railway Order 1903. The Light Railways Act 1896, under which the order was made, has been repealed by the Transport and Works Act 1992, but orders made under the 1896 Act have been saved: Transport and Works Act 1992 (Commencement No 3 and Transitional Provisions) Order 1992 (SI 1992 No 2784).

<sup>20</sup> Mansfield and District Light Railways Orders 1901, 1907, 1920 and 1926.

Nottinghamshire and Derbyshire Tramways Company which acquired Ilkeston Corporation's tramways undertaking.<sup>21</sup> Trolley vehicles were operated by Nottingham Corporation and the Nottinghamshire and Derbyshire Company. The Mansfield Company had powers to operate trolley vehicles, but did not exercise them. These tramway and trolley vehicle systems were abandoned well before the enactment of the Local Government Act 1972. The legislation authorising the systems, or providing for their abandonment, is spent and proposed for repeal except for protective provisions which have a continuing operation.

- 1.11 The local Act powers to run buses of the Nottinghamshire and Derbyshire Company and the Mansfield Company are proposed for repeal because the two companies were dissolved in 1978 and 1987 respectively, and there appears to have been no statutory transfer of their local enactments to any other bodies. Similar powers of Nottingham Corporation are proposed for repeal because the council's powers to run buses are contained in later general legislation<sup>22</sup> and certain local Act provisions relating to public transport have been repealed in general terms.<sup>23</sup>
- 1.12 There were no municipal public road transport undertakings in Warwickshire and the only such statutory undertaking, the Leamington and Warwick Electrical Company, cannot now be traced. It operated a tramway linking the two towns which was replaced in 1930 by a bus service. The company had no trolley vehicle powers. Its bus operations were, so far as is known, taken over by the Midland Red Company whose successor, Western Travel Limited, has no objection to the repeal of the company's local enactments.
- 1.13 Nottingham Corporation was empowered to build a canal and carry out certain street works by an Act of 1839 which was amended in 1844.<sup>24</sup> Both Acts ceased to have effect under section 262(9) of the Local Government Act 1972 except for certain protective provisions in the 1839 Act which have a continuing operation, and certain protective provisions in the 1844 Act which are spent. The Acts did not authorise the Corporation to operate the canal as a trading undertaking and they are evidently not exempted from the cesser under section 262(9) as relating to a canal or an inland navigation.
- 1.14 From 1915 until nationalisation in 1948 Nottingham Corporation operated an inland waterway undertaking along a considerable length of the River Trent, both

<sup>21</sup> Nottinghamshire and Derbyshire Tramways Act 1917 (c.xi). The Ilkeston undertaking was authorised by the Ilkeston Corporation Tramways Order 1899 which was confirmed by the Tramways Orders Confirmation (No 2) Act 1899 (c.cclxxiii).

<sup>22</sup> Road Traffic Act 1930, s 101(1), as amended by the Transport Act 1968, s 31(1)(a); Transport Act 1985, s 66.

<sup>23</sup> Provisions in local enactments relating to charges on public transport ceased to have effect by virtue of the Transport Charges, &c (Miscellaneous Provisions) Act 1954, s 14(2).

<sup>24</sup> 1839 (c.lxvi); 1844 (c.lvii).

inside and outside the city, under local statutory provisions. The repeals are of spent, obsolete or expired provisions relating to the authorisation of works, the purchase of land or the financing and management of the navigation,<sup>25</sup> or are of provisions regulating the internal affairs of the corporation as an inland navigation undertaker which ceased to have any practical effect after the undertaking was nationalised by the Transport Act 1947.<sup>26</sup>

1.15 Luton Borough and the City of Nottingham operate market undertakings under local statutory provisions. None of Luton's market provisions are proposed for repeal and the only repeals affecting markets in Nottingham are of provisions relating to charges which have been overtaken by the general law.<sup>27</sup> North Bedfordshire Borough and Rugby Borough have local statutory provisions relating to markets<sup>28</sup> but neither of them rely on those provisions to operate their market undertakings and they are content for the provisions to be repealed.

1.16 Local statutory provisions relating to sewerage and sewage disposal were enacted in Bedfordshire (for Biggleswade and Linslade), the City of Nottingham and Warwickshire (for Atherstone, Hillmorton, Leamington, Rugby and Southam). These provisions, so far as proposed for repeal, are duplicated by the general law contained in the Water Industry Act 1991 and the Water Resources Act 1991 or they relate to spent compulsory purchase powers or they are otherwise spent or obsolete.

#### *Protective Provisions*

1.17 Protective provisions (which safeguard the rights, property and works of particular organisations and individuals against the exercise of powers conferred by local Acts or orders) are exempted from the cesser under section 262(9) of the Local Government Act 1972, but a considerable number have either been superseded by protective provisions in later general legislation or become obsolete or spent. Those proposed for repeal fall within the following main categories:

- (a) provisions for the protection of highway authorities and electricity, gas or water undertakers' works in streets and on bridges which were replaced by

<sup>25</sup> Nottingham Corporation (Trent Navigation Transfer) Act 1915, ss 4, 6, 7, 11, 18-21, 23, 34; Nottingham Corporation (Trent Navigation) Act 1922 (c.xv), ss 2, 7, 9; Nottingham Corporation Act 1929 (c.lxi), s 23.

<sup>26</sup> Nottingham Corporation (Trent Navigation Transfer) Act 1915 (c.lxvi), ss 25-27, 28, 29-31; Nottingham Corporation (Trent Navigation) Act 1922 (c.xv), ss 4-6.

<sup>27</sup> Local Government (Miscellaneous Provisions) Act 1976, s 36. See also Local Government Act 1972, s 199(4) (cesser of local Act provisions for the determination by the Secretary of State of stallages, tolls and other charges for the purposes of markets).

<sup>28</sup> 1810 (c.lxxxii), s 12; Bedford Corporation Act 1927 (c.lxxxix), ss 61, 62 and 69; Rugby Water and Improvement Act 1901 (c.cclxix), ss 100 to 111.

- the street works code enacted by the Public Utilities Street Works Act 1950;<sup>29</sup>
- (b) provisions giving protection against the exercise of electricity undertakers' powers so far as protection is given to British Telecom (as successor to the Postmaster General) by paragraph 5 of Schedule 4 to the Electricity Act 1989, and to railway and canal undertakers by paragraphs 1, 6 and 7 of Schedule 4 to that Act;
  - (c) provisions giving protection against the exercise of gas undertakers' powers so far as protection is given to railway and canal undertakers by paragraph 4 of Schedule 4 to the Gas Act 1986;
  - (d) provisions giving protection against the exercise of water undertakers' powers so far as protection is given to electricity, gas, water, telecommunications, railway and canal undertakers, and the National Rivers Authority, by Schedule 13 to the Water Industry Act 1991;<sup>30</sup>
  - (e) provisions giving protection to electricity and gas undertakers against competition which became redundant in consequence of nationalisation in 1948-49;
  - (f) provisions giving protection against the exercise of powers which have been repealed or which are proposed for repeal;
  - (g) provisions which have become obsolete through abandonment of the undertakings or works against which the protection was given;
  - (h) provisions protecting one local authority against the exercise of powers by another local authority which became spent when the two authorities were amalgamated;
  - (i) restrictions on the exercise of compulsory purchase powers which are obsolete.

<sup>29</sup> Provisions in earlier public general and local enactments relating to such works ceased to have effect by virtue of the Public Utilities Street Works Act 1950, ss 15(3), 17(2) and 24(2). The street works code in the 1950 Act has been largely replaced by that contained in the New Roads and Street Works Act 1991. Under section 101 of the 1991 Act provisions in special enactments, including local or private legislation, which are inconsistent with the new code have ceased to have effect: New Roads and Street Works Act 1991 (Commencement No 5 and Transitional Provisions and Savings) Order 1992 (SI 1992 No 2984).

<sup>30</sup> Consolidating the Water Act 1989, s 160 and Sch 19, para 3.

*Miscellaneous Exempted Provisions*

- 1.18 The proposed repeals include a number of local statutory provisions of a miscellaneous nature which have been identified in the course of consultation as being spent, obsolete or unnecessary. In most cases these provisions were exempted from the cesser mechanism in section 262(9) of the Local Government Act 1972 for the technical reason that the legislation concerned was not promoted in the manner described in section 262(12) of that Act. The main repeals in this category are mentioned below.
- 1.19 For Bedfordshire the inclosure Act of 1795 (c.87) is spent and obsolete and, in so far as it allotted land to the freemen of Bedford, it has been superseded by a Charity Commission Scheme of 1970. The inclosure Act of 1797 (c.53) is also spent and obsolete. The Act of 1815 (c.xxx) for rebuilding Tempsford Bridge is spent. It authorised the county justices to rebuild the bridge which the county council now maintain under the Highways Act 1980. Section 47 of the Midland Railway (Leicester and Hitchin) Act 1853 (c.cviii) is also spent. In accordance with its provisions the Midland Railway Company acquired part of the land allotted to the freemen of Bedford under the inclosure Act of 1795.
- 1.20 For Nottingham the inclosure Acts of 1767 (c.36) and 1796 (c.114) are spent and obsolete<sup>31</sup> except for a number of provisions in the Act of 1767 relating to certain roads and fairs which were overridden by sections 21 and 22 of the Nottingham Corporation Act 1883 (c.lxxviii). The inclosure Act of 1839 (c.32) authorised the inclosure of certain land and made regulations for building on it. The inclosure provisions, so far as proposed for repeal, are spent and obsolete. The provisions regulating building are either spent or they are superseded by modern town planning and environmental protection legislation.<sup>32</sup> The inclosure Act of 1845 (c.7) also authorised the inclosure of certain land and made regulations for building on it. The inclosure provisions, so far as proposed for repeal, are spent and obsolete. Many of the provisions regulating building have been repealed but the remainder are spent or obsolete, or are superseded by modern building, environmental protection, local government, town planning and water supply legislation.<sup>33</sup> The Act of 1796 (c.152) set up a turnpike trust for the repair of the road from Trent Bridge to Nottingham,

<sup>31</sup> These Acts have not ceased to have effect under s 262(9) of the Local Government Act 1972 because they did not result from an appropriately promoted Bill. In contrast, the inclosure Acts of 1839 (c.28) and 1844 (c.7), were promoted by Nottingham Corporation and have ceased to have effect.

<sup>32</sup> Town and Country Planning Act 1990; Environmental Protection Act 1990, ss 79-82 and 84.

<sup>33</sup> Building Act 1984, ss 25, 74, 75; Building Regulations 1991 (SI 1991 No 2768); Environmental Protection Act 1990, ss 79-82 and 84; Local Government Act 1972, ss 135, 214(2); Local Authorities' Cemeteries Order 1977 (SI 1977 No 204), art 4(1); Town and Country Planning Act 1990; Water Industry Act 1991, ss 45-56.

and it obliged Nottingham Corporation to contribute to the funds of the trust. The Act was made redundant by section 32 of the Nottingham Improvement Act 1867 (c.x) except for section 52 which continued ancient obligations of the corporation to pay for maintaining the bridge out of the revenues of its Bridge Estate, and which is not proposed for repeal. The Act of 1836 (c.xlv) for establishing a general cemetery in Nottingham is spent and obsolete. The cemetery provided under this Act was later acquired by Nottingham Corporation who maintain it under the general law.<sup>34</sup> The cemetery company no longer exists and its powers were not transferred to the corporation.

- 1.21 For Nottinghamshire the Act of 1769 (c.62) for rebuilding the shire hall is spent and obsolete. The shire hall is no longer owned by the county council. The Act of 1773 (c.96) authorised the sale of charity property in Newark and the use of the proceeds for building a town hall and carrying out other civic improvements. Any surplus remaining was to be invested in property to be held for the purposes of a named charity. The Act is spent. The Act of 1832 (c.i) authorised the county justices to borrow money paid out as compensation for riot damage in Broxtowe Hundred. The money was to be repaid within seven years and the Act is spent and obsolete.
- 1.22 For Warwickshire the Act of 1694 (c.1) expired in 1704. It was passed to restore and rebuild the town centre of Warwick after it had been destroyed by fire.<sup>35</sup> The Act of 1814 (c.xlv), empowering the county justices to provide judges' lodgings, is spent and obsolete since such provision is no longer a local authority responsibility. The Act of 1826 (c.iv) empowered commissioners to repair and improve the bridge over the river Avon at Stratford-upon-Avon. The Act is unnecessary since Warwickshire County Council is now responsible for maintaining the bridge under the Highways Act 1980.

<sup>34</sup> Local Government Act 1972, s 214; Local Authorities' Cemeteries Order 1977 (SI 1977 No 204); Local Authorities' Cemeteries (Amendment) Order 1986 (SI 1986 No 1782).

<sup>35</sup> Section 24 of the Act exonerated the county sheriff and the Keeper of the county gaol from any liability for the escape of prisoners when the gaol had been opened to save its inmates from dying in the fire.



*Derwent Valley Water Board*

- 1.23 The Derwent Valley Water Board was established in 1899 as a solution to the conflicting plans of Derby, Leicester, Nottingham and Sheffield to take water from the rivers Derwent and Ashop in north Derbyshire.<sup>36</sup> The Derwent Valley Water Board Act 1899 constituted the Board with four members for Leicester, three each for Derby and Sheffield, two for Nottingham and one for Derbyshire. The Act empowered the Board to acquire land, specified the works which it could execute, made financial and other provisions relating to its undertaking and specified the amount or proportion of water to be taken by Derby, Leicester, Nottingham and Sheffield and other local authorities in Derbyshire and Nottinghamshire.<sup>37</sup>
- 1.24 The Derwent Valley Water Board did not supply water directly to the users of it, but it provided supplies to other undertakers who distributed it to their customers. The Board ceased to exist in 1974. Its undertakings and those of the undertakers which it supplied now form part of the undertaking of Severn Trent Water Limited, except for the Sheffield undertaking which forms part of the undertaking of Yorkshire Water plc.<sup>38</sup>
- 1.25 The Derwent Valley Water Board Acts and Orders now comprise 17 enactments dating between 1899 and 1969. These enactments not only conferred powers and duties on the Board but they also contained provisions applying specifically to one or another of the corporations of Derby, Leicester and Sheffield, and a few applicable to Nottingham Corporation. Many of the provisions applying to individual authorities have been repealed<sup>39</sup> but a number remain in force.
- 1.26 The Derbyshire Act 1981 (c.xxxiv) repealed a large number of provisions relating mainly to the Derwent Valley Water Board itself, but the effect of the repeals was limited to the county of Derbyshire. Consultation has shown that these provisions

<sup>36</sup> J S Phipps, *Leicester in Parliament* (1988), pp 121-122. Derby, Leicester and Sheffield corporations had each originally promoted separate Bills to obtain powers to take water from the two rivers concerned.

<sup>37</sup> Derwent Valley Water Board Act 1899 (c.cclxix), ss 7 (Constitution of Board), 84 (Apportionment of water).

<sup>38</sup> As successors, respectively, to the former Severn-Trent and Yorkshire Water Authorities in which the undertakings concerned were vested under the Water Act 1973.

<sup>39</sup> eg for Derby by the South Derbyshire Water Board Order 1961 (SI 1961 No 281); for Leicester by the Leicester Corporation Acts 1930 (c.clxxxiv) and 1956 (c.xlix), the Leicester Water Orders 1958 (SI 1958 Nos 1065 and 1562) and 1959 (SI 1959 No 411) and the Leicestershire Act 1985 (c.xvii); for Sheffield by the North Derbyshire Water Board Order 1962 (SI 1963 No 660) and the Statute Law (Repeals) Act 1989.

are obsolete and unnecessary elsewhere and their proposed repeal is accordingly not restricted geographically.<sup>40</sup>

1.27 Other Derwent Valley Water Board provisions proposed for repeal include:

- (a) provisions incorporating the Waterworks Clauses Acts 1847 and 1863, the Railways Clauses Consolidation Act 1845 and the Lands Clauses Acts which are spent or unnecessary having regard to the powers conferred by the Water Industry Act 1991;
- (b) provisions which are similar to or which extend or which are dependent on provisions which have already been repealed for part of the area formerly covered by the Derwent Valley Water Board;
- (c) pipe-laying powers superseded by sections 158 and 159 of the Water Industry Act 1991;<sup>41</sup>
- (d) protective provisions for undertakings now under the control of Severn Trent Water Limited itself and a number of other spent protective provisions;
- (e) obsolete provisions relating to individual authorities which formerly constituted the Derwent Valley Water Board.

<sup>40</sup> The Statute Law (Repeals) Act 1989 repealed the West Riding (of Yorkshire) County Council Acts 1948 to 1970 without any geographical limitation. Those Acts had previously been repealed only so far as they applied to four of the seven successor authorities to the former West Riding County Council.

<sup>41</sup> Consolidating the Water Act 1989, Sch 19, paras 2 and 4.

## PART II

### OVERSEAS JURISDICTION

#### *Group 1 - Associated States*

2.1 The West Indies Act 1967 (c.4) made provision to confer on certain West Indian territories the status of association with the United Kingdom and to enable that status to be terminated at any time. In consequence of later constitutional developments, the status of association was progressively terminated and no associated states remain.<sup>1</sup> The 1967 Act, so far as it related to the status of association, was repealed by the Statute Law (Repeals) Act 1986 (c.12). A substantial number of references to associated states remain in other legislation and the majority of these are now proposed for repeal as obsolete or spent. They are as follows:

- (a) in the Anguilla Act 1980,<sup>2</sup> provisions for Anguilla to cease to be an associated state (section 1(1)) and for the Act to extend to the then associated state of St. Christopher, Nevis and Anguilla (section 2(2)) are spent;
- (b) in certain independence and nationality Acts, obsolete provisions, many of them in similar terms, which either contain references to associated states or extend nationality provisions specified in those Acts to associated states. These are to be found in the specified sections of the following Acts:

Tanzania Act 1969 (section 6(3)(a) and (4))

Immigration Act 1971 (section 8(4)(b))

Bahamas Independence Act 1973 (sections 3(1)(a) and 7(3))

Solomon Islands Act 1978 (section 6(4))

Zimbabwe Act 1979 (section 4(5))

Papua New Guinea, Western Samoa and Nauru

(Miscellaneous Provisions) Act 1980 (section 1(3))

Belize Act 1981 (sections 4(5) and 5(2))

<sup>1</sup> See Grenada Termination of Association Order 1973 (SI 1973 No 2157); Dominica Termination of Association Order 1978 (SI 1978 No 1031); Saint Lucia Termination of Association Order 1978 (SI 1978 No 1900); Saint Vincent Termination of Association Order 1979 (SI 1979 No 918); Antigua Termination of Association Order 1981 (SI 1981 No 1104); Saint Christopher and Nevis Termination of Association Order 1983 (SI 1983 No 880).

<sup>2</sup> This Act, which repealed the Anguilla Act 1971, made provision for the island's permanent severance from the associated state against which its inhabitants had rebelled in 1967.

British Nationality Act 1981 (section 53(6) and (7))

British Nationality (Falkland Islands) Act 1983 (section 5(5));

- (c) in the Civil Aviation Act 1982, obsolete references to associated states in the context of the regulation of civil aviation;
- (d) in other Acts, obsolete references to the government of, or a body established or incorporated under the law of, an associated state. These references are to be found in the specified provisions of the following Acts:

Crown Agents Act 1979 (section 7 and Schedule 3, Part I,  
paragraph 1)

Deep Sea Mining (Temporary Provisions) Act 1981 (section  
1(5)(b)).<sup>3</sup>

- 2.2 The Foreign and Commonwealth Office, the Home Office, the Ministry of Defence, the Department of Trade and Industry and the Department of Transport have been consulted about the proposed repeals and have no objection.

### *Group 2 - Other Repeals*

- 2.3 The Act of 11 Will.3 c.12, enacted in 1698, dealt with crimes by governors of colonies. It provided for the trial and punishment in England of a governor, lieutenant governor, deputy governor or commander-in-chief in "any plantation or colony within his Majesties dominions beyond the seas" who after 1 August 1700 was guilty of "oppressing" the King's subjects within the colony or of any other crime against the laws of England or in force in the colony. It was enacted at a time when governors of plantations and colonies were not amenable to the courts of their colonies nor (save for murder) punishable in England for crimes committed there.<sup>4</sup> The Act was part of an attempt by the Crown to assert, or reassert, its central control over the colonies<sup>5</sup> at a time when allegations of corruption and malpractice against governors were frequent. Indeed, its enactment was probably precipitated by the notoriety of Governor Codrington, who "reached to that pitch of injustice that if all the ill practices of the West Indies since their first settlement were

<sup>3</sup> Similar references in the Overseas Development and Co-operation Act 1980, s 8(1)(b) and the Income and Corporation Taxes Act 1988, s 615(2)(b) cannot yet be proposed for repeal. Accordingly the references to "associated state" in the Interpretation Act 1978 (in Sch 1, the definitions of "associated state" and "colony") are also not proposed for repeal.

<sup>4</sup> *Phillips v. Eyre* (1869) LR 4 QB 225, 230 (Quain QC).

<sup>5</sup> See Holdsworth, *A History of English Law*, (2nd ed 1933) p 402.

summed up together they would not be tantamount to his in number or quality”.<sup>6</sup> It seems that the Act was last relied on for jurisdictional purposes in 1812 when the Governor of Trinidad, Thomas Picton, was indicted for torture at common law after allegedly giving orders for the torture of a mulatto girl.<sup>7</sup> The Act is now obsolete, and the provisions proposed for repeal in the Criminal Jurisdiction Act 1802 and the Criminal Law Act 1967 are consequential on the repeal of this Act. The Foreign and Commonwealth Office and the Director of Public Prosecutions agree with the proposed repeals.

- 2.4 Section 4 of the Foreign Enlistment Act 1870 penalises anyone who enlists for military service in a foreign state at war with another state at peace with this country or who induces another to do so without licence of the Queen; section 5 penalises anyone who leaves Great Britain or one of its dominions with the intention of enlisting for a foreign state. Section 33 protects from penalties under these and other provisions of the Act -

“any person who enters into the military service of any prince, state or potentate in Asia, with such leave or licence as is for the time being required by law in the case of subjects of Her Majesty entering into the military service of princes, states or potentates in Asia.”

The section was apparently designed<sup>8</sup> to exclude the application of the Act to those entering the service of Indian princes in the 19th century in accordance with procedures regulating such service at the time. Today there are no special requirements for UK nationals entering into the military service specifically of states in Asia, and the protective purpose of the section is obsolete. It is therefore of no practical utility. The Foreign and Commonwealth Office and the Ministry of Defence agree that it may be repealed.

- 2.5 The Submarine Telegraph Act 1885 gave effect to the Submarine Telegraph Convention scheduled to it, which is concerned with the protection of submarine

<sup>6</sup> Cal St Pap Cols 1697-8, para 741 (letter of Edward Walrond to the Council of Trade, 10 August 1698). Codrington was about to be recalled when he died suddenly in 1698.

<sup>7</sup> *R v Picton* (1812) 30 St Tr 225. It appears that the Criminal Jurisdiction Act 1802 was also relied on in this case. The proceedings were abandoned in 1812 after eight years of litigation in Trinidad and London, and Lt Gen Sir Thomas Picton was subsequently killed in the Battle of Waterloo, 1815. “Old Tom Picton was given not only the death of the brave but also a monument in Wales and another in St Paul’s Cathedral” (Elizabeth Longford, *Wellington, Pillar of the State*, p 4).

<sup>8</sup> Its predecessor, s 12 of the Foreign Enlistment Act 1819 (c.69) (rep), referred specifically to “leave or licence, signified in the usual manner, from the Governor General in Council, or Vice President in Council, of Fort William in Bengal” etc. Neither Hansard at the time of passage of this Act (Vol 14 (1819)), nor proceedings before and during the passage of the 1870 Act (including the Report of the Neutrality Laws Commissioners, Parl Papers (1867-68) Vol xxxii; and see *Hansard* 4 August 1870, vol 203, col 1513) made specific reference to any of these provisions.

cables. The words proposed for repeal are among a number of obsolete references to pre-independence India in UK legislation extending overseas proposed for repeal: see paragraphs 2.6-2.7 and 2.9 below.<sup>9</sup> Under section 6 of the 1885 Act, trials of those obstructing officers of contracting parties' warships performing duties under the Convention are to take place in the United Kingdom "or in a supreme court in India". This reference is obsolete. The Foreign and Commonwealth Office, the Department of Trade and Industry, the Department of Transport and the Ministry of Agriculture, Fisheries and Food have been consulted and agree with the proposed repeal.

- 2.6 Section 2(2) of the Regency Act 1937 provides that a declaration made under that section of the incapacity or unavailability of the Sovereign shall be communicated to the Governments of Her Majesty's Dominions and the Government of India. This is one of a few obsolete references to India in Acts predating its independence (1947) and change to republican status (1950) which survived their large-scale repeal in the Statute Law (Repeals) Act 1976 (see also paragraph 2.5). The reference to the Government of India here is obsolete and unnecessary. The Foreign and Commonwealth Office and the Home Office agree to the proposed repeal.
- 2.7 The Prize Act 1939 provided for the principles applicable to the law of prize concerning vessels and their cargoes to be applied to aircraft and goods carried by them. Section 4(1)(c) extended the Act to "British India".<sup>10</sup> The Prize Salvage Act 1944 permitted claims for prize salvage (that is, the sum payable by cargo owners to the Royal Navy upon recapture of their vessels or aircraft taken as prize by the enemy)<sup>11</sup> to be made only with the consent of the Secretary of State. Again, section 2(1)(b) extended the Act to "British India". These references are obsolete. The Foreign and Commonwealth Office and the Ministry of Defence have been consulted about these proposed repeals and agree with them.
- 2.8 The Anglo-Venezuelan Treaty (Island of Patos) Act 1942 gave Parliamentary approval to the Treaty of 1942 between the United Kingdom and Venezuela, scheduled to the Act, whereby the United Kingdom ceded the island of Patos to Venezuela. At the time of cession, the island was part of the colony of Trinidad. So far as concerns that cession, the Act was spent as soon as it took place and its repeal

<sup>9</sup> Most references to pre-independence India in UK legislation were repealed by the Statute Law (Repeals) Act 1976 (c.16), Sch 1, Pt VII.

<sup>10</sup> See n 13 below.

<sup>11</sup> See Naval Prize Act 1864 (c 25) as modified by the Prize Act 1939, which fixes the sum at one-eighth of the value of the prize.

now would not affect the position.<sup>12</sup> The obligation of Venezuela under the Treaty to inform the United Kingdom of any intention to instal naval or defence works on the island would be unaffected by repeal. The Foreign and Commonwealth Office agrees to the proposed repeal.

- 2.9 Section 1(1) of the United Nations Act 1946 provides for Orders in Councils to be made to give effect to any UN Security Council measure not involving the use of armed force, and section 1(2) enables such an Order to be extended to any part of His Majesty's dominions excluding (among others) "British India" and "territories in India".<sup>13</sup> All such territories now fall within the republics of India, Pakistan and Bangladesh. These references are therefore obsolete. The Foreign and Commonwealth Office has been consulted and agrees with the proposed repeals.
- 2.10 The Aden, Perim and Kuria Muria Islands Act 1967 provides for the relinquishment of British sovereignty over Aden, Perim and the Kuria Muria Islands. With two exceptions, the provisions of the Act and of instruments made under it are spent or superseded or, after the lapse of twenty-seven years, are unnecessary. The first exception is section 4, making provision for the payment of pensions. Although section 4 was repealed by the Overseas Pensions Act 1973 (c.21), its effect was preserved by that Act. Paragraph 3 of Schedule 2 to the Bill (consequential and connected provisions) preserves that saving. The second provision is paragraph 1 of the Schedule to the Aden, Perim and Kuria Muria Islands Act 1967 (Modification of Enactments) Order 1968 (SI 1968 No 465) (application of section 51 of the Conveyancing (Scotland) Act 1874) made under section 3 of the Act. The effect of paragraph 1 of the Schedule would be preserved by the textual amendment of section 51 of the Conveyancing (Scotland) Act 1874 contained in paragraph 2 of Schedule 2 to the Bill. The Foreign and Commonwealth Office, the Lord Chancellor's Department, the Department of Trade and Industry and the Scottish Office agree to the proposed repeal.

<sup>12</sup> See *Manuel v Attorney General* [1983] Ch 77, where in reference to the repeal by the Statute Law Revision Act 1953 of the Anglo-German Agreement Act 1890 (Parliamentary approval of the cession of Heligoland by the UK to Germany) Sir Robert Megarry VC said: "Plainly once statute has granted independence to a country, the repeal of the statute will not make the country dependent once more; what is done is done, and is not undone by revoking the authority to do it" (ibid, p 88).

<sup>13</sup> The territories "comprised within the Governors' Provinces and the Chief Commissioners' Provinces" together with territories, including those of Indian Rulers under the suzerainty of the Crown and those under the suzerainty of such Rulers, all of which comprised "India": see Government of India Act 1935 (c.42), s 311(1) (rep).

## PART III

### SCOTTISH LOCAL ACTS

#### *Group 1 - Glasgow Police Acts*

- 3.1 The proposals in Part III Group 1 implement in small part a project to rationalise the accumulated body of local legislation in Scotland and are based on a detailed review of local authority local legislation described as "the Glasgow Police Acts 1866-1904". These proposed repeals have been considered and agreed to, so far as they are concerned, by affected local authorities, statutory undertakers and other consultees listed in Appendix 4.

*Background: section 225 of the Local Government (Scotland) Act 1973*

- 3.2 The volume and inaccessibility of local legislation has been a problem for many years<sup>1</sup>. Local legislation is not published in any form (original or revised) in Statutes in Force,<sup>2</sup> nor is it adequately indexed, and it is only recently that an official record has been kept of repeals and amendments affecting it.<sup>3</sup> As a result of that inaccessibility, there has been widespread lack of knowledge of the current content, and even existence, of items of local legislation. While Parliament has moved to legislating by public general statute, a substantial volume of local legislation has in fact continued to apply (or to be enacted) regulating, for example, the activities of local authorities (especially burghs), harbour authorities, railway and insurance companies, banks, various public authorities and private institutions. Successive reorganisations of local government (effected by public general statute) have compounded the problems arising from the continuing existence of earlier local authority local legislation because those new authorities have been expected to implement, in a general modified form, legislation enacted for the benefit of predecessor authorities.
- 3.3 The Local Government (Scotland) Act 1973 (c.65) (the 1973 Act) took steps to try to rationalise the accumulated volume of what had become redundant, but still

<sup>1</sup> There are believed to be only four (almost complete) sets of Local and Personal Acts in Scotland, in the National Library of Scotland, Edinburgh University Library, the Mitchell Library, Glasgow and the Writers to the Signet Library, Edinburgh. A further one partial set running from approximately 1815 is also known of in Glasgow. Other sets in Scotland run from approximately 1900 or after.

<sup>2</sup> Statutes in Force do publish fourteen local and personal Acts which are considered to be of general importance. They deal principally with mining customs, ancient forests, gun barrel proofing and Tweed Fisheries.

<sup>3</sup> The effect of local legislation passed since 1974 is recorded in the *Chronological Table of the Statutes* (HMSO), section 4. The *Chronological Table of Local Legislation* (Law Commission and Scottish Law Commission), on which work is approaching completion, will record the effect of all local legislation passed since 1797.



technically unrepealed, local authority local legislation. Much of that legislation had been superseded either by the statutory provision of a nationwide framework for local government administration or by the enactment of particular public general statutes in specific subject areas previously covered by local authority local legislation, or it had been rendered obsolete or unnecessary through changing circumstances.

- 3.4 The first statutory regularisation of local government throughout Scotland had been effected by the Local Government (Scotland) Act 1929 (c.25) and was based on a scheme of counties, counties of cities, districts, large burghs and small burghs. The 1973 Act introduced an entirely different framework whereby local government areas were to be districts and regions, administered by district and regional councils. The 1973 Act came fully into force on 16 May 1975.
- 3.5 Section 225 of the 1973 Act made general provision whereby any local statutory provision in force immediately before 16 May 1975 was to continue to have effect despite reorganisation, but only in the area to which it had applied before that date. Such a provision in effect saved all the non-local government-based Scottish local legislation extant at that date. However, every such local statutory provision which had been promoted or applied for by a local authority (as defined in section 225) was made subject to a general repeal provision, with effect on a specified future date. That date was originally fixed at 31 December 1979, but was subsequently postponed to 31 December 1982 and ultimately to 31 December 1984.<sup>4</sup> This (extended) interim period was provided so as to allow each new district or regional council to review the accumulation of local legislation affecting any part of its area and to promote fresh legislation to re-enact those powers which it would in future require. On that basis, local authority local legislation throughout Scotland would, it was intended, be both modernised and rationalised. The Secretary of State for Scotland was empowered to postpone the date of repeal beyond December 1984 in respect of particular named local authorities - in anticipation that for some new local authorities the task of examining and then rationalising inherited local legislation would be a formidable one. In fact no fewer than seven Postponement of Repeal Orders were made, the last postponing the repeal date for the final two named local authorities until 31 December 1991.<sup>5</sup>

<sup>4</sup> See Local Government (Scotland) Act 1978 (c.4), s 5; Civic Government (Scotland) Act 1982 (c.45), s 134(1).

<sup>5</sup> See SI 1984 No 1926; 1985 No 1629; 1986 No 2034; 1987 No 2090; 1988 No 2106; 1989 No 2223 and 1990 No 2370. In the first of these Orders, postponement was granted to Grampian, Strathclyde and Lothian Regions, East Lothian District and the Districts of the Cities of Aberdeen, Dundee, Glasgow and Edinburgh. Successive Orders covered a diminishing selection of these authorities.

- 3.6 No district or regional council was able to implement in full the intention behind the enactment of section 225. While of necessity many, but by no means all,<sup>6</sup> promoted fresh legislation to re-enact particular powers still required, they did not usually expressly identify and repeal those other local statutory provisions which had ceased to be of use. This omission would not in itself have caused confusion and uncertainty if every local authority local statutory provision had indeed ceased to have effect on 31 December 1984 (or on expiry of the subsequent Postponement of Repeal Order), but the local statutory provisions to which the general repeal in section 225(6) applied expressly excluded "provisions relating to a statutory undertaking or a protective provision for the benefit of any person".<sup>7</sup> Thus the whole of every local authority local Act did not necessarily cease to have effect on the coming into operation of the general repeal. As a result of those exceptions, parts of many local Acts continued to have effect and, since there were very few express repeals of pre-May 1974 local legislation effected, most local authority local legislation remained technically on the statute book, whether redundant or not.
- 3.7 Following upon the example set by the Law Commission in its recommendations for the Statute Law (Repeals) Act 1989, in which effect was given to a specific project to rationalise the accumulated body of local legislation in South Yorkshire,<sup>8</sup> and with the benefit of information gathered in the course of the preparation by the Law Commission and Scottish Law Commission of the *Chronological Table of Local Legislation*,<sup>9</sup> the Scottish Law Commission decided to commence a project for the first stage in rationalising the accumulated local authority local legislation in Scotland. Given the volume of local legislation promoted or applied for by Glasgow Corporation (which had a world-wide reputation in the late nineteenth and early twentieth centuries for its efficiency and effectiveness as a municipal authority), the legislation of that local authority seemed appropriate for that first stage.

*The Glasgow Police Acts*

- 3.8 The successors of Glasgow Corporation under the 1973 Act are City of Glasgow District Council and Strathclyde Regional Council. In the case of local legislation affecting City of Glasgow District, general repeal was delayed until 31 December

<sup>6</sup> As a corollary of the general repeal of local authority local legislation to be effected by s 225(6) of the 1973 Act, there was enacted in the Civic Government (Scotland) Act 1982 (c.45) a modern code of civic government for use throughout Scotland. That Act came fully into force on 1 July 1984 and thus relieved many local authorities of the need to promote their own replacement local legislation.

<sup>7</sup> See s 225(9) of the 1973 Act.

<sup>8</sup> In accordance with s 262(9),(12) and (13) of the Local Government Act 1972. Section 262(9) is the equivalent for England and Wales of s 225(6) of the 1973 Act.

<sup>9</sup> See n 3 above.

1988<sup>10</sup> and in the case of Strathclyde Region, until 31 December 1991.<sup>11</sup> The City of Glasgow District Council Order Confirmation Act 1988 (c.xxx) and the Strathclyde Regional Council Order Confirmation Act 1991 (c.xx) re-enact particular powers previously conferred by local legislation and in force before 16 May 1975, but which were eventually to be repealed in general terms by virtue of section 225(6) of the 1973 Act. Neither Act, however, effected explicit repeal of all those redundant provisions which were not being expressly re-enacted in the relevant Act.<sup>12</sup> The proposals in Group 1 concerning certain Glasgow Police Acts between 1866 and 1904 are therefore directed towards achieving that aim.

- 3.9 The review of the Glasgow Police Acts 1866-1904 has involved identifying both those local statutory provisions which existed immediately prior to 16 May 1975 but which have ceased to have effect by virtue of the general repeal in section 225(6) of the 1973 Act and those local statutory provisions excepted from that general repeal but now considered to be no longer necessary.
- 3.10 The statutory exceptions to general repeal (defined in section 225(9) of the 1973 Act) are provisions which relate to statutory undertakings or which are protective provisions for the benefit of particular bodies or persons. In the Glasgow Police Acts under consideration there were very few such exceptions. Those statutory undertakers involved were principally local railway companies and the Clyde Navigation Trustees, while the protective provisions tended to apply to named individuals who had previously held a municipal post, such as that of town clerk. There were no exceptions identified which required to be retained and therefore repeals of the following whole Acts are able to be proposed, namely:

Glasgow Police Act 1866  
Glasgow Police Act 1873  
Glasgow Police Act 1875  
General Police and Improvement (Scotland) Act 1862 Order Confirmation  
(Glasgow) Act 1877  
Glasgow Police Act 1877  
Glasgow Municipal Act 1879  
Glasgow Corporation and Police Act 1882

<sup>10</sup> See SI 1987 No 2090.

<sup>11</sup> See SI 1990 No 2370.

<sup>12</sup> This is largely explained by the great number of local Acts in question. Strathclyde Region is by far the most populous local government area in Scotland and comprises 19 of the 53 Scottish District areas, including City of Glasgow District. Because of the impact of the Industrial Revolution in, and subsequent urbanisation of, the Clyde Valley area, innumerable burghs were established in that area in the late eighteenth century and the City of Glasgow itself greatly expanded. Consequently there is more local authority local legislation dating from the nineteenth century and affecting what is now Strathclyde Region (including the vast array of local Acts promoted by Glasgow Corporation) than in the whole of the rest of Scotland.

Glasgow Police Act 1885  
Glasgow Police (Amendment) Act 1890  
Glasgow Police (Sewerage etc) Act 1891  
Glasgow Police (Further Powers) Act 1892  
Glasgow Corporation and Police Act 1895  
Glasgow Corporation (Police) Order Confirmation Act 1901  
Glasgow Corporation (Police) Order Confirmation Act 1903  
Glasgow Corporation (Police) Order Confirmation Act 1904.

*The history of the Glasgow Police Acts*

- 3.11 Glasgow was created a Royal Burgh in 1611. Its population has been estimated at 6,000 in 1645 but in the course of the late seventeenth and early eighteenth centuries that expanded dramatically. Being a burgh, Glasgow was administered by its own Town Council. After various unsuccessful attempts by the Town Council in the late eighteenth century to introduce a much needed formal system of policing Glasgow, a local Act of Parliament was passed in 1800 establishing a separate body known as the Board of Police of Glasgow, and subsequently the Board of General Commissioners of Police, which for the first half of the nineteenth century undertook the policing of Glasgow in accordance with a succession of local Glasgow Police Acts. These Acts tended, however, to have a fixed expiry date and therefore required to be continued or renewed every few years.
- 3.12 Between 1846 and 1862 the Town Council was itself again directly responsible for policing the City but thereafter the Glasgow Police Act 1862 re-established the Board of Police. The 1862 Act had a limited span of five years and was duly replaced by the Glasgow Police Act 1866 comprising a comprehensive body of legislation which became the statutory foundation for the policing of Glasgow in the second half of the nineteenth and well into the twentieth century. Numerous later Glasgow Police Acts were enacted but only for the purpose of modifying or supplementing the principles of municipal policing embodied in the 1866 Act. The 1866 Act again re-incorporated the Board of Police and that board continued in charge of policing administration in Glasgow until 1877 when the Glasgow Police Commissioners (in effect the magistrates of the Town Council or Corporation of the City, as it was by then known) were established to assume that task. The functions of the Commissioners were formally subsumed into those of the Corporation in 1895 and the Corporation then had overall responsibility for local administration of the City, including where appropriate its policing, from 1895 until 16 May 1975 when the 1973 Act came fully into operation.
- 3.13 Even before the passing of the 1973 Act, however, public general statute had made extensive provision for uniform local government administration and policing throughout Scotland. In the course of the nineteenth century, local police Acts had become the recognised means of regulating diverse aspects of municipal government

within any particular burgh. The Burgh Police (Scotland) Act 1892 usefully established a system of burgh administration applicable throughout Scotland, other than for the five largest Scottish burghs, all of which had by this time established what was thought to be effective local administration via their separate local Acts. This fact explains why the Glasgow Police Acts themselves continued to play a vital role well into the twentieth century, Glasgow being one of those five burghs.

- 3.14 A national framework for Scottish local administration in both burgh and county was finally established by the Local Government (Scotland) Act 1929<sup>13</sup> and consequently many provisions of the Glasgow Police Acts were at that stage superseded. Apart from the fact of the introduction in 1929 of a rationalised Scotland-wide scheme of local administration, numerous public general statutes were passed concerning specific subject areas which previously had been dealt with by Glasgow Police Acts and therefore again certain Glasgow local Act provisions were superseded. As explained at paragraph 3.5 above, the 1973 Act sought to prompt a nationwide rationalisation of extant local authority local legislation at a time of fundamental reorganisation of Scottish local government. It is because of the lack of progress made by local authorities in implementing such rationalisation that the Scottish Law Commission has, like the Law Commission, undertaken to recommend repeal of particular provisions of local legislation by means of a Statute Law (Repeals) Bill.

#### *Group 2 - Dog Warden Acts*

- 3.15 The enactments in Part III, Group 2 are proposed for repeal because public general statutory provisions were enacted in 1982 regulating the appointment and powers of local authority dog wardens which superseded the equivalents in the local Acts identified in Group 2. These local Acts were, at the time of enactment of the public general statutory provisions mentioned, repealed but only in general terms. (There are in fact 19 Scottish local Acts dated between 1976 and 1981 which deal with the appointment and powers of dog wardens. Thirteen of these Acts are proposed for repeal in this Bill. It is expected that the remaining six will be proposed for repeal in a subsequent Statute Law (Repeals) Bill).
- 3.16 Section 3 of the Dogs Act 1906 (the 1906 Act) empowers a policeman to seize a stray dog in a public place and to arrange for its possible destruction if the dog is not claimed within eight days of seizure. Scottish District Councils were anxious to employ dog wardens with powers similar to those conferred by section 3 of the 1906 Act on policemen, but as there was no public general legislation forthcoming to confer these powers, different District Councils from time to time made Provisional Orders expressly to extend the scope of section 3 of the 1906 Act - but only for

<sup>13</sup> See para 3.4 above.

application within the area of the particular District Council. These Provisional Orders were duly confirmed by Acts of Parliament.

3.17 Subsequently, section 128 of the Civic Government (Scotland) Act 1982 amended section 3 of the 1906 Act on a Scotland-wide basis to the same effect as had been achieved by the Provisional Orders mentioned and also repealed, in general terms, those local provisions which had amended section 3 (or conferred upon a District Council powers equivalent to those in section 3) of the 1906 Act. Section 128 was brought into force on 1 April 1983.

3.18 The following District Council Order Confirmation Acts are therefore proposed for repeal as having been superseded by provisions of public general statute and also repealed in general terms:

- City of Glasgow District Council Order Confirmation Act 1977
- Monklands District Council Order Confirmation Act 1978
- Stirling District Council Order Confirmation Act 1979
- Kilmarnock & Loudoun District Council Order Confirmation Act 1979
- Inverness District Council Order Confirmation Act 1980
- Kirkcaldy District Council Order Confirmation Act 1980
- Lochaber District Council Order Confirmation Act 1980
- Strathkelvin District Council Order Confirmation Act 1980
- West Lothian District Council Order Confirmation Act 1980
- Cumnock & Doon Valley District Council Order Confirmation Act 1981
- Dunfermline District Council Order Confirmation Act 1981
- Midlothian District Council Order Confirmation Act 1981.

In each of these 12 cases the particular District Council to which the local Act relates and the Scottish Office Environment Department have been consulted about the proposed repeal and have no objection.

3.19 The East Kilbride District Council Order Confirmation Act 1976 (the 1976 local Act) made the same express extension of the scope of section 3 of the 1906 Act as described above, but again only for the purpose of application to the area of East Kilbride District. As a result of the commencement of section 128 of the Civic Government (Scotland) Act 1982, the relevant provisions of the 1976 local Act have likewise been both superseded and repealed in general terms. The 1976 local Act also made provision for matters concerning liquor licensing. Section 91(6) of the Local Government (Scotland) Act 1973 prohibited the grant of certificates for the sale of liquor in premises provided by District Councils for social, recreational or cultural activities. The 1976 local Act explicitly disapplied section 91(6) so far as identified recreational and cultural premises provided by the District Council were concerned, and declared that members of the District Licensing Court who were also members of the District Council were not disqualified from acting in the

granting of a certificate for the sale of liquor in such named premises, solely by virtue of being members of the District Council. The 1976 local Act also explicitly empowered the District Council to hold certificates for the sale of liquor in those named premises. These liquor licensing provisions have been rendered obsolete or unnecessary as a result of the repeal of section 91(6) of the 1973 Act by the Licensing (Scotland) Act 1976. Thus all provisions of the 1976 local Act have been superseded or rendered obsolete or unnecessary by subsequent provisions of public general statute. East Kilbride District Council and the Scottish Office Environment and Home and Health Departments have been consulted about the proposed repeal and have no objection.

### *Group 3 - Other Repeals*

- 3.20 The repeals proposed in Group 3 are of miscellaneous local Acts all of which have been subject to the operation of the general repeal discussed in greater detail in paragraph 3.5 above. As there explained, this general repeal eventually took effect throughout Scotland at the end of 1984. In the case of Strathclyde Regional Council, however, commencement of repeal was further delayed until 31 December 1991 - a fact which is relevant to several of the Acts listed in Group 3.
- 3.21 The Lanarkshire, Renfrewshire and Dunbartonshire Education Authorities Order Confirmation Act 1929 modified section 62 of the Glasgow Boundaries Act 1925 in order that the Secretary of State could then exercise power under the amended section 62 to give effect by order to financial adjustments between any of the Education Authorities of the counties of Lanark, Renfrew or Dunbarton and that of the City of Glasgow. The possibility of adjustments arose from the fact that parts of the areas of those counties were to be incorporated into the City of Glasgow and thus would no longer be regulated by the Education Authorities of their respective counties. Section 62 as originally enacted had allowed for the order-making power to be exercised only in the case of adjustments between the City of Glasgow and any of the County Councils of the named counties. Since section 62 is however now spent, and has subsequently been rendered obsolete by the transfer of the education function in all four named local authority areas to Strathclyde Regional Council, the 1929 Act is proposed for repeal. Strathclyde Regional Council and the Scottish Office Education Department have been consulted about the proposed repeal and have no objection.
- 3.22 Kilmarnock Corporation Order Confirmation Act 1952 and Hamilton Burgh Order Confirmation Act 1952 are local Acts designed to remove the financial limitation imposed by section 191 of the Local Government (Scotland) Act 1947 on the level of composite burgh rate which might be expended on libraries (colloquially referred to as "the library rate"). In both cases the removal of the statutory limitation operated only in the application of section 191 to the burgh in question. The Local Government (Scotland) Act 1973 replaced burgh rates with a scheme of regional

and district rates and consequently expressly repealed section 191. The substantive provisions of the two local Acts of 1952 have therefore been rendered obsolete. Kilmarnock and Loudoun District Council (as successors to Kilmarnock Corporation), Hamilton District Council (as successors to Hamilton Corporation) and Strathclyde Regional Council have been consulted about the proposed repeal and have no objection.

3.23 Fife County Council Order Confirmation Act 1970, Stirling County Council Order Confirmation Act 1970, Dunbarton County Council Order Confirmation Act 1971 and Ayr County Council Order Confirmation Act 1974 all confer and regulate specific borrowing powers of those particular County Councils. In all four cases the provisions have been superseded by the wider provisions of public general statute. The extensive borrowing powers now available to their successor local authorities (whether District Councils or Regional Councils) are subject to the terms of section 16 and Schedule 3 to the Local Government (Scotland) Act 1975 (c.30) and relevant regulations. In each of the four cases, all the District Councils and Regional Councils falling within the area of the former County Council have been consulted about the proposed repeal and have no objection.

3.24 The Fife County Council Order Confirmation Act 1974 (the 1974 local Act) established a scheme of taxi licensing in the County of Fife, whereas the Burgh Police (Scotland) Acts 1892-1911 had established a uniform system of licensing of "hackney carriages", but only in burghs. The Burgh Police Acts survived until the end of 1984, by which time a modern code of civic government, applicable throughout Scotland, and introducing *inter alia* uniform provisions to deal with the licensing and regulation of taxis and private hire cars had been provided under the Civic Government (Scotland) Act 1982 (the 1982 Act). By virtue of the 1982 Act the function of taxi licensing fell to District Councils. Following the adoption of the taxi licensing provisions of the 1982 Act by three District Councils, the combined areas of which covered the whole of the former County of Fife, the provisions of the 1974 local Act were superseded by public general statute. SIs 1978 Nos 584 and 585, also proposed for repeal, had effected modifications to the 1974 local Act to enable it to be implemented throughout their respective areas by the District Councils, pending the coming into force of the 1982 Act. These two statutory instruments have therefore likewise been superseded. The District Councils involved, namely Dunfermline, North East Fife and Kirkcaldy District Councils, as well as Fife Regional Council and the Scottish Office, Environment and Home and Health Departments, have been consulted about the proposed repeals and have no objection.



## PART IV

### STATUTORY CITATION

- 4.1 The enactments proposed for repeal in this Part consist of provisions authorising the citation of Acts (referred to here as “donee Acts”) by short titles listed in schedules to the enactments. The (very lengthy)<sup>1</sup> provisions assigning short titles are contained in:

Short Titles Act 1896, section 1 and Schedule 1;  
Statute Law Revision Act 1948, section 5 and Schedule 2 (158 Acts);  
Short Titles Act (Northern Ireland) 1951, section 1 and the Schedule (179 Acts);  
Statute Law Revision (Scotland) Act 1964, section 2 and Schedule 2 (164 Acts);  
Statute Law (Repeals) Act 1977, section 3 and Schedule 3 (eight Acts);  
Statute Law (Repeals) Act 1978, section 2 and Schedule 3 (three Acts).

- 4.2 Official short titles were first introduced during the 1840s after the titles of statutes had become so unwieldy<sup>2</sup> that they ceased to be useful as a means of citation. Statutes of general importance had acquired short unofficial names, such as Jervis’ Act, but this Act continued to be cited officially as -

An Act of the session of the eleventh and twelfth years of reign of Her present Majesty Queen Victoria, chapter forty-three, intituled ‘An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders.’

Although the practice of providing a short title became increasingly frequent during the course of the century, many still in force did not have them, causing inconvenience for the purpose of citation, particularly when statutes came to be issued in official revised editions. The Short Titles Act 1896<sup>3</sup> was accordingly passed which by section 1 authorised the citation of some 2,000 Acts by specified short titles.<sup>4</sup> Thus the Act known as Jervis’ Act was assigned the short title “The Summary Jurisdiction Act 1848”. The 1896 Act was later supplemented by the provisions listed in paragraph 4.1.

<sup>1</sup> The enactments in Pt IV proposed for repeal run to some 250 pages in the Statutes Revised and Public General Statutes, and over thirty pages in the Statutes of Northern Ireland.

<sup>2</sup> An extreme example is 19 Geo 2 c.26 (1745) [Attainder of the Early of Kellie and others]. The title ran to 400 words and 65 lines of print. The Act was repealed by the Statute Law (Repeals) Act 1977.

<sup>3</sup> Preceded by the Short Titles Act 1892, repealed by the 1896 Act.

<sup>4</sup> Section 1 states: “Each of the Acts mentioned in the First Schedule to this Act may, without prejudice to any other mode of citation, be cited by the short title therein mentioned in that behalf”.

- 4.3 Section 19(2) of the Interpretation Act 1978 (repealing and consolidating section 3 of the Short Titles Act 1896), provides that:

“An Act may continue to be cited by the short title authorised by any enactment notwithstanding the repeal of the enactment”.

The very existence of section 19(2) implies that any enactment (such as section 1 of the Short Titles Act 1896) authorising the citation of a donee Act by a specified short title has a continuing effect, so long as the enactment is unrepealed and at least while any donee Act remains in force. But section 19(2) also preserves the effect of an enactment authorising the citation of a donee Act by a specified short title even if that enactment is repealed: a donee Act may continue to be cited by the short title assigned to it, whether or not the Act assigning that title is repealed. Thus section 19(2) deprives enactments assigning short titles of any usefulness in relation to unrepealed donee Acts: the effect of those enactments is the same whether or not they are in force. Section 2 of the Short Titles Act (Northern Ireland) 1951 has a similar effect as regards Acts of the Irish Parliament before 1800 applicable in Northern Ireland. Accordingly the provisions referred to in paragraph 4.1 are proposed for repeal on the basis that they are unnecessary and of no practical utility. In the case of the Statute Law Revision (Scotland) Act 1964, the only other provisions of that Act in force are ancillary to the provisions proposed for repeal. The whole of that Act is therefore proposed for repeal.

- 4.4 Section 2(1) of the Short Titles Act 1896 authorised the citation of specified groups of Acts (there were 132 such groups at the date of enactment) by the collective titles listed in Schedule 2 to the Act. It is in terms similar to section 1<sup>5</sup> and must therefore be assumed to have a continuing effect and utility; section 19(2) of the Interpretation Act 1978 does not, however, apply to it and it cannot therefore be repealed on the basis that it is unnecessary. But where all Acts in a group assigned a collective title have been repealed, that title is spent; and where all but one of the Acts in such a group have been repealed, the collective title no longer performs a useful function: the surviving, unrepealed Act may be cited by its own short title. Accordingly collective titles in Schedule 2 to the 1896 Act, together with the relevant entries for the groups of Acts, are in these instances proposed for repeal. This would account for 74 of the surviving 127 collective titles in Schedule 2.<sup>6</sup>

- 4.5 The Lord Chancellor's Department, the Lord Advocate's Department and the Northern Irish authorities (with whose consent and agreement the repeal of the

<sup>5</sup> It states: “Each of the group of Acts mentioned in the Second Schedule to this Act may, without prejudice to any other mode of citation, be cited by the collective title therein mentioned in that behalf”. Compare s 1, n 3 above.

<sup>6</sup> Five collective titles were repealed by the Statute Law Revision Act 1908.

provisions in the Short Titles Act (Northern Ireland) 1951 is proposed) have been consulted and agree that these provisions may be repealed.

## PART V

### TRANSPORT

#### *Group 1 - Pilotage Orders Confirmation Acts*

- 5.1 The Pilotage Orders Confirmation Acts were enacted under powers provided by the Pilotage Act 1913 (a consolidating Act) and its predecessors. That Act made provision for pilotage authorities and districts to be established by pilotage orders. The power to make pilotage orders rested in the Secretary of State, but in specified instances the orders required confirmation by Parliament in accordance with procedures laid down by the Act. Pilotage authorities were abolished by the Pilotage Act 1987 and with them the powers under which, and the procedures by which, the confirmation Acts had been enacted. Pilotage authorities were replaced by competent harbour authorities, and the regime of pilotage orders was superseded. Confirmation Acts still in force are therefore obsolete. So, too, is that part of the Stornoway Harbour Order, confirmed by the Stornoway Harbour Order Confirmation Act 1976, conferring pilotage district status for the purposes of the Pilotage Act 1913 on the harbour in question. The Department of Transport agrees with the proposed repeals.

#### *Group 2 - Other Repeals*

- 5.2 The Air Travel Reserve Fund Act 1975 (the 1975 Act) made provision for establishing an Air Travel Reserve Fund (the Fund) from which payments could be made in certain cases in respect of losses or liabilities incurred by customers of air travel organisers in consequence of the inability of those organisers to meet their financial commitments in respect of certain overseas travel contracts. The 1975 Act established the Air Travel Reserve Fund Agency (the Agency) to hold, manage and apply the Fund; it further provided for contributions to be required from air travel organisers for the purposes of the Fund. The Secretary of State was given power by the 1975 Act to make loans to the Agency, and to dissolve the Agency and wind up the Fund. Under these powers the Fund was wound up in February 1986 and the Agency was dissolved in June 1986.<sup>1</sup> The Fund's assets were vested in the Trustees of the Air Travel Trust constituted by virtue of a Trust Deed of January 1986, which also constituted a trust fund to which the assets of the Fund were transferred. As a consequence of these events none of the provisions of the 1975 Act now serve any useful purpose and the Act is proposed for repeal on the basis that it is no longer of any practical utility. The Department of Transport and the Civil Aviation Authority have been consulted and both agree that the 1975 Act may be repealed.

<sup>1</sup> See the Air Travel Reserve Fund (Winding up of Fund and Dissolution of Agency) Order 1986, SI 1986 No 155.

5.3 The main purpose of the Civil Aviation Act 1978 was to establish the Aviation Security Fund (section 1) and to empower the Secretary of State to make regulations for requiring "aerodrome authorities" to pay him contributions (section 2). Other sections gave power to the Secretary of State to direct various matters by order. However, all sections in the Act giving power to make regulations or orders for specified purposes have been repealed. The remaining sections are -

section 13 (orders and regulations, how made) which, for the reasons given above, is spent;

section 14 Schedules 1 and 2 (amendments and repeals) which, so far as unrepealed, is or becomes spent;

section 15 (interpretation) which, so far as unrepealed, is spent; and

section 16 (short title, commencement and extent) which, so far as unrepealed, is ancillary to the preceding sections.

The Department of Transport agrees with the proposed repeals.

5.4 In section 18(8) of the Highways Act 1980, the reference to a "rural parish" should, by virtue of the Local Government Act 1972, section 179, be to a "parish"; the word "rural" is therefore obsolete (see also paragraph 6.24). The Department of Transport agrees with the proposed repeal.

5.5 The words "and to the community in the case of a community in Wales without a council" in section 48(7)(a) of the Civil Aviation Act 1982 are of no practical utility because a community is merely a local government area in Wales which is not capable, as required by section 48(6), of receiving the notices to which that subsection refers. The Department of Transport and the Welsh Office have been consulted and agree with the proposed repeal.

5.6 Section 60(3)(k) of the Civil Aviation Act 1982 enables provision to be made in any Air Navigation Order made under the section to regulate the use of the "civil air ensign" or other ensign authorised for air navigation purposes. No Order made since 1949 under section 60 or its predecessor in the Civil Aviation Act 1949<sup>2</sup> has ever contained such provision. Section 60(3)(k) is therefore proposed for repeal as unnecessary. The Department of Transport and the Civil Aviation Authority agree with the proposed repeal.

<sup>2</sup> See Civil Aviation Act 1949, s 8(2)(k); and see the Air Navigation Order 1949, SI 1949 No 349 and subsequent successive Air Navigation Orders.

- 5.7 Paragraph 11 of Schedule 14 to the Civil Aviation Act 1982 saved certain agreements which would otherwise have been affected by the repeal by that Act of section 7 of the Civil Aviation Act 1978 (see paragraph 5.3); the agreements have expired and the provision is spent. Paragraph 20 of Schedule 15 amended certain provisions of the Civil Aviation Act 1978 which have either already been repealed or are now proposed for repeal (see paragraph 5.3); the paragraph is therefore spent. The Department of Transport agrees with the proposed repeals.
- 5.8 Section 69 of the London Passenger Transport Act 1937 empowers London Regional Transport to make byelaws requiring persons waiting to enter any public services vehicles at any stopping place or terminus "to wait in lines or queues" and to enter the vehicles "in the order in which they stood in such line or queue". Byelaws made under the section have been revoked as unnecessary and not in use and it is understood that it is not intended that they should be replaced. Section 69 is therefore proposed for repeal as unnecessary. The repeal in Schedule 4 of the London Regional Transport Act 1984 is consequential. The Department of Transport and London Transport agree with the proposed repeals.
- 5.9 The proposed repeals of provisions in the Transport Act 1985 are consequential upon changes made by the Deregulation and Contracting Out Act 1994. Each provision refers to a Public Service Vehicle (PSV) operator's licence which for the time being is of no effect because of its suspension. The 1994 Act provided that a PSV licence should remain in force during a period of suspension.<sup>3</sup> Thus a suspended licence is no longer of no effect (it has legal effect for a variety of purposes) and there are no circumstances in which a suspended PSV licence can be of no effect solely by reason of its suspension. The provisions proposed for repeal are consequently unnecessary. The Department of Transport agrees with the proposed repeals.

<sup>3</sup> See s 62(2) and s 62(3) which inserts a new s 17(5A) to this effect in the Public Passenger Vehicles Act 1981. Section 62 came into force on 3 January 1995 (Deregulation and Contracting Out Act 1994 (Commencement No 2) Order 1994, SI 1994 No 3188, Article 3(j)).

## PART VI

### MISCELLANEOUS

#### *Group 1 - General Repeals*

- 6.1 The Regimental Accounts Act 1808 enabled orders to be issued for the examination and settlement of the accounts of regimental expenditures. To combat the then prevalent corruption in disbursing and auditing sums payable to the armed forces, an Act of 1805 dealt in such detail with control of expenditure that it was found impossible strictly to comply with it. A report of Commissioners of Military Inquiry in 1808 recommended that accounting be dealt with instead by regulations "issued from the Offices of the Secretary of War". The Act of 1808 accordingly repealed the Act of 1805 and substituted provision for warrants under the royal sign manual to make orders and establish rules and regulations for more speedy and effective examination and settlement of the accounts of regimental expenditures. It also expressly made the regimental agent accountable for shortfalls when his accounts were examined and settled, thereby giving effect to other recommendations of the Commissioners. This machinery for disbursing and accounting for expenditure has long been superseded and the Act is obsolete. The Ministry of Defence agrees with the proposed repeal.
- 6.2 The Distress (Costs) Act 1817 was enacted to deal with a contemporary abuse during the troubled and depressed times which followed the Napoleonic Wars. Its purpose was "to regulate the costs of distress for payment of small rents" and it was enacted to prevent imposition of the excess charges then being levied on those against whom distress was levied for small debts "to the great oppression of poor tenants and others" (preamble). It was limited in operation to cases in which the amounts levied by distress did not exceed £20. In such cases a fixed charge for costs prescribed: a maximum of 3 shillings (15 pence) for levying distress, 2s 6d (13 pence) for a man in possession per day and 10 shillings (50 pence) for expenses of advertisement. The sums so specified have remained unaltered since 1817. The Act of 1817 was extended by the Distress (Costs) Act 1827 to cover distress for taxes, rates, tithes etc. where the debt similarly did not exceed £20. The charges permitted for levying distress, derisory in modern terms, now effectively preclude distress at economic rates for debts to which the two Acts apply where the sums in question are under £20 - a result divergent from the original intention of the Acts and in any event a matter which it is unnecessary to regulate by statute. Modern regulations now control distress for rent<sup>1</sup> and, more generally, the courts have power to grant relief where unreasonable charges for distress are levied.<sup>2</sup> The operation of the Acts

<sup>1</sup> Distress for Rent Rules 1988 (SI 1988 No 2050).

<sup>2</sup> *R v Philbrick, Ex parte Edwards* [1905] 2 KB 108.

has been excluded in relation to, amongst others, income tax and all forms of charges imposed for the financing of local authorities. The Acts have outlived their usefulness, being obsolete, or unnecessary and of no practical utility under modern conditions. There are consequential repeals in the Community Charges (Administration and Enforcement Regulations (SI 1989 No 438), the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (SI 1989 No 1058) and the Council Tax (Administration and Enforcement) Regulations 1992 (SI 1992 No 613). The Department of the Environment, the Lord Chancellor's Department, the Ministry of Agriculture, Fisheries and Food, the Inland Revenue, the Commissioners of Customs and Excise, the Church Commissioners, the General Synod of the Church of England and the Crown Estate Paving Commission have been consulted about the proposed repeals and have no objection.

6.3 The Unlawful Drilling Act 1819 is one of the two surviving "Six Acts" passed in 1819 to deal with civil unrest<sup>3</sup> and was intended to prevent meetings for the training of persons to the use of arms. The unrest in question followed the "Peterloo" massacre earlier in 1819 when a peaceful crowd of some sixty to eighty thousand, which had assembled at St. Peter's Field, Manchester to hear the radical orator Hunt, were fired upon by the hussars when the magistrates found it impossible to execute a warrant for his arrest. The sole surviving substantive section of the Firearms Act 1920, section 16, amends section 1 of the 1819 Act by means of a non-textual amendment. The words proposed in paragraph 1(a) and (b) of Schedule 2 (consequential and connected provisions) for insertion in section 1 of the 1819 Act have the same effect as section 16 of the 1920 Act as that Act applies, respectively, in Great Britain and Northern Ireland. This amendment would thus permit repeal of the whole of the 1920 Act. The connected provision in paragraph 1(c) of Schedule 2 brings section 1 of the 1819 Act textually into line with the general law by substituting a reference to imprisonment (for a maximum of seven years) for the obsolete reference in the 1819 Act to transportation (for a maximum of seven years) as the penalty for the principal offences under section 1 of unlawfully training or drilling others in the use of arms.<sup>4</sup> The words in section 1 of the 1819 Act proposed for repeal provide an alternative penalty of imprisonment for up to two years for these offences and, with the proposed substitution of seven years' imprisonment for the obsolete reference to transportation, the alternative and lesser penalty is unnecessary. The Home Office, the Scottish Courts Administration and the authorities in Northern Ireland (with whose agreement and consent the repeals,

<sup>3</sup> The other is the Criminal Libel Act 1819. "Considering the state of near panic in which they were drafted, the notorious Six Acts might have been much worse" (Wendy Hinde, *George Canning* (1973) p 294).

<sup>4</sup> The Penal Servitude Act 1857 (c.3) abolished the penalty of transportation and substituted penal servitude; this was abolished and replaced by imprisonment: see the Criminal Justice Act 1948 (c.58), s 1(1) and in Northern Ireland the Criminal Justice Act (Northern Ireland) 1953, s 1.



as they affect Northern Ireland, are proposed) have been consulted and agree with the proposed repeals and amendments.

6.4 Sections 35 to 37 of the Metropolitan Police Act 1839 were intended for the prevention of gunpowder and other explosions in the Port of London. Section 35 gave power to the police to seize unlawful quantities of gunpowder on vessels on the river Thames and its "docks and creeks"; section 36 created a summary offence penalising the masters of vessels in a specified reach of the Thames (between Westminster Bridge and Blackwall) for having on board guns loaded with ball or for discharging guns at night; and section 37 similarly penalised masters of vessels who on vessels on the same reach heated any combustible material such as pitch, tallow or oil. The provisions have effectively been superseded and are now unnecessary. Gunpowder is not now in the general use which made it so dangerous at the time of enactment and the historical purpose of the provisions has been lost. So far as may be necessary, the circumstances and activities contemplated by the provisions are sufficiently controlled by more recent legislation relating to explosives (the Explosives Act 1875 as amended), firearms (the Firearms Act 1968) and current regulations controlling the firefighting capacity and the structural safety of vessels. The proposed repeals are agreed by the Home Office, the Crown Prosecution Service, and the Metropolitan Police. The Home Office has consulted the London Fire and Civil Defence Authority, the Department of Transport, and the Chief Harbourmaster, Port of London, none of whom object to the proposed repeals.

6.5 Section 4 of the Evidence Act 1845 (so far as now in force) created offences to punish the making of specified false documents or knowingly tendering such documents in evidence; it provided also for the impounding of such documents. The section supplemented section 3 of the Act which dispensed with the formal proof of specified documents (including copies of local and personal Acts of Parliament and the official record of both Houses) in legal proceedings. Section 4, which is in archaic terms,<sup>5</sup> has been little, if at all, used: there are no recorded or reported cases under it. Other similar offences were repealed by the Statute Law (Repeals) Act 1993.<sup>6</sup> So far as may be necessary for the protection of the documents in question, there are modern offences in the Forgery and Counterfeiting Act 1981, Part I of which penalises copying a false instrument (section 2), using a false instrument (section 3) and using a copy of a false instrument (section 4). On indictment,<sup>7</sup> the maximum sentence for these offences is ten years' imprisonment. The 1981 Act also

<sup>5</sup> Eg the penalty for the offences is transportation for seven years; in modern terms this translates into an offence punishable with imprisonment not exceeding seven years: see n 4.

<sup>6</sup> Documentary Evidence Act 1868, s 4; Documentary Evidence Act 1882, s 3; Evidence (Colonial Statutes) Act 1907, s 1(2). See Statute Law (Repeals) Act 1993, Sch 1, Pt I.

<sup>7</sup> On summary conviction, the penalty is a fine not exceeding the statutory maximum or imprisonment not exceeding six months, or both.

provides for forfeiture and disposal of objects shown to relate to an offence. The proposed repeal is agreed to by the Home Office and by the authorities of both Houses of Parliament. The Act of 1845 does not extend to Scotland, but does apply in Northern Ireland. The repeal of the entry relating to section 4 of the Act in Schedule 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 is consequential and is proposed with the consent and agreement of the Northern Ireland authorities.

- 6.6 The Great Seal (Offices) Act 1874 was enacted "to provide for the abolition of certain offices connected with the Great Seal, and to make better provision respecting the offices of the Clerk of the Crown in Chancery" (long title). The provisions proposed for repeal provided for the salary of the officer assuming the duties of messenger of the Great Seal, transferred the functions of the purse bearer<sup>8</sup> to the gentleman of the Chamber attending the Great Seal, and saved the fees of certain officers at the commencement of the Act. All are now either spent or unnecessary. The Lord Chancellor's Department has been consulted and has no objection to the proposed repeals.
- 6.7 The Regimental Exchange Act 1875 authorised exchanges to be made by officers in the armed forces from one regiment or corps to another, on conditions as to payment for such exchanges laid down by regulations. It was passed in the wake of the reforms by Edward Cardwell, Secretary for War, in the early 1870s which abolished the system of purchase of commissions and promotions in the Army. Those reforms also made illegal all money payments for exchanges of commissions other than those which were strictly needed to effect an exchange. Complaints that this caused hardship in some cases were confirmed by a Royal Commission,<sup>9</sup> which accordingly recommended removal of the prohibition on money payments for such exchanges, subject to imposition of effective controls. The 1875 Act made provision accordingly, and the recommended controls were contained in Queen's Regulations. The practice recognised by the Act has, however, fallen out of use and current Queen's regulations make no provision for bilateral agreements between officers for exchange as envisaged by the Act. The Act is therefore obsolete and serves no useful purpose. The Ministry of Defence agrees with its proposed repeal.

<sup>8</sup> Sir H C Maxwell-Lyte's *Historical Notes on the Use of the Great Seal in England* (1926) pp 264, 291-2, records that the post of purse bearer was one of great trust, requiring "an honest bred, understanding man" (B M Hargrave MS 321 p 298). In the early nineteenth century the purse bearer received a salary of £480 from the Lord Chancellor, and the fees he collected in respect of 'private seals' were divided according to a fixed scale between the Lord Chancellor, the Chaffwax, the Sealer and the Gentleman of the Chamber attending the great seal. He also received certain fees "as for the Deputy Pursebearer", a non-existent officer.

<sup>9</sup> Report of the Commissioners Appointed to Inquire into Certain Memorials from Officers in the Army, in Reference to the Abolition of Purchase (1874) C 1018.

- 6.8 Section 3 of the Housing of the Working Classes Act 1885, which is now the only operative section (other than that providing the Act's short title) in force, provides that in the event of removal of Millbank or Pentonville Penitentiary from their present sites, it shall be lawful for Her Majesty, on the recommendation of the Commissioners of Her Majesty's Treasury, and subject to such conditions as they think reasonable, to sell and convey those sites or any part of them to the Metropolitan Board of Works<sup>10</sup> at a fair market price. It also provides that in the event of the removal of Coldbath Fields Prison, or House of Detention, Clerkenwell, it shall be lawful for the justice of the peace for Middlesex to sell and convey similarly at such a price. The 1885 Act applies now only to the site of Pentonville Prison. The original intention behind section 3 of the 1885 Act was to enable the Prison Commissioners (who until 1963 held the legal estate in most prisons) and the Middlesex justices to sell the land in question below market value to benefit the housing of the working classes. This aroused such opposition in Parliament during the passage of the legislation that the section was amended to permit sale only at a fair market price, in which form it was enacted. This deprived the section of much of its purpose, since the Crown already had that power in relation to most prisons. Today the power to dispose of all prisons is vested in the Secretary of State<sup>11</sup> and section 3 of the 1885 Act adds nothing to the general law governing the sale of prison property. It is therefore of no practical utility and the whole Act may be proposed for repeal on that basis. The Home Office agrees with the proposed repeal.
- 6.9 The Brine Pumping (Compensation for Subsidence) Act 1891 (the 1891 Act) was enacted to provide a framework for the award of compensation for subsidence in districts where the pumping of brine for the manufacture of salt was carried on but where it was impossible to identify the particular operations which caused or contributed to subsidence. It authorised the establishment of compensation districts, each with a compensation board, the establishment of each district being subject to confirmation by Act of Parliament. The board was empowered to raise a compensation fund by a levy on the brine pumpers in the district. The authorisation provided for by the Act was exercised in only one instance and the compensation district so established, the Northwich Salt Compensation District (confirmed by the Brine Pumping (Compensation for Subsidence) Provisional Order Compensation Act 1896), was later abolished and replaced by a wider compensation district established by the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952. There were several reasons for this. First, enlargement of the brine-pumping district to cover a substantial part of the county of Cheshire was considered not to be feasible under the terms of the 1891 Act making provision for alteration of

<sup>10</sup> Succeeded by the London county council in 1888; in 1963 the LCC's powers devolved in part on the London boroughs and in part on the Greater London Council; the GLC was abolished by the Local Government Act 1985.

<sup>11</sup> Prison Act 1952, s 35.

districts. Secondly, the limits laid down by that Act upon the levy on brine pumping (3d (about 1 pence) per 1000 gallons of brine pumped) had by 1952 become wholly unrealistic. Thirdly, developments in the techniques of brine pumping greatly reduced the risk and incidence of subsidence; but the consequent perceived need to make special arrangements for the levies on brine pumpers using those techniques could not be accommodated within the terms of the 1891 Act. Elsewhere subsidence caused by brine pumping has never been sufficiently serious to require the 1891 Act to be invoked, and the almost exclusive use today of the new pumping techniques referred to, known as "controlled pumping", makes it extremely unlikely that subsidence on the scale which led to the enactment of the 1891 Act will be encountered in future. It is therefore unnecessary that provision should continue to be made for the matter by general (as distinct from the current local) legislation. But even if there were extensive subsidence in the future, the antiquated character of the 1891 Act would make it wholly impracticable to secure redress through its provisions. So much is demonstrated by the reasons which led to its replacement in Cheshire by the Act of 1952. Moreover the 1891 Act contains numerous obsolete references which have never been updated to (among others) rateable values, assessed by reference to the poor rate, and the powers of poor law inspectors. The Act also depends for its functioning upon procedures, such as inquiries conducted by inspectors of the Local Government Board, which have long been obsolete. The 1891 Act is therefore proposed for repeal as obsolete, or unnecessary and no longer of practical utility. The Department of the Environment has been consulted and agrees that the 1891 Act may be repealed.

- 6.10 Section 1(1) of the Tribunals of Inquiry (Evidence) Act 1921 gave powers equivalent to those of High Court judge (or in Scotland a judge of the Court of Session) for the summoning of witnesses and taking of evidence by tribunals of inquiry which Parliament resolved should be established to inquire into matters of urgent public importance. Section 1(1) was made retrospective in effect to enable it to cover an inquiry set up before enactment.<sup>12</sup> The words included for that purpose now proposed for repeal are spent and unnecessary. The Legal Secretariat to the Law Officers, the Lord Chancellor's Department and Scottish Courts Administration have been consulted and agree with the proposed repeal.
- 6.11 The Greenwich Hospital (Disused Burial Ground) Act 1925 was passed for the purpose of overcoming the prohibition against building on disused burial grounds which was introduced by the Disused Burial Grounds Act 1884. Its object was to permit an extension of the Dreadnought Seamen's Hospital at Greenwich on which it was intended to build a nurses' home. The extension was built in the period 1926 to 1929 and the Act is spent. The Ministry of Defence, the Greenwich Hospital and

<sup>12</sup> The inquiry related to alleged concealment and destruction of documents by officials at the Ministry of Munitions: see *Hansard* (HC), 7 and 9 March 1921, vol 139 cols 192 and 450.

the Seaman's Hospital Society have been consulted and have no objection to the proposed repeal.

- 6.12 The proposed repeal of section 309(4) of the Public Health Act 1936 is consequential on the repeal of section 8 of the Public Health Act 1936 (joint boards representing councils of counties and county boroughs) by the Local Government Act 1972, as a result of which section 309(4) (which made provision for expenses of joint boards under section 8) is obsolete. The Department of Health agrees to the proposed repeal.
- 6.13 Section 315 of the Public Health Act 1936, which applies only to England and Wales, was a transitional provision. It provided for the dissolution of hospital committees constituted under the Isolation Hospitals Acts 1893 and 1901 and the transfer of their property and liabilities to local authorities or joint boards constituted by the Minister of Health by order under the section. The joint hospital boards constituted to replace these isolation hospital committees ceased to exist when the National Health Service Act 1946 reorganised the administration of hospitals. The section is therefore spent and obsolete. The repeal in section 326 is of a spent and unnecessary reference to isolation hospital committees. The Department of Health agrees to the proposed repeals.
- 6.14 The Landlord and Tenant (War Damage) Act 1939 (the 1939 Act), which applies only to England and Wales, implemented the recommendations of the Uthwatt Committee<sup>13</sup> which reported in February 1939 on the law relating to responsibility for the repair of premises damaged by hostilities. The Committee formulated a scheme dealing mainly with leasehold property, where the greatest number of cases of hardship were expected to arise. After hostilities commenced, this complex scheme, as embodied in the 1939 Act, was found not to work satisfactorily and, following the introduction of a state-run compensation scheme by the War Damage Act 1941, the 1939 Act was modified to take account of that scheme by the Landlord and Tenant (War Damage)(Amendment) Act 1941 (the 1941 Act). The War Damage Act 1943 later replaced the War Damage Act 1941. All compensation schemes under the War Damage Act 1943 have long since been wound up and that Act was repealed by the Statute Law (Repeals) Act 1981. The aim of the repeals in the 1939 and 1941 Acts is therefore to remove the provisions which are consequentially obsolete. This applies to most of section 2 and all of sections 3 to 9, 16 and 17(5) of the 1941 Act; it applies also to the provisions in section 15 of the 1939 Act (as substituted by the 1941 Act) and the part of the Schedule to the 1941 Act proposed for repeal. The proposed repeals in sections 1, 10 and 11 of the 1941 Act are of spent transitional provisions. The Treasury, the Ministry of Defence, the

<sup>13</sup> Report of the Committee on the Responsibility for the Repair of Premises damaged by Hostilities (1939) Cmnd 5934.

Lord Chancellor's Department and the Department of the Environment have agreed to the proposed repeals.

- 6.15 The Landlord and Tenant (War Damage) Act (Northern Ireland) 1941, which applies only to Northern Ireland, enacted provisions for Northern Ireland corresponding to those enacted for England and Wales by the Landlord and Tenant (War Damage) Acts 1939 and 1941 (see paragraph 6.14). The proposed repeals are either consequential on the ending of compensation payments under the War Damage Act 1943 or are of spent transitional provisions. The Northern Ireland authorities, with whose consent the repeals are proposed, have been consulted and agree with them.
- 6.16 Section 17(2) and (3) of the Trading with the Enemy Act 1939 is spent or is of no practical utility. Section 17(2) enabled the Act to come into operation on a deemed date (3 September 1939) specified by Order, but protected anyone from penalties for anything done before the date of passing of the Act (5 September) which was not unlawful at common law. The subsection is spent. Section 17(3) saved the operation of certain Orders in Council<sup>14</sup> made under an Act repealed by the subsection;<sup>15</sup> these Orders are now obsolete, and this part of the subsection is therefore itself obsolete and of no practical utility. The Orders in question would lapse with the repeal of this saving. Section 17(3) also saved the operation of enactments repealed by the subsection<sup>16</sup> as applied or amended by Orders made under certain further Acts, all of which have themselves now been repealed.<sup>17</sup> This part of section 17(3) is therefore spent. The Treasury and the Department of Trade and Industry agree with the proposed repeals.
- 6.17 The Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939 was intended to bring into line with war conditions the various Acts then dealing with patent, designs, copyright and trade marks. Section 1 dealt with provisions as to existing licences under patents, designs and copyright of enemies and enemy subjects; and section 2 dealt with the power of the comptroller of enemy property to grant such licences to others. The proposed repeals would remove words in each

<sup>14</sup> The Orders, dating from 1914-1923, directed the Custodian of Enemy Property appointed under s 5 of the Trading with the Enemy Amendment Act 1914 (rep) how to hold and deal with enemy property during and after the First World War; and made provision for the practice and procedure to be adopted when enemy property was vested in the Custodian.

<sup>15</sup> The Trading with the Enemy Amendment Act 1914 (c.12), repealed by that part of s 17(3) of the 1939 Act which was repealed by the Statute Law Revision Act 1950 (c.6).

<sup>16</sup> The repeals were themselves repealed; see n 15.

<sup>17</sup> The Treaty of Peace Act 1919 (c.33), repealed by the Statute Law (Repeals) Act 1976 (c.16); the Treaty of Peace (Austria and Bulgaria) Act 1920 (c.6), the Treaty of Peace (Hungary) Act 1921 (c.11), the Treaty of Peace (Turkey) Act 1924 (c.7), all repealed by the Statute Law Revision Act 1966 (c.5).

section which gave certain provisions in each of them retrospective operation to the date of outbreak of the war in Europe (3 September 1939).<sup>18</sup> The words in each section are spent. The Treasury and the Department of Trade and Industry agree with the proposed repeals.

- 6.18 The War Damage Act 1965 reversed the effect of the decision in *Burmah Oil Co Ltd v Lord Advocate*<sup>19</sup> which held that compensation at common law was payable by the Crown for destruction of or damage to property ordered in the exercise of the prerogative in time of war or imminent danger. The property which was the subject of the proceedings in that case was oil installations near Rangoon, which on the lawful orders of officers in charge of the British army there were destroyed on the day before the advancing Japanese army entered Rangoon (8 March 1942) in order to deny them resources. Section 1(1) of the Act provides that the Crown shall not be liable to pay compensation at common law where on its authority action is taken during or in contemplation of the outbreak of war resulting in damage to or destruction of property. Section 1(2), proposed for repeal, provides that where proceedings have been commenced before the passing of the Act to recover compensation in such circumstances, "the court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only to the determination of any question arising as to costs or expense". There are now no such proceedings before the courts and issues relating to their termination have long since been settled. Section 1(2) is therefore spent. The Treasury and the Ministry of Defence have been consulted and agree with the proposal to repeal section 1(2).
- 6.19 The main purpose of the Land Registration Act 1966 was to suspend voluntary registration of land in England and Wales in order to facilitate the programme of extension of compulsory registration to all built-up areas. Section 1(2), which effected that purpose, is the only operative provision of the 1966 Act to remain.<sup>20</sup> Compulsory registration on sale was extended to the whole of England and Wales with effect from 1 December 1990.<sup>21</sup> The restriction on voluntary registration under the 1966 Act was imposed because of the extra resources which would be required to deal with such registrations outside areas of compulsory registration.<sup>22</sup> Now that all property lies within areas of compulsory registration on sale, little or no extra

<sup>18</sup> Similar such words which appeared in s 3 of this Act went with the enactment of the Trade Marks Act 1994, which substituted a new s 3: Sch 4, para 3(2) (in force 31 October 1994).

<sup>19</sup> [1965] AC 75.

<sup>20</sup> Sections 1(1), 2(3) and the Schedule were repealed by the Statute Law (Repeals) Act 1974 (c.22), Sch, Pt XI; s 1(3) and (4) was repealed by the Land Registration and Land Charges Act 1971 (c.54) ss 3(1), 14(2)(b), Sch 2, Pt II (subject to the saving referred to in para 6.19 above).

<sup>21</sup> The Registration of Title Order 1989, SI 1989 No 1347.

<sup>22</sup> *Hansard* (HL), 24 May 1966, vol 274 cols 1296-97.

resources are required to deal with voluntary registrations and accordingly the 1966 Act no longer serves any useful purpose. Section 2(6) of the Land Registration and Land Charges Act 1971 is a transitional provision which, inter alia, continued section 1(3) of the 1966 Act in force for specified purposes notwithstanding its repeal by the 1971 Act; section 2(6) is now spent. The Lord Chancellor's Department and the Land Registry agree with these proposed repeals.

- 6.20 Schedule 9, paragraph 17(2)(a) and 17(5)(c) of the Post Office Act 1969 refer to the Restriction of Ribbon Development Act 1935, which was repealed by the Statute Law (Repeals) Act 1989. This is therefore a consequential repeal of obsolete references. The Department of Trade and Industry agrees with the proposed repeals.
- 6.21 Section 243(4) of the Local Government Act 1972 validates the period of notice of an *election or poll* held under rules mentioned in section 243(2) in cases where, due to specified supervening events, the period would otherwise be shorter than that required by those rules. Because of changes in the law since 1972, the rules mentioned in section 243(2) now relate only to polls. The reference in section 243(4) to notice of an *election* is therefore obsolete and the words referring to an election may be repealed. The Home Office agrees with the proposed repeal.
- 6.22 The Statute Law (Repeals) Act 1993 (c.50) (Schedule 1, Part V, Group 2) effected a number of repeals to the Insurance Companies Acts 1980 and 1982 (which extended the Insurance Companies Act 1974 (c.49) to Northern Ireland). Other prospective repeals in the Acts of 1980 and 1982 were held over to await the coming into force of provisions in the Friendly Societies Act 1992 (c.40). The repeals in question were of provisions amending the Industrial Assurance (Northern Ireland) Order 1979 (SI 1979 No 1574, NI13); the amendments so made were superseded by amendments made by the 1992 Act. Now that the relevant provisions of the 1992 Act have been brought into force, the repeals held over in 1993 may now be proposed; the relevant provisions in the Acts of 1980 and 1982 are accordingly proposed for repeal as superseded or unnecessary. The Department of Trade and Industry, the Treasury and the Northern Ireland authorities (with whose consent these repeals, as they apply to Northern Ireland, are proposed) have been consulted and agree with the proposed repeals.
- 6.23 The provisions in Schedules 7 and 8 of the Social Security Act 1989 proposed for repeal amended or substituted section 61 of the Social Security Act 1986. That section was, however, repealed by the Pension Schemes Act 1993 and the provisions proposed for repeal are themselves therefore virtually repealed and unnecessary. The Department of Social Security agrees with the proposed repeals.
- 6.24 In section 252(12), and Schedule 14, paragraph 1(2)(b)(ii), of the Town and Country Planning Act 1990 the references to a "rural parish" should, by virtue of



section 179 of the Local Government Act 1972, be to a "parish"; the word "rural" is therefore obsolete (see also paragraph 5.4). The Department of the Environment agrees with the proposed repeals.

### *Group 2 - Bank of England*

6.25 Section 39 of the Bank of England Act 1716 (the 1716 Act) is the sole remaining section of that Act and, so far as it remains in force, purports to authorise the governor and company of the Bank to borrow money upon any contracts, or upon credit of the capital stock, at such rates of interest or upon such terms as they think fit; and to give such security as is satisfactory to lenders; notwithstanding any former law or other restriction. However, the 1716 Act was enacted at a time when the Bank was a private corporation subsequently described by Bagehot as a "Whig finance company",<sup>23</sup> and was ancillary to two other Acts. The purpose of these Acts was to give legislative backing to the plans of the Whig government of 1715 to redeem certain loans taken out at high rates of interest from companies such as the Bank of England and the South Sea Company during the War of the Spanish Succession.<sup>24</sup> With the advent of cheaper money after the cessation of war, the government saw the opportunity for redeeming the loans and thereby reducing the national debt. It fell to the Bank to be the main contractor for the government. The government's principal purpose in these transactions, the establishment of a fund to reduce the national debt, was achieved by the first of the three Acts, the General Fund Act 1716. The main purposes of the 1716 Act were, as noted, incidental to this, among other matters reducing the interest owed to the Bank on certain annuities and cancelling certain Exchequer Bills. All of this legislation, save for section 39 of the 1716 Act, has been repealed.<sup>25</sup> What is left of section 39 has long been obsolete, conspicuously so since 1946 when the Bank was brought under public control, since it is clear that the section as originally enacted introduced a power to borrow simply to enable the Bank to carry out its functions under the

<sup>23</sup> Bagehot, *Lombard Street* (1873, repr 1962) p 45.

<sup>24</sup> A flavour of contemporary feelings about these high interest loans is seen in Aislabie's observation in the House of Commons, 20 May 1716: "That of late years the companies of monied men were grown so proud as not only to treat familiarly with the parliament but even to pretend to dictate to them; ... therefore it was high time to give them a check, and to let them know that the landed men and their representatives were masters of the main spring and stock of the wealth and strength of the Kingdom ...". See Cobbett's *Parliamentary History* (1811) vii, p 453.

<sup>25</sup> The General Fund Act 1716 (3 Geo I c.7) and the South Sea Company Act (3 Geo 1 c.9), both repealed by the Statute Law Revision Act 1870 (c.69), which also repealed the greater part of the Bank of England Act 1716. Parts of s 39 were repealed by the Statute Law Revision Acts 1888 (c.3) and 1948 (c.62).

other provisions of the 1716 Act.<sup>26</sup> The Bank of England has agreed that the 1716 Act may be proposed for repeal.

- 6.26 The remaining Acts and enactments in this Group proposed for repeal empowered the Bank of England to purchase, compulsorily, land adjacent to the Bank, so that it could enlarge its “edifice”, protect it from fires breaking out nearby, and improve the approaches. All of them are spent. Typical of the circumstances with which the Acts were designed to deal are those described in the preamble to the 1764 Act, which begins as follows:

Whereas the Governor and Company of the Bank of England, several years ago, erected their public Edifice in Threadneedle Street, since which Trade and Credit, together with the parliamentary Funds transferrable at the Bank, are so greatly increased, that the present Buildings are too confined for the proper Dispatch of the public Business there, and to admit of sufficient Air for the health of the Clerks and Officers necessarily employed therein, and of Persons attending there: And whereas several Houses (most of which are Public Houses) are too contiguous to the Bank, and the Avenues leading thereto are very narrow, insomuch that, in case of Fire, the Buildings, Papers, and Property of the Bank, may be in Danger of being destroyed, to the irretrievable Loss of the Public; and the Avenues are, at all Times, incommodious for the Concourse of Persons resorting to the Bank ... .

The proposed repeals can affect no-one today because section 16(1) of the Interpretation Act 1978 provides that, unless the contrary intention appears, the repeal of an enactment does not affect its previous operation or anything duly done or suffered under it, or affect any right, privilege, obligation or liability acquired, accrued or incurred under it. The 1765 Act is nevertheless partly excepted from the proposed repeals, in so far as it purports to obviate certain doubts in the Act of 33 Geo 2 (c.30) (1759) for widening certain streets, lanes and passages in the City of London. This is because these enactments belong to a different subject, thoroughfares in the City, which would be better dealt with in its entirety in the context of other legislation on that subject. The Bank of England, the Church Commissioners and the Corporation of the City of London have been consulted and have no objection to the proposed repeals.

<sup>26</sup> The repeal by the legislation noted in n 25 of parts of s 39 of the 1716 Act did not alter the meaning of what was left. Statute Law Revision Acts do not alter the law (*Craies on Statute Law*, (7th ed 1971), p 359) and the meaning of an enactment is not changed by repealing redundant words: see *Attorney General v Lamplough* (1878) 3 Ex D 214, 227 (CA) (Bramwell LJ).

## SCHEDULE 2

### Consequential and Connected Provisions

#### *Unlawful Drilling Act 1819*

1. Consequentially upon the proposed repeal of the Firearms Act 1920 (Group 1 of Part VI of Schedule 1), section 16 of which amends section 1 of the Unlawful Drilling Act 1819 by means of a non-textual amendment, the amendments in paragraph 1(a) and (b) would preserve the effect of the Act of 1920 as it applies, respectively, in Great Britain and Northern Ireland. The amendment in paragraph 1(c) would remove the obsolete reference to transportation in section 1 of the Act of 1819 and substitute a reference to imprisonment, in accordance with current provisions of the criminal law, and would thereby bring section 1 of the Act of 1819 textually into line with the present law.<sup>1</sup>

#### *Conveyancing (Scotland) Act 1874*

2. Consequentially upon the proposed repeal of the Aden, Perim and Kuria Muria Islands Act 1967 (Group 2 of Part II of Schedule 1),<sup>2</sup> the amendment would preserve the effect of paragraph 1 of the Schedule to the Aden, Perim and Kuria Muria Islands Act 1967 (Modification of Enactments) Order 1968 (SI 1968 No.465) (application of section 51 of the Conveyancing (Scotland) Act 1874) made under section 3 of the 1967 Act. The Order would lapse with the repeal of the 1967 Act.

#### *Aden, Perim and Kuria Muria Islands Act 1967*

3. The connected provision in paragraph 3 would preserve the saving for the continued operation of section 4 of the Aden, Perim and Kuria Muria Islands Act 1967 contained in the Overseas Pensions Act 1973 (which repealed section 4), following the proposed repeal of the 1967 Act (Group 2 of Part II of Schedule 1).<sup>3</sup>

<sup>1</sup> Penal Servitude Act 1857; Criminal Justice Act 1948, s 1(1); Criminal Justice Act (Northern Ireland) 1953, s 1. See para 6.3 and n 4 above.

<sup>2</sup> See para-2.10.

<sup>3</sup> See para 2.10.

## **APPENDIX 3**

(Explanatory Note, Schedule 1, para.1.1)

# **CONSULTEES ON REPEAL OF LEGISLATION PROPOSED IN SCHEDULE 1, PART I**

### **Consultees on Bedfordshire Legislation**

Bedfordshire County Council  
Luton Borough Council  
Mid Bedfordshire District Council  
North Bedfordshire Borough Council  
South Bedfordshire District Council  
Buckinghamshire County Council  
Cambridgeshire County Council  
Hertfordshire County Council

Eastern Electricity plc  
East Midlands Electricity plc  
National Grid Company plc  
National Power plc  
Nuclear Electric plc  
PowerGen plc  
Electricity Council

Anglian Water Services Ltd  
Cambridge Water Company  
Lee Valley Water plc (now Three Valleys Water plc)  
Thames Water Utilities Limited  
National Rivers Authority (Anglian Region)

Railtrack  
British Railways Board  
British Waterways Board

British Telecom  
Post Office

Charity Commission  
Commonwealth War Graves Commission  
Duke of Bedford

### **Consultees on City of Nottingham, County of Nottingham and Derwent Valley Water Board Legislation**

Nottingham City Council  
Nottinghamshire County Council  
Ashfield District Council  
Bassetlaw District Council  
Broxtowe Borough Council  
Gedling Borough Council  
Mansfield District Council  
Newark and Sherwood District Council  
Rushcliffe Borough Council  
Derbyshire County Council

Amber Valley Borough Council  
Bolsover District Council  
Derby City Council  
Erewash Borough Council  
Leicestershire County Council  
Leicester City Council  
Lincolnshire County Council  
Doncaster Metropolitan Borough Council  
Sheffield City Council

East Midlands Electricity plc  
Yorkshire Electricity plc  
National Grid Company plc  
National Power plc  
Nuclear Electric plc  
PowerGen plc  
Electricity Association

British Gas plc (East Midlands)

Severn Trent National Rivers Authority Unit  
Severn Trent Water Limited  
Yorkshire Water plc

Railtrack  
British Railways Board  
British Waterways Board

British Telecom  
Post Office

Charity Commission  
Ministry of Defence

Church Commissioners  
Diocese of Derby  
Diocese of Southwell

Clerk to the Justices, Nottingham Magistrates' Court

Boots the Chemists plc  
British Coal Corporation<sup>1</sup>  
Evershed Wells & Hind (Solicitors)  
Nottingham Park Estate Limited  
Trent Motor Traction Company Limited  
Trustees of the Newcastle Estates

#### **Consultees on Warwickshire Legislation**

Warwickshire County Council

<sup>1</sup> The Coal Authority was established on 19 September 1994 under the Coal Industry Act 1994, too recently for it to have been consulted about the proposed repeals. The Department of Trade and Industry has been consulted about the proposals and takes the view that none of them can adversely affect that Authority in relation to its succession to the British Coal Corporation.

North Warwickshire Borough Council  
Nuneaton and Bedworth Borough Council  
Rugby Borough Council  
Stratford-on-Avon District Council  
Warwick District Council  
Gloucestershire County Council  
Hereford and Worcester County Council  
Leicestershire County Council  
Northamptonshire County Council  
Birmingham City Council  
Coventry City Council  
Solihull Metropolitan Borough Council

East Midlands Electricity plc  
Midlands Electricity plc  
National Grid Company plc  
National Power plc  
PowerGen plc  
Nuclear Electric plc  
Electricity Association

British Gas plc (West Midlands)

Severn Trent National Rivers Authority Unit  
Severn Trent Water Limited

Railtrack  
British Railways Board  
British Waterways Board

British Telecom  
Post Office  
British Coal Corporation<sup>2</sup>

Western Travel Limited

<sup>2</sup> The Coal Authority was established on 19 September 1994 under the Coal Industry Act 1994, too recently for it to have been consulted about the proposed repeals. The Department of Trade and Industry has been consulted about the proposals and takes the view that none of them can adversely affect that Authority in relation to its succession to the British Coal Corporation.

## **APPENDIX 4**

(Report, paragraph 2)

# **CONSULTEES ON REPEALS OF GLASGOW POLICE ACTS 1866-1904**

City of Glasgow District Council  
Strathclyde Regional Council  
Clydeport Ltd  
Scottish Health Service Common Services Agency  
Church of Scotland  
Scottish Courts Administration  
British Waterways Board  
Scottish Office Environment Department  
Scottish Office Home and Health Department  
Railtrack (Scotland)  
Strathclyde Passenger Transport Executive



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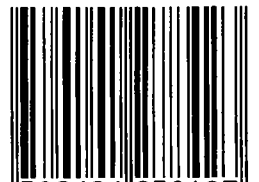
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