



**Law  
Commission**  
Reforming the law

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## **Statute Law Repeals: Consultation Paper General Repeals**

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**SLR 03/14: Closing date for responses – 27 February 2015**

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## THE LAW COMMISSION – HOW WE CONSULT

**About the Law Commission:** The Law Commission for England and Wales was 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 Rt Hon Lord Justice Lloyd Jones (*Chairman*), Professor Elizabeth Cooke, David Hertzell, Professor David Ormerod QC and Nicholas Paines QC.

The Chief Executive is Elaine Lorimer.

**Topic of this consultation:** The Consultation Paper has been produced by the Law Commission's Statute Law Repeals team. It reviews the statute law generally and proposes the repeal of a number of obsolete Acts.

**Scope of this consultation:** The purpose of this consultation is to generate responses to these proposals.

**Geographical scope:** England and Wales, Scotland and Northern Ireland.

**Duration of the consultation:** 27 November 2014 to 27 February 2015

### How to respond

Please send your responses either-

**By email to:** [john.saunders@lawcommission.gsi.gov.uk](mailto:john.saunders@lawcommission.gsi.gov.uk) or

**By post to:** John Saunders, Law Commission, 1st Floor, Tower,  
Post Point 1.55, 52 Queen Anne's Gate, London SW1H 9AG  
(access via 102 Petty France)  
Tel: 020 3334 3751

If you send your comments by post, it would be helpful if, where possible, you could also send them electronically (for example, by email to the above address, in any commonly used format).

**After the consultation:** In the light of the responses received the Commission will publish its repeal recommendations in its next statute law repeals report. This report will be published in 2015 and will be presented to Parliament. It will be for Parliament to decide whether to implement these recommendations.

**Freedom of information:** It is important that you refer to the Freedom of Information Statement below.

**Availability of this Consultation Paper:** You can view or download the paper free of charge on our website at: <http://lawcommission.justice.gov.uk/consultations/general-repeal-proposals.htm>.

**Information provided to the Law Commission**

We may publish or disclose information you provide us in response to this consultation, including personal information. For example, we may publish an extract of your response in Law Commission publications, or publish the response in its entirety. We may also be required to disclose the information, such as in accordance with the Freedom of Information Act 2000.

If you want information that you provide to be treated as confidential please contact us first, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic disclaimer generated by your IT system will not be regarded as binding on the Law Commission.

The Law Commission will process your personal data in accordance with the Data Protection Act 1998.

# GENERAL REPEAL PROPOSALS

1. These repeal notes propose the repeal of some 56 obsolete Acts and the part repeal of 49 other Acts relating to topics as diverse as agriculture, criminal law, housing, merchant shipping and guard dogs.
2. The Acts proposed for repeal are grouped under 7 headings:
  - ◆ Agriculture
  - ◆ Criminal law
  - ◆ International
  - ◆ Police
  - ◆ Social security
  - ◆ Taxation
  - ◆ Miscellaneous
3. Of special historical interest are:
  - ◆ the Statute of Marlborough 1267 – this is the oldest surviving Act on our statute book (it concerns seizing goods of debtors)
  - ◆ a 1947 Act passed to support the replacement of the League of Nations mandate system by United Nations trusteeships
  - ◆ four Acts about the Foreign Compensation Commission (which assessed compensation for assets seized by foreign governments)
  - ◆ a 1964 Act passed to clear away slums and promote house building
  - ◆ a 1997 Act passed to authorise the holding of referendums for the Scottish Parliament and the Welsh Assembly.
4. The Acts span the period 1267 to 2003. Most of them are comparatively modern-drawn from the 1940s onwards.

Comments are invited by **27 February 2015**.

## BACKGROUND NOTES ON STATUTE LAW REPEALS (SLR)

### What is it?

1. Our SLR work involves repealing statutes that are no longer of practical utility. The purpose is to modernise and simplify the statute book, thereby reducing its size and thus saving the time of lawyers and others who use it. This in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If an Act features still in the statute book and is referred to in text-books, people reasonably enough assume that it must mean something.

### Who does it?

2. Our SLR work is carried out by the Law Commission and the Scottish Law Commission pursuant to section 3(1) of the Law Commissions Act 1965. Section 3(1) imposes a duty on both Commissions to keep the law under review “with a view to its systematic development and reform, including in particular ... the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law”.

### Statute Law (Repeals) Bill

3. Implementation of the Commissions’ SLR proposals is by means of special Statute Law (Repeals) Bills. 19 such Bills have been enacted since 1965 repealing more than 3,000 whole Acts and achieving partial repeals in thousands of others. Broadly speaking the remit of a Statute Law (Repeals) Bill extends to any enactment passed at Westminster. Accordingly it is capable of repealing obsolete statutory text throughout the United Kingdom (i.e. England, Wales, Scotland and Northern Ireland). Where appropriate the repeals may be extended by Order in Council to the Isle of Man and the Channel Islands.

### Consultation

4. The Law Commission consults widely before finalising its repeal proposals. The purpose of consulting is to secure as wide a range of views on the proposals as is practicable from all categories of persons who may be affected by the proposals. So the consultation may be with central or local government, organisations, trade bodies, individuals or anyone else who appears to have an interest in a proposal.
5. So far as consulting central government is concerned, any Department or agency with an interest in the subject matter of the repeal proposal will be invited to comment. Because obsolete legislation often extends throughout the United Kingdom it may be necessary to invite comments from several different Departments. So the following will routinely be consulted-
  - ◆ The English Department or Departments with policy responsibility for the subject matter of the proposed repeal (this responsibility will extend to Scotland in appropriate cases)
  - ◆ The Welsh Assembly Government and the Wales Office (unless the proposed repeal relates only to England)
  - ◆ The Scottish Government and the Scotland Office (if the proposed repeal extends to Scotland)
  - ◆ The Northern Ireland Executive and the Northern Ireland Office (if the proposed repeal extends to Northern Ireland).

### Selection of repeal candidates

6. Candidates for repeal are selected on the basis that they are no longer of practical utility. Usually this is because they no longer have any legal effect on technical grounds - because they are spent, unnecessary or obsolete. But sometimes they are selected because, although they strictly speaking do continue to have legal effect, the purposes

for which they were enacted either no longer exist or are nowadays being met by some other means.

7. Provisions commonly repealed by Statute Law (Repeals) Acts include the following-
- (a) references to bodies, organisations, etc. that have been dissolved or wound up or which have otherwise ceased to serve any purpose;
  - (b) references to issues that are no longer relevant as a result of changes in social or economic conditions (e.g. legislation about tithes or tin mines);
  - (c) references to Acts that have been superseded by more modern (or EU) legislation or by international Convention;
  - (d) references to statutory provisions (i.e. sections, schedules, orders, etc.) that have been repealed;
  - (e) repealing provisions e.g. "Section 33 is repealed/shall cease to have effect";
  - (f) commencement provisions once the whole of an Act is in force;
  - (g) transitional or savings provisions that are spent;
  - (h) provisions that are self-evidently spent - e.g. a one-off statutory obligation to do something becomes spent once the required act has duly been done;
  - (i) powers that have never been exercised over a period of many years or where any previous exercise is now spent.

#### **General savings**

8. Much SLR work is possible because of the general savings provisions of section 16(1) of the Interpretation Act 1978. This provides that where an Act repeals an enactment, the repeal does not (unless the contrary intention appears) -

- “(a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment;
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed”.

#### **Gradual obsolescence**

9. The obsolescence of statutes tends to be a gradual process. Usually there is no single identifiable event that makes a statute obsolete. The Statute Law (Repeals) Act 2013

contained many examples of legislation being overtaken by social and economic changes. Several 18<sup>th</sup> and 19<sup>th</sup> century Acts establishing charities to run hospitals for the poor and sick became unnecessary once the hospitals became absorbed by the National Health Service in 1948. The Sale of Offices Acts 1551 and 1809, which outlawed the sale for profit of certain public offices and positions, gradually became unnecessary because of changes in the methods of appointment and recruitment to public office in the 20<sup>th</sup> century. And all the 18<sup>th</sup> and 19<sup>th</sup> century laws establishing workhouses for the parish poor gradually became obsolete when responsibility for the poor and sick passed from the parish to central government during the first half of the 20<sup>th</sup> century.

10. Even within individual statutes, the obsolescence tends to be gradual. Some provisions fade away more quickly than others. These include commencement and transitory provisions and 'pump-priming' provisions (e.g. initial funding and initial appointments to a Committee) to implement the new legislation. Next to go may be order-making powers that are no longer needed. Then the Committee established by the Act no longer meets and can be abolished. However, other provisions may be unrepealable for generations, particularly if they confer pensions rights or confer security of tenure or employment rights. Other provisions may be virtually unrepealable ever. Much of English property law relies on medieval statutes such as Quia Emptores (1290) which is regarded as one of the pillars of the law of real property. This last example usefully shows that just because a statute is ancient it is not necessarily obsolete.

#### **Help from consultees**

11. Sometimes it is impossible to tell whether a provision is repealable without factual information that is not readily ascertainable without 'inside' knowledge of a Department or other organisation. Examples of this include savings or transitional provisions which are there to preserve the status quo until an office-holder ceases to hold office or until repayment of a loan has been made. In cases like these the repeal notes drafted by the Law Commissions often invite the organisation being consulted to supply the necessary information. Any help that can be given to fill in the gaps is much appreciated.

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Currency and Bank Notes Act 1928  
(18 & 19 Geo.5 c.13)  
Finance Act 1936(26 Geo.5 & 1 Edw.8 c.34)  
Finance Act 1940  
(3 & 4 Geo.6 c.29)  
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(5 & 6 Geo.6 c.21)  
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Finance Act 1946  
(9 & 10 Geo.6 c.64)  
Finance Act 1947  
(10 & 11 Geo.6 c.35)  
Finance (No.2) Act 1947 (11 & 12 Geo.6 c.9)  
Finance Act 1948  
(11 & 12 Geo.6 c.49)  
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(8 & 9 Eliz.2 c.44)  
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(9 & 10 Eliz.2 c.36)  
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Finance Act 1981 (c.35)  
Finance Act 1982 (c.39)  
Finance Act 1984 (c.43)  
Finance Act 1986 (c.41)  
Advance Petroleum Revenue Act 1986 (c.68)  
Finance Act 1988 (c.39)  
Finance Act 1989 (c.26)  
Finance Act 1990 (c.29)  
Finance Act 1991 (c.31)  
Finance (No.2) Act 1992 (c.48)  
Finance Act 1993 (c.34)  
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## GENERAL REPEALS

### GROUP 1 – AGRICULTURE

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

### GROUP 2 – CRIMINAL LAW

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<i>Reference</i>	<i>Extent of repeal</i>
Treason Act 1945 (8 & 9 Geo.6 c.44)	The whole Act.
Prison Act 1952 (15 & 16 Geo.6 and 1 Eliz.2 c.52)	Section 50.
Children and Young Persons Act 1963 (c.37)	Section 17(2). Sections 31 and 32.
Criminal Justice Act 1967 (c.80)	Section 100(2A).
Criminal Law Act 1977 (c.45)	Section 36. Section 53(1). Section 58. Schedule 9.
Criminal Evidence Act 1979 (c.16)	The whole Act.
Criminal Justice Act 1982 (c.48)	Section 41.
Police and Criminal Evidence Act 1984 (c.60)	Section 49.
Interception of Communications Act 1985 (c.56)	The whole Act.
Criminal Justice Act 1988 (c.33)	Section 54. Section 56(1).
Entertainments (Increased Penalties) Act 1990 (c.20)	The whole Act.

Criminal Justice and Public Order Act 1994 (c.33)	Section 17. Section 19(2). Sections 149 and 150.
Proceeds of Crime Act 1995 (c.11)	The whole Act.
Criminal Appeal Act 1995 (c.35)	Section 28.
Criminal Justice and Court Services Act 2000 (c.43)	Section 57(3)(a).
Sexual Offences (Amendment) Act 2000 (c.44)	The whole Act.
Criminal Justice Act 2003 (c.44)	Section 26. Section 318(2).

### **GROUP 3 - INTERNATIONAL**

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<i>Reference</i>	<i>Extent of repeal</i>
Mandated and Trust Territories Act 1947 (11 & 12 Geo.6 c.8)	The whole Act.
Foreign Compensation Act 1950 (14 Geo.6 c.12)	The whole Act.
Foreign Compensation Act 1962 (11 & 12 Eliz.2 c.4)	The whole Act.
Foreign Compensation Act 1969 (c.20)	The whole Act.
Foreign Compensation (Amendment) Act 1993 (c.16)	The whole Act.

### **GROUP 4 - POLICE**

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<i>Reference</i>	<i>Extent of repeal</i>
Police Act 1909 (9 Edw.7 c.40)	The whole Act.
Police Pensions Act 1921 (11 & 12 Geo.5 c.31)	The whole Act.
Metropolitan Police (Staff Superannuation and Police Fund) Act 1931 (21 & 22 Geo.5 c.12)	The whole Act.
Police Act 1976 (c.46)	The whole Act.
Police Officers (Central Service) Act 1989 (c.11)	The whole Act.



## GROUP 5 – SOCIAL SECURITY

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

## GROUP 6 – TAXATION

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<i>Reference</i>	<i>Extent of repeal</i>
Bank Charter Act 1844 (7 & 8 Vict. c.32)	Schedule A.
Finance Act 1896 (59 & 60 Vict. c.28)	The whole Act.
Finance (1909-1910) Act 1910 (10 Edw.7 & 1 Geo.5 c.8)	The whole Act.
Finance Act 1920 (10 & 11 Geo.5 c.18)	The whole Act.
Currency and Bank Notes Act 1928 (18 & 19 Geo.5 c.13)	Section 10.
Finance Act 1936 (26 Geo.5 & 1 Edw.8 c.34)	The whole Act.
Finance Act 1940 (3 & 4 Geo.6 c.29)	Sections 26 to 39. Section 41. Section 65(4). Schedule 1. Schedules 5 and 6.
Finance Act 1942 (5 & 6 Geo.6 c.21)	Sections 37 to 41. Section 49(5).
Finance (No.2) Act 1945 (9 & 10 Geo.6 c.13)	Section 29. Sections 31 to 36. Section 38. Sections 46 to 50.

	Section 51(3). Sections 58 and 59. Section 62(4). Schedules 5 and 6. Schedule 8
Finance Act 1946 (9 & 10 Geo.6 c.64)	Sections 36 to 43. Section 45. Section 58. Schedules 8 and 9.
Finance Act 1947 (10 & 11 Geo.6 c.35)	Section 57. Section 74(4), (5) and (11).
Finance (No.2) Act 1947 (11 & 12 Geo.6 c.9)	The whole Act.
Finance Act 1948 (11 & 12 Geo.6 c.49)	Section 71. Section 78. Section 82(5).
Finance Act 1949 (12, 13 & 14 Geo.6 c.47)	Section 51. Section 52(2) and (7).
Finance Act 1951 (14 & 15 Geo.6 c.43)	Sections 39 and 40.
Finance Act 1957 (5 & 6 Eliz.2 c.49)	The whole Act.
Finance Act 1960 (8 & 9 Eliz.2 c.44)	Section 67.
Finance Act 1961 (9 & 10 Eliz.2 c.36)	The whole Act.
Finance Act 1966 (c.18)	Section 12.
Taxes Management Act 1970 (c.9)	Section 47A. Section 57A. Section 62(3). Section 77A. Section 85A. Section 86A. Section 91A.
Finance Act 1974 (c.30)	Section 56.
Finance (No.2) Act 1975 (c.45)	Section 44(5). Section 45(2) to (4). Section 46. Section 74.
Finance Act 1980 (c.48)	Section 104.

Finance Act 1981 (c.35)	Section 134. Schedule 17.
Finance Act 1982 (c.39)	Section 12. Sections 139 to 142. Schedule 19.
Finance Act 1984 (c.43)	Section 3. Section 6. Section 57(1)(a).
Finance Act 1986 (c.41)	Section 74. Section 112. In Schedule 4, in Part 1, paragraphs 1 and 3.
Advance Petroleum Revenue Act 1986 (c.68)	The whole Act.
Finance Act 1988 (c.39)	Section 45. Sections 51 and 52. Sections 59 and 60. Section 70.
Finance Act 1989 (c.26)	Section 17. Section 65. Section 81.
Finance Act 1990 (c.29)	Section 45(4). Section 93. Section 106. Section 129.
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Finance (No.2) Act 1992 (c.48)	Section 7. Section 9. Section 46.
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Finance Act 1994 (c.9)	Section 46. Section 136. Section 214(1). Section 216(2). Section 235(4). Section 254.
Finance Act 1996 (c.8)	Section 6(3) and (4). Schedule 1.
Finance Act 1999 (c.16)	Section 6.

## GROUP 7 – MISCELLANEOUS REPEALS

<i>Reference</i>	<i>Extent of repeal</i>
52 Hen.3 (1267) (Statute of Marlborough)	Chapter 4. Chapter 15.
Statutes of the Exchequer (enactment of uncertain date)	The whole Act.
Married Women's Property Act 1882 (45 & 46 Vict. c.75)	In section 11, the first paragraph
Merchant Shipping Act 1906 (6 Edw.7 c.48)	The whole Act.
Industrial Assurance (Juvenile Societies) Act 1926 (16 & 17 Geo.5 c.35)	The whole Act.
Societies (Miscellaneous Provisions) Act 1940 (3 & 4 Geo.6 c.19)	The whole Act.
Savings Banks Act 1949 (12, 13 & 14 Geo.6 c.13)	The whole Act.
Housing Act 1949 (12, 13 & 14 Geo.6 c.60)	The whole Act.
Exchequer and Audit Departments Act 1950 (14 & 15 Geo.6 c.3)	The whole Act.
Public Works Loans Act 1952 (1 & 2 Eliz.2 c.3)	The whole Act.
Rent Act 1957 (5 & 6 Eliz.2 c.25)	The whole Act.
Landlord and Tenant (Temporary Provisions) Act 1958 (6 & 7 Eliz.2 c.68)	The whole Act.
Ministers of the Crown (Parliamentary Secretaries) Act 1960 (9 & 10 Eliz.2 c.6)	The whole Act.
Housing Act 1964 (c.56)	The whole Act.
Fishing Vessels (Safety Provisions) Act 1970 (c.27)	The whole Act.
Mr Speaker King's Retirement Act 1971 (c.13)	The whole Act.
Friendly Societies Act 1971 (c.66)	The whole Act.
Friendly Societies Act 1974 (c.46)	Section 107(3). Schedule 7.
International Road Haulage Permits Act 1975 (c.46)	The whole Act.

Guard Dogs Act 1975 (c.50)	Sections 2 to 4. In section 5(1), the words “or 2”. In section 5(2)(a), the words “or any prescribed fee” and from “or of any regulations” to “of this Act”. Section 6. In section 7, the entries for “guard dog kennels”, “local authority”, “prescribed” and “regulations”. Section 8(2).
Public Health Laboratory Service Act 1979 (c.23)	The whole Act.
Education (Amendment) Act 1986 (c.1)	The whole Act.
Safety at Sea Act 1986 (c.23)	The whole Act.
Parliamentary and other Pensions Act 1987 (c.45)	Section 4.
Education (Schools) Act 1992 (c.38)	The whole Act.
Sea Fish (Conservation) Act 1992 (c.60)	Section 10.
Land Drainage Act 1994 (c.25)	The whole Act.
Merchant Shipping Act 1995 (c.21)	Section 171. Section 182. Schedule 4.
Audit (Miscellaneous Provisions) Act 1996 (c.10)	The whole Act.
Sea Fisheries (Shellfish)(Amendment) Act 1997 (c.3)	The whole Act.
Referendums (Scotland and Wales) Act 1997 (c.61)	The whole Act.
Greater London Authority (Referendum) Act 1998 (c.3)	The whole Act.

## GENERAL REPEALS

### GROUP 1 - AGRICULTURE

#### AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1943

- 1.1 This note proposes the repeal of the Agriculture (Miscellaneous Provisions) Act 1943.
- 1.2 The Agriculture (Miscellaneous Provisions) Act 1943<sup>1</sup> (“the 1943 Act”) was passed to modify schemes to increase food production in the UK during the Second World War. Most of its provisions consisted of amendments to previous agricultural statutes. Virtually all have now been repealed.
- 1.3 The 1943 Act provided as follows:

Section	Provided	Repealed
1	Amends Agriculture Act 1937	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
2	Repeals part of Agriculture Act 1937	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
3	Extends Agriculture (Miscellaneous War Provisions) Act 1940	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
4	Extends powers of drainage boards	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
5	Empowers recovery of drainage expenses from catchment boards	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
6	Empowers Minister to compulsorily acquire land for drainage works	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
7	Amends Land Drainage Act 1930	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
8	Empowers adjustments of drainage rates on improved land	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
9	Empowers landlords to recover interest on cost of	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II

<sup>1</sup> 6 & 7 Geo.6 c.16

	works from tenants	
10	Amends Agriculture War (Miscellaneous Provisions) Act 1940	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
11	Empowers recovery of expenses from farmers who use common land	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
12	Extends Agriculture War (Miscellaneous Provisions) Act 1940	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
13	Extends Agriculture War (Miscellaneous Provisions) Act 1940	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
14	Extends Agriculture War (Miscellaneous Provisions) Act 1940	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
15	Provides relief to tenants who plough land under Defence Regulations and thereby infringe their tenancy contracts	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
16	Empowers Minister to acquire land by agreement	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
17	Empowers the making of regulations on artificial insemination of livestock	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
18	Amends Corn Returns Act 1882 in accordance with sch 3	Subsection (2) repealed by Statute Law Revision Act 1950, s 1(1), sch 1; subsection (1) remains in force
19	Application to Scotland	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
20	Amends Land Drainage (Scotland) Act 1941	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
21	Ensures compensation for improvements made by tenants in Scotland	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
22	Application to Northern Ireland	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II

23	Definitions	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
24	Short title	N/A
Sch 1	Rules on recovery of expenses from catchment boards in accordance with s 5	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
Sch 2	Amendments of Land Clauses Acts in accordance with ss 6 and 16	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt II
Sch 3	Amendments of Corn Returns Act 1882 in accordance with s 18	Agriculture and Horticulture Development Board Order 2008 (SI 2008/576), art 18, sch 5 s 7

1.4 In 1986, the whole Act except sections 18 and 24 and schedule 3 was repealed.<sup>2</sup> Section 24 contains the short title. Section 18 and schedule 3 made amendments to the Corn Returns Act 1882 (“the 1882 Act”).<sup>3</sup>

1.5 The 1882 Act was repealed by the Agriculture and Horticulture Development Board Order 2008.<sup>4</sup> Schedule 3 of the 1943 Act was repealed by the same statutory instrument. This made section 18 unnecessary since its only purpose was to give effect to schedule 3.

#### *Proposal*

1.6 The 1943 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is now obsolete.

#### *Extent*

1.7 The 1943 Act extended throughout the United Kingdom.

<sup>2</sup> Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Pt II

<sup>3</sup> 45 & 46 Vict. c.37

<sup>4</sup> SI 2008/576, art 18, Sch 5, pt 7



*Consultation*

- 1.8 The Department for Environment, Food and Rural Affairs and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1949**

- 1.1 This note proposes the repeal of the Agriculture (Miscellaneous Provisions) Act 1949.

### **The Act**

- 1.2 The Agriculture (Miscellaneous Provisions) Act 1949<sup>1</sup> (“the 1949 Act”) was passed to authorise a number of agricultural reforms. Many of these were connected with the agricultural expansion programme, which aimed to increase the UK’s agricultural output by 20% between 1947 and 1952. Others were intended to update legislation to meet contemporary requirements.<sup>2</sup>

- 1.3 The Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	A calf subsidy scheme would be established to encourage beef production	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
2	Supplementary provisions on the calf subsidy scheme	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
3	Calves imported into the UK would be marked as such	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
4	A scheme would be established to subsidise the artificial insemination of cattle	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
5	A scheme would be established to subsidise the growing of grass and forage crops	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
6	The powers of the Milk Marketing Board to run centres for grass drying and artificial insemination would be extended	Agricultural Marketing Act 1958, s 54(1), sch 4
7	The Food and Drugs (Milk and Dairies) Act 1944 would be amended	Food and Drugs (Milk, Dairies and Artificial Cream) Act 1950, s 36(1), sch 5
8	A scheme would be established for training in agricultural occupations	Subsection (5) repealed by Employment and Training Act 1973, s 14(2), sch 4

<sup>1</sup> 12, 13 & 14 Geo.6 c.37

<sup>2</sup> HC Deb 09 February 1949 vol 461 c382

9	The Minister could claim certain compensation on giving up requisitioned land	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
10	The definition of a farming co-operative would be amended	Agricultural Holdings Act 1986, s 101(1), sch 15 pt I
11	Penalties would be increased for importing or keeping Colorado beetles (a pest that threatened potato crops)	Plant Health Act 1967, s 7, sch
12	The Minister could dispose of his reserve of agricultural machinery	Statute Law (Repeals) Act 1986, s 1(1), sch 1 pt 2
13	The Diseases of Animals Account would be wound up	Diseases of Animals Act 1950, s 89(1), sch 5
14	The balance in the Cattle Fund would be paid into the Exchequer	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8
15	Definitions	Subsection (1) and text in subsection (3) repealed by Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8; subsection (2) repealed by Agricultural Marketing Act 1958, s 54(1), sch 4
16	Extent	Text in subsection (1) repealed by Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt 8; subsection (2) repealed by Northern Ireland Act 1962, s 30(2), sch 4 pt IV
17	Short title	N/A
Sch	Amended Acts	Pt I repealed by Food and Drugs (Milk, Dairies and Artificial Cream) Act 1950, s 36(1), sch 5; pt 2 repealed by Agricultural Holdings Act 1986, s 101(1), sch 15 pt I

1.4 Except for sections 1 to 3 and section 5, the Act did not extend to Northern Ireland. The Statute Law (Repeals) Act 1973, which repealed these four sections, extended to Northern Ireland.

1.5 Thus, the only sections of the 1949 Act which remain are:

- (1) s 8(1)-(4), (6), which empower the Minister to provide facilities for training in agricultural occupations;
- (2) s 15(3), which defines “the appropriate Minister”;
- (3) s 16(1), which provides that the Act does not extend to Northern Ireland; and
- (4) s 17, which provides the short title.

## **Section 8**

- 1.6 Accordingly section 8 is the only remaining, substantive part of the 1949 Act. It was modelled on similar provisions in the Employment and Training Act 1948,<sup>3</sup> which enabled the Ministry of Labour to provide training courses for employment. Both Acts were intended to aid the redeployment of labour in pursuit of the government’s full employment policy, and, in particular, to help demobilised soldiers and young people to find work.<sup>4</sup>
- 1.7 The intention behind section 8 was that the Ministry of Agriculture, Fisheries and Food would pay maintenance expenses for workers being trained under existing agricultural schemes.<sup>5</sup> These included resettlement schemes for ex-servicemen and disabled people, run by County War Agricultural Executive Committees; the Town Boys’ and Girls’ Agricultural Training Scheme; and the YMCA’s British Boys for British Farms programme.<sup>6</sup> When the 1949 Act was passed, there were around 4500 trainees in these schemes. From 1950 onwards, the Ministry of Agriculture, Fisheries and Food claimed out of the National Insurance Fund for contributions towards its outgoings under section 8. However this arrangement had ceased by 1973 because section 8(5) – the provision that authorised this – was repealed that year.<sup>7</sup>
- 1.8 In 1957, a departmental working party concluded that the Ministry should no longer take responsibility for agricultural training. The Town Boys’ and Girls’ scheme was wound up, and the adult resettlement scheme was closed except to “a very small number of candidates with special claims to training”.<sup>8</sup> In 1968, the YMCA scheme was also shut down. However, the resettlement scheme continued into 1969 for the benefit of the 25 men who had commenced their training that year.<sup>9</sup>

<sup>3</sup> 11 & 12 Geo.6 c.46. This Act was repealed by the Employment and Training Act 1973, c.50, s 14(2), Sch 4

<sup>4</sup> HC Deb 09 February 1949 vol 461 cc389-390

<sup>5</sup> HL Deb 07 April 1949 vol 161 cc1063, 1071

<sup>6</sup> HC Deb 16 November 1944 vol 404 cc2120-2121

<sup>7</sup> Employment and Training Act 1973, s 14(2), Sch 4

<sup>8</sup> File MAF320/11 in the National Archives

<sup>9</sup> File MAF320/21 in the National Archives

- 1.9 Today section 8 no longer serves any useful purpose. The Department for Environment, Food and Rural Affairs does not run any training programmes under section 8 and has confirmed that it is highly unlikely that they would ever finance education using this provision.

*Proposal*

- 1.10 Given that the only other surviving provisions are ancillary to section 8, it is clear that the 1949 Act is now obsolete. Its repeal is proposed on that basis.

*Extent*

- 1.11 The 1949 Act extended throughout the United Kingdom.

*Consultation*

- 1.12 The Department for Environment, Food and Rural Affairs, the Department for Education, LANTRA and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## HORTICULTURE ACT 1960

1.1 This note proposes the repeal of the Horticulture Act 1960.

1.2 According to its long title, the Horticulture Act 1960<sup>1</sup> (“the 1960 Act”) was passed to assist “the production and marketing of horticultural produce”. Partly based on the Runciman Committee’s report on horticultural marketing, it aimed to improve the efficiency of growing and distributing fruit, vegetables and flowers in the UK.<sup>2</sup> Many of its provisions were concerned with the establishment of a Horticultural Marketing Council.

1.3 The Act provided as follows:

Section	Provided	Repealed
1-8	Grants for horticultural improvements	Statute Law (Repeals) Act 1993, s 1, sch 1, pt 2
9-19	Establishment of the Horticultural Marketing Council	Statute Law (Repeals) Act 2004, s 1, sch 1, pt 2
20	Amendment of the Horticultural Produce (Sales on Commission) Act 1926	N/A
21	Expenses and receipts	Statute Law (Repeals) Act 2004, s 1, sch 1, pt 2
22	Short title	N/A
Sch 1	Constitution of the Horticultural Marketing Council	Statute Law (Repeals) Act 2004, s 1, sch 1, pt 2
Sch 2	Horticultural Marketing Council charges scheme	Statute Law (Repeals) Act 1973, s 1, sch 1, pt 8

1.4 Given that the Horticultural Marketing Council was wound up very shortly after being established<sup>3</sup>, most of the Act has already been repealed as obsolete. The only substantive provision that remains in force is section 20 which amends section 2 of the Horticultural Produce (Sales on Commission) Act 1926 (“the 1926 Act”).<sup>4</sup>

<sup>1</sup> 8 & 9 Eliz.2 c.22

<sup>2</sup> HC Deb 19 November 1959 vol 613 cc1352-1353

<sup>3</sup> The Council was wound up in 1962 as the government withdrew funding and the horticultural industry could not raise enough funds to continue the Council. The Council was dissolved on 31 March 1963 (SI 1962/2393)

<sup>4</sup> 16 & 17 Geo.5 c.39

- 1.5 The 1926 Act established that a salesman who sells horticultural produce on commission must send an account to the owner of the produce after the sale. Under section 2 of the Act as originally drafted, the owner then had 10 days after the delivery of the account to require the salesman to produce his records for inspection by an accountant. Section 20 of the 1960 Act amended section 2, extending the time available to the owner from 10 days to one month.

*Proposal*

- 1.6 With the exception of the amendment made by section 20, the 1960 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendment made by the 1960 Act may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the final repeal of the 1960 Act in its entirety.

*Extent*

- 1.7 The 1960 Act extended throughout Great Britain, but not Northern Ireland.

*Consultation*

- 1.8 The Department for the Environment, Food and Rural Affairs and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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## **SCHEDULE OF SAVINGS**

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

The repeal by this Act of section 20 of the Horticulture Act 1960 (c.22) does not affect the amendment made by that section to section 2 of the Horticultural Produce (Sales on Commission) Act 1926 (inspection of books, etc)



## **AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1963**

- 1.1 This note proposes the repeal of an obsolete provision in the Agriculture (Miscellaneous Provisions) Act 1963.
- 1.2 The Agriculture (Miscellaneous Provisions) Act 1963 (“the 1963 Act”)<sup>1</sup> was passed to make provision, amongst other things, for the extension of time limits in arbitration proceedings relating to agricultural holdings.
- 1.3 *Section 20* of the 1963 Act provided that the periods specified respectively by-
  - (a) paragraph 6 of Schedule 6 to the Agricultural Holdings Act 1948 (“the 1948 Act”)<sup>2</sup> and paragraph 5 of Schedule 6 to the Agricultural Holdings (Scotland) Act 1949 (“the 1949 Act”),<sup>3</sup> and
  - (b) paragraph 13 of Schedule 6 to the 1948 Act,as the periods within which the parties to an arbitration were to deliver statements of cases, and the period allowed to arbitrators to make their awards, were to be extended.
- 1.4 *Section 20* no longer serves any useful purpose. The reference to paragraph 6 of Schedule 6 to the 1948 Act was repealed in 1984,<sup>4</sup> the reference to paragraph 13 of Schedule 6 to that Act was repealed in 1986<sup>5</sup>, whilst the 1949 Act was repealed in 1991.<sup>6</sup>

### *Proposal*

- 1.5 *Section 20* is obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.6 *Section 20* extended throughout Great Britain.

<sup>1</sup> 1963 c.11.

<sup>2</sup> 11 & 12 Geo.6 c.63.

<sup>3</sup> 12, 13 & 14 Geo.6 c.75.

<sup>4</sup> Agricultural Holdings Act 1984 (c.41), s 10(4), Sch.4.

<sup>5</sup> Agricultural Holdings Act 1986 (c.5), s 101, Sch 15, Pt 1.

<sup>6</sup> Agricultural Holdings (Scotland) Act 1991 (c.55), s 88(2), Sch 13, Pt 1.

*Consultation*

- 1.7 The Department for Environment, Food and Rural Affairs and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## **FARM LAND AND RURAL DEVELOPMENT ACT 1988**

- 1.1 This note proposes the repeal of an obsolete provision in the Farm Land and Rural Development Act 1988.
- 1.2 The Farm Land and Rural Development Act 1988 (“the 1988 Act”)<sup>1</sup> was passed to provide for the payment of grants for agricultural purposes, and to increase the limit on the number of members of the Development Commission.
- 1.3 *Section 3* of the 1988 Act provided for the increase in the membership of the Development Commission by amending paragraph 2(1) of Schedule 1 to the Miscellaneous Financial Provisions Act 1983<sup>2</sup> (substituting “twelve” for “eight”).
- 1.4 The amendment made by section 3 became unnecessary when Schedule 1 to the 1983 Act was repealed on 1 July 2000.<sup>3</sup> The repeal was consequential upon the dissolution of the Development Commission that day.<sup>4</sup>

### *Proposal*

- 1.5 Section 3 is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.6 Section 3 is extended to England and Wales only.

### *Consultation*

- 1.7 The Department for Environment, Food and Rural Affairs and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1988 c.16.

<sup>2</sup> 1983 c.29.

<sup>3</sup> Development Commission (Dissolution) Order 2000 (SI 2000/1505), art 5.

<sup>4</sup> The 2000 Order cited above, art 2.

## GROUP 2 – CRIMINAL LAW

### TREASON ACT 1945

- 1.1 This note proposes the repeal of the Treason Act 1945.
- 1.2 The Treason Act 1945<sup>1</sup> (“the 1945 Act”) was passed to amend the procedural rules in cases of treason. Previously, the procedure used had dated from the seventeenth century, and was exceedingly complex and archaic. The procedure in treason had been assimilated to ordinary criminal procedure in only two cases: attempting the life of the monarch (Treason Act 1800) and assisting the military operations of the enemy during wartime (Treachery Act 1940). The 1945 Act brought all remaining kinds of treason under the same procedural rules.<sup>2</sup>
- 1.3 The Act has been repealed in its entirety in Scotland<sup>3</sup> and in Northern Ireland.<sup>4</sup> Virtually the entire Act has also been repealed in England:

Section	Provided	Repealed in England
1	The procedure established by the 1800 Act would apply to all cases of treason	Criminal Law Act 1967, s 10, sch 3 pt III
2	Consequential repeal of certain Acts; clarification of the 1800 Act	Criminal Law Act 1967, s 10, sch 3 pt III
3	Short title and extent	Subsection 3(3) repealed by Northern Ireland Constitution Act 1973, s 41, sch 6 pt I
Schedule	Acts repealed in accordance with section 2	Criminal Law Act 1967, s 10, sch 3 pt III

- 1.4 Thus, the only parts of the Act remaining in force in England are section 3(1) and (2). Subsection 3(1) provides the short title and subsection 3(2) provides that the Treason Act 1800 extends to Northern Ireland. Given that the 1800 Act was repealed in Northern Ireland by the Criminal Law Act (Northern Ireland) 1967, this subsection no longer serves any useful purpose.

#### *Proposal*

- 1.5 The remains of the 1945 Act are wholly obsolete and can be repealed on that basis.

<sup>1</sup> 8 & 9 Geo.6 c.44

<sup>2</sup> HC Deb 11 June 1945 vol 411 cc1393-5

<sup>3</sup> Criminal Justice (Scotland) Act 1980, s 83(3), sch 8

<sup>4</sup> Criminal Law Act (Northern Ireland) 1967, s 15(2), sch 2 pt II

*Extent*

- 1.6 The 1945 Act extended throughout the United Kingdom.

*Consultation*

- 1.7 The Home Office, the Ministry of Justice and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **PRISON ACT 1952**

- 1.1 This note proposes the repeal of an obsolete provision in the Prison Act 1952 .
- 1.2 The Prison Act 1952 (“the 1952 Act”)<sup>1</sup> was passed to consolidate certain enactments relating to prisons and other institutions for offenders.
- 1.3 *Section 50* of the 1952 Act provided that:
  - (a) section 18(1) of the Act (corporal punishment in prisons) was to apply to attendance centres as it applied to prisons; and
  - (b) section 22(2) of the Act (removal of prisoners) was to apply to persons detained in remand homes as it applied to persons detained in prison.
- 1.4 Section 50 no longer serves any useful purposes. Section 18(1) of the 1952 Act has since been repealed<sup>2</sup> and the textual reference to section 22(2) has also been repealed.<sup>3</sup>

### *Proposal*

- 1.5 Section 50 is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.6 Section 50 extended to England and Wales only.

### *Consultation*

- 1.7 HM Prison Service, the Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 15 &16 Geo.6 and 1 Eliz.2 c.52.

<sup>2</sup> Criminal Justice Act 1967, ss 65, 103(2), Sch 7, Pt 1.

<sup>3</sup> Children and Young Persons Act 1969, s 72(4), Sch 6.

## **CHILDREN AND YOUNG PERSONS ACT 1963**

- 1.1 This note proposes the repeal of obsolete provisions in the Children and Young Persons Act 1963.
- 1.2 The Children and Young Persons Act 1963 (“the 1963 Act”)<sup>1</sup> was passed to amend the existing law relating to children and young persons. It contains a number of provisions which are now unnecessary. These provisions are as follows:
  - (a) *Section 17(2)*. Section 17(2) (constitution and place of sitting of juvenile courts) amended section 47(2) of the Children and Young Persons Act 1933 (“the 1933 Act”). This amendment became unnecessary when it was repealed by the Crime and Disorder Act 1998<sup>2</sup>
  - (b) *Section 31*. Section 31 (increase of penalty for cruelty) amended section 1(1)(b) of the 1933 Act but became unnecessary when the amended text was substituted by virtue of the Magistrates’ Courts Act 1980<sup>3</sup>
  - (c) *Section 32*. Section 32 (increase of penalty for sale of tobacco to persons under 16) amended section 7(1) and (2) of the 1933 Act and section 18(1) and (2) of the Children and Young Persons (Scotland) Act 1937 (prohibition of sale of tobacco to persons under 16). The amendments to the 1933 Act have become unnecessary following later substitutions to the text of section 7(1) and (2).<sup>4</sup> Analogous substitutions to section 18(1) and (2) of the 1937 Act have similarly made the amendments to that subsection unnecessary.<sup>5</sup>

### *Proposal*

- 1.3 Sections 17(2), 31 and 32 of the 1963 Act are now obsolete and their repeal is proposed on that basis.

### *Extent*

- 1.4 These provisions applied to England and Wales only except that section 32 extended also to Scotland.

<sup>1</sup> 1963 c.37.

<sup>2</sup> The 1998 Act, ss 47(7), 120(2), Sch 10. The remainder of section 17 (ie section 17(1)) was repealed by the Courts Act 2003, s 109(3), Sch 10.

<sup>3</sup> The 1980 Act, s 32.

<sup>4</sup> The latest relevant substitutions were made by the Children and Young Persons (Protection from Tobacco) Act 1991, s 1(2), (4).

<sup>5</sup> Children and Young Persons (Protection from Tobacco) Act 1991, s 2(2), (4). Section 18 of the 1937 Act has since been repealed by the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), s 41, Sch 2, para 1.

*Consultation*

- 1.5 The Department of Health, the Home Office, the Ministry of Justice and the relevant authorities in Scotland and Wales have been consulted about these repeal proposals.

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## **CRIMINAL JUSTICE ACT 1967**

- 1.1 This note proposes the repeal of an obsolete provision in the Criminal Justice Act 1967.
- 1.2 The Criminal Justice Act 1967 (“the 1967 Act”)<sup>1</sup> was passed to amend the law relating to the proceedings of criminal courts, and to make other changes to the criminal law.
- 1.3 *Section 100(2A)* of the 1967 Act was inserted by the Criminal Justice Act 1982.<sup>2</sup> *Section 100(2A)* provided for the Parliamentary procedure to be followed in respect of orders made under section 60(1A) of the 1967 Act, and became unnecessary upon section 60(1A) being repealed.<sup>3</sup>

### *Proposal*

- 1.4 Section 100(2A) of the 1967 Act is now obsolete and its repeal is proposed on that basis.<sup>4</sup>

### *Extent*

- 1.5 Section 102(2A) extended throughout Great Britain.

### *Consultation*

- 1.6 The Ministry of Justice, the Home Office and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1967 c.80.

<sup>2</sup> The 1982 Act, s 33(b).

<sup>3</sup> Criminal Justice Act 1991, s 101(2), Sch 13.

<sup>4</sup> Section 100(2A) of the 1967 Act has already been repealed in relation to Scotland: Prisons (Scotland) Act 1989, s 45(2), Sch 3 (which also repealed section 60 of the 1967 Act).

## **CRIMINAL LAW ACT 1977**

- 1.1 This note proposes the repeal of obsolete provisions in the Criminal Law Act 1977.
- 1.2 The Criminal Law Act 1977 (“the 1977 Act”)<sup>1</sup> was passed to amend the criminal law of England and Wales. It contains a number of provisions which were either repealing provisions or provisions which are now otherwise unnecessary. These provisions are as follows:
- (a) *Section 36*. Subsection (1) was repealed by the Criminal Justice Act 1982.<sup>2</sup> Subsections (2) to (8) were repealed by the Magistrates’ Courts Act 1980.<sup>3</sup> The Magistrates’ Courts Act 1980 also repealed part of subsection (9), leaving unrepealed the definition of “sum adjudged to be paid by a conviction.” This definition became unnecessary when subsection (1) was repealed;
  - (b) *Section 53(1)*. This repealed text in section 1(3) of the Obscene Publications Act 1959, becoming spent as soon as it came into force;
  - (c) *Section 58*. Subsections (1), (4) and (6) were repealed by the Magistrates’ Courts Act 1980;<sup>4</sup> subsection (3) was repealed by the Children Act 1989;<sup>5</sup> subsection (2) amended section 2(13) of the Children and Young Persons Act 1969 and became spent when section 2(13) was repealed by the Children Act 1989;<sup>6</sup> subsection (5) amended section 15(4) of the Children and Young Persons Act 1969 and became spent when section 15(4) was repealed by the Powers of Criminal Courts (Sentencing) Act 2000.<sup>7</sup> There being no other subsections, section 58 as a whole is now unnecessary;
  - (d) *Schedule 9*. This schedule provided for matters ancillary to section 47 of the 1977 Act (prison sentence partly served and partly suspended) and became spent when section 47 was repealed by the Criminal Justice Act 1991.<sup>8</sup>

### *Proposal*

- 1.3 These provisions are now obsolete and their repeal is proposed on that basis.

### *Extent*

- 1.4 These provisions extended to England and Wales only.

<sup>1</sup> 1977 c.45.

<sup>2</sup> The 1982 Act, s 76, Sch 16.

<sup>3</sup> The 1980 Act, s 154, Sch 9.

<sup>4</sup> The 1980 Act, s 154, Sch 9.

<sup>5</sup> The 1989 Act, s 108(7), Sch 15.

<sup>6</sup> The 1989 Act, s 108, Sch 15.

<sup>7</sup> The 2000 Act, ss 165(4), 168(1), Sch 12, Pt 1.

<sup>8</sup> The 1991 Act, ss 5(2(b)), 101(2), Sch 13.

*Consultation*

- 1.5 The Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about these repeal proposals.

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## CRIMINAL EVIDENCE ACT 1979

- 1.1 This note proposes the repeal of the Criminal Evidence Act 1979.
- 1.2 The Criminal Evidence Act 1979<sup>1</sup> (“the 1979 Act”) was passed to amend the law on the cross-examination of defendants about their previous convictions and bad character. The general position was that a defendant could not be asked about these matters, but an exception existed where he gave evidence about the record or character of a co-defendant charged with the same offence.
- 1.3 However, in some cases, two defendants were tried together but not charged with the same offence. This meant that one defendant could give evidence about the character of the other without being examined as to his own record. This anomaly had been pointed out by the Criminal Law Reform Committee, and had been at issue in a subsequent House of Lords case. The 1979 Act was passed to rectify it.<sup>2</sup>
- 1.4 It provided as follows:

Section	Provided	Repealed
1	Amendments and savings	Text relating to the Criminal Evidence Act 1898 repealed by Criminal Justice Act 2003, s 332, sch 37 pt 5; text relating to Criminal Procedure (Scotland) Act 1975 repealed by Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 6, sch 5; repealed for Northern Ireland by the Criminal Justice (Evidence)(Northern Ireland) Order 2004, art 46(2), Sch 2
2	Short title and commencement	Repealed for Northern Ireland (see section 1)

- 1.5 The Act contained two substantive provisions. Section 1(1) amended the relevant parts of three Acts, covering various parts of the United Kingdom, to change “charged with the same offence” to “charged in the same proceedings”. Section 1(2) contained a saving for persons charged before the Act came into force.
- 1.6 The Acts amended by section 1(1) were:

<sup>1</sup> 1979 c.16

<sup>2</sup> HL Deb 31 January 1979 vol 398 cc243-246

- (1) the Criminal Evidence Act 1898. The reference to this Act in section 1(1) was repealed by the Criminal Justice Act 2003<sup>3</sup>
- (2) the Criminal Procedure (Scotland) Act 1975. The reference to this Act in section 1(1) was repealed by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995<sup>4</sup>
- (3) the Criminal Evidence Act (Northern Ireland) 1973. The whole of the 1979 Act was repealed in Northern Ireland by the Criminal Justice (Evidence) (Northern Ireland) Order 2004.<sup>5</sup>

#### *Proposal*

- 1.7 Due to these repeals, the amendments made by section 1(1) are now spent, as is the saving provision in section 1(2). Section 2 (short title and commencement) is ancillary to section 1. Accordingly the 1979 Act is now unnecessary and its repeal is proposed on that basis.

#### *Extent*

- 1.8 The 1979 Act extended throughout the United Kingdom.

#### *Consultation*

- 1.9 The Home Office, the Ministry of Justice and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> 2003 Act, s 332, Sch 37 Pt 5

<sup>4</sup> 1995 Act, s 6, Sch 5

<sup>5</sup> SI 2004/1501 (NI 10), art 46(2), sch 2

## **CRIMINAL JUSTICE ACT 1982**

- 1.1 This note proposes the repeal of an obsolete provision in the Criminal Justice Act 1982.
- 1.2 The purposes of the Criminal Justice Act 1982 (“the 1982 Act”)<sup>1</sup> included the standardisation of fines.
- 1.3 *Section 41* (emergency regulations). Section 41 amended section 2(3) of the Emergency Powers Act 1920 (penalties for contraventions of emergency regulations). This amendment became unnecessary when the 1920 Act was repealed by the Civil Contingencies Act 2004.<sup>2</sup>

### *Proposal*

- 1.4 Section 41 of the 1982 Act is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.5 Section 41 extended throughout Great Britain.

### *Consultation*

- 1.6 The Home Office, the Ministry of Justice and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1982 c.48.

<sup>2</sup> The 2004 Act, ss 32, 34, Sch 3.

## **POLICE AND CRIMINAL EVIDENCE ACT 1984**

- 1.1 This note proposes the repeal of an obsolete provision in the Police and Criminal Evidence Act 1984.
- 1.2 The Police and Criminal Evidence Act 1984 (“the 1984 Act”)<sup>1</sup> was passed to make further provision in relation to the powers and duties of the police.
- 1.3 *Section 49* of the 1984 Act (police detention to count towards custodial sentence) amended the Criminal Justice Act 1967 by amending section 67 of that Act. Section 67, however, was repealed by the Crime (Sentences) Act 1997.<sup>2</sup> Section 49 thereupon became unnecessary.

### *Proposal*

- 1.4 Section 49 is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.5 Section 49 extended to England and Wales only.

### *Consultation*

- 1.6 The Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1984 c.60.

<sup>2</sup> The 1997 Act, s 56, Sch 6.

## INTERCEPTION OF COMMUNICATIONS ACT 1985

- 1.1 This note proposes the repeal of the Interception of Communications Act 1985.
- 1.2 The Interception of Communications Act 1985<sup>1</sup> (“the 1985 Act”) was passed to regulate the interception of communications by the security services. It was prompted by a European Court of Human Rights ruling that telephone tapping was unlawful in the absence of clear statutory provisions to authorise it.<sup>2</sup> The Bill caused some controversy, having been introduced into Parliament in the wake of reports that MI5 had been illegally tapping the phones of trade unionists and CND members.<sup>3</sup>
- 1.3 The 1985 Act provided as follows:

Section	Provided	Repealed
1	Unauthorised interception an offence	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
2	Warrants for interception	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
3	Scope of warrants	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
4	Duration of warrants	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
5	Modification of warrants	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
6	Safeguarding of intercepted material	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
7	Tribunal to investigate allegations of interception	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
8	Commissioner to review compliance with Act	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
9	Exclusion of evidence on interception	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
10	Interpretation	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5

<sup>1</sup> 1985 c.56

<sup>2</sup> *Malone v UK* (1984) 7 EHRR 14

<sup>3</sup> HC Deb 12 March 1985 vol 75 cc157-166



11	Amendments, savings and repeals	Subsection (2) repealed by Postal Services Act 2000, s 127(6), sch 9; subsections (3)-(5) repealed by Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
12	Short title, commencement and extent	N/A
Sch 1	Provisions on Tribunal	Regulation of Investigatory Powers Act 2000, s 82(2), sch 5
Sch 2	Amendment of Telecommunications Act 1984	Communications Act 2003, s 406(7), sch 19 pt I

1.4 The 1985 Act is now largely repealed, mostly by the Regulation of Investigatory Powers Act 2000 (“the 2000 Act”).<sup>4</sup>

1.5 The only parts of the 1985 Act that have not been repealed are section 11(1) and section 12. Section 11(1) enacted the amendments in schedule 2, which has now been repealed by the Communications Act 2003.<sup>5</sup> Section 12 contains ancillary provisions for the short title, commencement and extent.<sup>6</sup>

*Proposal*

1.6 The whole of the 1985 Act is now obsolete. Its repeal is proposed on that basis.

*Extent*

1.7 The 1985 Act extended throughout the United Kingdom.

<sup>4</sup> 2000 c.23

<sup>5</sup> 2003 Act, s 406(7), Sch19(1)

<sup>6</sup> Section 12(4) provided for provisions of the 1985 Act to be extended to the Isle of Man or the Channel Islands by Order in Council. The Interception of Communications Act 1985 (Isle of Man) Order 1989 (1989/489) extended sections 11(3) and (5) and 12(1) to the Isle of Man with modifications. **The Isle of Man authorities are asked to confirm whether this order has now lapsed with the enactment of the Communications Act 2003**

*Consultation*

- 1.8 The Home Office, MI5, and the relevant authorities in Scotland, Wales, Northern Ireland and the Isle of Man have been consulted about this repeal proposal.

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## **CRIMINAL JUSTICE ACT 1988**

- 1.1 This note proposes the repeal of obsolete provisions in the Criminal Justice Act 1988.
- 1.2 The Criminal Justice Act 1988 (“the 1988 Act”)<sup>1</sup> was passed to amend the existing criminal law including changes to fines for offences under subordinate legislation. It contains two provisions which are now unnecessary.
- 1.3 *Sections 54 and 56(1)* inserted provisions into the Criminal Procedure (Scotland) Act 1975<sup>2</sup> that have since been repealed. Section 54 inserted section 289GD (fines on summary conviction for offences under subordinate instruments – conversion to references to levels on scale). Section 56(1) inserted section 289GC (fines under secondary subordinate instruments – Scotland). Sections 289GD and 289GC were repealed by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995.<sup>3</sup>

### *Proposal*

- 1.4 Sections 54 and 56(1) are now obsolete and their repeal is proposed on that basis.

### *Extent*

- 1.5 Section 54 extended to England and Wales whilst section 56(1) extended to Scotland only.

### *Consultation*

- 1.6 The Ministry of Justice, the Home Office and the relevant authorities in Scotland and Wales have been consulted about these repeal proposals.

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<sup>1</sup> 1988 c.33.

<sup>2</sup> 1975 c.21.

<sup>3</sup> 1995 c.40, s 6(1), Sch 5, para 1.

## ENTERTAINMENTS (INCREASED PENALTIES) ACT 1990

- 1.1 This note proposes the repeal of the Entertainments (Increased Penalties) Act 1990.
- 1.2 The Entertainments (Increased Penalties) Act 1990<sup>1</sup> (“the 1990 Act”) was passed to impose higher penalties for holding unlicensed parties or for breaching a party’s licence conditions. This was a response to the increasing popularity of acid house parties, which were often organised illegally. It was thought that the profitability of such parties meant that existing fines were failing to provide an adequate deterrent to organisers.<sup>2</sup>
- 1.3 The 1990 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Increase of penalties in England and Wales	Licensing Act 2003, s 199, sch 7
2	Increase of penalties in Scotland	N/A
3	Short title, saving and extent	N/A

- 1.4 The provisions of the Act applying to England and Wales have now been repealed. However, section 2, which amends section 7 of the Civic Government (Scotland) Act 1982, remains in force.

### *Proposal*

- 1.5 With the exception of the amendments made by section 2 to section 7 of the Civic Government (Scotland) Act 1982, the 1990 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendments made by section 7 may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the repeal of the 1990 Act as a whole.

### *Extent*

- 1.6 The 1990 Act extended throughout Great Britain, but not to Northern Ireland.

<sup>1</sup> 1990 c.20

<sup>2</sup> HC Deb 09 March 1990 vol 168 cc1110-1122

*Consultation*

- 1.7 The Home Office, the Ministry of Justice and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## **SCHEDULE OF SAVINGS**

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

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

## **CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994**

- 1.1 This note proposes the repeal of obsolete provisions in the Criminal Justice and Public Order Act 1994.
- 1.2 The Criminal Justice and Public Order Act 1994 (“the 1994 Act”)<sup>1</sup> was passed to amend the criminal law and criminal justice system. It contains a number of provisions which were either repealing provisions or provisions which are now otherwise unnecessary. These provisions are as follows:
- (a) *Section 17*. Section 17 amended section 1B of the Criminal Justice Act 1982 and became unnecessary when section 1B was repealed by the Crime and Disorder Act 1998<sup>2</sup>
  - (b) *Section 19(2)*. Section 19(2) amended provisions of the Children Act 1989<sup>3</sup> that were repealed by the Care Standards Act 2000<sup>4</sup>
  - (c) *Section 149*. Section 149 substituted a new section 32(1) (incorporation of the Parole Board) of the Criminal Justice Act 1991.<sup>5</sup> This substitution became unnecessary when section 32 was repealed by the Criminal Justice Act 2003<sup>6</sup>
  - (d) *Section 150*. Section 150 amended section 50(1) of the Criminal Justice Act 1991 (and repealed section 50(4)). The amendment became unnecessary when section 50 was repealed by the Coroners and Justice Act 2009.<sup>7</sup>

### *Proposal*

- 1.3 Sections 17, 19(2), 149 and 150 of the 1994 Act are now obsolete and their repeal is proposed on that basis.

<sup>1</sup> 1994 c.33.

<sup>2</sup> The 1998 Act, ss 73(7)(a), 120(2), Sch 10.

<sup>3</sup> The 1989 Act, Sch 5, para 7(2)(ff); Sch 6, para 10(2)(jj).

<sup>4</sup> The 2000 Act, s 117(2), Sch 6.

<sup>5</sup> 1991, c.53.

<sup>6</sup> The 2003 Act, ss 303(a), 332, Sch 37, Pt 7.

<sup>7</sup> The 2009 Act, s 178, Sch 23, Pt 5.

*Extent*

- 1.4 These provisions applied to England and Wales only.

*Consultation*

- 1.5 The Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about these repeal proposals.

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## PROCEEDS OF CRIME ACT 1995

1.1 This note proposes the repeal of the Proceeds of Crime Act 1995.

1.2 The Proceeds of Crime Act 1995<sup>1</sup> (“the 1995 Act”) was passed to strengthen the courts’ powers to confiscate the proceeds of crime. It extended to crimes generally, and built on the confiscation scheme already in place (Criminal Justice Act 1988, Part 6). It aimed to bring its powers closer together with those related to drug trafficking (Drug Trafficking Act 1994), including enhanced powers of investigation and enforcement.<sup>2</sup>

1.3 The 1995 Act provided as follows:

Section	Provided	Repealed
1-2	Making of confiscation orders	Proceeds of Crime Act 2002, s 457, sch 12
3-13	Supplementary provisions on confiscation	Proceeds of Crime Act 2002, s 457, sch 12
14	Enforcement of overseas forfeiture and restraint orders	N/A
15	Amendments, transitional provisions and repeals	Subsections (1)-(3) repealed by Proceeds of Crime Act 2002, s 457, sch 12
16	Short title, interpretation, commencement and extent	Subsections (2), (5) and (6) repealed by Proceeds of Crime Act 2002, s 457, sch 12
Sch 1	Amendments	Proceeds of Crime Act 2002, s 457, sch 12
Sch 2	Repeals	N/A

1.4 The provisions of the Act that have not been repealed are:

- (1) section 14, which amended two other Acts;
- (2) section 15(4) and schedule 2, which enacted the repeals; and
- (3) in section 16, the short title, commencement and extent.

<sup>1</sup> 1995 c.11

<sup>2</sup> HC Deb 03 February 1995 vol 253 cc1322-1326

- 1.5 Section 14(1)-(2) made amendments to Schedule 4 to the Prevention of Terrorism (Temporary Provisions) Act 1989. This Act has now been repealed.<sup>3</sup> Accordingly these amending provisions are now spent.
- 1.6 Section 14(3) inserted section 9(1A) into the Criminal Justice (International Co-operation) Act 1990 ("the 1990 Act").<sup>4</sup> This provision, which concerns the enforcement of forfeiture orders made by overseas courts, remains in force.
- 1.7 The 1995 Act has no continued significance except insofar as it amended the 1990 Act. The remaining provisions are ancillary.

#### *Proposal*

- 1.8 Aside from making this amendment to the 1990 Act, the 1995 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendment made by the 1995 Act may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the repeal of the 1995 Act as a whole.

#### *Extent*

- 1.9 The whole of the 1995 Act extended to England and Wales. Sections 14 and 16 extended throughout the United Kingdom.

#### *Consultation*

- 1.10 The Home Office, the Ministry of Justice and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> Terrorism Act 2000, s 125(2), sch 16 pt I

<sup>4</sup> 1990 c.5

## **SCHEDULE OF SAVINGS**

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

The repeal by this Act of section 14(3) of the Proceeds of Crime Act 1995 (c.11) does not affect the amendment made by that subsection to section 9 of the Criminal Justice (International Co-operation) Act 1990 (enforcement of overseas forfeiture orders).

## **CRIMINAL APPEAL ACT 1995**

- 1.1 This note proposes the repeal of an obsolete provision in the Criminal Appeal Act 1995.
- 1.2 The Criminal Appeal Act 1995 (“the 1995 Act”)<sup>1</sup> was passed to amend the existing law including making changes to the assessment of compensation for miscarriages of justice.
- 1.3 Section 28 of the 1995 Act amended section 133 of the Criminal Justice Act 19882 (compensation for miscarriages of justice) by adding subsection (4A). However that amendment became unnecessary when a new subsection (4A) was substituted by the Criminal Justice and Immigration Act 2008.<sup>3</sup>

### *Proposal*

- 1.4 Section 28 of the 1995 Act is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.5 Section 28 extended throughout the United Kingdom.

### *Consultation*

- 1.6 The Ministry of Justice, the Home Office and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>1</sup> 1995 c.35.

<sup>2</sup> 1988 c.33.

<sup>3</sup> 2008 c.4, s 61(4).

## **CRIMINAL JUSTICE AND COURT SERVICES ACT 2000**

- 1.1 This note proposes the repeal of an obsolete provision in the Criminal Justice and Court Services Act 2000.
- 1.2 The Criminal Justice and Court Services Act 2000 (“the 2000 Act”)<sup>1</sup> was passed to make changes to the criminal justice system including changes to police powers for drug testing persons in custody.
- 1.3 *Section 57(3)(a)*. Section 57(3)(a) inserted subparagraph (iiia) into subsection (1)(a) of section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge). This insertion became unnecessary when a new subparagraph (iiia) was substituted by the Drugs Act 2005.<sup>2</sup>

### *Proposal*

- 1.4 Section 57(3)(a) of the 2000 Act is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.5 Section 57 applied to England and Wales only.

### *Consultation*

- 1.6 The Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 2000 c.43.

<sup>2</sup> The 2005 Act, s 23(1), Sch 1, para 3(a).

## SEXUAL OFFENCES (AMENDMENT) ACT 2000

- 1.1 This note proposes the repeal of the Sexual Offences (Amendment) Act 2000.
- 1.2 The Sexual Offences (Amendment) Act 2000<sup>1</sup> was passed to make two main reforms to the law on sexual offences. Firstly, the then-offences of “buggery” and male homosexual acts were decriminalised for persons over the age of 16.<sup>2</sup> Prior to the 2000 Act, the relevant age had been 18; thus, in effect, the Act equalised the age of consent for these acts and other sexual acts. Secondly, the Act created the offence of sexual activity amounting to an abuse of trust. This was intended to protect, for example, young people in education, hospitals or residential care homes.<sup>3</sup>
- 1.3 The 2000 Act provided as follows:

Section	Provided	Repealed
1	Decriminalised “buggery” and male homosexual acts where both parties were over 16	Subsections (1), (2) and (4) repealed by Sexual Offences Act 2003, s 140, sch 7 [for England, Wales and Northern Ireland]; whole provision repealed by Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]
2	Decriminalised “buggery” and male homosexual acts for a person under 16 if the other party was over 16	Subsections (1), (2), (3) and (5) repealed by Sexual Offences Act 2003, s 140, sch 7 [for England, Wales and Northern Ireland]; whole provision repealed by Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]
3	Created the offence of abuse of position of trust	Sexual Offences Act 2003, s 140, sch 7 [for England, Wales and Northern Ireland]; Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]
4	Definition of “position of trust”	Sexual Offences Act 2003, s 140, sch 7 [for England, Wales and Northern Ireland]; Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]

<sup>1</sup> 2000 c.44

<sup>2</sup> 17 in Northern Ireland

<sup>3</sup> HC Deb 10 February 2000 vol 344 cc432-438

5	Notification requirements for abuse of position of trust	Sexual Offences Act 2003, s 140, sch 7 [for whole UK]
6	Abuse of position of trust included in definitions of sexual offences	Subsection (1) repealed by Sexual Offences Act 2003, s 140, sch 7 [for England, Wales and Northern Ireland]; whole provision repealed by Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]
7	Short title, construction, commencement and extent	Sexual Offences (Scotland) Act 2009, s 61(2), sch 6 [for Scotland]

1.4 Since the 2000 Act was passed, the law on sexual offences has been subject to widespread reforms. The whole of the 2000 Act has now been repealed in Scotland. In England, Wales and Northern Ireland, the only provisions of the Act that remain unrepealed are

- (1) section 1(3), which was relevant to Scotland only (and has since been repealed there as stated above);
- (2) section 1(5), which was a repealing provision and is therefore obsolete;
- (3) section 2(4), which was relevant to Scotland only (and has since been repealed there as stated above);
- (4) section 6(2), which was relevant to Scotland only (and has since been repealed there as stated above); and
- (5) section 7, which contained the short title, construction, commencement and extent.

*Proposal*

1.5 Since the 2000 Act no longer has any substantive provisions left in force in England, Wales and Northern Ireland, and has been wholly repealed in Scotland, the Act is now obsolete and its repeal is therefore proposed on that basis.

*Extent*

1.6 The 2000 Act extended throughout the United Kingdom.

*Consultation*

1.7 The Home Office, the Ministry of Justice and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **CRIMINAL JUSTICE ACT 2003**

- 1.1 This note proposes the repeal of obsolete provisions in the Criminal Justice Act 2003.
- 1.2 The Criminal Justice Act 2003 (“the 2003 Act”)<sup>1</sup> was passed to amend the existing criminal justice system. It contains a number of provisions which are now unnecessary. These provisions are as follows:
  - (1) *Section 26*. Section 26 (assistance of National Probation Service) amended section 1 of the Criminal Justice and Court Services Act 2000. The amendment became unnecessary when section 1 of the 2000 Act was repealed by the Offender Management Act 2007<sup>2</sup>
  - (2) Section 318(2). Section 318(2) amended section 14(1) of the Court Martial Appeals Act 1968 (substitution of conviction on different charge otherwise than after guilty plea). This amendment became unnecessary when the whole of section 14(1) was substituted by the Armed Forces Act 2006.<sup>3</sup>

### *Proposal*

- 1.3 Sections 26 and 318(2) of the 2003 Act are now obsolete and their repeal is proposed on that basis.

### *Extent*

- 1.4 These provisions extended to England and Wales only.

### *Consultation*

- 1.5 The Ministry of Justice, the Home Office and the relevant authorities in Wales have been consulted about these repeal proposals.

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<sup>1</sup> 2003 c.44.

<sup>2</sup> The 2007 Act, s 39, Sch 5, Pt 1.

<sup>3</sup> The 2006 Act, s 277(2), Sch 8, para 12(3).



## GROUP 3 – INTERNATIONAL

### MANDATED AND TRUST TERRITORIES ACT 1947

- 1.1 This note proposes the repeal of the Mandated and Trust Territories Act 1947.

#### Mandated and trust territories

- 1.2 The Mandated and Trust Territories Act 1947<sup>1</sup> (“the 1947 Act”) was passed to make provision for the end of the League of Nations mandate system and its replacement with the system of United Nations trusteeship. The 1947 Act was a technical measure to ensure that references in the statute book to the mandate system could continue to operate despite the changeover to the trusteeship system.
- 1.3 The mandate system was established following the end of the First World War. All of the territories subject to League of Nations mandates were previously controlled by states defeated in the War (principally Imperial Germany and the Ottoman Empire). The transfer of territories was effected by several treaties – for example, the Treaty of Versailles in 1919, in which Germany renounced its claims to its former colonies. Where those countries were deemed unable to become immediately independent, a member of the Allied Powers took responsibility for their government, under a mandate from the League of Nations. The United Kingdom was responsible for six mandated territories.
- 1.4 In 1946, the League of Nations ceased to exist, and the remaining mandated territories were placed under the trusteeship of the United Nations. Eventually, most became United Nations trust territories,<sup>2</sup> usually administered by the same state as before. This system was overseen by the United Nations Trusteeship Council, and had the eventual aim of decolonisation.
- 1.5 All former mandated and trust territories have now achieved independence. The final trust territory to gain independence was Palau in 1994. The Trusteeship Council still exists on paper, pending amendment of the UN Charter. However, it does not have any remaining functions, and suspended its operations in 1994.
- 1.6 Territories administered by the United Kingdom were:

Mandated territory	Trust territory	Current status
Mesopotamia	No	Ceased to be mandated territory in 1932; became state of Iraq
Transjordan	No	Ceased to be mandated territory in 1946; became state of Jordan

<sup>1</sup> 11 & 12 Geo.6 c.8

<sup>2</sup> The exception was South-West Africa, which had previously been administered by South Africa. South Africa attempted to annex the territory, leading to a long guerrilla war. South-West Africa eventually gained independence as Namibia in 1990.

Palestine	No	Ceased to be mandated territory in 1948; became state of Israel
Togoland	Yes	Ceased to be trust territory in 1957; became part of Ghana
Tanganyika	Yes	Ceased to be trust territory in 1961; became part of Tanzania
Cameroons	Yes	Ceased to be trust territory in 1961; became parts of Nigeria and Cameroon

### **The 1947 Act**

1.7 According to the Under-Secretary of State for the Colonies, the purpose of the 1947 Act was to provide that existing statutes referring to mandated territories would apply to what were now trust territories.<sup>3</sup> He explained that “many” Acts of Parliament had made references to mandated territories, and that the statute was needed to resolve doubt as to whether these could continue to apply to the territories following the end of the mandate system.

1.8 The 1947 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1(1)	Enactments would apply to trust territories as though mandated territories	N/A
1(2)	Enactments relating to trust territories could be modified by Order in Council	Statute Law (Repeals) Act 1969, s 1, sch pt 6
1(3)	The termination of the League of Nations would not affect the application of enactments to mandated territories	N/A

<sup>3</sup> HC Deb 05 December 1947 vol 445 cc732-7

1(4)	Subsections (1) and (2) would only apply to enactments made in previous Parliamentary sessions	N/A
1(5)	This Act would apply to enactments even if the effect were to impose a charge on public funds	N/A
1(6)	Parliament could annul Orders in Council made under this Act	Statute Law (Repeals) Act 1969, s 1, sch pt 6
1(7)	The Rules Publication Act 1893 would not apply to Orders in Council made under this Act	Statute Law Revision Act 1953, s 1, sch 1
2	Short title and definitions	N/A

### Continued significance

- 1.9 The Act has been amended to remove all of the references to Orders in Council. However, the rest of its provisions remain unrepealed.
- 1.10 There appear to be only three pre-1947 Acts remaining in force which refer to mandated territories (and which must therefore be read in light of the 1947 Act):
- (1) *The Colonial Probates (Protected States and Mandated Territories) Act 1927*. The 1927 Act provided for the making of Orders in Council under section 1 of the Colonial Probates Act 1892 to apply the 1892 Act (inter alia) to any mandated territory (so as to permit the recognition by courts in the United Kingdom of probates and letters of administration granted by courts in that mandated territory). It was subsequently applied to the three future trust territories by SR&O 1929/393 (Tanganyika) and SR&O 1939/1702 (Cameroons and Togoland). These Orders were revoked by the Colonial Probates Act Application Order 1965 (SI 1965/1530), s 3 sch 2. Since there are no longer any mandated or trust territories, the reference to such territories in the 1927 Act is now unnecessary.
  - (2) *Section 7(1) of the Foreign Judgments (Reciprocal Enforcement) Act 1933*. Section 7(1) of the 1933 Act provided for the making of Orders in Council whereby the reciprocal enforcement of judgments provisions in the 1933 Act could be applied to judgments obtained in British dominions outside the United Kingdom as they applied to judgments obtained in foreign countries. Section 7(3) provided for the reference to British dominions to be construed as including mandated territories. Since there are no longer any mandated or trust territories, the reference to such territories in section 7 of the 1933 Act is now unnecessary.

(3) *Section 1(4) of the Evidence (Foreign, Dominion and Colonial Documents) Act 1933.* Section 1(4) of the 1933 Act included mandated territories in the definition of countries to which the 1933 Act applied. Since the Act applies equally to all kinds of foreign country regardless of its classification, it makes no difference whether or not “mandated territories” is read to include trust territories. The reference to mandated territories is therefore now unnecessary.

1.11 Accordingly the 1947 Act no longer serves any useful purpose.

*Proposal*

1.12 The 1947 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

1.13 The 1947 Act extended throughout the United Kingdom.

*Consultation*

1.14 The Foreign and Commonwealth Office, and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## FOREIGN COMPENSATION ACTS

- 1.1 This note proposes the repeal of the Foreign Compensation Acts 1950, 1962 and 1969 and the Foreign Compensation (Amendment) Act 1993.

### Foreign Compensation Act 1950

- 1.2 The Foreign Compensation Act 1950<sup>1</sup> (“the 1950 Act”) was passed to establish the Foreign Compensation Commission (FCC). The FCC was a tribunal which assessed the compensation due to British claimants who suffered losses overseas at the hands of foreign governments: for example, if their industrial concerns were seized as part of a nationalisation programme. In such cases, the British government would receive a lump sum as compensation, which the FCC would share amongst the claimants. The immediate impetus for the establishment of the Commission was the aftermath of nationalisations in Yugoslavia and Czechoslovakia.<sup>2</sup>

- 1.3 The 1950 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
1	Constitution of Foreign Compensation Commission	Subsection (4) repealed by House of Commons Disqualification Act 1957, s 14(1), sch 4 pt I
2	Distribution of compensation to claimants in respect of losses in Yugoslavia and Czechoslovakia	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
3	Management of future claims by the FCC (as substituted by the Foreign Compensation (Amendment) Act 1993, s 1)	N/A
4	Rules to provide the FCC’s procedures	Subsection (4) repealed by Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
5	Courts to enforce the attendance of witnesses and production of	N/A

<sup>1</sup> 14 Geo.6 c.12

<sup>2</sup> HC Deb 08 May 1950 vol 475 cc39-46

	documents	
6	Accounts and annual reports to be laid before Parliament	Text in subsection (3) repealed by Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
7	Financial provisions	N/A
8	Rules and Orders in Council	N/A
9	Short title and interpretation	N/A

- 1.4 In its first decade, the FCC had a staff of almost 100 people.<sup>3</sup> By 2009, however, it had only three part-time staff members, including the Chairman.<sup>4</sup> The FCC was wound up on 29 March 2013.<sup>5</sup> This was because it had not administered a claims programme since 1994, and was not expected to do so again.<sup>6</sup> Its property, assets and liabilities were subsequently transferred to the Foreign Secretary.
- 1.5 The remaining provisions of the 1950 Act concern the constitution of the Commission and its powers and duties to compensate claimants. They have largely been unnecessary since the dissolution of the FCC.
- 1.6 The exception to this is section 7, which concerns the making of Orders in Council to provide for administrative and financial provisions in connection with the FCC. Although most of the Orders in Council made under section 7 are long since spent, there remain two which appear to have continuing value.
- 1.7 The first of these Orders was made in 1977 and provided that officers or servants of the FCC were to be granted the same pensions or other benefits as were granted to civil servants.<sup>7</sup> This Order remains in force and may still be needed to provide pensions today.<sup>8</sup>

<sup>3</sup> HC Deb 13 November 1962 vol 667 c206

<sup>4</sup> FCC Annual Report, 2009

<sup>5</sup> Foreign Compensation Commission (Winding Up) Order 2013 [SI 2013/236], art 3

<sup>6</sup> Explanatory memorandum to the 2013 Order

<sup>7</sup> Foreign Compensation (Staff) (Superannuation Benefits) Order 1977, SI 1977/2148, art 3. This Order was made pursuant not only to section 7(1) of the 1950 Act but also to section 3(2) of the Foreign Compensation Act 1962. Section 7(1) as enacted provided for the making of Orders with respect to the payment of remuneration and allowances to officers and servants of the FCC. Section 3(2) of the 1962 Act extended this order-making power to making provision for pensions or other benefits for such officers and servants

<sup>8</sup> The Foreign and Commonwealth Office have confirmed that that the extent to which pensions are in fact still being paid under the 1977 Order is not clear

- 1.8 The second of these Orders was the order made to wind up the FCC in 2013.<sup>9</sup> As well as winding up the FCC, this Order transferred the FCC's property, rights and liabilities to the Secretary of State.<sup>10</sup> It is anticipated that this Order will continue to have value for the foreseeable future.
- 1.9 The effect of these Orders may be conveniently preserved by the entry in the attached *Schedule of Savings*.
- 1.10 All other orders made under the 1950 Act concerned either the FCC's procedure or the settlement of particular claims. They are now all obsolete.

*Proposal*

- 1.11 The 1950 Act has been obsolete since the dissolution of the FCC, except insofar as it provides the basis of the Orders identified above. Its repeal is therefore proposed.

**Foreign Compensation Act 1962**

- 1.12 The Foreign Compensation Act 1962<sup>11</sup> ("the 1962 Act") granted additional powers to the FCC. Following the Suez Crisis of 1956, all British property in Egypt had been nationalised. In 1959 the Egyptian government agreed to pay the United Kingdom £27.5 million in compensation, but this was inadequate to meet every claim, and had to be topped up with money provided by Parliament. The FCC's existing powers needed to be expanded to deal with this situation.<sup>12</sup>
- 1.13 The 1962 Act also contained provisions on pensions for FCC staff. It provided as follows:

Section	Provided	Repealed
Preamble	Preamble	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
1	Powers of Parliament and FCC to meet compensation claims	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
2	Deductions in respect of previous loans	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
3	Pensions for staff of Commission	N/A
4	Short title	N/A

<sup>9</sup> Foreign Compensation Commission (Winding Up) Order 2013, SI 2013/236, art 3

<sup>10</sup> The 2013 Order, art 4, Sch

<sup>11</sup> 11 & 12 Eliz.2 c.4

<sup>12</sup> HC Deb 13 November 1962 vol 667 cc206-213

1.14 Section 3, which deals with pensions, and section 4, which provides the short title, are the only parts of the 1962 Act that have not been repealed. Section 3 extended the order-making powers in section 7 of the 1950 Act in relation to the payment of pensions or other benefits to officers or servants of the FCC. As noted above, the resultant 1977 Order in Council will be preserved. No other SIs made under the 1962 Act have any significance today.

*Proposal*

1.15 Except insofar as it provides the basis of the 1977 Order, the 1962 Act is now obsolete. It is therefore proposed for repeal.

**Foreign Compensation Act 1969**

1.16 The Foreign Compensation Act 1969<sup>13</sup> (“the 1969 Act”) was passed to deal with claims that arose following the incorporation of the Baltic states into the USSR. In the 1940s, the Soviet government had seized a variety of British property in the region, and negotiations over compensation did not reach a conclusion until January 1968. It was eventually agreed that Baltic assets held by the British government would be given to the FCC to compensate claimants for the seizures.<sup>14</sup>

1.17 The 1969 Act was passed to authorise the implementation of this agreement. It provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
1	Powers of Board of Trade and FCC to deal with Baltic property	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
2	FCC’s jurisdiction expanded to cover Commonwealth nations	Subsections (1) and (3) repealed by Foreign Compensation (Amendment) Act 1993, s 2(2); subsection (2) repealed by Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
3	Determinations of the FCC and appeals against such determinations	Subsections (11) and (12) repealed by Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
4	Interpretation	Subsection (1) repealed by Statute Law (Repeals) Act 1989,

<sup>13</sup> 1969 c.20

<sup>14</sup> HC Deb 07 November 1968 vol 772 cc1096-1106



		s 1(1), sch 1 pt II
5	Short title	N/A

1.18 The parts of the Act that remain in force are section 2(4) (a spent repealing provision), section 3(1) to (10) (which provided for appeals against the FCC's determinations), section 4(2) (interpretation) and section 5 (the short title). None of these provisions can serve any useful purpose following the winding up of the FCC.

*Proposal*

1.19 The 1969 Act is now wholly obsolete. Its repeal is proposed on that basis.

**Foreign Compensation (Amendment) Act 1993**

1.20 The Foreign Compensation (Amendment) Act 1993<sup>15</sup> ("the 1993 Act") was passed to amend the 1950 Act, in order to deal with compensation claims that arose from Iraq's 1990 invasion of Kuwait. In this case, an international compensation fund was administered by the United Nations. The FCC therefore had to be empowered to receive and distribute compensation from a non-governmental organisation.<sup>16</sup>

1.21 The 1993 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Amendment of the 1950 Act (substitution of the 1950 Act, s 3)	N/A
2	Expenses and repeals	N/A
3	Commencement and short title	N/A

1.22 Apart from substituting a new section 3 in the 1950 Act, none of the provisions of this Act retain any significance today. The repeal of the 1950 Act means that section 3 is spent.

*Proposal*

1.23 The 1993 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

1.24 The 1950, 1962, 1969 and 1993 Acts extended throughout the United Kingdom.

<sup>15</sup> 1993 c.16

<sup>16</sup> HC Deb 18 February 1993 vol 219 cc492-493

*Consultation*

- 1.25 The Foreign Office and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **SCHEDULE OF SAVINGS**

### *Foreign Compensation Act 1950 (c.12)*

The repeal by this Act of the Foreign Compensation Act 1950 does not affect any provision made by Order in Council under section 7 of that Act (administrative and financial provisions) with respect to the payment of pensions or other benefits to officers or servants of the Foreign Compensation Commission or with respect to the winding up of the Foreign Compensation Commission.

## GROUP 4 – POLICE

### POLICE ACT 1909

- 1.1 This note proposes the repeal of the Police Act 1909.
- 1.2 The Police Act 1909<sup>1</sup> (“the 1909 Act”) was passed to amend a number of provisions on Metropolitan Police pensions and expenses. It also increased the pensions available to the dependants of police officers killed on duty in England and Scotland.<sup>2</sup>
- 1.3 The 1909 Act provided as follows:

Section	Provided	Repealed
1	Contribution towards expenses of Metropolitan Police	Greater London Authority Act 1999, s 423, sch 34 pt 7
2	Additional Metropolitan Police rate not to be included in rates totals	Local Government Act 1948, s 147(1), sch 2 pt 4
3	Appointment of fourth assistant commissioner of Metropolitan Police	Statute Law Revision Act 1950, s 1(1), sch 1
4	Regulations on pensions for Metropolitan Police clerical staff	Superannuation (Miscellaneous Provisions) Act 1967, s 15(8)(c)
5	Increased pensions for widows and children of constables killed on duty	Police Pensions Act 1921, s 35(3), sch 4
6	Short title and citation	Provision on citation repealed by Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt I

#### *Proposal*

- 1.4 The only remaining provision of the 1909 Act is the short title. It is therefore obsolete and its formal repeal is now proposed on that basis.

#### *Extent*

- 1.5 The 1909 Act extended throughout Great Britain.

<sup>1</sup> 9 Edw.7 c.40

<sup>2</sup> HL Deb 11 October 1909 vol 3 c1067

*Consultation*

- 1.6 The Home Office, the Metropolitan Police, the Police Federation for England and Wales and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## POLICE PENSIONS ACT 1921

1.1 This note proposes the repeal of the Police Pensions Act 1921.

1.2 The Police Pensions Act 1921<sup>1</sup> (“the 1921 Act”) established the first uniform pension scheme for police officers. The scheme introduced features which remained characteristic of police pensions throughout the twentieth century, including a pattern of sixtieths which gave a half pension after twenty-five years and two-thirds after thirty; pensions rather than pay-outs for widows; and a new prominence to awards for injury and disablement.<sup>2</sup>

1.3 The 1921 Act provided as follows:

Section	Provided	Repealed
1-9	Retirement and pensions	Police Pensions Act 1948, s 3(4), sch 1 pt I
10	Service in more than one capacity	Police Pensions Act 1948, s 3(4), sch 1 pt I (with saving)
11-29	Forfeiture and offences; deductions	Police Pensions Act 1948, s 3(4), sch 1 pt I
30	Interpretation	Police Act 1964, s 64(3), sch 10 pt I; proviso repealed by Police Pensions Act 1948, s 3(4), sch 1 pt I; residue repealed by Police (Scotland) Act 1967, s 52(2), sch 5
31-34	Supplementary provisions	Police Pensions Act 1948, s 3(4), sch 1 pt I
35	Short title, commencement and repeals	Police Act 1964, s 64(3), sch 10 pt II
Sch 1	Scales of pensions	Police Pensions Act 1948, s 3(4), sch 1 pt I
Sch 2	Police Fund	Police Pensions Act 1948, s 3(4), sch 1 pt I
Sch 3	Police areas and authorities	Police Act 1964, s 64(3), sch 10 pt I; Police (Scotland) Act

<sup>1</sup> 11 & 12 Geo.5 c.31

<sup>2</sup> See Gerald Rhodes, Public Sector Pensions, 1965, p60 (cited in the HC Standard Note Police Pension Scheme (SN 0700, 2 October 2012)).

		1967, s 52(2), sch 5
Sch 4	Repeals	Police Pensions Act 1948, s 3(4), sch 1 pt I

- 1.4 The only provision of the 1921 Act that awaits a final repeal is section 10, which was repealed by the Police Pensions Act 1948 subject to a saving.
- 1.5 Section 10 makes provision for the calculation of pensions payable to people who have served in more than one capacity - as a civil servant (or officer of the staff of the Metropolitan Police) and in a police force.
- 1.6 Section 3(1) of the 1948 Act effectively saved section 10 in respect of former police officers who were in civilian employment in 1948 and who never again became police officers. This saving will have long ceased to serve any useful purpose.

*Proposal*

- 1.7 Given that the 1921 Act no longer serves any useful purpose, its formal repeal is proposed on that basis.

*Extent*

- 1.8 The 1921 Act extended throughout Great Britain.

*Consultation*

- 1.9 The Home Office, the Police Federation for England and Wales and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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**METROPOLITAN POLICE (STAFF SUPERANNUATION AND POLICE FUND) ACT 1931**

- 1.1 This note proposes the repeal of the Metropolitan Police (Staff Superannuation and Police Fund) Act 1931.
- 1.2 The Metropolitan Police (Staff Superannuation and Police Fund) Act 1931<sup>1</sup> (“the 1931 Act”) was passed to provide for the granting of compassionate gratuities in respect of officers to whom the Metropolitan Police Staff Superannuation Acts 1875 and 1885, applied; to permit commutation of certain of the pensions payable in respect of such officers; and to amend section 10 of the Metropolitan Police Act 1829 (“the 1829 Act”).
- 1.3 The 1931 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repeal</b>
1	Secretary of State’s power to make regulations as to compassionate allowances in respect of officers of staff of metropolitan police	Superannuation (Miscellaneous Provisions) Act 1967 (c 28), s 15
2	Secretary of State’s power to make regulations as to commutation of compensation allowances.	Superannuation (Miscellaneous Provisions) Act 1967 (c 28), s 15
3	Application, construction and citation of sections 1 and 2	Superannuation (Miscellaneous Provisions) Act 1967 (c 28), s 15
4	Amends section 10 of the Metropolitan Police Act 1829 (c 44) to make provision for bank accounts of Receiver for the Metropolitan Police District	N/A
5	Short title	N/A

- 1.4 The only substantive provision of the 1931 Act which remains in force is section 4, which amends section 10 of the 1829 Act.

<sup>1</sup> 21 & 22 Geo.5 c.12



- 1.5 Section 10 of the 1829 Act provides for the appointment of a Receiver for the Metropolitan Police District. Section 10 was repealed by the Greater London Authority Act 1999 (“the 1999 Act”).<sup>2</sup> However that repeal has to date been brought into force only for “police purposes” (and subject to transitional provision which has long since ceased to be relevant).
- 1.6 The Receiver was, until 2000, a civilian official who acted as the chief financial officer of the Metropolitan Police and the Treasurer of the Metropolitan Police Fund. Certain other financial and service functions in relation to the Inner London Magistrates Courts Service (ILMCS) and the Inner London Probation Service (ILPS) were also attached to the office.
- 1.7 Provision was made to abolish the office by the 1999 Act.<sup>3</sup> The legislation which defined the Receiver’s functions was largely repealed by that Act (including, as noted, section 10 of the 1829 Act), although to date these repeals have been brought into force only for “police purposes”. That term is not defined, but it seems clear that it refers to the Receiver’s functions in relation to the Metropolitan Police. Separate provision was made to deal with the Receiver’s other responsibilities.
- 1.8 The Secretary of State has the power to formally abolish the office of Receiver by order under section 327 of the 1999 Act. No such order has been made. However, as there is no longer an office holder, the establishing legislation has been repealed for “police purposes” and the Receiver’s non-police related powers have been transferred elsewhere it is clear that the office of Receiver has gone in all but the most formal sense.

#### *Proposal*

- 1.9 With the exception of the amendments made by section 4 to section 10 of the 1829 Act, the 1931 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendments made by section 4 may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the final repeal of the 1931 Act in its entirety.

#### *Extent*

- 1.10 The 1931 Act applied to the Metropolitan Police District in Greater London.

#### *Consultation*

- 1.11 The Home Office, the Metropolitan Police and the Police Federation for England and Wales have been consulted about this repeal proposal.

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<sup>2</sup> The 1999 Act, ss 325, 423, Sch 27 (para 1(d)), Sch 34, Pt 7

<sup>3</sup> The 1999 Act, as above

## **SCHEDULE OF SAVINGS**

### *Metropolitan Police Act 1829 (c.44)*

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

## **POLICE ACT 1976**

- 1.1 This note proposes the repeal of the Police Act 1976.
- 1.2 The Police Act 1976<sup>1</sup> (“the 1976 Act”) was passed to establish the Police Complaints Board (“the Board”). This was the first independent body set up to investigate complaints against the British police.
- 1.3 The 1976 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Establishment of the Police Complaints Board	Subsections (1)-(4) repealed by Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6
2-9	Powers and proceedings of the Board	Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6
10-12	Amendments of police discipline provisions	Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6
13	Commencement	Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6
14	Short title and extent	Subsection (2) repealed by Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6
Schedule	Subsidiary provisions on the Board	Apart from text in para 4 and para 14, repealed by Police and Criminal Evidence Act 1984, s 119(2), sch 7 pt 6

- 1.4 In 1985, the Board was replaced by the Police Complaints Authority and most of the 1976 Act was repealed.
- 1.5 The only parts of the 1976 Act that remain in force are the short title; section 1(5) (which enacts the Schedule); and paragraphs 4 and 14 of the Schedule. Paragraph 4 empowers the Secretary of State to pay pensions to former members of the Board, and paragraph 14 provides that such payments are to be made out of sums provided by Parliament. The Home Office are unable to say whether such pensions are still being paid.

<sup>1</sup> 1976 c.46

*Proposal*

- 1.6 With the exception of the provisions in the Schedule about payment of pensions to former members of the Board, the 1976 Act now serves no useful purpose. Its repeal is proposed on that basis. The provisions about pensions may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the repeal of the 1976 Act in its entirety.

*Extent*

- 1.7 The 1976 Act extended to England and Wales only.

*Consultation*

- 1.8 The Home Office, the Independent Police Complaints Commission, the Police Federation for England and Wales and the relevant authorities in Wales have been consulted about this repeal proposal.

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## **SCHEDULE OF SAVINGS**

### *Police Act 1976 (c.46)*

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

## **POLICE OFFICERS (CENTRAL SERVICE) ACT 1989**

- 1.1 This note proposes the repeal of the Police Officers (Central Service) Act 1989.
- 1.2 The Police Officers (Central Service) Act 1989<sup>1</sup> (“the 1989 Act”) was passed to amend the status of police officers seconded to central service. This included, for example, those acting as staff officers to inspectors, or working at training centres or forensic science laboratories. Previously, officers who moved to central service ceased to be members of a police force. They were therefore unable to exercise police powers or wear a police uniform. The 1989 Act gave them these rights by providing that officers on central service were still to be treated as members of a police force.<sup>2</sup>
- 1.3 The 1989 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Amendment of Police Act 1964	Police Act 1996, s 103(3), sch 9 pt I
2	Amendment of Police (Scotland) Act 1967	N/A
3	Repeals	Police Act 1996, s 103(3), sch 9 pt I
4	Short title and extent	N/A
Sch	Repeals	Police Act 1996, s 103(3), sch 9 pt I

- 1.4 The provisions on central service in England were repealed and replaced in a 1996 consolidation of police legislation.<sup>3</sup>
- 1.5 The only remaining substantive provision of the Act is section 2, which inserted subsections 3A and 3B into section 38 of the Police (Scotland) Act 1967. Section 38 was repealed by the Police and Fire Reform (Scotland) Act 2012,<sup>4</sup> which also replaced the provisions on central service. This came into force on 1 April 2013.<sup>5</sup> The 1989 Act is thus obsolete.

<sup>1</sup> 1989 c.11

<sup>2</sup> HC Deb 04 May 1989 vol 152 cc385-386

<sup>3</sup> Police Act 1996, s 97

<sup>4</sup> 2012 Act, s 128(2), sch 8 pt I

<sup>5</sup> Police and Fire Reform (Scotland) Act 2012 (Commencement No. 4, Transitory and Transitional Provisions) Order 2013 [SI 2013/51], s 2

*Proposal*

- 1.6 The repeal of the 1989 Act is proposed on the basis that it is now obsolete.

*Extent*

- 1.7 The 1989 Act extended throughout Great Britain.

*Consultation*

- 1.8 The Home Office, the Association of Police and Crime Commissioners, the Police Federation for England and Wales and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## GROUP 5 – SOCIAL SECURITY

### NATIONAL HEALTH SERVICE ACT 1966

- 1.1 This note proposes the repeal of the National Health Service Act 1966.
- 1.2 The National Health Service Act 1966<sup>1</sup> (“the 1966 Act”) was passed to establish a General Practice Finance Corporation, which would make loans to GPs to fund the purchase and modernisation of surgeries and equipment. It also modified arrangements for doctors’ salaries.<sup>2</sup>
- 1.3 The 1966 Act provided as follows:

Section	Provided	Repealed
1	Establishment of General Practice Finance Corporation	Health and Medicines Act 1988, s 25(2), sch 3
2	Loans for the purchase or improvement of medical premises	Health and Medicines Act 1988, s 25(2), sch 3
3	Loans for the purchase or hire of medical equipment	Health and Medicines Act 1988, s 25(2), sch 3
4	Scheme for Corporation’s functions	Health and Medicines Act 1988, s 25(2), sch 3
5	Financial duty of Corporation	Health and Medicines Act 1988, s 25(2), sch 3
6	Corporation’s borrowing powers	Health and Medicines Act 1988, s 25(2), sch 3
7	Treasury guarantee of loans	Health and Medicines Act 1988, s 25(2), sch 3
8	Accounts, auditing and annual reports	Health and Medicines Act 1988, s 25(2), sch 3
9	Pensions for Corporation members	Health and Medicines Act 1988, s 25(2), sch 3
10	Modification of salary provisions for general practitioners	Health Act 1999, s 65(2), sch 5 (for Scotland: see Health Act 1999 (Commencement No 4) Order 1999 [SI 1999/90]); National Health Service (Pre-consolidation

<sup>1</sup> 1966 c.8

<sup>2</sup> HC Deb 03 February 1966 vol 723 cc1372-1378



		Amendments) Order 2006 [SI 2006/1407], s 3, sch 2 (for England and Wales)
11	Interpretation	Health and Medicines Act 1988, s 25(2), sch 3
12	Short title, citation, commencement and extent	Subsections (2) and (3) repealed by Health and Medicines Act 1988, s 25(2), sch 3
Sch	Corporation's constitution	Health and Medicines Act 1988, s 25(2), sch 3

- 1.4 The Corporation was privatised under the Health and Medicines Act 1988, rendering most of the 1966 Act obsolete. The only provisions of the Act that have not now been repealed are the short title (section 12(1)) and the extent (section 12(4)).

*Proposal*

- 1.5 The 1966 Act is now obsolete. Its formal repeal is therefore now proposed on that basis.

*Extent*

- 1.6 The 1966 Act extended throughout Great Britain.

*Consultation*

- 1.7 The Department for Health, General Practice Finance Corporation Ltd and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT 1967

- 1.1 This note proposes the repeal of the Family Allowances and National Insurance Act 1967.
- 1.2 The Family Allowances and National Insurance Act 1967<sup>1</sup> (“the 1967 Act”) was passed to provide more benefits to support families with children. The Act increased the rate of the family allowance and decreased the rate of the National Insurance dependency benefit for children. This restructuring of the benefit system was intended to help families who did not pay National Insurance and therefore did not receive the dependency benefit.<sup>2</sup>
- 1.3 The 1967 Act provided as follows:

Section	Provided	Repealed
1	Amendments to rates of family allowance and National Insurance child benefit	Subsection (1) repealed by Family Allowances and National Insurance Act 1968, s 1(1); subsection (2) repealed by Family Allowances and National Insurance Act 1968, s 1(2)(b); subsection (3) repealed by Family Allowances and National Insurance Act 1968, s 1(3); subsection (4) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I; subsection (5) repealed by Social Security Act 1973, s 100(2)(b), sch 28 pt I
2	Definition of ‘child’	Subsections (1) and (2) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt I; subsection (3) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
3	Expenses	Subsection (1) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt I; subsection (2) repealed by Social Security Act 1973, s 100(2)(b), sch 28 pt I
4	Short title, citation and construction	Subsections (1)(a) and (2)(a) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt I; subsections (1)(b) and (2)(b-c) repealed by Social Security (Consequential Provisions) Act 1975, s

<sup>1</sup> 1967 c.90

<sup>2</sup> HC Deb 08 November 1967 vol 753 cc1036-1040

		1(2), sch 1 pt I. Short title at start of section not repealed
Sch 1	Amendments to National Insurance Act 1965	Part I repealed by Family Allowances and National Insurance Act 1968, s 1(2)(b); part II repealed by Social Security Act 1973, s 100(2)(b), sch 28 pt I
Sch 2	Amendments to National Insurance (Industrial Injuries) Act 1965	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
Sch 3	Commencement and transitional provisions	Paragraphs 1, 3, 5(2), 6 and 7 repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I; paragraphs 2 and 5(1) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt I

1.4 Aside from the short title in section 4, the only remaining parts of the 1967 Act are:

- (1) section 1(6), which gives effect to schedule 3;
- (2) paragraph 4 of schedule 3, which provided for transitional arrangements with regard to the benefit changes; and
- (3) paragraph 8 of schedule 3, which provided for the interpretation of 'benefit'.

1.5 Paragraph 4 provided that, where a beneficiary received National Insurance child dependency benefit at the higher rate payable before the passing of this Act, the extra benefit would be regarded as properly paid. However, it would be set off against any arrears of the family allowance that would otherwise have been payable for the relevant period.

1.6 Paragraph 4 appears to be long spent. It dealt with claims for arrears of the family allowance that fell due during the transitional period to the new rate of benefits, now over 40 years ago. The family allowance was abolished by the Child Benefit Act 1975.

1.7 Paragraph 8 (and section 1(6)) are ancillary to paragraph 4 and fall with it.

*Proposal*

1.8 The 1967 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

1.9 The 1967 Act extended throughout the United Kingdom.

*Consultation*

- 1.10 HM Treasury, the Department for Work and Pensions and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## NATIONAL INSURANCE ACT 1974

- 1.1 This note proposes the repeal of the National Insurance Act 1974.
- 1.2 The National Insurance Act 1974<sup>1</sup> (“the 1974 Act”) was passed to fulfil the newly-elected Labour government’s manifesto commitment to uprating benefits and pensions. This was funded by increases in National Insurance contributions, particularly from employers.<sup>2</sup>
- 1.3 The 1974 Act provided as follows:

Section	Provided	Repealed
1	Changes to weekly rates of benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
2	Changes to National Insurance contributions	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
3	Changes to industrial injury benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
4	Changes to pensions	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
5	Benefits uprating linked to earnings or prices	Social Security Benefits Act 1975, s 14(6), sch 6 pt I
6	Power to make regulations; amendments	Subsections (1) and (3) repealed by Social Security (Consequential Provisions) Act 1992, s 3(1), sch 1; subsection (2) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I; subsection (4) repealed by Pension Schemes Act 1993, s 188(1), sch 5 pt I
7	Expenses	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
8	Citation, construction, commencement, repeals	Subsections (2)-(4) and some words in subsection (6) repealed by

<sup>1</sup> 1974 c.14

<sup>2</sup> HC Deb 10 April 1974 vol 872 cc 463-472

	and extent	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I; subsection (5) repealed by Supplementary Benefits Act 1976, s 35(3), sch 8 pt I
Sch 1	Amendments to schedule 3 of the National Insurance Act 1965	Social Security Benefits Act 1975, s 14(6), sch 6 pt I
Sch 2	Amendments to schedule 1 of the National Insurance Act 1965	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
Sch 3	Amendments to schedule 3 of the National Insurance (Industrial Injuries) Act 1965	Social Security Benefits Act 1975, s 14(6), sch 6 pt I
Sch 4	Amendments to various social security Acts	Paragraphs 1-32, 36(a) and (c), 37 and 39-56 repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I; paragraphs 33-35 repealed by Social Security Pensions Act 1975, s 65(3), sch 5; paragraph 36 repealed by Social Security Pensions (Northern Ireland) Order 1975 [SI 1975/1503], s 74(2), sch 6 (for Northern Ireland); paragraph 38 repealed by Social Security (Northern Ireland) Order 1980 [SI 1980/870], s 16, sch 4 pt I (for Northern Ireland)
Sch 5	Commencement and transitional provisions	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I
Sch 6	Repeals	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt I

1.4 The only provisions of the 1974 Act that remain unrepealed are:

- (1) the short title (section 8(1)) and extent (section 8(6));
- (2) section 6(5), which enacts Schedule 4;

(3) in England, Wales and Scotland, paragraph 36(b) of Schedule 4, which amends Schedule 25 to the Social Security Act 1973 (Schedule 25 has now been repealed)<sup>3</sup>; and

(4) in England, Wales and Scotland, paragraph 38 of Schedule 4, which amends paragraph 103 of Schedule 27 to the 1973 Act (paragraph 103 has now been repealed)<sup>4</sup>.

*Proposal*

1.5 Now that Schedule 4 is spent, the ancillary provisions in sections 6(5), 8(1) and (6) have become unnecessary. Accordingly the whole of the 1974 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

1.6 The whole of the 1974 Act extended throughout Great Britain. Sections 6(1), 6(3) and 8 and parts of Schedules 4 to 6 also extended to Northern Ireland.

*Consultation*

1.7 HM Treasury, the Department for Work and Pensions and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> S.I. 1975/1503 (N.I. 15), art 74(2), Sch 6; Social Security (Consequential Provisions) Act 1975, s 1(2), Sch 1, Pt 1

<sup>4</sup> S.I. 1980/870 (N.I. 8), Sch 4, Pt 1

## SOCIAL SECURITY BENEFITS ACT 1975

- 1.1 This note proposes the repeal of the Social Security Benefits Act 1975.
- 1.2 The Social Security Benefits Act 1975<sup>1</sup> (“the 1975 Act”) was passed to increase the rates of various pensions and benefits. It also introduced two new benefits: for those who were unable to pay National Insurance contributions because of long-term disability, and for those caring for disabled people.<sup>2</sup>
- 1.3 The 1975 Act provided as follows:

Section	Provided	Repealed
1	Changes to rates of basic scheme benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
2	Changes to rates of industrial injury benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
3	Power to increase rates of benefits by Order	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
4	Duty to review and maintain value of benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
5	Non-contributory invalidity pension and invalid care allowance added to basic scheme benefits	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
6	Entitlement to non-contributory invalidity pension	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
7	Entitlement to invalid care allowance	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
8	Amendments to other social security Acts	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1; subsection (6) repealed by Education (Northern Ireland) Order 1978 [SI 1978/1040], s 18(2), sch 2

<sup>1</sup> 1975 c.11

<sup>2</sup> HL Deb 18 February 1975 vol 357 cc168-177



		pt 2
9	Changes to rates of family allowance	Subsection (1) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt 1 [for England, Wales and Scotland]; subsection (1) repealed by Child Benefit (Northern Ireland) Order 1975 [SI 1975/1503], s 74(2), sch 6 [for Northern Ireland]; subsection (2) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
10	Recovery of wrongly paid family allowances	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
11	Amendments to Supplementary Benefit Act 1966	Supplementary Benefits Act 1976, s 35(3), sch 8 pt 1 [for England, Wales and Scotland]; Supplementary Benefits (Northern Ireland) Order 1977 [SI 1977/2156], s 42(3), sch 7 pt 1 [for Northern Ireland]
12	Expenses	Subsection (2) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
13	Application to Northern Ireland	N/A
14	Short title, citation, interpretation, commencement and repeals	Text in subsection (2) repealed by Child Benefit Act 1975, s 21(2), sch 5 pt 1 [for England, Wales and Scotland]; text in subsection (2) repealed by Child Benefit (Northern Ireland) Order 1975 [SI 1975/1503], s 74(2), sch 6 [for Northern Ireland]; subsection (3) repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
Sch 1	Amendments to Social Security Act 1973	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
Sch 2	Amendments to National Insurance (Industrial Injuries) Act 1965	Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1
Sch 3	Amendments to Supplementary Benefit Act	Supplementary Benefits Act 1976, s 35(3), sch 8 pt 1 [for England,

	1966	Wales and Scotland]; Supplementary Benefits (Northern Ireland) Order 1977 [SI 1977/2156], s 42(3), sch 7 pt 1 [for Northern Ireland]
Sch 4	Application to Northern Ireland	All substantive provisions repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1; Child Benefit (Northern Ireland) Order 1975 [SI 1975/1503], s 74(2), sch 6; Supplementary Benefits (Northern Ireland) Order 1977 [SI 1977/2156], s 42(3), sch 7 pt 1
Sch 5	Commencement and transitional provisions	Paras 1-4 repealed by Social Security (Consequential Provisions) Act 1975, s 1(2), sch 1 pt 1; paras 5 and 6 repealed by Child Benefit Act 1975, s 21(2), sch 5 pt 1 [for England, Wales and Scotland]; paras 5 and 6 repealed by Child Benefit (Northern Ireland) Order 1975 [SI 1975/1503], s 74(2), sch 6 [for Northern Ireland]
Sch 6	Repeals	N/A

1.4 The only provisions of the 1975 Act that remain unrepealed are:

- (1) section 12(1) (a spent financial provision);
- (2) section 13 (which introduced Schedule 4);
- (3) section 14 (short title, citation, interpretation, commencement and repeals);
- (4) Schedule 4 (which adapts the Act to Northern Ireland); and
- (5) Schedule 6 (repeals).

1.5 The only provisions unrepealed in Schedule 4 are spent references to sections 9 and 14 (and Schedules 3 and 5) of the 1975 Act.

*Proposal*

1.6 Given that there are no remaining substantive provisions of the 1975 Act, the remaining ancillary provisions no longer serve any useful purpose. The repeal of the 1975 Act is proposed on that basis.

*Extent*

- 1.7 The 1975 Act extended throughout the United Kingdom.

*Consultation*

- 1.8 HM Treasury, the Department for Work and Pensions and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## GROUP 6 - TAXATION

### **BANK CHARTER ACT 1844 (7 & 8 VICT C 32)**

- 1.1 Schedule A to the Bank Charter Act 1844 provided the form of the account required by section 6 of the same Act. Section 6 was repealed by the Banking Act 2009.<sup>1</sup> Schedule A is therefore spent.
- 1.2 The 1844 Act extended throughout the UK.

### **Finance Act 1896 (59 & 60 Vict c 28)**

- 1.3 See separate Note.

### **Finance (1909-1910) Act 1910 (10 Edw 7 & 1 Geo 5 c 8)**

- 1.4 See separate Note.

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

- 1.5 See separate Note.

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

- 1.6 Section 10 of the Currency and Bank Notes Act 1928 provided for the amendment of Schedule A to the Bank Charter Act 1844. As noted above, Schedule A is now spent. Section 10 is therefore also spent.
- 1.7 The 1928 Act extended throughout the UK.

### **Finance Act 1936 (26 Geo 5 & 1 Edw 8 c 34)**

- 1.8 See separate Note.

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

- 1.9 Sections 26-39 and 41 of the Finance Act 1940 concerned the excess profits tax. This tax, levied on extra profits made by businesses as a result of the Second World War, was abolished in 1946.<sup>2</sup> As a result, these provisions are now spent. Schedules 5 and 6, which provided supplementary provisions on the excess profits tax, are also spent.
- 1.10 Section 65(4) concerned the construction of Part 3 of the 1940 Act. Sections 26-39 and 41 are the only remaining provisions in Part 3. If they are repealed, section 65(4) will also be obsolete.

<sup>1</sup> s 245

<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/http://www.hmrc.gov.uk/history/taxhis6.htm>

- 1.11 Schedule 1 set out rates of beer duties. It was introduced by sections 1 and 2, both of which have been repealed.<sup>3</sup> The remaining parts of schedule 1 (parts 2, 5 and 6) are therefore spent.
- 1.12 The 1940 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

- 1.13 Sections 37-41 of the Finance Act 1942 concerned the excess profits tax. As explained above, this tax has long been abolished. As a result, these provisions are now spent. Section 49(5), which relates to the construction of sections 37-41, is also spent.<sup>4</sup>
- 1.14 The 1942 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

- 1.15 Sections 29 and 31-36 of and Schedule 5 to the Finance (No 2) Act 1945 concerned the excess profits tax. Sections 38 and 46-50 and Schedule 6 concerned post-war refunds of the excess profits tax. This was paid to businesses to aid reconstruction following the end of the Second World War.<sup>5</sup>
- 1.16 Section 51(3) concerned the arrangements for paying excess profits tax in British dominions outside the UK. Sections 58 and 59 and Schedule 8 concerned the exceptional depreciation allowance used in calculating profits for the purpose of the excess profits tax.<sup>6</sup> Section 62(4) concerned the construction of provisions relating to the excess profits tax.
- 1.17 These provisions are now long spent.
- 1.18 The 1945 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

<sup>3</sup> Customs and Excise Act 1952, s 320(1), sch 12 pt 1; Finance Act 1942, s 49(8), sch 12

<sup>4</sup> According to legislation.gov.uk, section 49(5) has been repealed. However, this seems to be incorrect.

<sup>5</sup> <http://webarchive.nationalarchives.gov.uk/http://www.hmrc.gov.uk/history/taxhis6.htm>

<sup>6</sup> The other provisions in section 51 were repealed by the Income Tax Act 1952, s 527, Sch 25

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

- 1.19 Sections 36-43 of and Schedules 8 and 9 to the Finance Act 1946 concerned the excess profits tax. Section 45 concerned the construction of Part 3 of the Act, none of which remains in force. Section 58 concerned the exceptional depreciation allowance in respect of income tax, excess profits tax and the national defence contribution. Section 58 has been repealed insofar as it related to income tax,<sup>7</sup> and therefore now only relates to the excess profits tax and the national defence contribution. The national defence contribution, introduced in 1937, was replaced by profits tax in 1947.
- 1.20 Accordingly all of these provisions are now spent.
- 1.21 The 1946 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

- 1.22 In section 74 of the Finance Act 1947 (short title, construction, extent and repeals), subsections (1), (4), (5), (7) and (9)-(11) remain in force. Subsections (4) and (5) concern the construction of Parts 3 and 4 and parts of Part 7, all of which have been repealed. Subsections 74(4) and (5) are therefore obsolete.
- 1.23 Subsection 74(11) introduced Schedule 11. Parts 2 and 3 of Schedule 11 remain in force, but, as they merely gave effect to repeals, are now spent. Subsection 74(11) is thus also spent.
- 1.24 Section 57 (exemption of transfers of stock guaranteed by Treasury) was repealed by the Finance Act 1990, but the repeal has never been commenced.<sup>8</sup> It is not clear why this is the case. **HMRC are asked to confirm whether this provision continues to serve any useful purpose.**
- 1.25 The 1947 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

- 1.26 See separate Note.

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

- 1.27 Section 71 of the Finance Act 1948 defined “remuneration” for the purpose of enactments relating to the profits tax, which had replaced the national defence contribution. The profits tax was abolished and replaced by corporation tax in 1965. Section 71 is therefore obsolete.<sup>9</sup>
- 1.28 Section 78 concerned relief from the excess profits tax. As explained above, this tax has long since been abolished, and section 78 is therefore also obsolete.

<sup>7</sup> Income Tax Act 1952, s 527, sch 25

<sup>8</sup> s 132, sch 19 pt VI

<sup>9</sup> Part of subsection (2) was repealed by the Finance Act 1958, s 40(5), sch 9 pt 2

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

1.30 The 1948 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

1.31 Section 51 of the Finance Act 1949 originally concerned appeals against assessments to income tax, surtax, the profits tax, excess profits tax or the special contribution. Today, however, it relates only to the profits tax.<sup>10</sup> As explained above, this has been abolished. Section 51 is therefore obsolete.

1.32 Section 52(2) concerned the construction of Part 1 of the Act. Part 1 has been repealed in its entirety. The remaining part of section 52(7) concerned the construction of provisions relating to the profits tax. Section 52(2) and (7) are therefore now obsolete.

1.33 The 1949 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

1.34 Section 39 of the Finance Act 1951 amended section 78 of the Finance Act 1948 (relief from excess profits tax) which is proposed for repeal above. The repeal of section 78 will result in the consequential repeal of section 39.

1.35 Section 40 extended the time limit for commencing proceedings for penalties in cases of fraud or wilful default relating to the payment of excess profits tax or profits tax. As stated above in relation to the proposed repeal of sections 71 and 78 of the Finance Act 1948, both the excess profits tax and the profits tax have long since been abolished. Accordingly section 40 no longer serves any useful purpose.

1.36 The 1951 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

**Finance Act 1957 (5 & 6 Eliz 2 c 49)**

1.37 See separate Note.

<sup>10</sup> References to income tax and surtax were repealed by the Income Tax Act 1952, s 527(1), sch 25 pt 1, and references to excess profits tax and the special contribution were repealed by the Statute Law (Repeals) Act 2008, s 1(1), sch 1 pt 8.

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

- 1.38 Section 67 of the Finance Act 1960 increased the rate of profits tax chargeable by virtue of section 25(1) of the Finance Act 1958 from 10% to 12.5% with effect from 1 April 1960. As stated above in relation to the proposed repeal of section 71 of the Finance Act 1948, the profits tax has long since been abolished. Moreover section 25 of the Finance Act 1958 has been repealed by the Finance Act 1965.<sup>11</sup> Accordingly section 67 is now obsolete.
- 1.39 The 1960 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

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

- 1.40 Section 31 of the Finance Act 1961 increased the rate of profits tax chargeable by virtue of section 25(1) of the Finance Act 1958 from 12.5% to 15% with effect from 1 April 1961. For the reasons given in the last paragraph, section 31 is now obsolete.
- 1.41 The repeal of section 31 will mean that the Finance Act 1961 may be repealed in whole, the only unrepealed provision being section 37 which provides for the short title, interpretation and extent.
- 1.42 The 1961 Act extended throughout the UK, except insofar as it related to matters within the competence of the Parliament of Northern Ireland.

#### **Finance Act 1966 (c 18)**

- 1.43 The whole of section 12 of the Finance Act 1966 (general betting duty), other than subsection (6)(b), was repealed by the Betting and Gaming Duties Act 1972<sup>12</sup> Subsection (6)(b) amended Schedule 5 to the Betting, Gaming and Lotteries Act 1963 and became unnecessary when Schedule 5 was repealed by the Gambling Act 2005.<sup>13</sup> Section 12 is accordingly now unnecessary.
- 1.44 Section 12 extended throughout Great Britain.

#### **Taxes Management Act 1970 (c 9)**

- 1.45 Sections 47A, 57A, 62(3), 77A, 85A, 86A and 91A were inserted by the Development Land Tax Act 1976<sup>14</sup> and ceased to have any effect in respect of any disposal of land taking place on or after 19 March 1985, by virtue of the repeal of the 1976 Act by the Finance Act 1985.<sup>15</sup>
- 1.46 These provisions extended throughout the UK.

<sup>11</sup> The 1965 Act, s 97(5), Sch 22, Pt 5

<sup>12</sup> The 1972 Act, s 29(2), Sch 7

<sup>13</sup> The 2005 Act, s 356(3)(f), (4), Sch 17

<sup>14</sup> The 1976 Act, s 41(1), Sch 8, Pt 1

<sup>15</sup> The 1985 Act, s 98(6), Sch 27, Pt 10, Note 2



### **Finance Act 1974 (c 30)**

- 1.47 Section 56 of the Finance Act 1974 (trustee savings banks – special investments) amended section 18(1) of the Trustee Savings Banks Act 1969. The 1969 Act was repealed in its entirety by the Trustee Savings Banks Act 1981.<sup>16</sup> Section 56 is therefore obsolete.
- 1.48 The 1974 Act extended throughout the UK.

### **Finance (No 2) Act 1975 (c 45)**

- 1.49 Parts of the Finance (No 2) Act 1975 made amendments to the Taxes Management Act 1970. Some of these amendments are now spent.
- (1) Section 44(5) amended section 29(5) of the 1970 Act. Section 29 was substituted by the Finance Act 1994.<sup>17</sup>
  - (2) Section 45(2) amended section 55 of the 1970 Act in relation to years of assessment up to 1972-73. This amendment no longer seems necessary.
  - (3) Section 45(3) amended section 56(9) of the 1970 Act. Section 56 was substituted by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.<sup>18</sup>
  - (4) Section 45(4) amended section 48(2) of the 1970 Act. Section 48 was also substituted by the 2009 Order.<sup>19</sup> Section 46(1) substituted section 86 of the 1970 Act. Section 86 was further substituted by the Finance Act 1995.<sup>20</sup>
  - (5) Section 46(2) amended section 86 of the 1970 Act in relation to years of assessment up to 1972-73. As above, section 86 has now been substituted.
  - (6) Section 46(3) amended section 87 of the 1970 Act. Section 46(3)(a) has already been repealed by the Finance Act 1980.<sup>21</sup> Section 46(3)(b) inserted section 87(8) into the 1970 Act. Section 87 was substituted by the Income Tax Act 2007.<sup>22</sup>

<sup>16</sup> s 55(3), sch 8

<sup>17</sup> s 191(1)

<sup>18</sup> SI 2009/56, art 3(1), sch 1 para 35

<sup>19</sup> SI 2009/56, art 3(1), sch 1 para 28

<sup>20</sup> s 110

<sup>21</sup> The 1980 Act, s 122, Sch 20, pt 9

<sup>22</sup> s 1027, sch 1 para 258

(7) Section 46(5) amended section 109(2), (3) and (4) of the 1970 Act. Section 109(2) was repealed by the Finance (No 2) Act 1987.<sup>23</sup> Section 109(3) was substituted by the Finance Act 2013.<sup>24</sup> Section 109(4) had already been substituted by the Finance Act 1972,<sup>25</sup> and only applied to payments made before 6 April 1973.

(8) Section 74 amended the Solicitors Act 1974 by inserting a reference to a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969. This amendment was repealed by the Trustee Savings Banks Act 1985.<sup>26</sup>

1.50 Thus sections 44(5), 45(2)-(4), 46<sup>27</sup> and 74 of the 1975 Act are now unnecessary.

1.51 The 1975 Act extended throughout the UK.

#### **Finance Act 1980 (c 48)**

1.52 Section 104 of the Finance Act 1980 (increase of petroleum revenue tax) amended section 1(2) of the Oil Taxation Act 1975. The relevant words were subsequently substituted by the Finance Act 1982.<sup>28</sup> Section 104 is therefore obsolete.

1.53 The 1980 Act extended throughout the UK

#### **Finance Act 1981 (c 35)**

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

1.55 The 1981 Act extended throughout the UK.

#### **Finance Act 1982 (c 39)**

1.56 Section 12 of the Finance Act 1982 (delegation of Commissioners' functions) amended section 8(1) of the Customs and Excise Management Act 1979. Section 8(1) was repealed by the Commissioners for Revenue and Customs Act 2005.<sup>29</sup> Section 12 is therefore obsolete.

<sup>23</sup> s 91(1)

<sup>24</sup> s 79, sch 30 para 11(3)

<sup>25</sup> s 111, sch 24 para 13

<sup>26</sup> The 1985 Act, s 7(3), Sch 4

<sup>27</sup> The only other provisions in section 46 not referred to in the note above have already been repealed. Subs (4) was repealed by Finance Act 1996, s 205, Sch 41, Pt 5(8). Subs (6) was repealed by the Income and Corporation Taxes Act 1988, s 844(4), Sch 31

<sup>28</sup> s 132(1)

<sup>29</sup> s 50(6), sch 4 para 21(c)

- 1.57 Sections 139 to 142 required the payment of advance petroleum revenue tax (APRT) for chargeable periods ending after 31 December 1982 and before 1 January 1987. APRT was a temporary tax and ceased to be chargeable after 1986. It therefore appears that sections 139 to 142 (together with Schedule 19, which contains supplementary provisions relating to APRT) are now spent.
- 1.58 The 1982 Act extended throughout the UK.

**Finance Act 1984 (c 43)**

- 1.59 Section 3 amended sections 6(1) and 11(1)(a) of the Hydrocarbon Oil Duties Act 1979 by inserting new rates of duties provisions. Subsequent amendments to those provisions mean that section 3 is now spent.
- 1.60 Section 6 amended section 14 of the Betting and Gaming Duties Act 1981 (rate of gaming licence duty) by substituting a new Table in subsection (1) in respect of gaming licences for any period after 31 March 1984. This amendment is now unnecessary because section 14 was repealed by the Finance Act 1997 in relation to any gaming on or after 1 October 1997.<sup>30</sup>
- 1.61 Section 57(1)(a) of the Finance Act 1984 amended section 65(1) of the Taxes Management Act 1970. The relevant words were subsequently substituted by the Finance Act 1998.<sup>31</sup> Section 57(1)(a) is therefore obsolete.
- 1.62 The 1984 Act extended throughout the UK.

**Finance Act 1986 (c 41)**

- 1.63 Section 74(1) of the Finance Act 1986 is a repealing provision and is now spent. Section 74(2) amended paragraph 12(3) of Part 4 of Schedule 18 to the Finance Act 1980. Paragraph 12(3) was repealed by the Finance Act 1988.<sup>32</sup> Section 74(3) is supplementary. The whole of section 74 is therefore obsolete.
- 1.64 Section 112 (limit for local loans) amended section 4(1) of the National Loans Act 1968 by inserting new loan ceilings. However this amendment has now been superseded by new loan ceilings, the current ceilings being set by the Finance Act 2014.<sup>33</sup> Section 112 is therefore obsolete.
- 1.65 Part 1 of Schedule 4 to the 1986 Act amended the Betting and Gaming Duties Act 1981. Two of these amendments are now spent:

- (1) Paragraph 1 of Schedule 4 amended section 1 of the 1981 Act. Section 1 was substituted by the Finance Act 2001.<sup>34</sup>

<sup>30</sup> The 1997 Act, s 113, Sch 18, Pt 2

<sup>31</sup> s 117(3), sch 19 para 30(2)

<sup>32</sup> s 148, sch 14 pt 11

<sup>33</sup> The 2014 Act, s 300

<sup>34</sup> s 6(1), sch 1 para 1

(2) Paragraph 3 amended section 9 of the 1981 Act. Section 9 was repealed by the Gambling Act 2005.<sup>35</sup>

1.66 Paragraphs 1 and 3 of Schedule 4 are therefore obsolete.

1.67 The 1986 Act extended throughout the UK.

#### **Advance Petroleum Revenue Act 1986 (c 68)**

1.68 See separate Note.

#### **Finance Act 1988 (c 39)**

1.69 Section 45 of the Finance Act 1988 substituted a new Part 1 (tables of flat rate cash equivalents) of Schedule 6 to the Income and Corporation Taxes Act 1988. Schedule 6 related to the taxation of directors and others in respect of cars. Schedule 6 was, however, repealed by the Income Tax (Earnings and Pensions) Act 2003 with effect from 6 April 2003.<sup>36</sup> Accordingly section 45 is now unnecessary.

1.70 Section 51(1) of the Finance Act 1988 (restriction of relief) inserted section 290A into the Income and Corporation Taxes Act 1988, and made a consequential amendment to section 289(12) of the same Act. Section 290A was repealed by the Finance Act 1998.<sup>37</sup> Section 289 was repealed by the Income Tax Act 2007.<sup>38</sup>

1.71 Section 51(2) (which is the only other subsection in section 51) amended the effect of Schedule 5 to the Finance Act 1983. Schedule 5 was repealed by the Income and Corporation Taxes Act 1988.<sup>39</sup>

1.72 Section 52 (valuation of interests in land) inserted section 294(5A) into the Income and Corporation Taxes Act 1988. Section 294 was repealed by the Income Tax Act 2007.<sup>40</sup>

1.73 Section 59 (reinsurance: general) substituted section 450(4)(b) of the Income and Corporation Taxes Act 1988 and paragraph 4 of Schedule 16 to the Finance Act 1973. Section 450 of the 1988 Act was repealed by the Finance Act 1993.<sup>41</sup> Schedule 16 to the 1973 Act was repealed by the 1988 Act.<sup>42</sup>

<sup>35</sup> s 356(4), sch 17

<sup>36</sup> The 2003 Act, ss 722,723, 724(1), Sch 6, Pt 1, Sch 8, Pt 1

<sup>37</sup> s 165(1), sch 27 pt 3

<sup>38</sup> s 1031, sch 3 pt 2

<sup>39</sup> s 844(4), sch 31

<sup>40</sup> s 1031, sch 3 pt 2

<sup>41</sup> s 213, sch 23 pt 3

<sup>42</sup> s 844(4), sch 31

- 1.74 Section 60 (reinsurance to close) substituted section 450(5) of and inserted section 450(5A) into the Income and Corporation Taxes Act 1988, and amended section 70 of the Finance (No 2) Act 1987. As above, section 450 of the 1988 Act was repealed by the Finance Act 1993.<sup>43</sup> Section 70 of the 1987 Act was repealed by the 1988 Act.<sup>44</sup>
- 1.75 Section 70 (charities: payroll deduction scheme) amended section 202(7) of the Income and Corporation Taxes Act 1988. Section 202 was repealed by the Income Tax (Earnings and Pensions) Act 2003.<sup>45</sup>
- 1.76 Accordingly, all of these sections are now obsolete.
- 1.77 The 1988 Act extended throughout the UK.

### **Finance Act 1989 (c 26)**

- 1.78 Section 17 of the Finance Act 1989 (disbursements in Port of London) amended section 17 of the Customs and Excise Management Act 1979. Section 17 of the 1979 Act was repealed by the Commissioners for Revenue and Customs Act 2005.<sup>46</sup>
- 1.79 Section 65 (employee share schemes: material interest) inserted paragraph 40 into schedule 9 to the Income and Corporation Taxes Act 1988. The relevant part of Schedule 9 was repealed by the Income Tax (Earnings and Pensions) Act 2003, except so far as relating to profit sharing schemes.<sup>47</sup> Paragraph 40 does not appear to concern profit sharing schemes.
- 1.80 Section 81 (offshore funds operating equalisation arrangements) amended section 758(6) of the Income and Corporation Taxes Act 1988. Section 758 was repealed by the Offshore Funds (Tax) Regulations 2009.<sup>48</sup>
- 1.81 Accordingly, these provisions are now obsolete.
- 1.82 The 1989 Act extended throughout the UK.

### **Finance Act 1990 (c 29)**

- 1.83 Section 45(4) of the Finance Act 1990 (policy holders' share of profits etc) amended section 434(3) of the Income and Corporation Taxes Act 1988. Section 434 was repealed by the Finance Act 2012.<sup>49</sup>

<sup>43</sup> s 213, sch 23 pt 3

<sup>44</sup> s 844(4), sch 31

<sup>45</sup> s 724(1), sch 8 pt 1

<sup>46</sup> s 52(2), sch 5

<sup>47</sup> s 722, sch 6 para 112(2)

<sup>48</sup> SI 2009/3001, art 13(2), sch 2

<sup>49</sup> s 146, sch 16 para 29

- 1.84 Section 93 (restrictions on Board's power to call for information) inserted section 20(7A) into the Taxes Management Act 1970. Section 20 was repealed by the Finance Act 2008.<sup>50</sup>
- 1.85 Section 106 (corporation tax: collection) substituted section 10(2) of the Income and Corporation Taxes Act 1988. Section 10 was repealed by the Finance Act 1994.<sup>51</sup>
- 1.86 Section 129 (settlement of stock disputes by deputy registrars) amended section 5 of the National Debt Act 1972. Section 5 was repealed by the Finance (No 2) Act 2005.<sup>52</sup>
- 1.87 These provisions are all therefore obsolete.
- 1.88 The 1990 Act extended throughout the UK.

#### **Finance Act 1991 (c.31)**

- 1.89 Section 29 of the Finance Act 1991 (car benefits) substituted a new Part 1 (tables of flat rate cash equivalents) of Schedule 6 to the Income and Corporation Taxes Act 1988. Schedule 6 related to the taxation of directors and others in respect of cars. Schedule 6 was, however, repealed by the Income Tax (Earnings and Pensions) Act 2003 with effect from 6 April 2003.<sup>53</sup> Accordingly section 29 is now unnecessary.
- 1.90 Section 29 extended throughout the UK.

#### **Finance (No 2) Act 1992 (c 48)**

- 1.91 Section 7 of the Finance (No 2) Act 1992 (bingo duty: increased exemption etc) substituted paragraph 2(1)(a) and amended paragraph 12(1) of Schedule 3 to the Betting and Gaming Duties Act 1981. Paragraph 2 was subsequently substituted and paragraph 12 was repealed by the Finance Act 2003.<sup>54</sup>
- 1.92 Section 9 (amendments relating to new beer duty regime) inserted paragraphs 21A and 22A into Schedule 2 to the Finance Act 1991. Paragraph 21A was repealed by the Enterprise Act 2002.<sup>55</sup> Paragraph 22A was repealed by the Insolvency (Northern Ireland) Order 2005.<sup>56</sup>
- 1.93 Section 46 (transfer of a trade: supplementary (1)) amended parts of the Taxation of Chargeable Gains Act 1992. Two of these amendments are now spent:

<sup>50</sup> s 113(1), sch 36 para 67

<sup>51</sup> s 258, sch 26 pt 5

<sup>52</sup> s 70(1), sch 11 pt 5

<sup>53</sup> The 2003 Act, ss 722,723, 724(1), Sch 6, Pt 1, Sch 8, Pt 1

<sup>54</sup> ss 9(3), 9(8)(b)

<sup>55</sup> s 278(2), sch 26

<sup>56</sup> SI 2005/1455, art 31, sch 9

(1) Section 46(5) amended section 174(2) and (3) of the 1992 Act. These subsections were repealed by the Finance Act 2000.<sup>57</sup>

(2) Section 46(7) amended section 184(2). Section 184 was repealed by the Finance Act 1994.<sup>58</sup>

1.94 These provisions are accordingly obsolete.

1.95 The 1992 Act extended throughout the UK.

#### **Finance Act 1993 (c 34)**

1.96 Section 4 of the Finance Act 1993 (beer duty: abolition of certain reliefs etc) amended the Alcoholic Liquor Duties Act 1979. All these amendments are now spent:

(1) Subsections (1), (7) and (8) were supplementary.

(2) Subsections (2) and (3) amended section 42 of the 1979 Act. Section 42 was repealed by the Finance Act 1998.<sup>59</sup>

(3) Subsections (4) and (6) were repealing provisions and are now spent.

(4) Section 4(5) amended section 45(1) of the 1979 Act. Section 45 was repealed by the Finance Act 1995.<sup>60</sup>

1.97 Accordingly section 4 is now spent.

1.98 Section 14 (hand-rolling tobacco) amended section 1(2) and (3) and inserted section 1(2A) of the Tobacco Products Duty Act 1979. Sections 1(2) and (2A) were repealed by the Tobacco Products (Descriptions of Products) Order 2003.<sup>61</sup> The amendment to section 1(3) was consequential on the insertion of section 2A, and is accordingly obsolete.

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

(1) Subsections (1) and (9) were supplementary.

(2) Subsections (2) and (3) amended section 21(1) and inserted section 21(3A) into the 1981 Act. Section 21 was repealed by the Finance Act 2012.<sup>62</sup>

<sup>57</sup> s 156(1), sch 40 pt 2

<sup>58</sup> s 258, sch 26 pt 5

<sup>59</sup> s 5(1)

<sup>60</sup> s 162, sch 29 pt 1

<sup>61</sup> SI 2003/1471, art 3(1)

<sup>62</sup> The 2012 Act, s 191, sch 24, para 53(a)

(3) Subsection (4) amended section 22. Section 22 was also repealed by the Finance Act 2012.<sup>63</sup>

(4) Subsection (5) has already been repealed by the Finance Act 1994.<sup>64</sup>

(5) Subsection (6) substituted section 25(4). Section 25 was also repealed by the Finance Act 2012.<sup>65</sup>

(6) Subsection (7) amended section 26(2). Section 26 was also repealed by the Finance Act 2012.<sup>66</sup>

(7) Subsection (8) has already been repealed by the Finance Act 1995<sup>67</sup>

1.100 Section 36(2) inserted paragraph 5B into Schedule 6 to the Insolvency Act 1986. Paragraph 5B was repealed by the Enterprise Act 2002.<sup>68</sup>

1.101 Section 105(3) amended section 32A(5) of the Capital Gains Tax Act 1979. The 1979 Act was repealed by the Taxation of Chargeable Gains Act 1992.<sup>69</sup>

1.102 These provisions are all now obsolete.

1.103 The 1993 Act extended throughout the UK.

#### **Finance Act 1994 (c 9)**

1.104 Section 46 of the Finance Act 1994 (repayment supplement) amended section 20(1) and (2) of the Finance Act 1985. Section 20 has since been repealed by the Value Added Tax Act 1994.<sup>70</sup>

1.105 Section 136 (parts of trades: computations in different currencies) inserted section 94A into the Finance Act 1993, and made a consequential amendment to section 95(6) of the same Act. Sections 94A and 95 were substituted by the Finance Act 2000.<sup>71</sup>

1.106 Section 214(1) and section 216(2) repealed provisions in the Income and Corporation Taxes Act 1988. They are now spent.

<sup>63</sup> The 2012 Act, s 191, Sch 24, para 53(a)

<sup>64</sup> The 1994 Act, s 258, Sch 26, pt 2

<sup>65</sup> The 2012 Act, s 191, Sch 24, para 53(a)

<sup>66</sup> The 2012 Act, s 191, Sch 24, para 53(a)

<sup>67</sup> The 1995 Act, s 162, Sch 29, Pt 3

<sup>68</sup> s 251(1)(b)

<sup>69</sup> s 290(3)

<sup>70</sup> The 1994 Act, s 100, Sch 15

<sup>71</sup> s 105(1)



- 1.107 Section 235(4) inserted paragraph 11(2B) into Schedule 10 to the Finance Act 1987. Paragraph 11 was repealed by the Finance Act 2006.<sup>72</sup>
- 1.108 Section 254 (appeals practice and procedure) amended section 56B of the Taxes Management Act 1970. Section 56B was repealed by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.<sup>73</sup>
- 1.109 Accordingly, these provisions are now obsolete.
- 1.110 The 1994 Act extended throughout the UK.

**Finance Act 1996 (c 8)**

- 1.111 Section 6(3) of the Finance Act 1996 (mixing of rebated oil) inserted section 20AAA of the Hydrocarbon Oil Duties Act 1979 (“the 1979 Act”). However a replacement section 20AAA was substituted by the Finance Act 2004.<sup>74</sup> Section 6(4) of, and Schedule 1 to, the 1996 Act inserted Schedule 2A to the 1979 Act. However Schedule 2A was repealed by the Finance Act 2004.<sup>75</sup> These provisions are therefore obsolete.
- 1.112 These provisions extended throughout the UK.

**Finance Act 1999 (c 16)**

- 1.113 Section 6 of the Finance Act 1999 (rate of pool betting duty) amended section 7(1) of the Betting and Gaming Duties Act 1981. Section 7 was substituted by the Finance Act 2002.<sup>76</sup> Section 6 is therefore obsolete.
- 1.114 Section 6 extended throughout the UK.

<sup>72</sup> s 150(11)

<sup>73</sup> SI 2009/56, art 3(1), sch 1 para 36

<sup>74</sup> The 2004 Act, s 9(4),(5)

<sup>75</sup> ss 9(3), 326, Sch 42, Pt 1(1)

<sup>76</sup> s 12(1), sch 4 para 2. Section 7 has since been repealed by Finance Act 2014, s 196, Sch 28, pt 1, para 2

*Consultation*

- 1.115 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about these repeal proposals.

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## FINANCE ACT 1896

- 1.1 This note proposes the repeal of the Finance Act 1896.
- 1.2 The Finance Act 1896 (“the 1896 Act”) was passed to amend the rates of certain taxes. For example, it imposed additional duties on beer, and created a new duty on imported cocoa butter.
- 1.3 The 1896 Act provided as follows:

Section	Provided	Repealed
1	Customs duty on tea	Statute Law Revision Act 1908, s 1, sch
2-3	Customs duty on beer	Finance Act 1918, s 45(2), sch 4
4-6	Customs duties on spirits and tobacco	Customs and Excise Act 1952, s 320(1), sch 12 pt I
7	Customs duty on cocoa butter	Statute Law Revision Act 1950, s 1(1), sch 1
8-9	Excise duty on beer	Finance Act 1918, s 45(2), sch 4
10-11	Articles for the production of beer	Customs and Excise Act 1952, s 320(1), sch 12 pt I
12	Extension of stamp duty	Finance Act 1973, s 59(7), sch 22 pt 5
13	Composition of insurance policies for stamp duty	Finance Act 1959, s 37(5), sch 8 pt II
14-24	Death duties (estate duty)	Finance Act 1975, s 59(5), sch 13 pt I (in relation to deaths occurring on or after 13 March 1975)
25	Income tax rate	Statute Law Revision Act 1908, s 1, sch
26-28	Further provisions on income tax	Income Tax Act 1918, s 238, sch 7
29	Property values for income tax	Statute Law Revision Act 1908,

<sup>1</sup> 59 & 60 Vict.c.28

	purposes	s 1, sch
30	Assessors of income tax	Finance Act 1924, s 41(4), sch 3
31-36	Land tax	Statute Law (Repeals) Act 1989, s 1(1), sch 1 pt II
37	Indian Army Pension Deficiency Fund	Statute Law Revision Act 1950, s 1(1), sch 1
38	Inland revenue proceedings in the county court	N/A
39	Construction	Entries on pts 1 and 2 repealed by Customs and Excise Act 1952, s 320(1), sch 12 pt I; entry on pt 3 repealed by Statute Law (Repeals) Act 1976, s 1(1), sch 1 pt 18; entry on pt 4 repealed by Finance Act 1975, s 59(5), sch 13 pt I; entry on pt 5 repealed by Statute Law Revision Act 1953, s 1, sch 1; entry on pt 6 repealed by Finance Act 1963, s 73(8), sch 14 pt 5
40	Repeals	Statute Law Revision Act 1908, s 1, sch
41	Short title	N/A
Sch	Repeals	Statute Law Revision Act 1908, s 1, sch

1.4 The only parts of the 1896 Act that have not been repealed are sections 38 and 41. Section 38 amended section 27 of the Inland Revenue Regulation Act 1890, which has now been repealed in its entirety.<sup>2</sup> Section 41 contains the short title.

<sup>2</sup> Commissioners for Revenue and Customs Act 2005, s 52(2), sch 5

- 1.5 The repeal of sections 14 to 24 (Part 4) was in relation to deaths occurring as from the passing of the Finance Act 1975 (13 March 1975).<sup>3</sup> These sections related to estate duty which was abolished on that date.<sup>4</sup> **HMRC are asked to confirm that these provisions may now be repealed in relation to deaths occurring before that date.**

*Proposal*

- 1.6 The remainder of the 1896 Act is obsolete and its repeal is proposed on that basis.

*Extent*

- 1.7 The 1896 Act extended throughout the United Kingdom.

*Consultation*

- 1.8 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> The 1975 Act, s 52(2)

<sup>4</sup> The 1975 Act, s 50(1)

## FINANCE (1909-1910) ACT 1910

- 1.1 This note proposes the repeal of the Finance (1909-1910) Act 1910.
- 1.2 The Finance (1909-1910) Act 1910<sup>1</sup> (“the 1910 Act”) was passed to implement the Liberal government’s 1909 “People’s Budget”. This was the first straightforwardly redistributive budget in British history, and proved highly controversial. As well as raising income tax and estate duties, it introduced a super tax on high incomes and new taxes targeting land-owners. This was intended to pay for an expansion of old age pensions and other welfare reforms.
- 1.3 The Finance Bill 1909 was passed by the House of Commons but, in an unprecedented breach of convention, was rejected by the Lords in November of that year. This led to a constitutional crisis. A general election was held in January 1910, returning a hung Parliament. The Liberals succeeded in passing the Bill a second time with the support of the Irish Parliamentary Party and, in the face of an electoral mandate, the Lords capitulated. The Act eventually received royal assent in April 1910 as the Finance (1909-1910) Act.<sup>2</sup>
- 1.4 The 1910 Act provided as follows:

Section	Provided	Repealed
1-32	Duties on land values	Finance Act 1967, s 45(8),sch 16 pt 8
33	Appeals	Except for subsection (2), repealed by Finance Act 1967, s 45(8),sch 16 pt 8; subsection (2) repealed by Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt 9
34-42	Supplementary provisions on land values	Finance Act 1967, s 45(8),sch 16 pt 8
43-45	Duties on liquor licences	Customs and Excise Act 1952, s 320(1), sch 12 pt I
46	Distribution of payments	Statute Law (Repeals) Act 1971, s 1, sch pt 8
47	Monopoly value payments	Statute Law Revision Act 1953, s 1, sch 1
48-52	General provisions on licences	Customs and Excise Act 1952, s 320(1), sch 12 pt I

<sup>1</sup> 10 Edw.7 & 1 Geo.5 c.8

<sup>2</sup> The underlying constitutional issue was not resolved until the powers of the House of Lords were curbed by the Parliament Act 1911.

53	Temporary provisions on licences	Statute Law Revision Act 1927, s 1, sch pt I
54-64	Death duties	Finance Act 1975, s 59(5), sch 13 pt I (in relation to deaths occurring on or after 13 March 1975)
65	Income tax rates	Statute Law Revision Act 1927, s 1, sch pt I
66-72	Super tax and tax relief	Income Tax Act 1918, s 238, sch 7
73	Stamp duty on sales	Finance Act 1958, s 40(5), sch 9 pt 3
74	Stamp duty on gifts	Finance Act 1985, s 98(6), sch 27 pt 9
75-76	Stamp duty on leases and securities	Finance Act 1963, s 73(8), sch 14 pt 4
77-79	Stamp duty on contract notes	Finance Act 1987, s 72(7), sch 16 pt 8
80	Duties on tea	Statute Law Revision Act 1927, s 1, sch pt I
81	Duties on spirits	Subsections (1) and (3) repealed by Finance Act 1918, s 45(2), sch 4; subsection (2) repealed by Import Duties Act 1958, s 16(4), sch 7
82	Duties on beer	Finance Act 1918, s 45(2), sch 4
83	Duties on tobacco	Customs and Excise Act 1952, s 320(1), sch 12 pt I
84-86	Duties on petrol and car licences	Finance Act 1920, s 64(3), sch 4
87	Payments in respect of monopoly value	Licensing Act 1953, s 168(1), sch 10
88	Payments into local taxation accounts	Subsection (1) repealed by Local Government Act 1929, s 137, sch 12 pt 6 [for England, Wales and Northern Ireland]; subsection (1) repealed by Local Government (Scotland) Act 1929, s 79(1), sch 9 [for Scotland]; subsection (2) repealed by Statute Law Revision

		Act 1964, s 1, sch; subsection (3) repealed by Revenue Act 1911, s 20(1), sch
89	Collection of car licence duties in Ireland	Statute Law Revision Act (Northern Ireland) 1954, s 1, sch
90-91	Application of duties	Statute Law Revision Act 1963, s 1, sch
92	Application of existing Excise Acts	Customs and Excise Act 1952, s 320(1), sch 12 pt I
93	Regulations	Statute Law Revision Act 1964, s 1, sch
94	Penalty for making false representations	N/A
95	Assessments made before the passing of the Act	Statute Law Revision Act 1927, s 1, sch pt I
96	Repeals, interpretation, construction and short title	Subsections (1) and (4) repealed by Statute Law Revision Act 1927, s 1, sch pt I; text in subsection (2) and subsection (6) repealed by Import Duties Act 1958, s 16(4), sch 7; text in subsection (2) repealed by Statute Law (Repeals) Act 1971, s 1, sch pt 8; subsection (3) repealed by Finance Act 1975, s 59(5), sch 13 pt I
Sch 1	Excise liquor licences	Customs and Excise Act 1952, s 320(1), sch 12 pt I
Sch 2	Rates of estate duty	Finance Act 1914, s 18(1), sch 2
Sch 3	Duties on spirits	Part I repealed by Finance Act 1918, s 45(2), sch 4; part 2 repealed by Import Duties Act 1958, s 16(4), sch 7
Sch 4	Duties on tobacco	Statute Law Revision Act 1927, s 1, sch pt I
Sch 5	Duties on petrol and car licences	Finance Act 1920, s 64(3), sch 4
Sch 6	Repeals	Statute Law Revision Act 1927, s 1, sch pt I



1.5 The repeal of sections 54-64 (Part 3) was in relation to deaths occurring as from the passing of the Finance Act 1975 (13 March 1975).<sup>3</sup> These sections related to estate duty which was abolished on that date.<sup>4</sup> **HMRC are asked to confirm that these provisions may now be repealed in relation to deaths occurring before that date.**

1.6 The only provisions of the 1910 Act that have not been repealed are:

(1) section 94, which imposes a penalty for making false representations in order to obtain any allowance, reduction, rebate or repayment of duty under the Act. Given that all the provisions for charging duty under the Act have now been repealed, section 94 now serves no useful purpose;

(2) Provisions in section 96 for interpretation, construction and the short title. These are ancillary provisions and serve no useful purpose on their own.

#### *Proposal*

1.7 Since all of its remaining provisions are now either obsolete or supplementary, the 1910 Act has become obsolete and its repeal is proposed on that basis.

#### *Extent*

1.8 The 1910 Act extended throughout the United Kingdom.

#### *Consultation*

1.9 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> The 1975 Act, s 52(2)

<sup>4</sup> The 1975 Act, s 50(1)

## FINANCE ACT 1920

- 1.1 This note proposes the repeal of the Finance Act 1920.
- 1.2 The Finance Act 1920<sup>1</sup> (“the 1920 Act”) was, according to its long title, designed to “grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and the National Debt, and to make further provision in connection with Finance”.
- 1.3 The 1920 Act provided as follows:

Section	Provided	Repealed
1, 2	Continuation of customs duties imposed under the Finance (No 2) Act 1915; Continuation of increased medicine duties	Statute Law Revision Act 1927, s 1, sch 1 pt I
3	Increased duties on spirits	Finance Act 1964, s 26(7), sch 9
4, 5	Spirits used in medical preparations or for scientific purposes; Increased customs duties on beer	Customs and Excise Act 1952, s 320, sch 12 pt I
6	Increased excise duty on beer	Statute Law Revision Act 1950, s 1(1), sch 1
7	Increased duties on wine	Finance Act 1927, s 57(6), sch 6
8	Amendment of s 45 of the Finance Act 1909-1910	Customs and Excise Act 1952, s 320, sch 12 pt I
9, 10	Additional duty on cigars; Calculation of value for purposes of ad valorem duty on wines and cigars	Finance Act 1921, s 65(3), sch 5
11	Provisions as to spirits used for generating mechanical power	Finance (No 2) Act 1945, s 11, sch 3 pt III
12	Repeal of customs duties on motor spirit and motor spirit dealers' licence duties	Statute Law Revision Act 1927, s 1, sch 1 pt I
13	Duty on licences for mechanically propelled vehicles	Vehicles (Excise) Act 1949, s 30, 31(2), sch 7

<sup>1</sup> 10 & 11 Geo.5 c.18

14-33	Income tax	Income Tax Act 1952, s 527, sch 25
34	Stamp duty on receipts	Finance Act 1970, s 36(8), sch 8 pt V
35	Stamp duty on scrip certificates, etc	Finance Act 1949, s 52(9), (10), sch 11 pt V
36	Stamp duty on transfers of stocks and marketable securities	Statute Law (Repeals) Act 1976, sch 1 pt XVIII
37(1)	Stamp duty on transfer of certain colonial and foreign stocks: amends section 114 of the Stamp Act 1891	Finance Act 1970, s 36(8), sch 8 pt IV
37(2)	Stamp duty on transfer of certain colonial and foreign stocks: amended section 115 of the Stamp Act 1891	Statute Law Revision Act 1927, s 1, sch 1 pt I; Finance Act 1974, ss 49(3), 57, sch 14, pts IV, VII (savings)
37(3)	Stamp duty on transfer of certain colonial and foreign stocks: transitional provision	Finance Act 1976, s 132(5), sch 15 pt VI
38	Stamp duty on marketable securities transferable by delivery, etc	Finance Act 1963, s 73(8)(b), sch 14 pts IV
39	Stamp duty on statements as to capital of companies, etc	Finance Act 1973, s 59(7), sch 22 pt V
40(1)	Amends the Stamp Act 1891	Finance Act 1959, s 37(5), sch 8 pt II
40(2)	Stamp duty on accident and indemnity policies	In part by Finance Act 1959, s 37(5), sch 8 pt II
41	Stamp duty on policies of sea insurance	Finance Act 1959, s 37(5), sch 8 pt II
42	Reduction of duty in the case of certain transfers of stocks and marketable securities	Finance Act 1986, s 114, sch 23 pt IX(4)
43(1)	Defines 'principal Act'	N/A
43(2)	Commencement	Statute Law Revision Act 1927, s 1, sch 1 pt I
44-51	Excess profits duty	Statute Law Revision Act

		1964, s 1, sch
52-56	Corporation profits tax	Statute Law Revision Act 1964, s 1, sch
57	Repeal of land value duties	Statute Law Revision Act 1927, s 1, sch 1 pt I; Statute Law Revision Act 1969, s 1, sch, pt VII
58	Reduction of debt	Statute Law Revision Act 1959, s 2, sch 2
59	Power to borrow on national savings certificates for purposes of investment in local loans stock and redemption of loans	National Debt Act 1958, s 17(1), sch
60	Amendment of s 1 of the Civil Contingencies Act 1919	Statute Law Revision Act 1927, s 1, sch 1 pt I
61	Provision for cases where assessments, returns, etc. have been lost, destroyed, or damaged	Statute Law Revision Act 1927, s 1, sch 1 pt I; Statute Law Revision Act 1964, s 1, sch; Income Tax Act 1952, s 527, sch 25
62	Charge for road improvement grant	Statute Law Revision Act 1927, s 1, sch 1 pt I
63	Amendment of s 12 of the Finance Act 1898	Finance Act 1963, s 73(8)(b), sch 14 pts VI
64(1)	Construction	In part by Statute Law Revision Act 1953, s 1, sch 1; Finance Act 1964, s 26(7), sch 9; Statute Law Revision Act 1964, s 1, sch
64(2)	Short title	N/A
64(3)	Extent	Statute Law Revision Act 1927, s 1, sch 1 pt I
Sch 1	Customs and excise duties	Finance Act 1962, s 34(4), (7), sch 11 pt I
Sch 2	Duties on Mechanically Propelled Vehicles	Vehicles (Excise) Act 1949, ss 30, 31(2), sch 7

Sch 3	Amendments	Income Tax Act 1952, s 527, sch 25
Sch 4	Repeals	Statute Law Revision Act 1927, s 1, sch 1 pt I

- 1.4 Only sections 40(2), 43(1), 64(2) and part of 64(1) of the Finance Act 1920 remain in force. Section 37(2) is repealed with savings.
- 1.5 Section 40(2) (as amended) amended sections 99 and 116 of the Stamp Act 1891 (c 39) to replace the word “penny” with the word “sixpence”. Both provisions of the 1891 Act have themselves been repealed.<sup>2</sup> Section 40(2) of the 1920 Act is therefore obsolete and can be safely repealed.
- 1.6 Sections 43(1) and 64(1) of the 1920 Act make interpretative provision necessary to understanding section 40(2), but will become obsolete on its repeal. Section 64(2) is the short title and will likewise become unnecessary.
- 1.7 Section 37(2) made both transitional and amending provision to the amount of stamp duty payable under section 115 of the Stamp Act 1891 (itself since repealed<sup>3</sup>). The Finance Act 1974 repealed section 37(2), with a saving (in section 49(3) of that Act) to the effect that stamp duty on transfers to charities and charitable trusts would continue to be paid at the amount in effect before the 1974 Act came into force, and that therefore section 37(2) would continue to apply in relation to such bodies. Given the repeal of section 115 of the 1891 Act and the fact that transfers to charities are now exempt from stamp duty under section 129 of the Finance Act 1982 (c 39), the saving of section 37(2) need not be preserved.

*Proposal*

- 1.8 The whole of the Finance Act 1920 is now obsolete, and its repeal is proposed on that basis.

*Extent*

- 1.9 The 1920 Act extended throughout the United Kingdom.

*Consultation*

- 1.10 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>2</sup> Finance Act 1970 (c 24), sch 8 pt IV

<sup>3</sup> Finance Act 1976 (c 40), sch 15 pt VI

## FINANCE ACT 1936

- 1.1 This note proposes the repeal of the Finance Act 1936.
- 1.2 The Finance Act 1936<sup>1</sup> (“the 1936 Act”) was passed to implement the Budget proposals of that year, which were largely aimed at raising enough revenue to increase the size of the armed forces. The Act raised income tax and a number of duties, and prohibited some forms of tax avoidance.<sup>2</sup>
- 1.3 The 1936 Act provided as follows:

Section	Provided	Repealed
1	Duties on tea	Finance Act 1949, s 52(10), sch 11 pt III
2	Duties on beer	Statute Law Revision Act 1950, s 1(1), sch 1
3	Duties on low quality sugar	Customs and Excise Act 1952, s 320(1), sch 12 pt I
4	Rates of imperial preference	Finance Act 1949, s 52(10), sch 11 pt III
5-8	Duties on goods connected with industry, science, art or sport	Import Duties Act 1958, s 16(4), sch 7
9-13	Exemptions from duty on car licences; enforcement	Vehicles (Excise) Act 1949, s 30(1), sch 7
14-23	Income tax	Income Tax Act 1952, s 527(1), sch 25
24-27	Death duties	Finance Act 1975, s 59(5), sch 13 pt 1 (in relation to deaths occurring on or after 13 March 1975)
28	Stamp duty on India and Burma stocks	Finance Act 1963, 73(8), sch 14 pt IV
29	Exemption from stamp duty for trade union properties	Finance Act 1959, s 37(5), sch 8 pt III
30	Annual charge for the National Debt	Statute Law Revision Act 1959, s 2, sch 2

<sup>1</sup> 26 Geo.5 & 1 Edw.8 c.34

<sup>2</sup> HL Deb 13 July 1936 vol 101 cc695-699

31	Post Office Fund	Post Office Act 1961, s 28(1), sch
32	Securities held by National Debt Commissioners	Administration of Justice Act 1965, s 36(4), sch 3
33	Road Fund	Miscellaneous Financial Provisions Act 1955, s 4(4), sch 2 pt II
34	Amendment of the Exchequer and Audit Departments Act 1866	Finance Act 1975, s 59(5), sch 13 pt II
35	Short title, construction, interpretation, extent and repeals	Subsections (2) and (5) repealed by Import Duties Act 1958, s 16(4), sch 7; subsection (3) repealed by Statute Law Revision Act 1953, s 1, sch 1; subsection (7) repealed by Statute Law Revision Act 1950, s 1(1), sch 1
Sch 1	Iron and steel goods	Import Duties Act 1958, s 16(4), sch 7
Sch 2	Income tax avoidance	Income Tax Act 1952, s 527(1), sch 25
Sch 3	Road Fund	Miscellaneous Financial Provisions Act 1955, s 4(4), sch 2 pt II
Sch 4	Repeals	Statute Law Revision Act 1950, s 1(1), sch 1

1.4 The repeals of section 1 and 4 made by the Finance Act 1949 were subject to the saving that the repeals were not to affect their operation as respects any drawback of duty where the duty was paid at the rate in force on 6 April 1949.<sup>3</sup> Clearly this saving has long been unnecessary.

<sup>3</sup> The 1949 Act, Sch 11, part 3, end-note

- 1.5 The repeal of sections 24-27 (Part 3) was in relation to deaths occurring as from the passing of the Finance Act 1975 (13 March 1975).<sup>4</sup> These sections related to estate duty which was abolished on that date.<sup>5</sup> **HMRC are asked to confirm that these provisions may now be repealed in relation to deaths occurring before that date.**
- 1.6 The only parts of the 1936 Act that have not been repealed are the short title, construction and extent.

*Proposal*

- 1.7 No substantive provisions of the 1936 Act remain in force. Its formal repeal is proposed on that basis.

*Extent*

- 1.8 The whole of the 1936 Act extended throughout the United Kingdom. However, it did not extend to Northern Ireland insofar as it concerned matters that had been devolved to the Parliament of Northern Ireland.

*Consultation*

- 1.9 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>4</sup> The 1975 Act, s 52(2)

<sup>5</sup> The 1975 Act, s 50(1)



## FINANCE (NO. 2) ACT 1947

### The Act

- 1.1 This note proposes the repeal of the Finance (No. 2) Act 1947.
- 1.2 The Finance (No. 2) Act 1947<sup>1</sup> (“the 1947 Act”) was passed in response to the worsening financial situation of late 1947. According to Lord Pakenham, its purpose was

“to help to counteract the inflation which would otherwise emerge as a by-product of the special measures being taken by the Government to improve the trade balance.”<sup>2</sup>

- 1.3 In the aftermath of World War II, as well as the coal shortages of February 1947, the UK had been running an unsustainable trade deficit. In particular, the whole economy was heavily reliant on American imports. In order to address this situation, the government had adopted a policy of cutting imports and driving up exports. However, this led to the problem of “too much money chasing too few goods” within the UK, and raised the spectre of uncontrolled inflation. The government therefore introduced an interim deflationary Budget, cutting expenditure and raising taxes, in an attempt to stave off devaluation of the pound.
- 1.4 The Finance (No. 2) Act 1947 gave effect to these measures. It provided as follows:

Section	Provided	Repealed
1	Amended the Finance (No. 2) Act 1939 to raise taxes on beer	Customs and Excise Act 1952, s 320, sch 12 pt I
2	Amended the Finance Act 1920 to raise taxes on spirits	Finance Act 1948, s 82, sch 11 pt I
3	Amended the Finance (No. 2) Act 1939 to raise taxes on wine	Finance Act 1948, s 82, sch 11 pt I
4	Amended the Finance Act 1927 to raise taxes on sweets <sup>3</sup>	Finance Act 1948, s 82, sch 11 pt I
5	Amended the Finance (No. 2) Act 1940 to increase the rate of purchase tax	Finance Act 1948, s 82, sch 11 pt I

<sup>1</sup> 11 & 12 Geo.6 c.9

<sup>2</sup> HL Deb 18 December 1947 vol 153 c373

<sup>3</sup> ‘Sweets’ referred, not to confectionery, but to a kind of alcoholic drink (probably dessert wine).

6	Established a new pool betting duty	Repealed except for subsection (3) by Betting Duties Act 1963, s 6, sch 3; subsection (3) repealed by Betting, Gaming and Lotteries Act 1963, s 57, sch 8
7	Amended the Finance Act 1947 to increase the rate of profits tax	Finance Act 1958, s 40, sch 9 pt II B
8	Established liability for interest on arrears of tax	Repealed in relation to income tax and surtax by Income Tax Act 1952, s 527, sch 25. Not repealed in relation to profits tax and excess profits tax
9	Provisions on short title, construction, extent and repeals	Subsection (5) repealed by Statute Law Revision Act 1950, s 1, sch 1; subsection (2)(a)-(c) repealed by Statute Law Revision Act 1953, s 1, sch 1; further text in subsection (2) repealed by Statute Law (Repeals) Act 1971, s 1, sch 1 pt VIII
Sch 1	Rates of tax on beer	Customs and Excise Act 1952, s 320, sch 12 pt I
Sch 2	Rates of tax on spirits	Finance Act 1948, s 82, sch 11 pt I
Sch 3	Rates of tax on wine	Finance Act 1948, s 82, sch 11 pt I
Sch 4	Rates of tax on sweets	Finance Act 1948, s 82, sch 11 pt I
Sch 5	Provisions on pool betting duty	Betting Duties Act 1963, s 6, sch 3
Sch 6	Consequent repeals	Statute Law Revision Act 1950, s 1, sch

*Current status*

1.5 Thus, the only parts of the Act that remain in force are:

- (1) s 8 as it related to profits tax and excess profits tax;
- (2) s 9(1), which provided the short title;
- (3) s 9(2)(d), which provided that the Act was to be construed as one with various other Acts;

(4) s 9(3), which provided other rules of construction;

(5) and s 9(4), which provided the extent.

1.6 Section 8 is the only remaining substantive part of the Act. Section 8 originally covered liability for interest on arrears of income tax, surtax, profits tax and excess profits tax. In 1952, it was restricted to cover only profits tax and excess profits tax.<sup>4</sup>

1.7 The excess profits tax had been introduced during the Second World War. It compared a company's profits during the war with those made before the war, and taxed the difference at a rate of up to 100%. It was abolished in 1946.<sup>5</sup> The profits tax had been introduced by the first Finance Act 1947. On top of the income tax paid on a company's profits, it imposed an extra tax on dividends paid out to shareholders. This was intended to encourage companies to invest more of their profits, thereby boosting the economy. In 1965, profits tax was abolished on the introduction of corporation tax.<sup>6</sup>

1.8 Since section 8 concerned interest on arrears of tax, the abolition of the taxes in question did not immediately make section 8 obsolete. However, the last time an SI was made to set the interest rate for arrears under section 8 appears to have been 1989.<sup>7</sup> This suggests that the provisions in section 8 have now fallen into disuse.

1.9 The remaining provisions in section 9 (short title, construction and extent) are ancillary to section 8 and will fall with it.

#### *Proposal*

1.10 On the basis that section 8 no longer serves any useful purpose, the 1947 Act is now proposed for repeal.

#### *Extent*

1.11 The whole of the 1947 Act extended throughout Great Britain. It extended to Northern Ireland only insofar as it concerned matters that had not been devolved to the Parliament of Northern Ireland.<sup>8</sup>

<sup>4</sup> The references in section 8 to income tax and surtax were repealed by the Income Tax Act 1952, s 527, Sch 25

<sup>5</sup> Finance Act 1946, s 36. See HMRC, *World War II and PAYE*, <http://www.hmrc.gov.uk/history/taxhis6.htm>

<sup>6</sup> Finance Act 1965, s 46

<sup>7</sup> Income Tax (Interest on Unpaid Tax and Repayment Supplement) Order 1989, SI 1989/1000, art 2. This prescribed 12%% as the rate of interest for unpaid profits tax and excess profits tax

<sup>8</sup> It appears that the only provisions in the 1947 Act that did not extend to Northern Ireland were section 6 (and Schedule 5) which related to pool betting duty. This duty seems to have been a devolved duty rather than one reserved to Westminster.

*Consultation*

- 1.12 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## FINANCE ACT 1957

- 1.1 This note proposes the repeal of the Finance Act 1957.
- 1.2 The Finance Act 1957<sup>1</sup> (“the 1957 Act”) was passed to implement certain measures from the Budget that had been announced in April 1957. It furthered the Conservative government’s tax-cutting policies, and provided assistance for British companies trading overseas.
- 1.3 The Act provided as follows:

Section	Provided	Repealed
1	Reduced entertainments duty	Entertainments Duty Act 1958, s 10(2), sch 2
2	Imposed a duty on TV licences	Post Office Act 1969, s 137(1), sch 8 pt I
3	Continued duties on hops	Finance Act 1968, s 61(10), sch 20 pt I
4	Implemented an Australian trade agreement	Import Duties Act 1958, s 16(4), sch 7
5	Provided for duties on composite goods	Customs and Excise Management Act 1979, s 177(3), sch 6 pt I
6	Annulled regulations made under the Finance Act 1933	Import Duties Act 1958, s 16(4), sch 7
7	Amended the Vehicles (Excise) Act 1949	Vehicles (Excise) Act 1962, s 25(2), sch 8 pt I
8	Reduced purchase tax on certain goods	Finance Act 1958, s 40(5), sch 9 pt I
9	Extended the Provisional Collection of Taxes Act 1913	Provisional Collection of Taxes Act 1968, s 6(2), sch
10-22	Altered rates of income tax	Income and Corporation Taxes Act 1970, s 538(1), sch 16
23-37	Altered rates of tax on overseas trade corporations	Finance Act 1965, s 97(5), sch 22 pt IV
38-39	Estate duty	Finance Act 1975, s 59(5), sch 13 pt I (in relation to deaths

<sup>1</sup> 5 & 6 Eliz.2 c.49

		occurring on or after 13 March 1975)
40	Provided for profits tax on electricity boards	Finance Act 1958, s 40(5), sch 9 pt II
41	Reduced the National Land Fund	National Loans Act 1968, s 24(2), sch 6 pt I
42	Short title, construction, extent and repeal	Subsection (2)(a) repealed by Customs and Excise Management Act 1979, s 177(3), sch 6 pt I; subsection (2)(b) repealed by Purchase Tax Act 1963, s 41(1), sch 4 pt I; subsection (2)(c) repealed by Income and Corporation Taxes Act 1970, s 538(1), sch 16; subsection (2)(e) repealed by Finance Act 1975, s 59(5), sch 13 pt I; subsection (5) repealed by Statute Law (Repeals) Act 1974, s 1, sch pt XI
Sch 1	Details of exemptions from entertainments duty	Entertainments Duty Act 1958, s 10(2), sch 2
Sch 2	Duties on composite goods	Customs and Excise Management Act 1979, s 177(3), sch 6 pt I
Sch 3-4	Capital allowances and overseas trade corporations	Capital Allowances Act 1968, s 96(3), sch 11
Sch 5-8	Other rules relating to overseas trade corporations	Finance Act 1965, s 97(5), sch 22 pt IV
Sch 9	Repeals	Statute Law (Repeals) Act 1974, s 1, sch pt XI

- 1.4 The repeal of sections 38 and 39 (Part 5) was in relation to deaths occurring as from the passing of the Finance Act 1975 (13 March 1975).<sup>2</sup> These sections related to estate duty which was abolished on that date.<sup>3</sup> **HMRC are asked to confirm that these provisions may now be repealed in relation to deaths occurring before that date.**
- 1.5 All substantive provisions of the Act have now been repealed. The only remaining sections are the short title (s 42(1)), construction (ss 42(2)(d) and 42(3)) and extent (s 42(4)).

*Proposal*

- 1.6 The 1957 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

- 1.7 The 1957 Act extended throughout Great Britain. It extended also to Northern Ireland but only insofar as it concerned matters that had not been devolved to the Parliament of Northern Ireland.<sup>4</sup>

*Consultation*

- 1.8 HM Treasury, HMRC and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>2</sup> The 1975 Act, s 52(2)

<sup>3</sup> The 1975 Act, s 50(1)

<sup>4</sup> The 1957 Act, s 42(4)

## ADVANCE PETROLEUM REVENUE TAX ACT 1986

- 1.1 This note proposes the repeal of the Advance Petroleum Revenue Tax Act 1986.
- 1.2 The Advance Petroleum Revenue Tax Act 1986<sup>1</sup> (“the 1986 Act”) was a one-off financial measure intended to benefit North Sea oil companies.
- 1.3 Advance petroleum revenue tax (APRT) had been introduced in 1982.<sup>2</sup> Owing to the capital allowances available for development projects, an oil company was not liable to pay petroleum revenue tax (PRT) on an oil field for the first few years of its production. In order to provide some income for the Exchequer during this period, the 1982 Act required companies to make advance payments of PRT, which would be offset against their later tax liabilities.
- 1.4 In the mid-1980s, however, the price of oil dropped precipitously. Oil companies began to face cash flow difficulties, and turned to the government for relief. The 1986 Act provided for the immediate repayment of their APRT credits to the companies, with the aim of easing these difficulties.<sup>3</sup>
- 1.5 The 1986 Act provided as follows:

Section	Provided	Repealed
1	Repayment of APRT on fields that had not yet reached their net profit period	N/A
2	Short title and construction	N/A
Sch	Definition of net profit period	N/A

- 1.6 The 1986 Act concerned only APRT paid by companies before 31 December 1986.<sup>4</sup> Under section 1(5), claims for repayments of APRT were to be lodged by 28 February 1987. The passage of time since that cut-off date means that the 1986 Act is now spent.

### *Proposal*

- 1.7 The 1986 Act no longer serves any useful purpose. Its repeal is proposed on that basis.

### *Extent*

- 1.8 The 1986 Act extended throughout the United Kingdom.

<sup>1</sup> 1986 c.68.

<sup>2</sup> Finance Act 1982, s 139

<sup>3</sup> HC Deb 01 December 1986 vol 106 cc637-641

<sup>4</sup> 1986 Act, s 1(3)



*Consultation*

- 1.9 HM Treasury, HMRC, the Department of Energy and Climate Change and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## GROUP 7 – MISCELLANEOUS

### STATUTE OF MARLBOROUGH 1267

- 1.1 This note proposes the repeal of chapters 4 and 15 of the Statute of Marlborough 1267.
- 1.2 The Statute of Marlborough originally contained some 29 chapters. It was designed to provide “more speedy ministrations of justice” and “convenient remedy” for the “manifold troubles and dissensions” that were facing the realm.<sup>1</sup> Today, only four chapters remain unrepealed. Three of these concern distraint or distress, a common law remedy by which a person who was owed a debt, such as rent arrears, could seize his debtor’s goods.
- 1.3 The unrepealed chapters of the Statute are as follows:
  - (1) Chapter 1 provided that no individual would be entitled to seek “revenge or distress” from his neighbour without the authorisation of the court.
  - (2) Chapter 4 prohibited a distrainer from taking unreasonable distresses and from moving distrained goods out of the debtor’s county.
  - (3) Chapter 15 prohibited a distrainer from taking distresses out of his fee or on a public highway.
  - (4) Chapter 23 concerned the law of waste. It prohibited tenants from making waste of, alienating or selling their land without permission.

### *Repeal proposals*

- 1.4 Proposals for the repeal of chapters 4 and 15 of the Statute were included in the nineteenth Statute Law Repeals Report, published in 2012.<sup>2</sup> As explained in that report, Part 3 of the Tribunals, Courts and Enforcement Act 2007 has abolished distress,<sup>3</sup> replacing it with a statutory procedure for debt recovery, under which only an authorised person is permitted to take control of the debtor’s goods.<sup>4</sup> This procedure, known as CRAR, may be used for the recovery of commercial rent arrears.<sup>5</sup>
- 1.5 Following the abolition of distress, chapters 4 and 15 of the Statute of Marlborough no longer serve any useful function. They provide rules on the taking of distresses which have now been superseded by provisions in the 2007 Act.<sup>6</sup>

<sup>1</sup> 52 Hen.3 (1267), preamble

<sup>2</sup> (2012) Law Com No 333, paras 2.7-2.11

<sup>3</sup> Sections 65 and 71

<sup>4</sup> Sections 62-63, schedule 12

<sup>5</sup> Section 72

<sup>6</sup> For example, under the 2007 Act, an authorised enforcement agent may take control of goods found on the highway [schedule 12, para 13(1)(b)].

- 1.6 The 2012 report also explains that chapter 1 of the Statute of Marlborough is not obsolete. It goes further than the 2007 Act by making it an offence to take revenge or distress without the authority of the courts, rather than simply acting as an enforcement agent without due authority. Chapter 1 has therefore not been proposed for repeal.<sup>7</sup>
- 1.7 Chapter 23, which extended liability for waste to tenants, is also not proposed for repeal. Opinions differ as to whether or not it serves any useful function today, and as a result it is not suitable for inclusion in a Statute Law (Repeals) Bill.<sup>8</sup>

*Timing of repeal*

- 1.8 At the time of publication of the 2012 report, Part 3 of the 2007 Act had not yet been brought into force. As a result, the repeal of chapters 4 and 15 could not be included in the Statute Law (Repeals) Act 2013.
- 1.9 However, the relevant provisions are now in force. Part 3 of the 2007 Act comprises sections 62-90. Section 90, which concerned the making of regulations, came into force on 15 July 2013.<sup>9</sup> Sections 62-89 largely came into force on 6 April 2014.<sup>10</sup> Regulations have also been made under section 90 to make further provision on the new procedure for taking control of goods.<sup>11</sup>
- 1.10 The proposed repeals on distress can therefore now be brought forward.

<sup>7</sup> 2012 report, para 2.9

<sup>8</sup> 2012 report, paras 2.12-2.14

<sup>9</sup> Tribunals, Courts and Enforcement Act 2007 (Commencement No. 9) Order 2013 [SI 2013/1739], art 2

<sup>10</sup> Tribunals, Courts and Enforcement Act 2007 (Commencement No. 11) Order 2014 [SI 2014/768], art 2(1). Section 85, which provides that contracts for similar rights to CRAR are void, has not come into force in relation to licences to occupy land as commercial premises [2014 Order, art 2(2)]. According to the Explanatory Note, "this is to enable parties to continue to negotiate for a commercial licence to include terms granting similar rights to distress for rent or CRAR". This exemption does not appear to have any bearing on the abolition of distress for the purposes of these repeal proposals.

<sup>11</sup> Taking Control of Goods Regulations 2013 [SI 2013/1894] and Taking Control of Goods (Fees) Regulations 2014 [SI 2014/1]

### *Extent*

- 1.11 The Statute of Marlborough originally applied to England only. Its effect was later extended to Wales<sup>12</sup> and to Ireland,<sup>13</sup> but not to Scotland.<sup>14</sup> Chapters 4 and 15 remain in force in England and Wales. In Northern Ireland, the two chapters were repealed in 1969.<sup>15</sup>

### *Consultation*

- 1.12 In 2010, HM Treasury, the Home Office, the Ministry of Justice and the relevant authorities in Wales have been consulted about these repeal proposals.

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<sup>12</sup> Wales and Berwick Act 1746

<sup>13</sup> In Ireland, the 1267 Act applied under the statute Poyning's Law 1495. This was later confirmed by the Union with Ireland Act 1800.

<sup>14</sup> The Scottish Law Commission have advised that neither the Union with Scotland Act 1706 (enacted for England and Wales) nor the Union with England Act 1707 (enacted for Scotland) had the effect of applying the provisions of the 1267 Act to Scotland. Article 18 of the Treaty of Union 1706 was designed to operate prospectively, and the 1267 Act was not extended to Scotland by a later Act. Moreover, the remedy of distress, as practised in England and Wales, has never applied in Scotland.

<sup>15</sup> Judgments (Enforcement) Act (Northern Ireland) 1969, s 132, sch 6

## STATUTES OF THE EXCHEQUER (C. 1322)

- 1.1 This note proposes the repeal of the Statutes of the Exchequer.<sup>1</sup>
- 1.2 The Statutes of the Exchequer were largely concerned with the duty of the King's bailiffs and sheriffs to provide him with an account of their transactions. However, inserted between chapters 13 and 14 of the Statutes were several unnumbered provisions headed *Districciones de Scaccario*, which dealt with distress. Today, only this part of the Statutes remains in force.
- 1.3 The preamble to the provisions on distress recorded that the "commonalty of the realm [had] sustained great damage by wrongful taking of distresses". The provisions were therefore enacted to place further restrictions on the taking of distresses, and particularly on the distraint of animals. They provided that:
  - (1) the owner of distrained animals should be allowed to feed them, and should not have to pay for their keeping;
  - (2) no distresses should be sold within 15 days of their taking;
  - (3) cattle or sheep should not be distrained if other distresses could be found; and
  - (4) any distress taken should be reasonable, having regard to the value of the debt.
- 1.4 These provisions are now obsolete. The distraint of animals was made unlawful in England and Wales by section 7(1) of the Animals Act 1971, and distress in general was abolished by Part 3 of the Tribunals, Courts and Enforcement Act 2007.<sup>2</sup> The 2007 Act has laid down a new procedure for debt recovery, which supersedes the rules contained in the Statutes of the Exchequer. The provisions in the Statutes have therefore been obsolete since the new regime came into force on 6 April 2014.<sup>3</sup>

<sup>1</sup> The date of enactment of the Statutes is uncertain. They are cited as 51 Hen.3 stat. 4 (1266) in Ruffhead's *The Statutes at Large*. However, it is more likely that they were enacted later, either under Edward I or Edward II. The Statute Law Database has opted for the year 1322, which is adopted here.

<sup>2</sup> Sections 65 and 71

<sup>3</sup> Tribunals, Courts and Enforcement Act 2007 (Commencement No. 11) Order 2014 [SI 2014/768], art 2(1)

### *Timing of repeal*

- 1.5 As with the Statute of Marlborough 1267, proposals for the repeal of the Statutes of the Exchequer were included in the nineteenth Statute Law Repeals Report.<sup>4</sup> However, the repeals were not included in the Statute Law (Repeals) Act 2013 because Part 3 of the 2007 Act had not yet been commenced. The relevant provisions are now in force, and the proposed repeal can therefore be brought forward.

### *Extent*

- 1.6 The Statutes of the Exchequer initially applied only in England, but were subsequently extended to Wales<sup>5</sup> and Ireland.<sup>6</sup> The Statutes never applied in Scotland.<sup>7</sup> The provisions on distress remain in force in England and Wales only, having been repealed in Northern Ireland by the Judgments (Enforcement) Act (Northern Ireland) 1969.<sup>8</sup>

### *Consultation*

- 1.7 In 2010, HM Treasury, the Home Office, the Ministry of Justice and the relevant authorities in Wales have been consulted about these repeal proposals.

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<sup>4</sup> (2012) Law Com No 333, paras 2.15-2.17

<sup>5</sup> Wales and Berwick Act 1746

<sup>6</sup> Poynings' Law 1495, Union with Ireland Act 1800

<sup>7</sup> The reasons are explained above in connection with the Statute of Marlborough 1267.

<sup>8</sup> 1969 Act, s 132, sch 6

## MARRIED WOMEN'S PROPERTY ACT 1882

- 1.1 This note proposes the repeal of an obsolete provision in section 11 of the Married Women's Property Act 1882 ("the 1882 Act").<sup>1</sup>
- 1.2 At common law a husband acquired control over the property of his wife, the underlying principle being that the property of either or both should be held in a single estate with the control vesting in the husband.
- 1.3 This common law rule was largely set aside by the 1882 Act, section 1 of which provided that a married woman should be as capable of acquiring, holding and disposing of property and of entering into contracts as if she were a *feme sole*.<sup>2</sup>
- 1.4 As if in support of section 1, the first paragraph of *section 11* of the 1882 Act provided:

A married woman may [by virtue of the power of making contracts herein-before contained]<sup>3</sup> effect a policy upon her own life or the life of her husband for her [own benefit]<sup>4</sup> and the same and all benefit thereof shall enure accordingly.

- 1.5 The 1882 Act, however, was an Act which consolidated and amended earlier Acts. In particular section 11 was an amended version of *section 10* of the Married Women's Property Act 1870 ("the 1870 Act").<sup>5</sup> The first paragraph of section 10 provided:

A married woman may effect a policy of insurance upon her own life or the life of her husband for her separate use, and the same and all benefit thereof, if expressed on the face of it to be so effected, shall enure accordingly, and the contract in such policy shall be as valid as if made with an unmarried woman.

- 1.6 The purpose of the first paragraph of section 10 of the 1870 Act is not entirely clear. The existing common law already provided that that a person has a right to insure his or her own life<sup>6</sup>. Similarly the existing common law already provided that a married woman has an insurable interest in the life of her husband.<sup>7</sup>

<sup>1</sup> 45 & 46 Vict. c.75

<sup>2</sup> This expression was used to mean an unmarried woman

<sup>3</sup> These words in square brackets were repealed by the Law Reform (Married Women and Tortfeasors) Act 1935, ss 5(2), 8(2), Sch 2

<sup>4</sup> These words in square brackets were substituted by the Law Reform (Married Women and Tortfeasors) Act 1935, ss 5(1), 8(2), Sch 1. The substitution replaced the words "separate use"

<sup>5</sup> 33 & 34 Vict. c.93. This 1870 Act was amended by the Married Women's Property Act 1870 (Amendment) Act 1874 (37 & 38 Vict. c.50) but without amending section 10 of the 1870 Act. Both the 1870 Act and the 1874 Act were repealed by the 1882 Act: the 1882 Act, s 22

<sup>6</sup> *Wainwright v Bland* (1836) 150 ER 334

<sup>7</sup> *Reed v Royal Exchange Assurance Company* (1795) 170 ER 198

- 1.7 The most likely explanation for the first paragraph of section 10 is that it was intended to ensure that the benefit of a policy taken out by a married woman should pass to her (or, in the event of her death, to her estate) and not into the hands of her husband's creditors.
- 1.8 This would reflect the intention of the second paragraph of section 10 which was to ensure that the benefit of a policy taken out by a married man on his own life for the benefit of his wife and/or children should pass to her/them and not into the hands of his creditors.
- 1.9 The re-enactment of the first paragraph of section 10 of the 1870 Act as the first paragraph of section 11 of the 1882 Act may have been merely a convenient introduction to the remainder of section 11. It does not appear to have served any other purpose given that section 1 of the 1882 Act gave a married woman the same powers of holding and disposing of property as an unmarried woman (and, thus, the same right to hold and dispose of property free from the claims of another person's creditors).<sup>8</sup>
- 1.10 Whatever the original purpose of the first paragraph of section 10 of the 1870 Act (as re-enacted with amendments as the first paragraph of section 11 of the 1882 Act), it is clear that today it serves no useful purpose. A woman's right today to take out a policy of insurance on her own life, or on the life of anyone else, is not dependent upon her marital status.

#### *Proposal*

- 1.11 The first paragraph of section 11 of the 1882 Act no longer serves any useful purpose and its repeal is proposed on that basis. This repeal will not affect the rest of section 11 which will remain in force.

#### *Extent*

- 1.12 The provision proposed for repeal extends only to England and Wales.<sup>9</sup>

<sup>8</sup> Section 1 of the 1882 Act was repealed by the Law Reform (Married Women and Tortfeasors) Act 1935 (ss 5,8, Sch 2), section 1 of which provides that a married woman is as capable of acquiring, holding and disposing of any property and of binding herself contractually as an unmarried woman

<sup>9</sup> The 1882 Act never applied to Scotland : s 26. Moreover section 11 has already been repealed in relation to Northern Ireland: Law Reform (Husband and Wife) Act (Northern Ireland) 1964, s 9, Sch. So far as Scotland is concerned, section 1 of the Married Women's Policies of Assurance (Scotland) Act 1880 (married women may effect policy of assurance for her separate use) reflects the policy in the first paragraph of section 11 of the 1882 Act. The repeal of section 1 of the 1880 Act is being proposed separately by the Scottish Law Commission.



*Consultation*

- 1.13 The Department for Business, Innovation and Skills, the Association of British Insurers, the Investment and Life Assurance Group Ltd and the relevant authorities in Wales have been consulted about this repeal proposal.

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## MERCHANT SHIPPING ACT 1906

- 1.1 This note proposes the repeal of the Merchant Shipping Act 1906.
- 1.2 The Merchant Shipping Act 1906<sup>1</sup> (“the 1906 Act”) was passed to improve safety and conditions on board merchant ships. It also extended the application of merchant shipping law to foreign ships using British ports.<sup>2</sup>
- 1.3 The 1906 Act provided as follows:

Section	Provided	Repealed
1	Application of load-line provisions to foreign ships	Merchant Shipping (Safety and Load Line Conventions) Act 1932, s 67(2), sch 4 pt II
2	Detention of unsafe foreign ships	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
3-4	Grain cargoes and life-saving appliances on foreign ships	Merchant Shipping (Safety Convention) Act 1949, s 37(5), sch 3
5	Commencement	Statute Law Revision Act 1927, s 1(1), sch pt I
6	Ships coming in under stress of weather	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
7-8	Coasting steamships; time for marking load-lines	Merchant Shipping (Safety and Load Line Conventions) Act 1932, s 67(2), sch 4 pt II
9	Entries in logbooks	Merchant Shipping Act 1970, s 100(3), sch 5
10	Loading of timber	Merchant Shipping (Safety and Load Line Conventions) Act 1932, s 67(2), sch 4 pt II
11	Offences	Merchant Shipping (Safety Convention) Act 1949, s 37(5), sch 3
12	Prohibition of seamen with insufficient knowledge of	Merchant Shipping Act 1970, s

<sup>1</sup> 6 Edw.7 c.48

<sup>2</sup> HC Deb 27 March 1906 vol 154 cc1089-1092

	English	100(3), sch 5
13	Foreign passenger steamships	Merchant Shipping (Survey and Certification) Regulations 1995 [SI 1995/1210], reg 1(4)
14	Steerage passengers	Merchant Shipping Act 1970, s 100(3), sch 5
15-16	Passenger tenders and decks	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
17-20	New regulations; steerage passengers; master's bonds	Merchant Shipping Act 1970, s 100(3), sch 5
21-22	Offences; overcrowding	Merchant Shipping (Survey and Certification) Regulations 1995 [SI 1995/1210], reg 1(4)
23-24	Sale of passengers; fraud	Merchant Shipping Act 1970, s 100(3), sch 5
25-26	Scale of provisions; inspection of provisions and water	Merchant Shipping Act 1970, s 100(3), sch 5
27	Certification of cooks	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
28-49	Relief and repatriation of distressed seamen	Merchant Shipping Act 1970, s 100(3), sch 5
50	Ships' names	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt I
51-52	Registration of ships; mortgages of ships	Merchant Shipping Act 1988, s 57(5), sch 7
53	Amendment of Merchant Shipping Act 1894	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt I
54-55	Ascertaining tonnage; crew space	Merchant Shipping Act 1965, s 7(2), sch 2
56-68	Rating; wages; crew space; offences	Merchant Shipping Act 1970, s 100(3), sch 5
69	Calculation of tonnage for	Merchant Shipping Act 1979, s

	limitation of liability	50(4), sch 7 pt I
70-71	Liability of ship-owners; liability of charterers	Merchant Shipping (Liability of Shipowners and Others) Act 1958, s 8(6), sch
72	Delivery of wreck to receiver	Merchant Shipping Act 1995, s 314(1), sch 12
73	No certification of non-British pilots	Pilotage Act 1913, s 60(1), sch 2
74	Superintendence	Merchant Shipping Act 1970, s 100(3), sch 5
75-76	Ship surveyors; passenger returns	Merchant Shipping Act 1995, s 314(1), sch 12
77	Cattlemen	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
78-80	Powers of Board of Trade; government	Merchant Shipping Act 1995, s 314(1), sch 12
81	Application to Scotland	Merchant Shipping Act 1970, s 100(3), sch 5
82	Amendment of procedure in Scotland	Subsection (1) repealed by Merchant Shipping Act 1970, s 100(3), sch 5; subsection (2) repealed by Merchant Shipping Act 1979, s 50(4), sch 7 pt II; text in subsection (3), and subsection (4) repealed by Statute Law Revision Act 1927, s 1(1), sch pt I
83	Scottish whalers	Merchant Shipping Act 1988, s 57(5), sch 7
84	References to principal Act	Merchant Shipping Act 1995, s 314(1), sch 12
85	Repeals	Statute Law Revision Act 1927, s 1(1), sch pt I
86	Short title and commencement	Merchant Shipping Act 1995, s 314(1), sch 12
Sch 1	Scale of provisions	Merchant Shipping Act 1970, s

		100(3), sch 5
Sch 2	Repeals	Statute Law Revision Act 1927, s 1(1), sch pt I

1.4 The repeal of section 69 (calculation of tonnage of steamship for the purpose of limitation of liability) was subject to a saving for liability incurred before the repeal was commenced.<sup>3</sup> Given that the repeal was commenced on 1 December 1986,<sup>4</sup> the saving will now be unnecessary.

1.5 The only provision in the 1906 Act that has not been repealed is text in section 82(3). This text enabled offences contained in section 702 of the Merchant Shipping Act 1894 to be prosecuted by indictment in Scotland. However, section 702 of the 1894 Act has now been repealed<sup>5</sup> with the result that this residual text is now unnecessary.

*Proposal*

1.6 The 1906 Act is now wholly obsolete. Its repeal is proposed on that basis.

*Extent*

1.7 The 1906 Act extended throughout the United Kingdom.

*Consultation*

1.8 The Department for Transport, the Merchant Navy Association, the Maritime and Coastguard Agency and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>3</sup> Merchant Shipping Act 1979, s 50(4)

<sup>4</sup> Merchant Shipping Act 1979 (Commencement No 10) Order 1986 [SI 1986/1052]

<sup>5</sup> Merchant Shipping Act 1995, s 314(1), sch 12

## **INDUSTRIAL ASSURANCE (JUVENILE SOCIETIES) ACT 1926**

- 1.1 This note proposes the repeal of the Industrial Assurance (Juvenile Societies) Act 1926.
- 1.2 The Industrial Assurance (Juvenile Societies) Act 1926<sup>1</sup> (“the 1926 Act”) was passed to amend section 11 of the Industrial Assurance Act 1923 (“the 1923 Act”). Section 11 of the 1923 Act had exempted friendly societies or branches thereof with exclusively juvenile members from the provisions of that Act.<sup>2</sup> The 1926 Act amended the exemption in a number of respects.
- 1.3 The 1926 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Substituted section 11 of the Industrial Assurance Act 1923	N/A
2	Construction and short title	N/A

- 1.4 The 1923 Act was repealed by the Financial Services and Markets Act 2000.<sup>3</sup> According the amendment made by the 1926 Act is no longer needed.

### *Proposal*

- 1.5 There being no other substantive provisions, the 1926 Act is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.6 The 1926 Act extended to Great Britain, the Isle of Man and the Channel Islands. The repeal of the 1923 Act extended to the Isle of Man and the Channel Islands.<sup>4</sup>

### *Consultation*

- 1.7 HM Treasury, the Financial Conduct Authority, the Prudential Regulation Authority, the Association of Financial Mutuals, and the relevant authorities in Scotland, Wales, the Isle of Man and the Channel Islands have been consulted about this repeal proposal.

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<sup>1</sup> 16 & 17 Geo.5 c.35

<sup>2</sup> Juvenile members were members under the age of 18

<sup>3</sup> The 2000 Act, ss 416(1)(a), 432(3), Sch 22. Savings in respect of the repeal were made by the Financial Services and Markets Act 2000 (Consequential Amendments and Savings)(Industrial Assurance) Order 2001 (SI 2001/3647) but these savings did not relate to section 11 of the 1923 Act

<sup>4</sup> By virtue of the Financial Services and Markets Act 2000, s 430(2)

## **SOCIETIES (MISCELLANEOUS PROVISIONS) ACT 1940**

- 1.1 This note proposes the repeal of the Societies (Miscellaneous Provisions) Act 1940.
- 1.2 According to its long title, the Societies (Miscellaneous Provisions) Act 1940<sup>5</sup> (“the 1940 Act”) amended the law on “trade unions, friendly societies, building societies and certain other societies for purposes connected with the present emergency”. Most of these were concerned with the impact of the Second World War on life in Britain and were intended only to last for the duration of the war. A few, however, were intended to be permanent changes to the law.
- 1.3 The individual provisions of the Act have all been repealed, but the Act itself has never been repealed in its entirety. It provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Permitted societies to apply to the Chief Registrar to relax their rules during the war	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
2	Permitted branches of friendly societies to apply to the central society to relax their rules during the war	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
3	Suspended the need for friendly societies to carry out valuations during the war	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
4	Amended a time period in the Prevention of Fraud (Investments) Act 1939	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
5	Simplified the law on the amalgamation of building societies	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
6	Simplified the law on the amalgamation of trade unions	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
7	Protected the rights of members of friendly societies engaged in war service	Statute Law (Repeals) Act 1969, s 1, sch, pt 7
8	Permitted societies to set up funds for the purchase of defence bonds	Friendly Societies Act 1974, s 116(4), sch 11
9	Permitted the Chief Registrar to delegate his functions under the Act	Friendly Societies Act 1974, s 116(4), sch 11
10	Definitions	Friendly Societies Act 1974, s 116(4), sch 11
11	Empowered the Northern Ireland	Northern Ireland

<sup>5</sup> 3 & 4 Geo.6 c.19

	Parliament to make a similar Act	Constitution Act 1973, s 41(1), sch 6, pt 1
12	Short title, extent, and repeals	Friendly Societies Act 1974, s 116(4), sch 11
Schedule	Repeals	Statute Law (Repeals) Act 1969, s 1, sch, pt 7

*Proposal*

- 1.4 Since there are no substantive provisions remaining in the 1940 Act, its formal repeal as a whole is now proposed.

*Extent*

- 1.5 The 1940 Act extended throughout Great Britain and to the Channel Islands and the Isle of Man. All of the repeals listed above also extended to the Channel Islands and the Isle of Man.

*Consultation*

- 1.6 HM Treasury, the Financial Conduct Authority, the Prudential Regulation Authority, the Building Societies Association, the Association of Financial Mutuals, and the relevant authorities in Scotland, Wales, the Isle of Man and the Channel Islands have been consulted about this repeal proposal.

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## SAVINGS BANKS ACT 1949

1.1 This note proposes the repeal of the Savings Banks Act 1949.

### The Act

1.2 The Savings Banks Act 1949<sup>1</sup> (“the 1949 Act”) was passed to grant extended powers to trustee savings banks and to improve their administration. Most of its provisions were the result of an agreement between the government and the Trustee Savings Bank Association. The exception was section 15, which dealt with the abolition of naval savings banks.

1.3 Trustee savings banks first became common in the early nineteenth century. They were run by volunteer trustees, who hoped to encourage saving amongst the less well-off, and primarily accepted low-value deposits. These were invested in government bonds or held by the Bank of England so that depositors could be guaranteed the full value of their savings.<sup>2</sup> By 1948, there were 86 trustee savings banks operating in different areas throughout the UK, holding a total of £800 million in deposits.<sup>3</sup>

1.4 During the 1980s, the various trustee savings banks were amalgamated into the TSB Group, which later merged with Lloyds Bank to form Lloyds TSB. In September 2013, Lloyds TSB de-merged into Lloyds Bank and TSB Bank plc.

1.5 The 1949 Act provided as follows:

Section	Provided	Repealed
1	Savings banks could make grants to other savings banks via a mutual assistance account	Trustee Savings Banks Act 1954, s 82(1), sch 3
2	Savings banks could release loans to other savings banks	Trustee Savings Banks Act 1954, s 82(1), sch 3
3	Only the Treasury could impose limits on the amount a person could deposit in a special investment fund	Trustee Savings Banks Act 1954, s 82(1), sch 3
4	The duration of special investment funds could be extended	Trustee Savings Banks Act 1954, s 82(1), sch 3
5	Savings banks could borrow on the security on special investment funds	Trustee Savings Banks Act 1954, s 82(1), sch 3
6	Savings banks could discontinue	Trustee Savings Banks Act

<sup>1</sup> 12, 13 & 14 Geo.6 c.13

<sup>2</sup> *Encyclopaedia Britannica* (1911) vol 24, p 244

<sup>3</sup> HL Deb 01 February 1949 vol 160 cc449-450

	their special investment business	1954, s 82(1), sch 3
7	Rules on expenses	Subsection (2) (except so far as it related to savings banks) repealed by Post Office Savings Bank Act 1954, s 26(1), sch; subsections (1), (2) (so far as it related to savings banks) and (3) repealed by Trustee Savings Banks Act 1954, s 82(1), sch 3
8	Deposits into a savings bank could be made at the office of another bank	Trustee Savings Banks Act 1954, s 82(1), sch 3
9	Orders limiting the rate of interest paid by savings banks could be annulled	Trustee Savings Banks Act 1954, s 82(1), sch 3
10	Rules on the payment of interest	Trustee Savings Banks Act 1954, s 82(1), sch 3
11	Rules on ledgers and accounts	Trustee Savings Banks Act 1954, s 82(1), sch 3
12	Repeal of Acts relating to banks in Ireland	Trustee Savings Banks Act 1954, s 82(1), sch 3
13	Construction of references to other Acts	Trustee Savings Banks Act 1954, s 82(1), sch 3
14	Expenses would be paid out of the Consolidated Fund	Trustee Savings Banks Act 1954, s 82(1), sch 3
15	Abolition of naval savings banks	N/A
16	Interpretation	Trustee Savings Banks Act 1954, s 82(1), sch 3
17	Short title, construction and extent	Subsection (2) repealed by Trustee Savings Banks Act 1954, s 82(1), sch 3

1.6 Most of the Act was repealed in 1954. The only remaining provisions are section 15, the short title and the extent.

## Section 15

1.7 Section 15 provided that:

- (1) the Naval Savings Banks Act 1866 would be repealed; and
- (2) all property held by the Admiralty for the purposes of naval savings banks would now be held for the benefit of Greenwich Hospital, and all claims for deposits would be defrayed as expenses of Greenwich Hospital.

1.8 The Naval Savings Banks Act 1866 had empowered the Admiralty to establish savings banks for the benefit of sailors and Royal Marines, on similar lines to ordinary trustee savings banks. These were set up on board ships and at Marine quarters, and were opened on days when pay was advanced. When a depositor left his ship, his account could be transferred to another ship, or to a Post Office Savings Bank.<sup>4</sup> In 1911, it was estimated that around £300,000 was deposited in the Naval Savings Bank, with about £200,000 going in and out each year.<sup>5</sup>

1.9 In 1933, however, the Admiralty decided that it would be more convenient to provide accounts directly with the Post Office. The Naval Savings Bank ceased to accept deposits on 28 February 1933.<sup>6</sup> Existing accounts remained on its books, although depositors were encouraged to transfer them to the Post Office. The bank's surplus securities were then used to establish the Naval Savings Bank (Surplus) Trust Fund.<sup>7</sup>

1.10 The bank's last live account was closed in 1946.<sup>8</sup> However, over 9,000 dormant accounts remained on its books, many of which belonged to sailors who had deserted during the First World War. These had a total value of around £28,000.<sup>9</sup> When the bank was formally abolished in 1949, the Treasury and the Admiralty agreed that its remaining surplus was to be subsumed into the funds of Greenwich Hospital, a charity that supports sailors, Marines and their dependants. £31,379 of stock was duly transferred to Greenwich Hospital.<sup>10</sup>

1.11 Although section 15 meant that the Hospital would be liable in respect of any future claims made to it for moneys deposited, no records have been found of any such claims ever having been made. Since more than 80 years have elapsed since the last deposit could be made with the Naval Savings Bank, it is clear that no future claims will be made. Section 15 is therefore now obsolete.

<sup>4</sup> Naval Savings Banks Act 1866 Order, 10 November 1866 (published in the *London Gazette*, 13 November 1866, p 5959ff)

<sup>5</sup> *Encyclopaedia Britannica* (1911) vol 24, p 245

<sup>6</sup> National Archives file NSC 9/1239

<sup>7</sup> This fund was wound up in April 1954, its assets being transferred to the Royal Naval Benevolent Trust (see National Archives file NDO 13/102)

<sup>8</sup> HC Deb 05 November 1948 vol 457 cc1209-1210

<sup>9</sup> National Archives file T233/208

<sup>10</sup> Accounts relating to Greenwich Hospital, 1949-50

*Proposal*

- 1.12 There being no other substantive provisions remaining in the 1949 Act, the Act is now obsolete and its repeal is therefore proposed on that basis.

*Extent*

- 1.13 The 1949 Act extended throughout the United Kingdom, as well as to the Channel Islands and the Isle of Man. All the repeals listed above also extended to the Channel Islands and the Isle of Man.

*Consultation*

- 1.14 HM Treasury, TSB Bank plc, Greenwich Hospital, Naval Historical Branch and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## HOUSING ACT 1949

1.1 This note proposes the repeal of the Housing Act 1949.

1.2 The Housing Act 1949<sup>1</sup> (“the 1949 Act”) was passed to encourage the building of new houses as well as the improvement of existing houses in need of modernisation.<sup>2</sup> It was soon superseded by subsequent Housing Acts, and no substantive provisions of it remain.

Section	Provided	Repealed
1	Amendments to Housing Act 1936 to remove references to “the working classes”	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
2, 3	Quashing of demolition orders; exceptions to the duty to demolish unfit housing	Housing Act 1957, s 191(1), sch 11
4	Powers of local authorities to advance money to increase the stock of housing	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
5	Powers of local authorities to guarantee advances made by building societies	Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6
6-14	Other powers of local authorities to improve housing	Housing Act 1957, s 191(1), sch 11
15-42	Exchequer contributions to new housing and housing improvements; local authority grants for housing improvements	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
43	Amendments to Building Materials and Housing Act 1945	Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6
44	Amendments to Small Dwellings Acquisition Acts 1899-1923	Housing (Consequential Provisions) Act 1949, s 3(1), sch 1 pt 1
45	Amendments to Housing (Rural Workers) Acts 1926-1942	Housing Finance Act 1972, s 108(4), sch 11 pt 4
46	Amendments to Water Act 1945	Water Act 1989, s 190(3), sch 27 pt 1

<sup>1</sup> 12, 13 & 14 Geo.6 c.60

<sup>2</sup> HL Deb 27 June 1949 vol 163 cc280-282

47	Borrowing powers of local authorities	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
48	Adaptations of Housing Acts 1936 and 1946	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
49	Defrayal of expenses	Housing (Financial Provisions) Act 1958, s 59(1), sch 6
50	Interpretation	Housing (Consequential Provisions) Act 1949, s 3(1), sch 1 pt 1
51	Short title, citation, extent and repeals	Water Act 1989, s 190(3), sch 27 pt 1
Sch 1-3	Amendments, adaptations and repeals	Housing (Financial Provisions) Act 1958, s 59(1), sch 6

*Proposal*

- 1.3 The 1949 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

*Extent*

- 1.4 The 1949 Act did not extend to Scotland, and only section 43 applied to Northern Ireland. The Statute Law (Repeals) Act 1981 repealed section 43 throughout the United Kingdom as a whole.<sup>3</sup>

*Consultation*

- 1.5 The Department for Communities and Local Government and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>3</sup> The 1981 Act, s 1, Sch 1, Pt 6

## EXCHEQUER AND AUDIT DEPARTMENTS ACT 1950

- 1.1 This note proposes the repeal of the Exchequer and Audit Departments Act 1950.
- 1.2 According to its long title, the Exchequer and Audit Departments Act 1950<sup>1</sup> (“the 1950 Act”) was passed “to make further provision as to the salary and superannuation of the Comptroller and Auditor General”. The Comptroller and Auditor General is a House of Commons official, responsible for issuing money to departments and auditing their accounts.
- 1.3 Until 1957, an Act of Parliament was needed to increase the Comptroller’s salary. However, the Exchequer and Audit Departments Act 1957 provided that a resolution of the House of Commons would suffice.<sup>2</sup> The 1957 Act was therefore the last Exchequer and Audit Departments Act. The Comptroller’s pension arrangements are now set under general legislation on civil service pension schemes.
- 1.4 The 1950 Act provided as follows:

Section	Provided	Repealed
1	Established the salary for the Comptroller and Auditor General	Exchequer and Audit Departments Act 1957, s 3(2)
2	Established the pension for the Comptroller and Auditor General	Superannuation Act 1972, s 29(4), sch 8
3	Provided for the application of the Superannuation Acts 1834-1949	Superannuation Act 1972, s 29(4), sch 8
4	Citation and repeals	Superannuation Act 1972, s 29(4), sch 8

### *Proposal*

- 1.5 The 1950 Act now contains no remaining substantive provisions. Accordingly it is now obsolete and its formal repeal is proposed on that basis.

### *Extent*

- 1.6 The 1950 Act extended throughout the United Kingdom.

<sup>1</sup> 14 & 15 Geo.6 c.3

<sup>2</sup> 1957 Act, s 1(3)

*Consultation*

- 1.7 The Comptroller and Auditor General, HM Treasury and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **PUBLIC WORKS LOANS ACT 1952**

- 1.1 This note proposes the repeal of the Public Works Loans Act 1952.<sup>1</sup>
- 1.2 The Public Works Loan Board was set up in 1793 to grant loans to local authorities and other bodies for the carrying out of public works. It was established on a permanent basis by the Public Works Loans Act 1817. It currently consists of twelve Commissioners, who consider applications, make loans, and collect repayments.<sup>2</sup>
- 1.3 The funds for the Board to make such loans originally came from grants made by Parliament out of the Consolidated Fund. However, the National Loans Act 1968 created the National Loans Fund, which now provides capital for the Board. Since 2002, the Board has been part of the United Kingdom Debt Management Office.
- 1.4 Until the reforms of 1968, Public Works Loans Acts had to be passed every year or two years, to top up the funds available to the Board when they began to run low. Most such Acts passed before 1950 were repealed by the Statute Law Revision Act 1950. The majority of the remainder were repealed in 1964 and 1968.
- 1.5 The Public Works Loans Act 1952 (“the 1952 Act”) was a standard form Public Works Loans Act. It provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	£500m would be issued to the Board for the making of loans	Public Works Loans Act 1964, s 9(2), sch 3
2	The Board could not undertake to make more than £1050m of loans at any one time	Public Works Loans Act 1964, s 9(2), sch 3
3	The principal of certain loans would be written off	Public Works Loans Act 1964, s 9(2), sch 3
4	The principal of certain loans would be extinguished and the interest remitted	Public Works Loans Act 1964, s 9(2), sch 3

<sup>1</sup> 1 & 2 Eliz.2 c.3

<sup>2</sup> [http://www.dmo.gov.uk/index.aspx?page=PWLB/About\\_PWLB](http://www.dmo.gov.uk/index.aspx?page=PWLB/About_PWLB)

5	The interest on certain loans would be remitted	Public Works Loans Act 1964, s 9(2), sch 3
6	Money would be paid into the Local Loans Fund in respect of certain loans; special provision would be made for loans to bodies in Northern Ireland	Subsections (1) and (2) repealed by National Loans Act 1968, s 24(2), Sch 6, Pt 2; remainder repealed by Northern Ireland Act 1998, s 100(2), sch 15
7	Short title	N/A
Sch 1	Loans to be written off or extinguished under ss 3 and 4	Public Works Loans Act 1964, s 9(2), sch 3
Sch 2	Loans to be extinguished and interest to be remitted under ss 4 and 5	Public Works Loans Act 1964, s 9(2), sch 3

- 1.6 The whole Act except sections 6 and 7 was repealed in Great Britain in 1964. Section 6 was later also repealed (as shown above).

*Proposal*

- 1.7 The only unrepealed provision in the 1952 Act is section 7, which provides the short title. Accordingly the Act is obsolete and its repeal is proposed on that basis.

*Extent*

- 1.8 The 1952 Act extended throughout the United Kingdom.

*Consultation*

- 1.9 The Public Works Loans Board, HM Treasury, and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## RENT ACT 1957

- 1.1 This note proposes the repeal of the Rent Act 1957.
- 1.2 The Rent Act 1957<sup>1</sup> (“the 1957 Act”) was passed to begin the process of decontrolling rents in Great Britain. Rents had been controlled to some extent since 1915. However, the Conservative government argued that the controls discouraged tenants from moving and landlords from maintaining their properties. The 1957 Act therefore provided for the gradual abolition of rent controls, beginning with the most valuable properties. It also increased the rent limits for properties still subject to controls.<sup>2</sup>
- 1.3 The 1957 Act provided as follows:

Section	Provided	Repealed
1-15	Increased rent limits; release from rent controls; premiums	Rent Act 1968, s 117(5), sch 17
16	Minimum length of notice to quit	Protection from Eviction Act 1977, s 12(3), sch 3
17-26	Supplemental provisions	Rent Act 1968, s 117(5), sch 17
27	Short title, commencement and extent	Subsections (2)-(4) repealed by Rent Act 1968, s 117(5), sch 17
Sch 1-8	Miscellaneous schedules	Rent Act 1968, s 117(5), sch 17

- 1.4 The 1957 Act did not extend to Northern Ireland, and has been fully repealed in Scotland.<sup>3</sup> The only provision in the Act that has not been repealed in England and Wales is section 27(1) (the short title).

### *Proposal*

- 1.5 The 1957 has now ceased to have any effect and its repeal is proposed on that basis.

<sup>1</sup> 5 & 6 Eliz.2 c. 25

<sup>2</sup> HL Deb 16 April 1957 vol 203 cc7-13

<sup>3</sup> Rent (Scotland) Act 1971, s 135(5), sch 20

*Extent*

- 1.6 The 1957 Act extended throughout Great Britain.

*Consultation*

- 1.7 The Department for Communities and Local Government, the Ministry of Justice and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## **LANDLORD AND TENANT (TEMPORARY PROVISIONS) ACT 1958**

- 1.1 This note proposes the repeal of the Landlord and Tenant (Temporary Provisions) Act 1958.
- 1.2 The Landlord and Tenant (Temporary Provisions) Act 1958<sup>1</sup> (“the 1958 Act”) was passed to give relief to the tenants of certain residential lettings. The relief was in the form of restricting the landlord’s right to recover possession of the premises
- 1.3 The Rent Act 1957 created a free market for certain residential landlords and tenants. It provided existing tenants with a limited security of tenure until October 1958. The 1958 Act was passed to aid decontrolled tenants who, not having found suitable alternative accommodation by October 1958, were at risk of eviction thereafter.<sup>2</sup> The 1958 Act protected these tenants against undeserved hardship by giving them more time to find other accommodation provided they could show that they had reasonably attempted to make alternative arrangements.<sup>3</sup>
- 1.4 The 1958 Act provided as follows:
  - (a) restriction of landlord’s right to recover possession without a court order (*section 1*)
  - (b) rights and obligations of tenants holding over (*section 2*)
  - (c) court to have power to suspend order for possession (*section 3*)
  - (d) supplementary provisions, interpretation, short title, duration and extent (*sections 4 and 5*).
- 1.5 The 1958 Act was intended as a temporary measure only. Section 5(4) provided for it to expire three years from the date on which it was passed (1 August 1958). Accordingly the 1958 Act has ceased to serve any useful purpose since 1 August 1961, though it remains on the statute book to this day.

### *Proposal*

- 1.6 The 1958 Act is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.7 The 1958 Act extended throughout Great Britain.

<sup>1</sup> 6 & 7 Eliz.2 c.68.

<sup>2</sup> HC Deb 24 April 1958 vol 586 col 1168

<sup>3</sup> HC Deb 24 April 1958 vol 586 col 1171

*Consultation*

- 1.8 The Department for Communities and Local Government, the Ministry of Justice and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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## MINISTERS OF THE CROWN (PARLIAMENTARY SECRETARIES) ACT 1960

- 1.1 This note proposes the repeal of the Ministers of the Crown (Parliamentary Secretaries) Act 1960.
- 1.2 The Ministers of the Crown (Parliamentary Secretaries) Act 1960<sup>1</sup> (“the 1960 Act”) was a short Act, passed to rationalise the rules on the appointment of Parliamentary Secretaries, which had previously developed on an ad hoc basis. It also increased the salary of the Captain of the Honourable Corps of Gentlemen-at-Arms (the Government Chief Whip in the House of Lords).<sup>2</sup>
- 1.3 The Act provided as follows:

Section	Provided	Repealed
1	Number of Parliamentary secretaries limited to 33	Ministers of the Crown Act 1964, s 5(4), sch 3
2	Salary of Parliamentary Secretary for Science	Secretary of State for Education and Science Order 1964 [SI 1964/490], art 3(1), sch pt II
3	Salary of Captain of Gentlemen-at-Arms	Ministerial Salaries and Members’ Pensions Act 1965, s 20(3), sch 5
4	Amendments and repeals	Text in subsection (1) repealed by Statute Law (Repeals) Act 1978, s 1, sch 1 pt III; subsection (2) repealed by Statute Law (Repeals) Act 1974, s 1, sch pt XI
5	Expenses	Statute Law (Repeals) Act 1978, s 1, sch 1 pt III
6	Interpretation and short title	N/A
Sch 1	Amendments	Various – see below
Sch 2	Repeals	Statute Law (Repeals) Act 1974, s 1, sch pt XI

- 1.4 All of the entries in Schedule 1 have now been repealed. These repeals are set out below:

<sup>1</sup> 9 & 10 Eliz.2 c.6

<sup>2</sup> HL Deb 08 December 1960 vol 227 cc246-251

<b>Entry amending</b>	<b>Repealed</b>
Board of Agriculture Act 1889	Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 [SI 2002/794], art 5(2), sch 2
Board of Agriculture and Fisheries Act 1909	Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 [SI 2002/794], art 5(2), sch 2
New Ministries and Secretaries Act 1916	Secretary of State for Employment and Productivity Order 1968 [SI 1968/729], art 3(1), sch pt II
Air Force (Constitution) Act 1917	Defence (Transfer of Functions) (No. 1) Order 1964 [SI 1964/488], art 2(2), sch 1 pt II
Ministry of Health Act 1919	Secretary of State for Social Services Order 1968 [SI 1968/1699], art 5(3), sch pt II
Ministry of Transport Act 1919	Secretary of State for the Environment Order 1970 [SI 1970/1681]: art 5(3), sch 4
Ministers of the Crown Act 1937	Ministers of the Crown Act 1964, s 5(4), sch 3
Ministry of Supply Act 1939	Ministry of Aviation (Dissolution) Order 1967 [SI 1967/155], art 3(3), sch
Education Act 1944	Secretary of State for Education and Science Order 1964 [SI 1964/490], art 3(1), sch pt II
Ministry of National Insurance Act 1944	Statute Law (Repeals) Act 1978, s 1, sch 1 pt III
Ministry of Fuel and Power Act 1945	Ministerial Salaries and Members' Pensions Act 1965, s 20(3), sch 5
Ministerial Salaries Act 1946	Ministerial Salaries and Members' Pensions Act 1965, s 20(3), sch 5
Ministry of Defence Act 1946	Defence (Transfer of Functions) (No. 1) Order 1964 [SI 1964/488], art 2(2), sch 1 pt II

1.5 Thus, the only provisions of the 1960 Act that remain in force are text in section 4(1) enacting Schedule 1; and section 6, which provides for interpretation and the short title. Since Schedule 1 has now been repealed in its entirety, the remainder of the Act is wholly obsolete.



*Proposal*

- 1.6 The 1960 Act no longer serves any useful function. Its formal repeal is now proposed.

*Extent*

- 1.7 The 1960 Act extended throughout the United Kingdom.

*Consultation*

- 1.8 The Cabinet Office and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## HOUSING ACT 1964

1.1 This note proposes the repeal of the Housing Act 1964.

1.2 The Housing Act 1964<sup>1</sup> (“the 1964 Act”) was passed as part of the Government’s strategy for clearing slums and addressing housing shortages. It included provisions to encourage the supply of new houses and the improvement of existing houses. It also gave local authorities new powers to deal with abuses of multi-occupation housing.<sup>2</sup>

1.3 The Act provided as follows:

Section	Provided	Repealed
1-12	Assistance for housing societies	Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I
13-44	Compulsory improvement of sub-standard housing	Housing Act 1974, s 130(4), sch 15
45-49	Grants for the improvement of sub-standard housing	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland); Housing Act 1969, s 89(3), sch 10 (for England and Wales)
50-53	Supplementary provisions on improvement grants (did not extend to Scotland)	Housing Act 1969, s 89(3), sch 10 (for England and Wales)
54	Conditions attaching to improvement grants in England and Wales	Housing Act 1969, s 89(3), sch 10 (for England and Wales)
55	Conditions attaching to improvement grants in Scotland	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland); Housing Act 1969, s 89(3), sch 10 (for England and Wales)
56	Rent limits (did not extend to Scotland)	Housing Act 1969, s 89(3), sch 10 (for England and Wales)
57	Local authority loans in England and Wales (did not extend to Scotland)	Housing Act 1974, s 130(4), sch 15

<sup>1</sup> 1964 c.56

<sup>2</sup> HL Deb 28 April 1964 vol 257 cc893-894

58	Local authority loans in Scotland	Housing (Scotland) Act 1966, s 212(1), sch 10 pt I (for Scotland); Housing Act 1969, s 89(3), sch 10 (for England and Wales)
59	Service of purchase notices	Housing Act 1974, s 130(4), sch 15
60	Conversion of houses of three or more storeys in England and Wales	Housing Act 1969, s 89(3), sch 10
61-62	Amount of improvement grants in Scotland	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland); Housing Act 1969, s 89(3), sch 10 (for England and Wales)
63	Exchequer contributions to new towns	Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6
64-84	Amendments of Housing Act 1961; compulsory purchase orders and control orders	Housing (Scotland) Act 1966, s 212(1), sch 10 pt I (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales)
85	Revocation of control orders (did not extend to Scotland)	Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I
86-91	Supplementary provisions on control orders	Housing (Scotland) Act 1966, s 212(1), sch 10 pt I (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt 1 (for England and Wales)
92-93	Demolition of aluminium houses	Housing (Financial Provisions) (Scotland) Act 1972, s 79(3), sch 11 pt 3 (for Scotland); Housing Finance Act 1972, s 108(4), sch 11 pt 3 (for England and Wales)
94	Improvement of aluminium houses in England and Wales (did not extend to Scotland)	Housing Finance Act 1972, s 108(4), sch 11 pt 6
95	Amendments of Clean Air Act 1956	Clean Air Act 1993, s 67(3), sch 6

96	Provision of service pipes	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales)
97	Unfit houses held by local authorities	Subsection (1) repealed by Housing Finance Act 1972, s 108(4), sch 11 pt 3 (for England and Wales); subsection (2) repealed by Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland)
98	Subsidies for new houses in Scotland	Housing (Financial Provisions) (Scotland) Act 1972, s 79(3), sch 11 pt 3
99	Compulsory purchase of land in Scotland	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10
100	Amendment of Housing and Town Development (Scotland) Act 1957	N/A
101	Housing for vulnerable persons in Scotland	Housing (Scotland) Act 1987, s 339(3), sch 24
102	Service of notices by local authorities	Housing (Scotland) Act 1966, s 212(1), sch 10 pt I (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales)
103	Amendments of Housing Acts	Housing (Financial Provisions) (Scotland) Act 1968, s 70(1), sch 10 (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales)
104	Application to Isles of Scilly	Housing Finance Act 1972, s 108(4), sch 11 pt 6
105	Financial provisions	Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6
106	Interpretation	Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales); subsection (4) repealed by Local Government Act 1972, s 272(1), sch 30; subsection

		(5) repealed by Local Government Act 1985, s 102(2), sch 17
107	Application to Scotland	Paragraph (c) repealed by Rent (Scotland) Act 1971, s 135(5), sch 20 (for Scotland); paragraphs (d)-(f) repealed by Housing (Scotland) Act 1966, s 212(1), sch 10 pt 1 (for Scotland)
108	Short title, citation, repeals, extent and commencement	Subsection (1)(a), text in subsection (4), and subsection (5) repealed by Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt 1 (for England and Wales); subsection (2) repealed by Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6; text in subsection (3) repealed by House of Commons Disqualification Act 1975, s 10(2), sch 3
Sch 1	Constitution of Housing Corporation	Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales) ; text in subsection (2)(9) repealed by Superannuation Act 1972, s 29(4), sch 8; paragraph (2)(10) repealed by House of Commons Disqualification Act 1975, s 10(2), sch 3
Sch 2	Rent limits (did not extend to Scotland)	Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I
Sch 3-4	Application of Housing Act 1961 to Scotland; cessation of control orders	Housing (Scotland) Act 1966, s 212(1), sch 10 pt I (for Scotland); Housing (Consequential Provisions) Act 1985, s 3(1), sch 1 pt I (for England and Wales)
Sch 5	Repeals	Statute Law (Repeals) Act 1981, s 1(1), sch 1 pt 6

1.4 The only provision in the 1964 Act that extended to Northern Ireland was paragraph 2(10) of Schedule 1. As shown above, this provision has already been repealed.

1.5 The provisions of the 1964 Act that remain unrepealed in England and Wales are:

- (1) ss 97(2), 98, 99, 100, 101, 107 and 108(1)(b), which only concerned housing in Scotland; and

(2) s 108(3)-(4) (extent and commencement).

1.6 The provisions of the 1964 Act that remain unrepealed in Scotland are:

- (1) ss 54, 60 and 97(1), which only concerned housing in England and Wales;
- (2) s 100, which amended s 10(1) of the Housing and Town Development (Scotland) Act 1957;
- (3) s 104, which only concerned housing in the Isles of Scilly;
- (4) s 106(1)-(3), which provided definitions;
- (5) s 107 (paragraphs (a) and (b)), which substituted references to mortgages with references to heritable securities in Scotland;
- (6) s 108(1) (short title), (3) (extent) and (4)-(5) (commencement); and
- (7) Sch 1, which concerned a body (the Housing Corporation) that is now defunct.

1.7 Thus, the only substantive part of the Act that might retain some practical significance is section 100, which amended section 10(1) of the Housing and Town Development (Scotland) Act 1957 (“the 1957 Act”).<sup>3</sup>

1.8 The 1957 Act was passed to deal with housing shortages in Glasgow by providing for new housing in other areas to accommodate ‘overspill’. Section 10(1) of the 1957 Act empowered local authorities to make town development schemes in conjunction with the provision of this new housing.

1.9 Section 100 of the 1964 Act extended these powers to cover schemes made in conjunction with existing housing. However, there does not seem to be any record of these provisions having been used in recent decades.

1.10 In conclusion, the 1964 Act today has no remaining practical significance except insofar as section 100 amended section 10(1) of the 1957 Act. On that basis, the 1964 Act could be repealed, subject to a saving in respect of section 100. If, however, section 10(1) of the 1957 Act (or, at least, the amendments made to it by section 100) no longer serve any useful purpose, then the 1964 Act could be repealed outright (without any such saving).

#### *Proposal*

1.11 The 1964 Act should be repealed either outright or subject to a saving in respect of section 100.

#### *Extent*

1.12 The whole of the 1964 Act extended throughout Great Britain. As noted above, only one provision extended to Northern Ireland, and that has already been repealed.

<sup>3</sup> 5 & 6 Eliz.2 c.38

*Consultation*

- 1.13 The Department for Communities and Local Government and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## FISHING VESSELS (SAFETY PROVISIONS) ACT 1970

1.1 This note proposes the repeal of the Fishing Vessels (Safety Provisions) Act 1970.

1.2 The Fishing Vessels (Safety Provisions) Act 1970<sup>1</sup> (“the 1970 Act”) was passed to empower the Board of Trade to make safety rules for fishing vessels. It implemented several recommendations of the Holland-Martin Committee, which had been set up to investigate the safety of deep-sea trawlers following the loss of three such trawlers and 59 lives in early 1968.<sup>2</sup>

1.3 The 1970 Act provided as follows:

Section	Provided	Repealed
1	Board of Trade to make rules on construction of fishing vessels	Merchant Shipping Act 1995, s 314(1), sch 12
2	Board of Trade to make rules on inspection of fishing vessels	Subsection (1) repealed by Merchant Shipping Act 1995, s 314(1), sch 12; subsection (2) repealed by Merchant Shipping (Survey and Certification) Regulations 1995 [SI 1995/1210], reg 1(4)(f)
3	Certificates for vessels complying with rules	Merchant Shipping Act 1995, s 314(1), sch 12
4	Vessels not to go to sea without appropriate certificates	Merchant Shipping Act 1995, s 314(1), sch 12
5	Owner of certified vessel to give notice of alterations	Merchant Shipping Act 1995, s 314(1), sch 12
6	Fees for inspections and certificates	Merchant Shipping (Registration etc) Act 1993, s 8(4), sch 5 pt II
7	Provisions on rules	Merchant Shipping Act 1995, s 314(1), sch 12
8	Power to extend Act to territories outside UK	Merchant Shipping (Registration etc) Act 1993, s 8(4), sch 5 pt II
9	Interpretation	Merchant Shipping Act 1995, s 314(1), sch 12

<sup>1</sup> 1970 c.27

<sup>2</sup> HL Deb 19 May 1970 vol 310 cc965-968



10	Expenses	Merchant Shipping Act 1995, s 314(1), sch 12
11	Citation, construction, commencement and extent	Merchant Shipping Act 1995, s 314(1), sch 12

*Proposal*

- 1.4 The 1970 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

*Extent*

- 1.5 The 1970 Act extended throughout the United Kingdom.

*Consultation*

- 1.6 The Department for Environment, Food and Rural Affairs, the Marine Management Organisation, the Maritime and Coastguard Agency and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## MR SPEAKER KING'S RETIREMENT ACT 1971

1.1 Mr Speaker King's Retirement Act 1971 ("the 1971 Act") was passed to provide a pension to the retiring Speaker of the House of Commons, Dr Horace King. Dr King (later Baron Maybray-King) was the first member of the Labour Party to hold this post.

1.2 The 1971 Act<sup>1</sup> provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Annuities to be paid out of the Consolidated Fund to Horace King and, after his death, to his wife, Una	N/A
2	Short title	N/A

1.3 Una King predeceased her husband, dying in 1978. He married Lady Sheila Maybray-King in 1986. He died on 3 September 1986. In 1987, the 1971 Act was amended to remove the reference to Una King and apply the annuity instead to Sheila Maybray-King.<sup>2</sup>

1.4 Sheila Maybray-King died on 21 October 2011. The 1971 Act thereupon became obsolete (as did the 1987 amending provision).

### *Proposal*

1.5 The 1971 Act and section 4 of the Parliamentary and other Pensions Act 1987 are now proposed for repeal.

### *Extent*

1.6 The 1971 Act extended throughout the United Kingdom.

### *Consultation*

1.7 HM Treasury and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>1</sup> 1971 c.13

<sup>2</sup> Parliamentary and other Pensions Act 1987 (c.45), s 4

## FRIENDLY SOCIETIES ACT 1971

- 1.1 This note proposes the repeal of the Friendly Societies Act 1971 and certain provisions of the Friendly Societies Act 1974.

### *Friendly Societies Act 1971.*

- 1.2 The Friendly Societies Act 1971<sup>1</sup> (“the 1971 Act”) was passed to provide new procedures for merging or dissolving friendly societies. Due to declining membership, more societies were seeking to merge into larger groups, but the existing process for doing so was expensive and time-consuming. The societies had therefore requested that it be simplified.<sup>2</sup>

- 1.3 The 1971 Act provided as follows:

Section	Provided	Repealed
1-4	Amalgamation and winding up of friendly societies	Friendly Societies Act 1974, s 116(4), sch 11
5-10	Powers of chief registrar; fees; group insurance business	Friendly Societies Act 1974, s 116(4), sch 11
11	Increase of penalties in other Friendly Societies Acts	Subsections (1)-(4) repealed by Friendly Societies Act 1974, s 116(4), sch 11; subsection (6) repealed by Statute Law (Repeals) Act 1978, s 1(1), sch 1 pt 17
12-14	Application to Northern Ireland; regulations; amendments and repeals	Friendly Societies Act 1974, s 116(4), sch 11
15	Short title, construction, extent and commencement	Apart from subsections (4)-(5), the whole section was repealed by Friendly Societies Act 1974, s 116(4), sch 11
Sch 1-3	Amendments and repeals	Friendly Societies Act 1974, s 116(4), sch 11

<sup>1</sup> 1971 c.66

<sup>2</sup> HC Deb 03 May 1971 vol 816 cc1093-1095

- 1.4 The only remaining provisions of the 1971 Act are section 11(5), which amends the Friendly and Industrial and Provident Societies Act 1968 (“the 1968 Act”), and section 15(4) and (5), which enabled the Act to be extended by Order in Council to the Channel Islands and the Isle of Man.
- 1.5 Section 11(5) amends section 3(7) of the 1968 Act to provide that a person who fails to comply with the accounting obligations in that Act would be liable to a fine. The effect of this amendment may be conveniently preserved by the entry in the attached *Schedule of Savings*.
- 1.6 No saving is needed for section 15(4) and (5) because no orders have been made under them.

#### *Friendly Societies Act 1974*

- 1.7 The Friendly Societies Act 1974<sup>3</sup> (“the 1974 Act”) was passed to amend earlier friendly societies legislation.
- 1.8 Schedule 7 to the 1974 Act was a transitory provision introduced by section 107(3). Section 107(3) provided that section 107(1) and (2) was to have effect as set out in Schedule 7 until certain amendments to section 9 of the Friendly Societies Act 1955 made by section 100(2)(a) of, and paragraph 17 of Schedule 27 to, the Social Security Act 1973 had come into force. When these amendments came into force on 6 April 1975<sup>4</sup>, section 107(3) and Schedule 7 became unnecessary.

#### *Proposal*

- 1.9 Aside from amending the 1968 Act, the 1971 Act is now unnecessary. Its repeal is proposed on that basis. Similarly the repeal of section 107(3) of, and Schedule 7 to, the 1974 Act is proposed on the basis that both are unnecessary.

#### *Extent*

- 1.10 The 1971 Act extended throughout Great Britain. The 1974 Act extended throughout the United Kingdom, the Isle of Man and the Channel Islands.

#### *Consultation*

- 1.11 HM Treasury, the Financial Conduct Authority, the Prudential Regulation Authority, the Association of Financial Mutuals, and the relevant authorities in Scotland, Wales, Northern Ireland, the Isle of Man and the Channel Islands have been consulted about these repeal proposals.

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<sup>3</sup> 1974 c.46

<sup>4</sup> Social Security Act 1973 (Commencement No 3) Order 1974, SI 1974/164

## **SCHEDULE OF SAVINGS**

### *Friendly and Industrial and Provident Societies Act 1968 (c.55)*

The repeal by this Act of the Friendly Societies Act 1971 (c.66) does not affect the amendment made by section 11(5) of that Act to section 3(7) of the Friendly and Industrial and Provident Societies Act 1968 (failure by member of committee of registered society to comply with provisions of that section as to revenue accounts and balance sheets)

## INTERNATIONAL ROAD HAULAGE PERMITS ACT 1975

- 1.1 This note proposes the repeal of the International Road Haulage Permits Act 1975.
- 1.2 The International Road Haulage Permits Act 1975<sup>1</sup> (“the 1975 Act”) was passed to prevent the use of forged licences or permits when carrying goods abroad. Previously, there had been a limit on the number of permits available to British hauliers which had led to a widespread use of forged permits.<sup>2</sup> The situation was suggested to have reached a level of “international scandal” and was thought to be hindering the United Kingdom’s relationship with France, Belgium and other European Countries.<sup>3</sup> The Act was hoped to strengthen existing legislation and subsequently close the loopholes that previously existed which enabled forgers of permits to escape prosecution.<sup>4</sup>
- 1.3 The 1975 Act provided as follows:

Section	Provided	Repealed
1	Carriage on United Kingdom vehicles, and production, of international road haulage permits	N/A
2	Powers to prohibit vehicle or trailer being taken out of the United Kingdom	N/A
3	Application of Transport Act 1968 and Road Traffic Act 1972 to international road haulage permits	Goods Vehicles (Licensing of Operators) Act 1995, s 60(2), Sch 8, pt 1
4	Application of Transport Act (Northern Ireland) 1967	Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, Sch 4
5	Short title, commencement and extent	N/A

<sup>1</sup> 1975 c 46.

<sup>2</sup> HC Deb 28 April 1975 vol 359 col 1176

<sup>3</sup> HC Deb 24 January 1975 vol 884 col 2211

<sup>4</sup> HC Deb 28 April 1975 vol 359 col 1176-1179

- 1.4 Although the 1975 Act was duly brought into force in September 1975, and regulations were made to give effect to the policy,<sup>5</sup> within 20 years the policy had been superseded by a new international road haulage regime agreed by European Union member States including the United Kingdom.
- 1.5 As part of the creation of the single market, the rules relating to international road haulage within the European Union have been harmonised across all member States. Article 3(f) of the Treaty of Rome identifies transport as one of the key areas for common policy. Accordingly, Regulation (EEC) No 881/92 of 26 March 1992 consolidated existing legislation and created a new system for issuing Community Licences to haulage carriers.<sup>6</sup>
- 1.6 Community Licences are issued by each member state.<sup>7</sup> In relation to the United Kingdom, a community licence is automatically granted free of charge to hauliers who have qualified for a Standard International Operator's Licence.<sup>8</sup> This allows them to undertake journeys both nationally and internationally (including journeys outside the EU).
- 1.7 There are several requirements that need to be met under UK law before a Standard International Operator's Licence can be granted. The legislation covering the issuing of licences is the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act.") The 1995 Act is an Act which consolidates Part 5 of the Transport Act 1968 and related provisions concerning the licensing of operators of certain goods vehicles. Section 8 of the 1995 Act sets out the application procedure, and section 13 provides for the determination of applications and specifies the requirements to be met by applicants. Other provisions in the 1995 Act relating to enforcement of licence conditions and the detention of vehicles mirror provisions in the 1975 Act.
- 1.8 These new arrangements have now wholly superseded the regime established under the 1975 Act. The regulations made under the Act were revoked in 1995 and were never replaced.<sup>9</sup> As a result, the only remaining substantive provisions of the 1975 Act (sections 1 and 2) have served no useful purpose for 20 years.

#### *Proposal*

- 1.9 Given that the 1975 Act no longer serves any useful purpose, its repeal is proposed on that basis.

#### *Extent*

- 1.10 The 1975 extended throughout the United Kingdom

<sup>5</sup> Goods Vehicles (International Road Haulage Permits) Regulations 1975, SI 1975/2234

<sup>6</sup> Community licences are also valid in the 4 member states of the European Free Trade Association: Iceland, Lichtenstein, Norway and Switzerland. This system can also apply to countries outside of the European Union where a prior agreement exists.

<sup>7</sup> Regulation (EC) No 1072/2009, Article 4.

<sup>8</sup> Vehicle and Operator Services Agency, "Goods Vehicle Operating Licensing: Guide for operators" page 7.

<sup>9</sup> Goods Vehicles (International Road Haulage Permits)(Revocation) Regulations 1995, SI 1995/1290, art 2

*Consultation*

- 1.11 The Department for Transport, the Driver and Vehicles Standards Agency, the Road Haulage Association, the Freight Transport Association and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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## GUARD DOGS ACT 1975

- 1.1 This note proposes the repeal of parts of the Guard Dogs Act 1975.
- 1.2 The Guard Dogs Act 1975<sup>1</sup> (“the 1975 Act”) was passed following a number of fatal attacks on children by unattended guard dogs. It prohibited the use of dogs to guard premises unless they are under the control of a handler, and required those who hire out guard dogs to have a licence for their kennels.<sup>2</sup>
- 1.3 The 1975 Act provided as follows:

Section	Provided	Repealed
1	Guard dogs only to be used by handlers	N/A
2	Guard dog kennels to require a licence	Not commenced
3	Local authorities to issue kennel licences	Not commenced
4	Appeals against licence conditions	Not commenced
5	Fines	N/A
6	Regulations about licences	Not commenced
7	Interpretation	N/A
8	Short title, commencement and extent	N/A

- 1.4 During the Bill’s second reading, the government made it clear that the provisions on licensing would “be brought into force only after considerable delay”.<sup>3</sup> This was because of the burden they would impose on local authorities, who would be responsible for administering the system.
- 1.5 In 1978, the government announced that it was “not currently planning to bring those sections into force”, but intended to do so when the necessary resources became available.<sup>4</sup> A similar statement was made in 1981.<sup>5</sup> In response to questions in 1984 and 1991, the government replied that it had “no plans” to bring the sections into force. The matter has not been raised in Parliament since then.

<sup>1</sup> 1975 c.50

<sup>2</sup> HL Deb 20 June 1975 vol 361 cc1185-1187

<sup>3</sup> HL Deb 20 June 1975 vol 361 c1187

<sup>4</sup> HL Deb 20 June 1978 vol 393 cc949-950

<sup>5</sup> HL Deb 15 June 1981 vol 421 cc429-430

- 1.6 The animal health and welfare team at the Department for Environment, Food and Rural Affairs have indicated that they “would in principle be happy for any un-commenced parts of the Guard Dogs Act 1975 to be repealed”. It appears that the uncommenced provisions are no longer considered necessary.

*Proposal*

- 1.7 Given that these uncommenced provisions are now considered unnecessary and will never be brought into force, they are now proposed for repeal on that basis that they no longer serve any useful purpose.

- 1.8 The parts of the 1975 Act that are proposed for repeal are:

- (1) sections 2, 3 and 4;
- (2) in section 5(1), the words “or 2”, and in section 5(2)(a), the words “or any prescribed fee” and “or of any regulations made under this Act or of any of the terms or conditions of a licence granted under section 3 of this Act”;
- (3) section 6;
- (4) in section 7, the entries for “guard dog kennels”, “local authority”, “prescribed” and “regulations”; and
- (5) section 8(2).

*Extent*

- 1.9 The 1975 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.10 The Department for Environment, Food and Rural Affairs, the Home Office, the Local Government Association, the Welsh Local Government Association and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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**PUBLIC HEALTH LABORATORY SERVICE ACT 1979**

- 1.1 This note proposes the repeal of the Public Health Laboratory Service Act 1979.
- 1.2 The Public Health Laboratory Service Act 1979<sup>1</sup> (“the 1979 Act”) was passed to extend the scope of the Public Health Laboratory Service (“the PHLS”), thus allowing it to take over the management of the Microbiological Research Establishment (“the MRE”).<sup>2</sup>
- 1.3 The PHLS was established during the Second World War to provide defences against biological warfare. After the war, it was maintained to diagnose and control the spread of infectious diseases. The MRE had also been set up during the Second World War to study biological warfare, under the auspices of the Ministry of Defence. Its defence functions were subsequently transferred to the Chemical Defence Establishment, and the merger with the PHLS brought it under full civilian control.
- 1.4 The 1979 Act provided as follows:

Section	Provided	Repealed
1	Extension of functions of Public Health Laboratory Service	Subsections (1)-(2) repealed by National Health Service (Consequential Provisions) Act 2006, s 6, sch 4; subsections (3)-(4) repealed by Health and Social Care (Community Health and Standards) Act 2003, s 196, sch 14 pt 7
2	Payments to members of Public Health Laboratory Service Board	Health and Social Care (Community Health and Standards) Act 2003, s 196, sch 14 pt 7
3	Short title and extent	National Health Service (Consequential Provisions) Act 2006, s 6, sch 4

- 1.5 The MRE was subsequently renamed the Centre for Applied Microbiology and Research. On 1 April 1994, it ceased to form part of the PHLS and was transferred to the Microbiological Research Authority.<sup>3</sup> This then became a division of the Health Protection Agency, and is now part of Public Health England.

<sup>1</sup> 1979 c.23

<sup>2</sup> HC Deb 15 February 1979 vol 962 cc1326-1331

<sup>3</sup> Microbiological Research Authority (Establishment and Constitution) Order 1994 [SI 1994/603], art 5

- 1.6 In 2003, most of the functions of the PHLS were also transferred to the Health Protection Agency. Its only remaining role was as a facility to produce culture media for growing micro-organisms. This business was sold to Oxoid Limited in 2004,<sup>4</sup> and the PHLS Board was dissolved on 1 April 2005.<sup>5</sup> Its remaining assets and liabilities were transferred to the Health Protection Agency, now part of Public Health England.

*Proposal*

- 1.7 The 1979 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

*Extent*

- 1.8 The 1979 Act extended to England and Wales only.

*Consultation*

- 1.9 Public Health England, the Department of Health, the Ministry of Defence, and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>4</sup> Public Health Laboratory Service Board Accounts 2004-5, pg 11, <http://www.nao.org.uk/wp-content/uploads/2006/07/05061429.pdf>

<sup>5</sup> Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No 6) Order 2005 [SI 2005/457], art 2

## **EDUCATION (AMENDMENT) ACT 1986**

- 1.1 This note proposes the repeal of the Education (Amendment) Act 1986.
- 1.2 The Education (Amendment) Act 1986<sup>1</sup> (“the 1986 Act”) was a short, technical Act passed to amend provisions on education support grants and teachers’ duties.<sup>2</sup>
- 1.3 The 1986 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Increased the limit of education support grants	Local Government and Housing Act 1989, s 194(4), sch 12 pt II
2	Amended the definition of ‘remuneration’ to exclude lunchtime supervision	Teachers’ Pay and Conditions Act 1987, s 8(2), sch 2
3	Short title and extent	Local Government and Housing Act 1989, s 194(4), sch 12 pt II

### *Proposal*

- 1.4 The 1986 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

### *Extent*

- 1.5 The 1986 Act extended to England and Wales only.

### *Consultation*

- 1.6 The Department of Education and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1986 c.1

<sup>2</sup> HC Deb 05 December 1985 vol 88 cc459-462

## SAFETY AT SEA ACT 1986

- 1.1 This note proposes the repeal of the Safety at Sea Act 1986.
- 1.2 The Safety at Sea Act 1986<sup>1</sup> (“the 1986 Act”) was passed to mandate certain safety measures on fishing boats. Such measures had previously been recommended by the government, but the safety regime was tightened after a number of fishing disasters.<sup>2</sup>
- 1.3 The 1986 Act provided as follows:

Section	Provided	Repealed
1-6	Safety equipment to be carried on fishing vessels	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
7	Crew to be trained in safety matters	Merchant Shipping Act 1995, s 314(1), sch 12
8-9	Exemptions and regulations	Merchant Shipping Act 1995, s 314(1), sch 12
10	Amendment of provisions on drunkenness	Merchant Shipping Act 1995, s 314(1), sch 12
11	Extension of power to make safety regulations	Merchant Shipping Act 1995, s 314(1), sch 12
12	Expenses	Merchant Shipping Act 1995, s 314(1), sch 12
13	Interpretation	Merchant Shipping Act 1995, s 314(1), sch 12
14	Extension of Act outside the UK	Merchant Shipping (Registration, etc) Act 1993, s 8(4), sch 5 pt II
15	Short title, citation, commencement and extent	Merchant Shipping Act 1995, s 314(1), sch 12

### *Proposal*

- 1.4 The 1986 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

<sup>1</sup> 1986 c.23

<sup>2</sup> HC Deb 07 February 1986 vol 91 cc541-551

*Extent*

- 1.5 The 1986 Act extended throughout the United Kingdom.

*Consultation*

- 1.6 The Department for Environment, Food and Rural Affairs, the Maritime and Coastguard Agency and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## EDUCATION (SCHOOLS) ACT 1992

1.1 This note proposes the repeal of the Education (Schools) Act 1992.

1.2 The Education (Schools) Act 1992<sup>3</sup> (“the 1992 Act”) was passed to implement the government’s Parent’s Charter, which had been issued in 1991. It provided for the reform of school inspectorates, the regular inspection of schools, and the publication of inspectors’ reports. It also introduced the publication of school league tables.<sup>4</sup>

1.3 The 1992 Act provided as follows:

Section	Provided	Repealed
1-4	Inspection of schools in England	School Inspections Act 1996, s 47(2), sch 7
5-8	Inspection of schools in Wales	School Inspections Act 1996, s 47(2), sch 7
9-15	Duties to inspect schools	School Inspections Act 1996, s 47(2), sch 7
16	Duty to provide information about schools in England and Wales	Education Act 1996, s 582(2), sch 38, pt I
17	Duty to provide information about schools in Scotland	N/A
18	Interpretation	School Inspections Act 1996, s 47(2), sch 7
19	Statutory instruments	School Inspections Act 1996, s 47(2), sch 7
20	Financial provisions	School Inspections Act 1996, s 47(2), sch 7
21	Short title, citation, commencement, extent, amendments and repeals	Apart from subsection (5), repealed by School Inspections Act 1996, s 47(2), sch 7
Sch 1	Chief inspectors	School Inspections Act 1996, s 47(2), sch 7
Sch 2	School inspections	School Inspections Act 1996, s 47(2), sch 7

<sup>3</sup> 1992 c.38

<sup>4</sup> HC Deb 19 November 1991 vol 199 cc144-161



Sch 3	Appeals	School Inspections Act 1996, s 47(2), sch 7
Sch 4	Amendments	Paras 2, 3 and 7 repealed by School Inspections Act 1996, s 47(2), sch 7; paras 1, 4, 5 and 6 repealed by Education Act 1996, s 582(2), sch 38, pt 1
Sch 5	Repeals	School Inspections Act 1996, s 47(2), sch 7

1.4 The whole of the 1992 Act, with two exceptions, was repealed in 1996. The only two provisions that have not been repealed are:

- (1) section 17, which amended the Education (Scotland) Act 1980 (“the 1980 Act”); and
- (2) section 21(5), which provides that section 17 extends to Scotland only.

1.5 Section 17 inserted new sections 28I, 28J and 28K into the 1980 Act. These three sections enable the Secretary of State to make regulations requiring schools to provide him with certain information, and to publish that information. These three sections remain in force.

1.6 No regulations appear to have been made under sections 28J or 28K. Regulations were made under section 28I in 1993, and were amended by further regulations in 1994 and 2000. In 2012, however, all of these Regulations were revoked.<sup>5</sup>

1.7 The executive note to the 2012 revocations indicated that the publication of schools information was in future to be carried out under the Education (School and Placing Information) (Scotland) Regulations 2012.<sup>6</sup> Indeed these 2012 Regulations were not made pursuant to section 28I of the 1980 Act. This suggests that section 28I may now be obsolete. Given that no regulations appear to have been made under sections 28J or 28K either, it may be that section 17 of the 1992 Act is now unnecessary.

1.8 In conclusion, the 1992 Act has no remaining practical significance except insofar as section 17 inserts these three sections into the 1980 Act. On that basis, the 1992 Act could be repealed, subject to a saving in respect of section 17. If, however, these three sections no longer serve any useful purpose, then the 1992 Act could be repealed outright (without any such saving).

<sup>5</sup> Education (Provision of Information as to Schools) (Scotland) Revocation Regulations 2012 [SSI 2012/129], s 2, sch. These regulations were made pursuant to section 28I of the 1980 Act.

<sup>6</sup> SSI 2012/130

*Proposal*

- 1.9 The 1992 Act should be repealed either outright or subject to a saving in respect of section 17.

*Extent*

- 1.10 The whole of the 1992 Act, except section 17, extended to England and Wales. Section 17 extended to Scotland only. Parts of Schedules 1 and 4 extended throughout the United Kingdom, but these have now been repealed. The only application of the Act today is in Scotland.

*Consultation*

- 1.11 The Department for Education, and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **SEA FISH (CONSERVATION) ACT 1992**

- 1.1 This note proposes the repeal of an obsolete provision in the Sea Fish (Conservation) Act 1992.
- 1.2 The Sea Fish (Conservation) Act 1992 (“the 1992 Act”)<sup>1</sup> was passed to amend the law relating to licences under sections 4 and 4A of the Sea Fish (Conservation) Act 1967. It contains a number of provisions which are now unnecessary.
- 1.3 *Section 10* of the 1992 Act required Ministers to lay before Parliament a report reviewing the operation of the 1992 Act and its effectiveness for conserving sea fish. Since this duty had to be complied with within 6 months after 1 January 1997, section 10 has been spent since July 1997.

### *Proposal*

- 1.4 Section 10 is now obsolete and its repeal is proposed on that basis.

### *Extent*

- 1.5 Section 10 extended throughout the United Kingdom.

### *Consultation*

- 1.6 The Department for Environment, Food and Rural Affairs and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>1</sup> 1992 c.60.

## LAND DRAINAGE ACT 1994

- 1.1 This note proposes the repeal of the Land Drainage Act 1994.
- 1.2 The Land Drainage Act 1994<sup>1</sup> (“the 1994 Act”) was passed to impose conservation duties on bodies carrying out land drainage. It was intended to mitigate the environmental impact of the day-to-day operation of flood defence infrastructure, especially on sites of special scientific interest.<sup>2</sup>
- 1.3 The 1994 Act provided as follows:

Section	Provided	Repealed
1	Amendment of Land Drainage Act 1991	N/A
2	Repeals	N/A
3	Short title, commencement and extent	N/A

- 1.4 Section 1 of the 1994 Act inserted sections 61A to 61E (Part 4A) into the Land Drainage Act 1991.<sup>3</sup> These sections, which imposed duties on drainage boards and local authorities, remain in force. Section 2 of the 1994 Act repealed sections 12 and 13 of the 1991 Act. Section 3 provided for the short title, commencement and extent. The 1994 Act has no remaining significance except insofar as it amends the 1991 Act.

### *Proposal*

- 1.5 With the exception of the amendments made by section 1, the 1994 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendments may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the repeal of the 1994 Act in its entirety.

### *Extent*

- 1.6 The 1994 Act extended to England and Wales only.

### *Consultation*

- 1.7 The Department for Environment, Food and Rural Affairs and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>1</sup> 1994 c.25

<sup>2</sup> HL Deb 26 May 1994 vol 555 cc877-881

<sup>3</sup> 1991 c.59

## **SCHEDULE OF SAVINGS**

### *Land Drainage Act 1991 (c.59)*

The repeal by this Act of section 1 of the Land Drainage Act 1994 (c.25) does not affect the insertion made by that section of Part 4A of the Land Drainage Act 1991 (duties with respect to the environment and recreation).

## **MERCHANT SHIPPING ACT 1995**

- 1.1 This note proposes the repeal of provisions in the Merchant Shipping Act 1995 .<sup>1</sup>
- 1.2 Schedule 4 to the Merchant Shipping Act 1995 (“the 1995 Act”) contained transitional provisions. It had effect until chapters III and IV of the 1995 Act came into force.
- 1.3 Chapters III and IV both came into force on 30 May 1996,<sup>2</sup> at which point Schedule 4 largely ceased to have any effect.
- 1.4 The schedule was, however, saved for the purposes of transitional provisions for the implementation of the Protocol of 1992 to amend the International Convention for Oil Pollution Damage 1969.<sup>3</sup> This saving was revoked on 16 May 1998, when the UK ceased to be a party to the 1969 Convention.<sup>4</sup>
- 1.5 Accordingly, schedule 4 is no longer of any effect. Sections 171 and 182, which enacted the schedule, are also obsolete.

### *Proposal*

- 1.6 Sections 171 and 182 of, and Schedule 4 to, the 1995 Act are proposed for repeal on the basis that they are now obsolete.

### *Extent*

- 1.7 The provisions proposed for repeal extended throughout the United Kingdom.

### *Consultation*

- 1.8 The Department for Environment, Food and Rural Affairs, the Marine Management Organisation, the Maritime and Coastguard Agency and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this proposed repeal.

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<sup>1</sup> 1995 c.21

<sup>2</sup> Merchant Shipping Act 1995 (Appointed Day No. 1) Order 1996 [SI 1996/1210], art 2

<sup>3</sup> Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) Order 1996 [SI 1996/1143], art 3

<sup>4</sup> Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) (Revocation) Order 1997 [SI 1997/2566], art 2

## AUDIT (MISCELLANEOUS PROVISIONS) ACT 1996

- 1.1 This note proposes the repeal of the Audit (Miscellaneous Provisions) Act 1996.
- 1.2 The Audit (Miscellaneous Provisions) Act 1996<sup>1</sup> (“the 1996 Act”) was passed to extend the powers of the Audit Commission for England and Wales and the Accounts Commission for Scotland.<sup>2</sup>
- 1.3 The Audit Commission was established in 1982 to arrange external audits for a range of local public bodies. This includes NHS charities, fire and rescue authorities, and social landlords. In 2004 its powers in Wales were transferred to the Auditor General for Wales. Plans have been announced to make new arrangements for local audits in England, and the Audit Commission is to be abolished under the Local Audit and Accountability Act 2014.
- 1.4 The Accounts Commission was established by the Local Government (Scotland) Act 1973. It arranges audits for similar bodies to its English counterpart, and can make recommendations and impose sanctions.
- 1.5 The 1996 Act provided as follows:

Section	Provided	Repealed
1	Audit Commission empowered to carry out value for money studies of social services	Audit Commission Act 1998, s 54(3), sch 5
2	Consequential amendment of Local Government Finance Act 1982	Audit Commission Act 1998, s 54(3), sch 5
3	Amendment of Audit Commission’s financial year	Audit Commission Act 1998, s 54(3), sch 5
4	Amendment of Accounts Commission’s financial year	N/A
5	Commissions empowered to publish information in free newspapers	Audit Commission Act 1998, s 54(3), sch 5 (for England and Wales)
6	Remuneration of members of Audit Commission	Audit Commission Act 1998, s 54(3), sch 5
7	Short title and extent	N/A

<sup>1</sup> 1996 c.10.

<sup>2</sup> HL Deb 18 March 1996 vol 570 cc1117-1119

- 1.6 Most of the Act has now been repealed in England and Wales. Only the preamble, short title and extent remain in force there. Section 4 has not been repealed in England and Wales, but affects Scotland only.
- 1.7 Aside from the short title and extent, only sections 4 and 5 of the Act extended to Scotland. These provisions remain in force there.
- 1.8 Section 4 amends section 98 and section 235 of the Local Government (Scotland) Act 1973. The amended provision of section 98 was repealed when Audit Scotland took responsibility for the Accounts Commission's finances.<sup>3</sup> The amendment of section 235 was consequential to the amendment of section 98, and is therefore no longer needed. It follows that section 4 is no longer necessary.
- 1.9 Section 5 inserts section 1A into the Local Government Act 1992, and makes a consequential amendment to section 1. Section 1A was repealed by the Local Government in Scotland Act 2003.<sup>4</sup> Section 5 is accordingly now unnecessary.

#### *Proposal*

- 1.10 The 1996 Act has therefore ceased to serve any useful purpose. Its repeal is proposed on that basis.

#### *Extent*

- 1.11 The 1996 Act extended throughout Great Britain, but not to Northern Ireland.

#### *Consultation*

- 1.12 The Department for Communities and Local Government, Audit Scotland, the Auditor General for Wales and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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<sup>3</sup> Public Finance and Accountability (Scotland) Act 2000 (asp 1), Sch 4, para 3(5)

<sup>4</sup> The 2003 Act (asp 1), s 60(1)(h)



## **SEA FISHERIES (SHELLFISH) (AMENDMENT) ACT 1997**

- 1.1 This note proposes the repeal of the Sea Fisheries (Shellfish) (Amendment) Act 1997.
- 1.2 The Sea Fisheries (Shellfish) (Amendment) Act 1997<sup>1</sup> (“the 1997 Act”) was passed to extend the protection of the Sea Fisheries (Shellfish) Act 1967 to lobsters and other crustaceans. This enabled lobster fisheries to be established, with regulations governing the management of their stocks. It was hoped that this would prevent the over-exploitation of lobster in UK waters.<sup>2</sup>
- 1.3 The 1997 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Amendment of Sea Fisheries (Shellfish) Act 1967 to include lobsters and other crustaceans	Marine and Coastal Access Act 2009, s 321, sch 22 pt 5A
2	Short title and extent	N/A

- 1.4 The only substantive provision of the Act was repealed on 12 January 2010,<sup>3</sup> when the Marine Management Organisation took over responsibility for marine conservation.

### *Proposal*

- 1.5 The 1997 Act now contains no remaining substantive provisions. Its repeal is proposed on the basis that it is obsolete.

### *Extent*

- 1.6 The 1997 Act extended throughout Great Britain, but not to Northern Ireland.

<sup>1</sup> 1997 c.3

<sup>2</sup> HL Deb 13 January 1997 vol 577 cc82-85

<sup>3</sup> Marine and Coastal Access Act 2009, s 321, Sch 22, Pt 5(A); Marine and Coastal Access Act 2009 (Commencement No. 1 and Transitional Provisions) Order 2009 [SI 2009/3345], s 2(2), sch para 27(b)

*Consultation*

- 1.7 The Department for Environment, Food and Rural Affairs, the Marine Management Organisation and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## REFERENDUMS (SCOTLAND AND WALES) ACT 1997

- 1.1 This note proposes the repeal of the Referendums (Scotland and Wales) Act 1997.
- 1.2 The Referendums (Scotland and Wales) Act 1997<sup>1</sup> (“the 1997 Act”) was passed to provide for the holding of referendums on the establishment of a Scottish Parliament and a National Assembly for Wales (“the Welsh Assembly”). It included provisions on the electorate, funding arrangements and technical details for the two referendums.<sup>2</sup>
- 1.3 The 1997 Act provided as follows:

Section	Provided	Repealed
1	Arrangements for referendum in Scotland	N/A
2	Arrangements for referendum in Wales	N/A
3	Enactment of schedule 3 (conduct of referendums)	N/A
4	Exclusion of legal proceedings to question results	N/A
5	Expenses	N/A
6	Short title	N/A
Sch 1	Ballot paper for use in Scotland	N/A
Sch 2	Ballot paper for use in Wales	N/A
Sch 3	Detailed provisions on conduct of referendums	N/A
Appendix	Forms and other papers	N/A

- 1.4 The Scottish referendum was duly held on 11 September 1997, and the Welsh referendum on 18 September 1997. In both cases, the majority vote was for the establishment of the new devolved institutions. Elections to both institutions took place in May 1999.<sup>3</sup> Most of the provisions of the 1997 Act related only to the holding of these two referendums. They have been obsolete since the referendums took place. The remaining provisions became obsolete once the two institutions were established.

<sup>1</sup> 1997 c.61

<sup>2</sup> HL Deb 17 June 1997 vol 580 cc1111-1116

<sup>3</sup> The Welsh Assembly, which was first established by the Government of Wales Act 1998, was dissolved and replaced by the Assembly established by the Government of Wales Act 2006

- 1.5 Section 5(2)(b) of the 1997 Act provided for expenditure in preparation for the establishment of a Scottish Parliament or Welsh Assembly, in the event of a yes vote. This was intended to cover the period until the establishment of the new institutions. The Scotland Act 1998 (establishing the Scottish Parliament) and the Government of Wales Act 1998 (establishing the Welsh Assembly) were enacted following the referendums, and the first elections to both the Scottish Parliament and the Welsh Assembly took place on 6 May 1999. It follows that section 5(2)(b) is now unnecessary.

*Proposal*

- 1.6 The 1997 Act no longer serves any useful purpose and its repeal is proposed on that basis.

*Extent*

- 1.7 The 1997 Act extended throughout the United Kingdom.

*Consultation*

- 1.8 The Scottish Parliament, the Welsh Assembly, the Ministry of Justice, the Cabinet Office, the Electoral Commission and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **GREATER LONDON AUTHORITY (REFERENDUM) ACT 1998**

- 1.1 This note proposes the repeal of the Greater London Authority (Referendum) Act 1998.
- 1.2 The Greater London Authority (Referendum) Act 1998<sup>1</sup> (“the 1998 Act”) was passed to provide for the holding of a referendum on the establishment of a Greater London Authority (“the GLA”). It included provisions on the conduct of the referendum, as well as enabling preparatory expenditure on the GLA in the event of a yes vote.<sup>2</sup>
- 1.3 The 1998 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Holding of referendum	N/A
2	Entitlement to vote	N/A
3	Counting officers	N/A
4	Supplementary provisions	N/A
5	Grants towards referendum expenses	N/A
6	Exclusion of legal proceedings to question results	N/A
7-11	Preparatory work on electoral arrangements for GLA	N/A
12	Expenses	N/A
13	Short title	N/A
Sch	Ballot paper	N/A

- 1.4 The referendum was duly held on 7 May 1998. Following a yes vote, the Greater London Authority Act 1999 was passed to create the GLA. The first elections for the Mayor of London and the London Assembly were held on 4 May 2000 and the GLA was formally established on 3 July that year.
- 1.5 The provisions of the 1998 Act that concerned arrangements for the referendum (sections 1 to 6 and the Schedule) became obsolete once or soon after the referendum was held in May 1998.

<sup>1</sup> 1998 c.3

<sup>2</sup> HC Deb 10 November 1997 vol 300 cc586-595

- 1.6 Sections 7 to 11 enabled the Secretary of State to make preparatory arrangements for the establishment of the GLA, by directing the Local Government Commission for England to make recommendations about London Assembly elections in the event of the referendum approving the establishment of the GLA. These provisions became spent once the first elections had been held in May 2000. The functions of the Local Government Commission for England were transferred to the Electoral Commission on 1 April 2002.<sup>3</sup> The Commission was wound up on 1 August 2002.<sup>4</sup>
- 1.7 Section 12 authorised the expenditure involved in holding the referendum and in preparing for the GLA. This provision became spent once the GLA was established in July 2000.
- 1.8 The only other provision in the 1998 Act is section 13 (the short title).

*Proposal*

- 1.9 The 1998 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

- 1.10 The 1998 Act extended throughout the Greater London area.

*Consultation*

- 1.11 The Greater London Authority, the Cabinet Office, the Ministry of Justice and the Electoral Commission have been consulted about this repeal proposal.

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<sup>3</sup> Local Government Commission for England (Transfer of Functions) Order 2001 [SI 2001/3962]

<sup>4</sup> Local Government Commission for England (Winding-up) Order 2002 [SI 2002/1723]