

Emergency Laws (Miscellaneous Provisions) Act, 1947

11 & 12 GEO. 6. CH. 10.

ARRANGEMENT OF SECTIONS.

Section.

1. Continuation for further periods of certain Defence Regulations.
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3. Further extension and amendment of enactments relating to ploughing grants.
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6. Extension of s. 12 of Act of 1946.
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CHAPTER 10.

An Act to make further provision with respect to the Defence Regulations continued in force by the Emergency Laws (Transitional Provisions) Act, 1946, and with respect to certain emergency and temporary enactments extended by or contained in that Act; to repeal certain other emergency enactments; and for purposes connected with the matters aforesaid.

[18th December 1947.]

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

1.—(1) Subject to the provisions of section two and section seven of this Act, the following provisions shall have effect as respects the Defence Regulations which are continued in force until the thirty-first day of December, nineteen hundred and forty-seven, by section one of the Emergency Laws (Transitional Provisions) Act, 1946 (hereafter in this Act referred to as "the Act of 1946"):

- (a) the Defence Regulations and parts of Defence Regulations specified in Part I of the First Schedule to this Act shall not be further continued in force, and shall accordingly expire on the said date;
- (b) the Defence Regulations and parts of Defence Regulations specified in Part II of the said Schedule shall, unless previously revoked, continue in force until the thirty-first day of December, nineteen hundred and forty-eight, and shall then expire

(c) the Defence Regulations and parts of Defence Regulations specified in Part III of the said Schedule shall, unless previously revoked, continue in force until the tenth day of December, nineteen hundred and fifty, and shall then expire.

(2) The Defence Regulations continued in force by this section shall continue to have effect subject to the exceptions, limitations and modifications specified in the First Schedule to the Act of 1946 :

Provided that Regulation sixteen of the Defence (General) Regulations, 1939 (which relates to the stopping up or diversion of highways) shall be further limited so as only to be applicable for the purpose of working open-cast coal or constructing or extending an electricity generating station, and accordingly shall have effect as set out in Part IV of the First Schedule to this Act.

(3) The provisions of the Act of 1946 which apply to Defence Regulations continued in force by section one of that Act shall continue to apply to such of those Regulations as are continued in force by or under this Act.

Permanent enactment of provisions similar to those contained in or made under certain Defence Regulations. 57 & 58 Vict. c. 60.

2.—(1) The provisions set out in the Second Schedule to this Act, which reproduce provisions contained in the Defence Regulations therein mentioned, with minor modifications and adaptations and the addition of transitional provisions, shall have permanent effect.

(2) Section two hundred and fifty-one of the Merchant Shipping Act, 1894 (which provides for the maintenance in London of the General Register and Record Office of Seamen, and was modified by an order made under Regulation eighty-six of the Defence (General) Regulations, 1939, so as to enable the said Office to be removed to Cardiff) shall have effect as if the words "in the port of London" were omitted and for the words "any of the outports" there were substituted the words "any port."

Further extension and amendment of enactments relating to ploughing grants. 3 & 4 Geo. 6. c. 14.

3.—(1) For the purposes of section eleven of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which enables ploughing grants to be made in respect of land ploughed up in any year falling wholly or partly within the war period) the expression "war period" shall include the period during which this subsection is in force.

This subsection shall continue in force until the thirty-first day of December, nineteen hundred and forty-nine, and shall then expire.

2 & 3 Geo. 6. c. 48.

(2) Part IV of the Agricultural Development Act, 1939 (which provides for the making of ploughing grants) shall, as amended or extended by any subsequent enactment including the preceding subsection, have effect, and be deemed to have had effect as from the twenty-first day of August, nineteen hundred and forty-seven,

in relation to the ploughing up of land on or after that date, subject to the following amendments:—

- (i) for paragraph (b) of subsection (2) of section twenty-seven of the said Act there shall be substituted the following paragraph—

“ (b) that at the time when the ploughing up was begun the land had been under grass for a continuous period including at least two complete seasons and ending at the time when the ploughing up was begun ” ;

- (ii) at the end of the said subsection (2) there shall be inserted the words—

“ In this subsection the expression “ season ” means the period beginning with the first day of October in any year and ending with the thirtieth day of June in the next following year, and for the purposes of this subsection land which is sown with grass shall be deemed to be under grass from the time when the sowing took place ” ;

- (iii) paragraph (c) of the said subsection (2) and subsection (3) of the said section twenty-seven shall cease to have effect ; and

- (iv) in subsection (1) of section twenty-eight of the said Act (which provides that ploughing grants shall be made at a rate of £1 for each half acre) and in subsection (3) of that section (which provides that odd fractions of a half acre are to be disregarded) for the word “ half ” wherever it occurs there shall be substituted the word “ quarter ”.

(3) Any grant made in respect of the ploughing up of land after the said twenty-first day of August may be made subject to such conditions as to the crop to be sown on the ploughed up land as the appropriate Minister (within the meaning of the said Act) may think fit to impose, and; if any such condition is broken in respect of any land, the amount of the grant paid in respect of the ploughing up of that land shall be recoverable as a debt.

4.—(1) For subsection (1) of section three of the Act of 1946, (which subsection provides for the extension until the thirty-first day of December, nineteen hundred and forty-seven, of the war period for the purposes of the Agriculture (Miscellaneous War Provisions) Act, 1940, the Agriculture (Miscellaneous Provisions) Act, 1941, and section fourteen of the Agriculture (Miscellaneous Provisions) Act, 1943) there shall be substituted the following subsection:—

Further extension of emergency enactments relating to agriculture. 4 & 5 Geo. 6. c. 50.

“ (1) For the purposes of Part I of the Agriculture (Miscellaneous War Provisions) Act, 1940, (which relates to wheat) and Part III of that Act (which relates to land drainage),

6 & 7 Geo. 6. c. 16.

except sections fourteen and fifteen thereof, the expression 'war period' shall include the period during which this section is in force after the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945."

(2) Subsection (4) of section twenty-two of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which provides that no scheme shall be approved under Part III of that Act after the end of the war period) shall not be construed as preventing the variation under section four of the Agriculture (Miscellaneous Provisions) Act, 1943, after the end of the war period, of any drainagé scheme approved before the end of that period.

(3) Subsection (2) of section three of the Act of 1946 is hereby repealed.

(4) In subsection (4) of section three of the Act of 1946, for the reference to the thirty-first day of December, nineteen hundred and forty-seven, there shall be substituted a reference to the tenth day of December, nineteen hundred and fifty.

Further
extension of
certain other
emergency
enactments.
4 & 5 Geo. 6.
c. 39.
5 & 6 Geo. 6.
c. 9.

5.—(1) Section five of the Act of 1946 (which extends until the thirty-first day of December, nineteen hundred and forty-seven, the period during which the power conferred by section eight of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941, to adapt Insurance Acts and Pensions Acts to conditions arising by reason of the war, may be exercised) and section eight of the Act of 1946 (which enables the "war period" for the purposes of the Restoration of Pre-War Trade Practices Act, 1942, to be extended until the said date) shall have effect as if for the references to the said date there were substituted references to the thirty-first day of December, nineteen hundred and forty-eight.

(2) The following sections of the Act of 1946, being sections which extend the operation of the enactments therein referred to until the thirty-first day of December, nineteen hundred and forty-seven, shall have effect as if for the references to that date there were substituted references to the tenth day of December, nineteen hundred and fifty, that is to say:—

5 & 6 Geo. 6.
c. 16.

(a) section six (which extends the definition of "war year" in section nine of the Sugar Industry Act, 1942);

7 Edw. 7. c. 29.

(b) section seven (which extends the period during which, under subsections (1A) and (1B) of section twenty-nine of the Patents and Designs Act, 1907, the power given to government departments to make, use, exercise or vend inventions for certain purposes, is exercisable, and extends the purposes of the said subsection (1A);

3 & 4 Geo. 6.
c. 29.

(c) section nine (which extends the period during which under subsection (1) of section one of the Evidence and Powers of Attorney Act, 1940, certain officers are empowered to administer oaths and take affidavits

during the war; and extends the period in which the exercise of powers under section one of the Settled Land and Trustee Acts (Courts General Powers) Act, 1943, is permitted);

(d) section eleven (which extends the period after which under subsection (3) of section three of the Guardianship (Refugee Children) Act, 1944, the appointment of guardians and tutors is prohibited).

(3) In the said section seven of the Act of 1946 the reference to the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, shall be construed as including a reference to the purposes specified in the Supplies and Services (Extended Purposes) Act, 1947.

6. Section twelve of the Act of 1946 (which empowers local authorities to remove certain works and to restore the land affected, and is limited by subsection (4) thereof to expire on the thirty-first day of December, nineteen hundred and forty-seven) shall have effect as if for the reference to that date there were substituted a reference to the tenth day of December, nineteen hundred and fifty.

7. If at any time while any Defence Regulations specified in Part II or Part III of the First Schedule to this Act, or any enactments contained in Part I of the Act of 1946, are in force, an Address is presented to His Majesty by each House of Parliament praying that those Regulations or enactments, or any of them, should be continued in force for a further period not exceeding one year from the time at which they would otherwise expire, His Majesty may by Order in Council direct that the Regulations or enactments to which the Address relates shall continue in force for that further period.

8.—(1) Section eighteen of the Act of 1946 (which empowers His Majesty by Order in Council to make provision for the continuation in force, until the thirty-first day of December, nineteen hundred and forty-seven, of Defence Regulations having effect in colonies and other territories) shall have effect as if for the reference to the said date there were substituted a reference to the tenth day of December, nineteen hundred and fifty, and the said section eighteen shall be construed as applying to any Defence Regulations remaining in force by virtue of that section immediately before the passing of this Act.

(2) Where an Order in Council is made under the last preceding section continuing any Defence Regulations for any period falling after the tenth day of December, nineteen hundred and fifty, that Order in Council may make provision for enabling any Defence Regulations continued in force by virtue of the said section eighteen to be continued in force for that period.

Financial provision

9. There shall be defrayed out of money provided by Parliament any expenses incurred by any Minister of the Crown in consequence of the passing of this Act, and any increase attributable to the passing of this Act in any sums authorised or required by any other enactment to be paid out of monies provided by Parliament.

Repeal of Isle of Man (Detention) Act, 1941.
 4 & 5 Geo. 6. c. 16.

10. The Isle of Man (Detention) Act, 1941, is hereby repealed.

Repeal of s. 3 of Ships and Aircraft (Transfer Restriction) Act, 1939.
 2 & 3 Geo. 6. c. 70.

11.—(1) Section three of the Ships and Aircraft (Transfer Restriction) Act, 1939, (which requires transactions in respect of aircraft and parts of aircraft to be sanctioned by the Minister of Civil Aviation) is hereby repealed, and any transaction entered into on or after the fifteenth day of August, nineteen hundred and forty-five, shall not be, and shall be deemed never to have been, unlawful or void by virtue of that section.

8 & 9 Geo. 6. c. 21.

(2) Any reference to the Minister of Civil Aviation in any other section of the said Act, as amended by the Ministry of Civil Aviation Act, 1945, shall be omitted.

Short title and commencement.

12.—(1) This Act may be cited as the Emergency Laws (Miscellaneous Provisions) Act, 1947.

(2) This Act, except sections eight, ten and eleven, shall come into operation on the thirty-first day of December, nineteen hundred and forty-seven.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PART I.

DEFENCE REGULATIONS NOT CONTINUED IN FORCE.

Defence (General) Regulations, 1939.

Regulation eighteen (Entering and leaving the United Kingdom).

Regulation twenty (Change of name of aliens).

Regulation thirty B (Information of birth where parents have left the district).

Regulation thirty-two AB (Employment of nurses in mental institutions).

Regulation thirty-two B (Temporary registration of colonial and foreign medical practitioners).

Regulation thirty-two C (Temporary registration of foreign pharmacists).

Regulation thirty-three A (Diseases associated with infestation with vermin).

Regulation thirty-three B (Compulsory treatment of venereal disease).

Regulation thirty-nine A (Seducing persons from duty and causing disaffection).

Regulation forty AA (Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council).

Regulation forty-two B (Opening of cinemas on Sundays).

Regulation fifty-seven C (Exemption for conveyance of explosives in connection with government contracts).

Regulation fifty-eight AD (Restriction on names of organisations for training boys and girls).

Regulation fifty-nine A (Payment of wages to road-men by cheque).

Regulation sixty DA (Extension of Police and Firemen (War Service) Act, 1939, to civilian war work).

Regulation sixty N (Suspension of obligation to prepare Post Office commercial accounts).

Regulation seventy-nine (Collection and disposal of articles of military value).

Regulation eighty-one A (Commission in relation to government contracts).

Paragraph (2) of Regulation one hundred and three (Functions of chief constable of Cornwall in relation to the Isles of Scilly).

Regulation one hundred and four A (Modifications with respect to allied powers and associated authorities).

1ST SCH.
—cont.*Other Defence Regulations.*

Regulations fifteen, sixteen, seventeen, seventeen B, seventeen C, seventeen D, and the Second Schedule to the Defence (Administration of Justice) Regulations, 1940 ;

Regulations twenty-four and twenty-seven of the Defence (Agriculture and Fisheries) Regulations, 1939 ;

Regulations four, seven, seven A, eight, nine (except paragraph (1)), ten, ten A, twelve and thirteen of, and the Second Schedule to, the Defence (Armed Forces) Regulations, 1939 ;

The whole of the Defence (Building Societies) Regulations, 1940 ;

Paragraphs (1), (2) and (3) of Regulation five of the Defence (Burial, Inquests and Registration of Deaths) Regulations, 1942 ;

Regulations three A and eight of the Defence (Cinematograph Quotas) Regulations, 1940 ;

Regulations two, six and seven of the Defence (Companies) Regulations, 1940 ;

Regulations three, four, six, seven, eight and nine of the Defence (Evacuated Areas) Regulations, 1940 ;

Regulation three of the Defence (Functions of Ministers) Regulations, 1941 ;

Regulations three A, five, six, six A and eight A of the Defence (Patents, Trade Marks, etc.) Regulations, 1941 ;

The whole of the Defence (Services for Industry) Regulations, 1945 ;

The whole of the Defence (United States Forces—Administration of Estates) Regulations, 1942.

The whole of the Defence (War Risks Insurance) (No. 3) Regulations, 1940.

PART II.

DEFENCE REGULATIONS CONTINUED IN FORCE UNTIL
THIRTY-FIRST OF DECEMBER, NINETEEN HUNDRED
AND FORTY-EIGHT.*Defence (General) Regulations, 1939.*

Regulation eighteen C (Prisoners of war).

Regulation thirty-one A (Provision of food, lodging and medical treatment for evacuees).

Regulation thirty-one B (Remission of charges in respect of evacuees).

Regulation thirty-two (Hospitals and ambulances).

Regulation forty AC (Miscellaneous provisions as to police forces).

Regulation forty-one (Visiting committees for certain prisons).

Regulation seventy-six (Ammunition etc., in ports.)

Other Defence Regulations.

Regulations thirteen, fifteen A, and seventeen A of the Defence (Administration of Justice) Regulations, 1940.

Regulations twenty-eight and twenty-eight B of the Defence (Agriculture and Fisheries) Regulations, 1939.

Paragraph (1) of Regulation nine and Regulation ten B of the Defence (Armed Forces) Regulations, 1939.

Regulations one, two, three and five of the Defence (Cinematograph Quotas) Regulations, 1940.

Regulation three of the Defence (Companies) Regulations, 1940.
 The whole of the Defence (National Fire Service) Regulations,
 1941.

1ST SCH.
 —cont.

PART III.

DEFENCE REGULATIONS CONTINUED IN FORCE UNTIL TENTH OF
 DECEMBER, NINETEEN HUNDRED AND FIFTY.

Defence (General) Regulations, 1939.

- Regulation two BA (Control of explosives).
- Regulation twelve (Protected places).
- Regulation fourteen (Byelaws as respects certain places and areas).
- Regulation sixteen (Stopping-up and diversion of highways).
- Regulation twenty AB (Amendments of National Registration Act, 1939).
- Regulation twenty-two (Billeting).
- Regulation twenty-three CB (Amendment of s. 67 of Civil Defence Act, 1939).
- Regulation twenty-three CC (Amendment of s. 54 of Civil Defence Act (Northern Ireland), 1939).
- Regulation thirty-two A (Transfer of persons of unsound mind and mental defectives).
- Regulation thirty-two AA (Evacuation of houses licensed under the Lunacy Act, 1890).
- Regulation thirty-three (Exemption of certain women from Acts relating to midwives).
- Regulation thirty-nine (Control of police forces).
- Regulation forty-two C (Closing of undesirable premises).
- Regulation forty-two CA (Unlawful gaming parties).
- Regulation forty-five A (Issue of identity cards to seamen).
- Regulation fifty (Power to do work on land).
- Regulation fifty B (Special provisions as to severance of fixtures).
- Regulation fifty-two (Use of land for purposes of H.M. forces).
- Regulation fifty-five C (Restrictions on registration of new clubs).
- Regulation sixty AB (Temporary amendments of enactments relating to the closing of shops).
- Regulation sixty C (Amendment of s. 4 of Sale of Food (Weights and Measures) Act, 1926).
- Regulation sixty CC (Power of officers of Post Office to require production of identity cards).
- Regulation eighty-two (False documents and false statements).
- Regulation eighty-three (Obstruction).
- Regulation eighty-four (Restrictions on disclosing information).
- Regulation eighty-five (Entry upon, and inspection of land).
- Regulation eighty-seven (Permits, licences, etc.).
- Regulation eighty-eight (Fees for permits, licences, etc.).
- Regulation eighty-nine (Use of force in entering premises).
- Regulations ninety to ninety-three A, ninety-five to one hundred and two A, paragraph (1) of regulation one hundred and three, and regulations one hundred and four and one hundred and five (which contain general administrative, legal and supplementary provisions).
- The Third Schedule (Manner of instituting proceedings).

1ST SCH
—cont.*Other Defence Regulations.*

Regulations seventeen E and twenty of the Defence (Administration of Justice) Regulations, 1940.

Parts I, II, III and IV, Regulations twenty-one, twenty-five A, twenty-six, twenty-eight A, twenty-nine and thirty, and Schedules I, II, III, and VI of the Defence (Agriculture and Fisheries) Regulations, 1939.

The whole of the Defence (Agriculture and Fisheries) (Northern Ireland) Regulations, 1940.

Regulations one, two, three and six of the Defence (Armed Forces) Regulations, 1939.

Regulation one and paragraphs (4) to (10) of Regulation five of the Defence (Burial, Inquests and Registration of Deaths) Regulations, 1942.

Regulations one, five, five A and eight of the Defence (Companies) Regulations, 1940.

Regulations one, two and four A of the Defence (Evacuated Areas) Regulations, 1940.

Regulations one and four of, and the Schedule to, the Defence (Functions of Ministers) Regulations, 1941.

The whole of the Defence (Industrial Assurance) Regulations, 1943.

Regulations one, two and three of the Defence (Parliamentary Under-Secretaries) Regulations, 1940.

Regulations one, two, three, five A, seven, eight and nine of the Defence (Patents, Trade Marks, etc.) Regulations, 1941.

The whole of the Defence (Sale of Food) Regulations, 1943.

The whole of the Defence (Trading with the Enemy) Regulations, 1940.

The whole of the Defence (War Risks Insurance) Regulations, 1940, the Defence (War Risks Insurance) (No. 2) Regulations, 1940, the Defence (War Risks Insurance) (No. 4) Regulations, 1940, and the Defence (War Risks Insurance) Regulations, 1945.

The whole of the Defence (Women's Forces) Regulations, 1941.

PART IV.

MODIFIED FORM OF REGULATION SIXTEEN OF DEFENCE
(GENERAL) REGULATIONS, 1939.

Stopping-up
or diversion of
highways for
purposes of
open-cast coal
and generating
stations.

16. The Minister of Fuel and Power, if he considers it necessary to do so for the purpose of working open-cast coal or constructing or extending an electricity generating station, may by order provide for the stopping-up or diversion of any highway passing through, and for prohibiting or restricting the exercise of any right of way over or the use of any waterway passing through, any land used or appropriated for use for that purpose or any land adjoining such land.

SECOND SCHEDULE.

Section 2.

PERMANENT ENACTMENT OF PROVISIONS OF CERTAIN
DEFENCE REGULATIONS.

*Provisions reproducing part of Regulation 40AA of Defence (General)
Regulations, 1939.*

1.—(1) The power conferred by section three of the Special Constables Act, 1923, to appoint persons nominated by the Admiralty, Army Council, or Air Council, to be special constables within the places and limits therein mentioned shall extend to the appointment of persons so nominated to be special constables in, and within fifteen miles of, any other premises in Great Britain which are for the time being in the possession or under the control of the Admiralty, the Army Council, the Air Council, the Secretary of State for Air or the Minister of Supply, or are for the time being used for or in connection with naval, military or air force purposes, and the said section three shall have effect accordingly.

Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council.

(2) A resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, may appoint such persons as may be nominated for the purpose by the appropriate authority to be special constables at any premises in Northern Ireland which are, for the time being, in the possession or under the control of the Admiralty, the Army Council, the Air Council, the Secretary of State for Air or the Minister of Supply or are specified by the appropriate authority to be, for the time being, used for or in connection with naval, military or air force purposes; and every person so appointed shall make a declaration before the resident magistrate duly to execute the office of a constable at the premises aforesaid, and, when he has made that declaration, shall at those premises have the same powers and privileges and be liable to the same duties and responsibilities as a constable in Northern Ireland.

Special constables appointed under this paragraph shall be under the exclusive control of the authority on whose nomination they are appointed and that authority shall have power to suspend or terminate the appointment of any such special constable.

In this paragraph the expression "appropriate authority" means—

- (a) in the case of premises in the possession or under the control of the Admiralty or used for or in connection with naval purposes, the Admiralty;
- (b) in the case of premises in the possession or under the control of the Army Council or used for or in connection with military purposes, the Army Council;
- (c) in the case of premises in the possession or under the control of the Air Council or the Secretary of State for Air or used for or in connection with air force purposes, the Air Council;
- (d) in the case of premises in the possession or under the control of the Minister of Supply, not being premises mentioned in the last two preceding sub-paragraphs, either the Army Council or the Air Council.

2ND SCH.
—cont.

(3) Any appointment made by virtue of Regulation forty AA of the Defence (General) Regulations, 1939, and in force immediately before the date on which this Act comes into force, shall be deemed to have been made by virtue of the preceding provisions, and any special constable who, immediately before that date, is authorised by paragraph (3) of the said Regulation to act within the premises and limits mentioned in sub-paragraph (1) hereof, shall continue to be authorised so to act.

Provisions reproducing part of Regulation 9 of Defence (Armed Forces) Regulations, 1939.

Inter-service
exercise of
powers by
provost
marshals.

2.—(1) An order made by the appropriate authorities may, as respects any area specified in the order, whether in the United Kingdom or elsewhere, authorise the exercise—

- (a) by naval provost marshals of the powers of army provost marshals in relation to persons subject to military law, and by army provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act; or
- (b) by naval provost marshals of the powers of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act; or
- (c) by army provost marshals of the powers of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of army provost marshals in relation to persons subject to military law; or
- (d) by naval provost marshals of the powers of army provost marshals in relation to persons subject to military law and of air force provost marshals in relation to persons subject to the Air Force Act, by army provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act and of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act and of army provost marshals in relation to persons subject to military law.

In this sub-paragraph the expression “the appropriate authorities” means the Admiralty and the Army Council, the Admiralty and the Air Council, the Army Council and the Air Council, or the Admiralty, the Army Council and the Air Council, according as the order makes the provision specified in (a), (b), (c) or (d) of this sub-paragraph.

(2) The powers conferred by or under the preceding sub-paragraph on any provost marshal shall be exercisable also by his assistants, and by any officer, or seaman or marine, soldier or airman, as the case may be, legally exercising authority under him or on his behalf:

Provided that no officer shall be arrested or detained otherwise than on the order of another officer.

(3) Nothing in the preceding provisions shall be construed as affecting any powers of arrest or detention exercisable apart from those provisions.

(4) Any order made under Regulation 9 of the Defence (Armed Forces) Regulations, 1939, and in force immediately before the commencement of this Act shall continue in force and have effect as if it had been made under sub-paragraph (1) hereof.

2ND SCH.
—cont.

Provisions reproducing Regulation 10A of Defence (Armed Forces) Regulations, 1939.

3. For the purpose of any proceedings under the Naval Discipline Act—

Proof of certain matters in proceedings under Naval Discipline Act.

- (a) where the person charged has surrendered himself into the custody of a naval, army or air force provost marshal, assistant provost marshal or other officer of His Majesty's forces, or has surrendered himself to any consular officer, or has on surrender been taken into custody at a police station in any place in any part of His Majesty's dominions, a certificate purporting to have been signed by that provost marshal, assistant provost marshal or other officer, or by that consular officer, or by the police officer in charge of that police station, as the case may be, and stating the fact, date and place of his surrender, and whether or not he was wearing the uniform of any of His Majesty's naval or marine forces at the time of his surrender, shall be evidence of the matters so stated ;
- (b) where the person charged has been apprehended and has on arrest been taken into the custody of any such provost marshal, assistant provost marshal or other officer as aforesaid, or to any such police station as aforesaid, a certificate purporting to have been signed by that provost marshal, assistant provost marshal or other officer, or by the police officer in charge of that police station, as the case may be, and stating the fact, date and place of arrest, and whether or not he was wearing the uniform of any of His Majesty's naval or marine forces at the time of arrest, shall be evidence of the matters so stated.

Provision reproducing Regulation 57C of Defence (General) Regulations, 1939.

4. Paragraph (5) of section ninety-seven of the Explosives Act, 1875 (which exempts from that Act the conveyance of explosives under the control of a government department or otherwise held for the service of the Crown), shall be deemed to extend to any explosive the conveyance of which is certified by a government department to be in connection with the execution of a contract with that department and which is conveyed in accordance with regulations made under the said paragraph.

Extension of exemption for conveyance of explosives in connection with government contracts.

Provisions reproducing Regulation 17B of Defence (Administration of Justice) Regulations, 1940.

5.—(1) Where a court of summary jurisdiction (hereafter in this paragraph referred to as " the original court ") has made an affiliation order or a maintenance order, then, if, on a complaint for the recovery of any payments under the order made in writing and upon oath to the original court, it appears to the court that the person from whom

Enforcement of affiliation and maintenance orders.

2ND SCH.
—cont.

the payments are due is for the time being within the jurisdiction of some other court of summary jurisdiction and that the order can be more conveniently enforced by that other court,—

- (a) the original court may, instead of issuing a summons or warrant on the complaint, order the clerk of the original court to send the complaint by post to the clerk of that other court; and
 - (b) on receipt of the complaint by the clerk of that other court, that other court shall issue a summons or warrant and shall hear and determine the complaint as if it were the original court.
- (2) Where—
- (a) an affiliation order provides that payments thereunder shall be made through any person or officer other than the collecting officer of the court; or
 - (b) a maintenance order provides that payments thereunder shall be made through any person or officer (including the collecting officer of the court);

the person or officer through whom the payments are to be made shall have the same power of proceeding in his own name for the recovery of payments under the order as the collecting officer of the court has in a case where an affiliation order provides for the making of payments to him.

(3) If, after a complaint for the recovery of payments under an order has by virtue of these provisions been sent by the clerk of the original court to the clerk of some other court, any payment under the order is received by the collecting officer or other officer of the original court or some other person or officer specified in the order—

- (a) that officer or person shall forthwith inform the clerk of the original court of the date and amount of the payment; and
- (b) the clerk of the original court shall forthwith send by post to the clerk of that other court a certificate of the said date and amount;

and any such certificate purporting to be signed by the clerk of the original court shall be evidence on the hearing of the complaint that the amount specified therein was paid on the date so specified.

Provisions reproducing Regulation 17C of Defence
(*Administration of Justice*) Regulations, 1940.

Revocation,
revival and
variation of
affiliation and
maintenance
orders.

6.—(1) The following provisions shall have effect as respects complaints under subsection (3) of section thirty of the Criminal Justice Administration Act, 1914, or section seven of the Summary Jurisdiction (Married Women) Act, 1895, as amended by section nine of the Money Payments (Justices Procedure) Act, 1935, for the revocation, discharge, revival, alteration or variation of an affiliation order or a maintenance order.

(2) A complaint may be made to a court of summary jurisdiction having jurisdiction in the place where the complainant is for the time being, instead of to the court which made the order (hereafter in this paragraph referred to as "the original court").

(3) The court to which the complaint is made whether it is the original court or any other court shall take no action thereon unless and until the complainant furnishes the court with written particulars—

- (a) of the nature of the evidence by which it is proposed to support the complaint ; and
- (b) of the occupations of the complainant and the defendant and of the address of the complainant and of the last address of the defendant known to the complainant ; and
- (c) of the names, addresses and occupations of any other persons whom the complainant proposes to call as witnesses on the hearing of the complaint :

Provided that this sub-paragraph shall not apply where the complaint is made to the original court and it appears to the court that the last address of the defendant known to the complainant is within the jurisdiction of that court.

(4) Where the complaint is made to the original court and it appears that the places stated in the said particulars as being the addresses of the complainant and defendant are within the jurisdiction of another court or other courts of summary jurisdiction, or that one of them is within the jurisdiction of another such court :—

- (a) the original court shall, having regard to the said particulars, determine whether the complaint could more conveniently be dealt with by the original court or by that other court or one of those other courts ;
- (b) if the original court determines that the complaint could more conveniently be dealt with by itself, it shall issue a summons and hear and determine the complaint accordingly ;
- (c) if the original court determines that the complaint could more conveniently be dealt with by some other such court of summary jurisdiction as aforesaid—
 - (i) it shall order the clerk of the court to send by post to the clerk of that other court the complaint and the said particulars ; and
 - (ii) on receipt thereof by the clerk of that other court, that other court shall issue a summons and hear and determine the complaint as it if were the original court.

(5) Where by virtue of sub-paragraph (2) hereof the complaint is made to a court other than the original court—

- (a) that other court shall order the clerk thereof to send the complaint and the said particulars by post to the clerk of the original court ;
- (b) on receipt of the complaint and the said particulars by the clerk of the original court, paragraph (4) hereof shall apply as if the complaint had been made to the original court.

(6) Where by virtue of these provisions an affiliation order or a maintenance order is revoked, discharged, revived, altered or varied

2ND SCH.
—cont.

by order of a court of summary jurisdiction other than the original court—

- (a) the clerk of that other court shall forthwith send by post an extract from the register kept by him under section twenty-two of the Summary Jurisdiction Act, 1879, containing a minute or memorandum of the order of that other court to the clerk of the original court; and
- (b) on receipt of the extract, the clerk of the original court shall enter the minute or memorandum in the register kept by him as aforesaid.

*Provisions reproducing Regulation 17D of the Defence
(Administration of Justice) Regulations, 1940.*

Evidence of
affiliation and
maintenance
orders.

7.—(1) An extract from the register kept under section twenty-two of the Summary Jurisdiction Act, 1879, by the clerk of a court of summary jurisdiction, purporting to be certified by the clerk of that court to be a true extract, and containing a minute or memorandum of—

- (a) an affiliation order or maintenance order made by the court; or
- (b) an order made by the court revoking, discharging, reviving, altering or varying an affiliation order or maintenance order made by the court or some other court; or
- (c) an order whereof a minute or memorandum has been entered in the register by virtue of sub-paragraph (6) of the last preceding paragraph;

shall, in any proceedings before any other court of summary jurisdiction relating to the enforcement of the order or the revocation, discharge, revival, alteration or variation of the order, be evidence of the making of the order.

(2) A certificate purporting to be signed by the clerk of a court of summary jurisdiction, and stating that no minute or memorandum of an order revoking, discharging, reviving, altering or varying an affiliation order or maintenance order made by the court is entered in the register kept by him as aforesaid, shall, in any such proceedings as aforesaid, be evidence that the affiliation order or maintenance order has not been revoked, discharged, revived, altered or varied.

(3) Nothing in these provisions shall be taken to prejudice the provisions of subsection (2) of the said section twenty-two (which provides that a register kept as aforesaid or an extract therefrom, shall be evidence of the matters entered therein for the purpose of informing a court of summary jurisdiction for the same county, borough or place).

Interpretation, extent and savings.

Interpretation,
extent and
savings.

8.—(1) In paragraphs 5, 6 and 7 of this Schedule, the expression “affiliation order” has the same meaning as in the Affiliation Orders Act, 1914, and the expression “maintenance order” means an order made under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, or under those Acts as amended by section eleven

of the Matrimonial Causes Act, 1937, requiring a husband to pay a weekly sum to his wife or to an officer of the court or third person on her behalf, and the expression " court " means, except in relation to the hearing and determination of a complaint, any justice or justices having jurisdiction in the petty sessional division or place for which the court acts.

2ND SCH.
—cont.

(2) Paragraphs 5, 6 and 7 of this Schedule shall not extend to Scotland or Northern Ireland.

(3) Any order, complaint, proceeding, summons, warrant, certificate, determination, extract, entry, minute, memorandum or other thing, made, taken, issued or done under Regulation 17B, Regulation 17C or Regulation 17D of the Defence (Administration of Justice) Regulations, 1940, shall, if in force immediately before the commencement of this Act, continue in force and have effect as if made, taken, issued or done under the corresponding provision of paragraph 5, paragraph 6 or paragraph 7 of this Schedule.

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