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SCHEDULES

SCHEDULE 2

Section 1(2).

CONSEQUENTIAL PROVISIONS

PART I

AMENDMENTS CONSEQUENTIAL ON THE REPEAL OF THE BANKRUPTCY ACTS 1883, 1890 AND 1913

City of London Municipal Elections Act 1849 (c.xciv)

1 After section 8A of the City of London Municipal Elections Act 1849 there shall be inserted the following section—

“8B Disqualification in case of bankruptcy

- (1) A person who is adjudged bankrupt shall be disqualified for being elected to or holding any of the following offices in the City of London, namely, Lord Mayor, alderman and common councilman.
- (2) Where a person is disqualified under this section, the disqualification shall cease—
 - (a) on his discharge from bankruptcy; or
 - (b) if the bankruptcy order is previously annulled, on the date of its annulment.
- (3) Where a person is adjudged bankrupt while holding any office mentioned in this section, his office shall immediately become vacant.”

District Courts (Scotland) Act 1975 (c. 20)

2 After section 13 of the District Courts (Scotland) Act 1975 there shall be inserted the following section—

“13A Disqualification in case of sequestration or bankruptcy

- (1) Subject to subsections (2) and (3) below, a person shall be disqualified for being appointed or acting as a justice of the peace if he is a person whose estate has been sequestrated in Scotland or who has been adjudged bankrupt elsewhere than in Scotland.
- (2) Where a person is disqualified under this section by reason of his estate having been sequestrated, the disqualification shall cease if and when—
 - (a) the award of sequestration is recalled or reduced; or

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(b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.

(3) Where a person is disqualified under this section by reason of having been adjudged bankrupt, the disqualification shall cease if and when—

- (a) the adjudication of bankruptcy against him is annulled; or
- (b) he is discharged.”.

Justices of the Peace Act 1979 (c. 55)

3 After section 63 of the Justices of the Peace Act 1979 there shall be inserted the following section—

“63A Disqualification in case of bankruptcy

- (1) A person who is adjudged bankrupt shall be disqualified for being appointed or acting as a justice of the peace.
- (2) Where a person is disqualified under this section, the disqualification shall cease—
 - (a) on his discharge from bankruptcy; or
 - (b) if the bankruptcy order is previously annulled, on the date of its annulment.”

Supreme Court Act 1981 (c. 54)

4 After section 138 of the Supreme Court Act 1981 there shall be inserted the following sections—

“138A Sales under executions

- (1) Where any goods seized under a writ of execution issued from the High Court are to be sold for a sum exceeding £20 (including legal incidental expenses), the sale shall, unless the court otherwise orders, be made by public auction, and not by bill of sale or private contract, and shall be publicly advertised by the sheriff on, and during 3 days preceding, the day of sale.
- (2) Where any goods are seized under a writ of execution issued from the High Court and the sheriff has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard on the application.

138B Protection of officer selling goods under execution

- (1) Where any goods in the possession of an execution debtor at the time of seizure by a sheriff or other officer charged with the enforcement of a writ of execution issued from the High Court are sold by the sheriff or other officer without any claims having been made to them—
 - (a) the purchaser of the goods so sold shall acquire a good title to those goods; and
 - (b) no person shall be entitled to recover against the sheriff or other officer, or anyone lawfully acting under his authority, for any sale

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of the goods or for paying over the proceeds prior to the receipt of a claim to the goods,
unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.

- (2) Nothing in this section shall affect the right of any lawful claimant (that is to say, any person who proves that at the time of sale he had a title to any goods so seized and sold) to any remedy to which he may be entitled against any person other than the sheriff or other officer.
- (3) The provisions of this section have effect subject to those of sections 183, 184 and 346 of the Insolvency Act 1986.”

PART II

OTHER PROVISIONS

Apothecaries Acts 1815, 1874 and 1907

- 5 The repeal by this Act of the Apothecaries Act 1815, the Apothecaries Act Amendment Act 1874 and the Apothecaries Act 1907 shall not affect the powers of the Master, Warden and Society of the Art and Mystery of Apothecaries in the City of London to make provision in connection with the grant and holding of licenciates in medicine and surgery and of other qualifications.

Capital Punishment Amendment Act 1868 (c. 24)

- 6 Section 13 of the Capital Punishment Amendment Act 1868 (which modifies that Act in its application to Scotland) shall continue to have effect with the amendment made by section 19 of the Justiciary Court (Scotland) Act 1868, that is, with the substitution of “section 5” for “the sixth section.”

Metropolitan Public Carriage Act 1869 (c. 115)

- 7 Section 8 of the Metropolitan Public Carriage Act 1869 (which includes provision for the period of validity of cab drivers' licences in London) shall continue to have effect with the amendment made by section 39 of the Road Traffic Act 1934, that is, with the substitution of “three years” for “one year”.

Irish Free State (Agreement) Act 1922 (c. 4)

- 8 The repeal by this Act of the Irish Free State (Agreement) Act 1922 shall not affect the validity or otherwise of any Act of the Parliament of Northern Ireland passed before the 18th July 1973 (when that Parliament ceased to exist).

Irish Free State (Consequential Provisions) Act 1922 (Session 2) (c.2)

- 9 In section 5 of the Irish Free State (Consequential Provisions) Act 1922 (Session 2), for subsection (4) (application to Northern Ireland of provisions as to relief from double taxation) there shall be substituted—

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“(4) This section shall apply to Northern Ireland in like manner as it applies to Great Britain”.

Compensation (Defence) Act 1939 (c. 75)

10 Section 14 of the Compensation (Defence) Act 1939 shall be renumbered as subsection (1) of that section and after that subsection there shall be inserted the following subsection (which preserves the effect of section 16 of the Emergency Laws (Transitional Provisions) Act 1946)—

“(2) Where any goods have been requisitioned in such circumstances as to give a right to compensation assessed under section 6 of this Act, the ownership of the goods shall be deemed to have vested in the Crown as from the time of requisition free from any mortgage, pledge, lien or similar obligation.”

Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)

11 In section 7(1) of the Building Restrictions (War-Time Contraventions) Act 1946, for the definition of “war period”, there shall be substituted—

““war period” means the period extending from the 3rd September 1939 to the 26th March 1946.”

Foreign Compensation Act 1950 (c. 12)

12 (1) In section 3 of the Foreign Compensation Act 1950 (distribution of compensation payable by foreign governments) paragraph (c) shall be omitted and the following subsection shall be inserted, the existing section being renumbered as subsection (1)

“(2) An Order in Council under this section may make provision—

- (a) for defining the persons who are to be qualified, in respect of nationality or status, to make applications to the Commission for the purpose of establishing claims under this section and for imposing any other conditions to be fulfilled before such claims can be entertained;
- (b) for prescribing the matters which have to be established to the satisfaction of the Commission by persons making such applications;
- (c) for requiring documents of title relating to property in respect of which claims are established to be surrendered to the Commission and for securing the abandonment or extinction of rights in respect of which claims are established.”

(2) In section 4 of the Foreign Compensation Act 1950 (procedure of Commission), subsection (3) shall be amended—

- (a) by substituting for the words from “shall, in” to “Act” the word “may”;
- (b) by omitting the words from “and the rules” onwards.

Development of Inventions Act 1967 (c. 32)

13 Section 7(2) of the Development of Inventions Act 1967 (which provides for the limit on loans to the National Research Development Corporation) shall continue

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to have effect with the amendment made by section 11 of the Industrial Expansion Act 1968, that is, with the substitution of “£50 million” for “£25 million”.

Highways Act 1980 (c. 66)

14 After section 284 of the Highways Act 1980 there shall be inserted the following section (which preserves the residual effect of the Trunk Roads Acts 1936 and 1946)

—
“284A Trunk roads: miscellaneous functions of Secretary of State

The persons who may exercise the functions conferred by—

- (a) section 40 of the Public Health Acts Amendment Act 1890 (cabmen’s shelters);
- (b) section 42 of that Act (statues and monuments);
- (c) section 14 of the Public Health Act 1925 (public drinking fountains, seats, etc.),

shall, in relation to any trunk road, include the Secretary of State.”