

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AND CONNECTED PROVISIONS

PART I

AMENDMENTS RELATING TO SUMMARY JURISDICTION

Servants' Characters Act 1792 (c. 56)

- 1 In sections 1, 2, 3, 4 and 5 of the Servants' Characters Act 1792 (summary offences of fraud relating to employment), for the words from “shall forfeit” onwards substitute “shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale”.

Ordnance Survey Act 1841 (c. 30)

- 2 In sections 7 and 8 of the Ordnance Survey Act 1841 (penalties for removing boundary marks or obstructing survey), for the words from “every person so offending” onwards substitute “he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.”

Public Notaries Act 1843 (c. 90)

- 3 In section 10 of the Public Notaries Act 1843 (unauthorised practice as a notary)—
- (a) for the words from “every such person” onwards substitute “he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale”;
 - (b) renumber the existing section as subsection (1);
 - (c) insert the following subsection—

“(2) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, proceedings for an offence under this section may be commenced within 12 months from the time when the offence was committed”.

Inclosure Acts 1849 and 1852

- 4 In section 10 of the Inclosure Act 1849 and section 33 of the Inclosure Act 1852 (summary offences relating to the exercise of ownership on common land after the rights of ownership have been extinguished)—
- (a) for the words from “on being convicted” to “pay for and” substitute “shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale”;

Status: This is the original version (as it was originally enacted).

- (b) omit the words from “such sum” to “penalty”.

Town Gardens Protection Act 1863 (c. 13)

- 5 In sections 4 and 5 of the Town Gardens Protection Act 1863 (penalties under byelaws or for trespass), after the word “liable” insert “on summary conviction”.

Wimbledon and Putney Commons Act 1871 (c. cciv)

- 6 In section 87 of the Wimbledon and Putney Commons Act 1871 (penalties under byelaws), after the word “penalties” insert “on summary conviction”.

Births and Deaths Registration Act 1874 (c. 88)

- 7 In sections 18 and 19 of the Births and Deaths Registration Act 1874 (summary offences relating to burials), for the words from “to a penalty” onwards substitute “on summary conviction to a fine not exceeding level 1 on the standard scale”.

Seal Fishery Act 1875 (c. 18)

- 8 In section 2 of the Seal Fishery Act 1875 (close time for Greenland seal fishery), for the words from “to a penalty” onwards substitute “on summary conviction to a fine not exceeding level 3 on the standard scale”.

Supreme Court Act 1981 (c. 54)

- 9 In Part II of the Supreme Court Act 1981 (jurisdiction), after section 28 insert—

“28A Proceedings on case stated by magistrates’ court.

- (1) The following provisions apply where a case is stated for the opinion of the High Court under section 111 of the Magistrates’ Courts Act 1980 (case stated on question of law or jurisdiction).
- (2) The High Court may, if it thinks fit, cause the case to be sent back for amendment, whereupon it shall be amended accordingly.
- (3) The High Court shall hear and determine the question arising on the case (or the case as amended) and shall—
 - (a) reverse, affirm or amend the determination in respect of which the case has been stated, or
 - (b) remit the matter to the justice or justices with the opinion of the court,
 and may make such other order in relation to the matter (including as to costs) as it thinks fit.
- (4) Except as provided by the Administration of Justice Act 1960 (right of appeal to House of Lords in criminal cases), a decision of the High Court under this section is final and conclusive on all parties.”.

PART II

OTHER PROVISIONS

Cinque Ports Act 1821 (c. 76)

- 10 In the Cinque Ports Act 1821 (salvage jurisdiction) after section 5 insert the following section (which preserves the effect of the Cinque Ports Act 1828)—

“5A Powers of deputy warden.

The deputy warden of the cinque ports may exercise any power conferred by this Act on the lord warden.”.

Chartered Companies Acts 1837 and 1884

- 11 The repeal by this Act of—
(a) section 29 of the Chartered Companies Act 1837, and
(b) the Chartered Companies Act 1884,
does not affect the power of Her Majesty to grant a charter of incorporation of limited duration or to extend or renew such a charter or privileges of such a charter.

Trafalgar Square Act 1844 (c. 60)

- 12 In section 2 of the Trafalgar Square Act 1844 (care and management of Trafalgar Square), for the words from “the Commissioners for the time being” to “required”, substitute “the Secretary of State; and the Secretary of State is hereby required”.

Parliamentary Costs Acts 1847 to 1849

- 13 In section 8 of the House of Commons Costs Taxation Act 1847 and section 8 of the House of Lords Costs Taxation Act 1849 (application for taxation of a bill of costs), for the word “verdict” substitute “judgment”.

Ecclesiastical Commissioners Act 1850 (c. 94)

- 14 In section 1 of the Ecclesiastical Commissioners Act 1850 (appointment of Church Estates Commissioners)—
(a) renumber the existing section as subsection (1);
(b) insert the following subsection (which preserves the effect of the Episcopal and Capitular Estates Act 1859)—
“(2) The publication in the London Gazette of a notice of the appointment of a Church Estates Commissioner shall be evidence of the fact of the appointment.”.

Improvement of Land Act 1864 (c. 114) and Lands Improvement Company’s Act 1853 (c. cliv)

- 15 In—
(a) section 73 of the Improvement of Land Act 1864 (power to enter on neighbouring lands for repair of works, making compensation); and

Status: This is the original version (as it was originally enacted).

(b) section 71 of the Lands Improvement Company's Act 1853 (which makes similar provision);
 for the words "two justices or the sheriff" substitute "the Lands Tribunal or the Lands Tribunal for Scotland".

Metropolitan Streets Act 1867 (c. 134)

10 In section 3 of the Metropolitan Streets Act 1867 (interpretation), after the definition of "street", insert—

““the limits of this Act” means—

- (a) the City of London;
- (b) the area enclosed in a circle of which the centre is Charing Cross, and the radii are six miles in length as measured in a straight line from Charing Cross.”.

Disused Burial Grounds Act 1884 (c. 72)

17 For section 2 of the Disused Burial Grounds Act 1884 (interpretation) substitute the following section (which preserves the effect of section 4 of the Open Spaces Act 1887)—

“2 Interpretation.

In this Act—

“building” includes any temporary or movable building;

“burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment;

“disused burial ground” means any burial ground which is no longer used for interments, whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or Order in Council.”.

Notification of Births Act 1907 (c. 40)

18 (1) Section 1(2) of the Notification of Births Act 1907 (supply by local authority of forms for the purpose of notifying births) shall continue to have effect as amended by the Public Health (Notification of Births) Act 1965, that is, with the substitution of the words “prepaid addressed envelopes together with the forms of notice” for the words “addressed and stamped postcards containing the form of notice”.

(2) This paragraph extends only to Scotland.

Small Holdings and Allotments Act 1908 (c. 36)

19 In section 47(3) of the Small Holdings and Allotments Act 1908 (compensation for improvements), for “the Allotments and Cottage Gardens Compensation for Crops Act 1887” substitute “section 3 of the Allotments Act 1922”.

Status: This is the original version (as it was originally enacted).

Ferries (Acquisition by Local Authorities) Act 1919 (c. 75)

- 20 (1) In section 1 of the Ferries (Acquisition by Local Authorities) Act 1919 (power to acquire ferries by agreement), after subsection (4) insert—
- “(4A) For the purpose of exercising his functions under this Act, the Secretary of State may hold local inquiries.”
- (2) This paragraph does not extend to Northern Ireland.

Official Secrets Act 1920 (c. 75)

- 21 In section 11 of the Official Secrets Act 1920 (construction of Official Secrets Acts), after subsection (1) insert—
- “(1A) For the purposes of this Act as it extends to Northern Ireland, the expression “chief officer of police” means a superintendent or chief superintendent of the Royal Ulster Constabulary.”

Road Traffic Act 1930 (c. 43)

- 22 In section 121 of the Road Traffic Act 1930 (interpretation), after subsection (1) insert—
- “(1B) References in this Act to public service vehicles shall be construed in like manner as if they were contained in the Public Passenger Vehicles Act 1981.”

Children and Young Persons Act 1933 (c. 12)

- 23 Section 11 of the Children and Young Persons Act 1933 (exposing children to risk of burning) shall continue to have effect as amended by section 8 of the Children and Young Persons (Amendment) Act 1952, that is—
- (a) with the substitution of the word “twelve” for the word “seven”; and
 - (b) with the insertion after the words “fire grate” of “or any heating appliance liable to cause injury to a person by contact therewith”.

Public Health Act 1936 (c. 49)

- 24 (1) In section 143(7) of the Public Health Act 1936 (regulations for the prevention and treatment of infectious disease, &c. to be laid before Parliament) after the word “Parliament” insert “and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) This paragraph extends only to Northern Ireland.
- 25 In section 343(1) of the Public Health Act 1936 (interpretation), in the definition of “factory”, for the words “Factory and Workshop Acts 1901 to 1929” substitute “Factories Act 1961”.

Statutory Orders (Special Procedure) Act 1945 (c. 18)

- 10 (1) In section 7(3) of the Statutory Orders (Special Procedure) Act 1945 (costs incurred by a local authority), for the words “Minister of Health” substitute “Secretary of State”.

Status: This is the original version (as it was originally enacted).

- (2) In section 10(5) of that Act (Scottish provisions in place of section 7(3)), for the words “within the meaning of the Local Authorities Loans (Scotland) Act 1891” substitute “(being a regional, islands or district council)”.

Crown Proceedings Act 1947 (c. 44)

- 27 In the application of Part I of Schedule 1 to this Act to Northern Ireland, the reference to the Crown Proceedings Act 1947 is to that Act as it applies to the Crown in right of Her Majesty’s Government in Northern Ireland, as well as to the Crown in right of Her Majesty’s Government in the United Kingdom.

Post Office Act 1953 (c. 36)

- 28 In section 87 of the Post Office Act 1953 (interpretation), after subsection (1) insert—
- “(1B) In the application of this Act to Great Britain, references to public service vehicles shall be construed in like manner as if they were contained in the Public Passenger Vehicles Act 1981.”

Companies Act 1967 (c. 81)

- 29 Section 89(1) of the Companies Act 1967 (criminal liability of directors, etc. of an industrial assurance company) shall continue to have effect as amended by the Insurance Companies Act 1974 and the Insurance Companies Act 1982, that is, with the substitution of “director, chief executive or manager (as defined in the Insurance Companies Act 1982)” for the words from “director” to “manager”.

Policyholders Protection Act 1975 (c. 75)

- 30 In sections 27 and 29 of the Policyholders Protection Act 1975 (disclosure of documents and information) for the words “or Article 109 of the Companies (Northern Ireland) Order 1978” substitute “or Article 442 of the Companies (Northern Ireland) Order 1986”.