

SCHEDULES

SECOND SCHEDULE

Section 2.

FORM IN WHICH DEFENCE REGULATIONS CONTINUE IN FORCE BY VIRTUE OF S. 2

PART A

THE DEFENCE (GENERAL) REGULATIONS, 1939

“PART IV

ESSENTIAL SUPPLIES AND WORK

General control of industry.

55 (1) A competent authority may by order provide—

- (a) for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the United Kingdom, or in respect of the re-export of any article from the United Kingdom, or in respect of the construction of ships, such prohibitions or restrictions as appear to the competent authority to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom ;
- (b) for imposing in respect of the disposal, acquisition or possession of articles of any description under hire-purchase agreements or credit-sale agreements, or under agreements for letting on hire, such prohibitions or restrictions as appear to the competent authority to be required for restricting excessive credit;
- (c) for regulating or prohibiting, so far as appears to the competent authority to be required having regard to any scheme administered by any government department for the provision of any welfare food—
 - (i) the acquisition, treatment, keeping, storage, transport, distribution, disposal, use or consumption of any welfare food other than liquid milk;
 - (ii) the disposal, use or consumption of liquid milk ;
- (d) where it appears to the competent authority, and is so declared in the order, that a shortage of articles of any description essential to the wellbeing of the community or to national defence, being a shortage such as to threaten that wellbeing or defence, has arisen or is expected as the result of measures taken by the government of any country outside the United Kingdom or as the result of other special circumstances arising in any such country, for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of any articles of that description or of any substitute for any such article;

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- (e) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide,
and also make such provision (including provision for requiring any person to furnish any information) as the competent authority thinks necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in the opinion of the competent authority, it will or may be found necessary or expedient that provision should be made, under this Regulation ;
and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and so as to have effect either generally or in any particular area.
- (1C) Any person who receives a commission in respect of a transaction which, or part of which, constitutes a breach of the control shall be guilty of an offence against this Regulation unless he proves that he did not know and had no reason to believe that the transaction or any part thereof constituted such a breach.
- In this paragraph the expression " commission" includes any valuable consideration in the nature of a commission, whether computed on a percentage basis or otherwise.
- (1F) The powers conferred by paragraph (1) of this Regulation shall, in the case of an order made wholly or partly by virtue of sub-paragraph (d) of that paragraph, extend to the making of an order—
- (a) providing for the seizure and, if thought desirable, the sale of any article in respect of which an offence against this Regulation, being a breach of the control, is believed to have been committed;
 - (b) enabling the court by or before whom a person is convicted of any such offence in respect of the article, if satisfied that he was the owner of the article at the 'time of the seizure, to direct that the whole or part of the proceeds of the sale of the article shall be applied in or towards the satisfaction of any fine imposed on that person for that offence ; and
 - (c) providing, subject as aforesaid, for the return of the article or, as the case may be, of the proceeds of the sale thereof to such person as may prove 'that he was the owner of the article at the time of the seizure.
- (5) For the purposes of this Regulation, any of the following shall be deemed to be a competent authority, that is to say, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Power, the Minister of Agriculture, Fisheries and Food, the Minister of Health and the Minister of Supply.
- (6) In this Regulation the following expressions have the meanings hereby respectively assigned to them:—
- " breach of the control " means any offence against this Regulation constituted by a contravention of or failure to comply with any provision of any order under this Regulation for the time being in force, being a provision such as is mentioned in any of sub-paragraphs (a) to (d) of paragraph (1) of this Regulation;
- " credit-sale agreement " means an agreement for the sale of goods in which the whole or part of the purchase price is payable by instalments, whether the agreement is absolute or conditional;
- " hire-purchase agreement " means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the

goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances;

" welfare food " means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets ;

" undertaking " means any public utility undertaking or any undertaking by way of any trade or business ;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

- (7) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—
- (a) subject to paragraph (2) of article 4 of the Transfer of Functions (Ministry of Food) Order, 1955, the references to the Minister of Agriculture, Fisheries and Food and the Minister of Health shall be omitted ;
 - (b) for the reference in sub-paragraph (b) of paragraph (1) to hire-purchase agreements there shall be substituted a reference to contracts to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies by virtue of paragraph (a) of section one of that Act, or would so apply if the limitation as to value contained in the said paragraph (a) were omitted; and so much of paragraph (6) as defines " hire-purchase agreement " shall not apply.
- (8) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Health were omitted. 55aa.—

Powers of competent authorities as to keeping of books, making of returns, entry and inspection.

55A(1) A competent authority may, by direction given with respect to any undertaking or by order made with respect to any class or description of undertakings, being an undertaking or class or description of undertakings concerned with articles in relation to which an order is for the time being in force under Regulation 55 or 55ab of these Regulations, with medical supplies required for the purposes of the National Health Service Acts, 1946 to 1952, or the National Health Service (Scotland) Acts, 1947 to 1953, or with services required for the purposes of the said Acts, require persons carrying on the undertaking or undertakings of that class or description—

- (a) to keep such books, accounts and records relating to the undertaking as may be prescribed by the direction or, as the case may be, by the order or a notice served thereunder ;
 - (b) to furnish, at such times, in such manner and in such form as may be so prescribed, such estimates, returns or information relating to the undertaking as may be so prescribed.
- (2) Where it appears to a designated officer that it is necessary to authorise the inspection of any undertaking or class or description of undertakings—
- (a) for the purpose of enabling a competent authority to exercise any of the powers conferred on the authority by or under any of these Regulations, or to determine whether, and if so in what manner, any of those powers ought to be exercised ; or
 - (b) for the purpose of securing compliance with any order made or direction given under these Regulations by or on behalf of a competent authority ; or
 - (c) for the purpose of verifying any information furnished to a competent authority in connection with any of these Regulations or any order made or direction given thereunder ;

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he may issue a warrant in writing to any person named in the warrant (hereinafter referred to as an "inspector") authorising him to enter and carry out an inspection of the undertaking, or any undertaking of the class or description, specified therein.

- (3) An inspector may, on production of the warrant issued to him, enter any premises used or appropriated for the purposes of any undertaking to which the warrant relates, and may inspect such premises and any articles found therein, and may require any person carrying on the undertaking or employed in connection therewith to produce such books, accounts or records, and to furnish such information, relating to the undertaking as may be authorised by the warrant, and may take such samples and carry out such tests as may be so authorised.
- (4) An inspector may make such copies of, or extracts from, any document produced to him as he considers necessary for the information of the competent authority.
- (6) In this Regulation the following expressions have the meanings hereby respectively assigned to them:—

" competent authority " means a competent authority for the purposes of Regulation 55 of these Regulations and, in paragraphs (2) and (4) of this Regulation, references to a competent authority include also any authority or person on whom by virtue of these Regulations powers have been conferred by order of any such competent authority as aforesaid ;

" designated officer " means a person empowered under the hand of a Minister of the Crown to act under paragraph (2) of this Regulation on behalf of a competent authority ;

" medical supplies " includes surgical, dental and optical materials and equipment;

" undertaking " means any public utility undertaking, or any undertaking by way of trade or business ;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels and animals.

Price control of goods and services.

55A(1) A competent authority may by order provide for controlling the prices to be charged for any of the following goods, that is to say—

- (a) liquid milk;
- (b) any other welfare food in relation to which an order under Regulation 55 of these Regulations is for the time being in force;
- (c) medical supplies;
- (d) any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force,

and for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide ; and any such order may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order and may be made so as to apply either to persons or to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or any part of any undertaking, and so as to have effect either generally or in any particular area.

- (2) Any person who receives a commission in respect of a transaction which, or part of which, constitutes an offence against this Regulation shall be guilty of an offence against this Regulation unless he proves that he did not know and had no reason to believe that the transaction or any part thereof constituted such an offence.
- (5) The powers conferred by paragraph (1) of this Regulation shall extend to the making of an order in relation to any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force—
- (a) providing for the seizure and, if thought desirable, the sale, of any goods in respect of which an offence against this Regulation is believed to have been committed ;
 - (b) enabling the court by or before whom a person is convicted of any such offence in respect of the goods, if satisfied that he was the owner of the goods at the time of the seizure, to direct that the whole or part of the proceeds of the sale of the goods shall be applied in or towards the satisfaction of any fine imposed on that person for that offence ; and
 - (c) providing, subject as aforesaid, for the return of the goods or, as the case may be, of the proceeds of the sale thereof to such person as may prove that he was the owner of the goods at the time of the seizure.
- (7) For the purposes of this Regulation, any of the following shall be deemed to be a competent authority, that is to say, a Secretary of State, the Board of Trade, the Minister of Supply, the Minister of Power, the Minister of Agriculture, Fisheries and Food and the Minister of Health.
- (8) In this Regulation the following expressions have the meanings hereby respectively assigned to them:—
- " commission " includes any valuable consideration in the nature of a commission, whether computed on a percentage basis or otherwise;
 - " medical supplies " includes surgical, dental and optical materials and equipment;
 - " undertaking " means any public utility undertaking or any undertaking by way of any trade or business ;
 - " welfare food " means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets ;
- and any reference in this Regulation to goods shall be construed as including a reference to substances, vehicles, vessels or animals.
- (10) Subject to paragraph (2) of article 4 of the Transfer of Functions (Ministry of Food) Order, 1955, this Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture, Fisheries and Food and the Minister of Health were omitted.
- (11) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Health were omitted.

PART V

GENERAL AND SUPPLEMENTARY PROVISIONS

General provisions

False documents and false statements.

- 82 (1) If, with intent to deceive, any person—
- (a) forges or uses, or lends to or allows to be used by any other person, any document issued for the purposes of any of these Regulations or of any order made under any of these Regulations ; or
 - (b) makes or has in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive ; or
 - (c) produces, furnishes, sends or otherwise makes use of, for the purposes aforesaid, any book, account, estimate, return, declaration or other document which is false in a material particular,
- he shall be guilty of an offence against that Regulation.
- (2) .If, in furnishing any information for the purposes of any of these Regulations or of any order made under any of these Regulations, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against that Regulation.
- (3) In this Regulation the expression " forges " has, in the application thereof to England and Northern Ireland, the same meaning as in the Forgery Act, 1913.

Obstruction.

- 83 No person shall wilfully obstruct any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations ; and any person who contravenes this Regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Restrictions on disclosing information.

- 84 No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order made under these Regulations, disclose that information except with permission granted by or on behalf of a Minister of the Crown.

Permits, licences, &c.

- 87 (3) Any permit, licence, permission or authorisation granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Offences and legal proceedings

Offences by corporations.

- 91 (1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In this Regulation, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Penalties.

- 92 (1) If any person contravenes or fails to comply with any of these Regulations, or any order made under any of these Regulations, or any direction given or requirement imposed under any of these Regulations or under any order made under any of these Regulations, he shall, save as otherwise expressly provided by or under that Regulation, be guilty of an offence against that Regulation ; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—
- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine ; or
 - (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.
- (2) Where a person convicted on indictment of an offence against any of these Regulations is a body corporate, no provision in these Regulations limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

Legal proceedings.

- 93 (1) Proceedings for an offence against any of these Regulations may, unless the Regulation otherwise provides, be instituted either by a constable or by, or with the consent of, the Director of Public Prosecutions, and proceedings for an offence against Regulation 55, 55aa or 55ab of these Regulations may also be instituted by a competent authority within the meaning of that Regulation or by any such authority or person as may be specified by an order of such a competent authority ; but proceedings shall not be instituted for an offence against any of these Regulations otherwise than as aforesaid.
- (1A) No restriction imposed by these Regulations upon the institution of proceedings shall apply—
- (a) to the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence against any of these Regulations, or the remanding, in custody or on bail, of any such person charged with such an offence; or
 - (b) to any proceedings under the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

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- (3) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.
- (4) Paragraph (1) of this Regulation shall not extend to Scotland.

Supplementary provisions

Service of notices.

- 97 Without prejudice to any special provisions contained in these Regulations, or in any order made thereunder, a notice to be served on any person for the purposes of any of these Regulations or any order made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and variation of orders, &c.

- 98 Any power conferred by any of these Regulations to make any order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

Exercise of powers of Board or Trade.

- 99 (1) Anything required or authorised by or under these Regulations to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Application of Interpretation Act, 1889, to Defence Regulations, &c.

- 99B The Interpretation Act, 1889, shall apply to the interpretation of these Regulations and any order made thereunder as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of the Interpretation Act, 1889, these Regulations and any order made thereunder shall be deemed to be an Act of Parliament.

Interpretation.

- 100 (1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- " drainage authority " has the same meaning as in the Land Drainage Act, 1930 ;
 - " local authority " means the Common Council of the City of London, the council of a metropolitan borough or the council of a county, county borough or county district;
 - " public utility undertaking " means any of the following undertakings the carrying on of which is authorised by any Act (whether public general or local) or by any order made under, or confirmed by, an Act, that is to say:—
 - (a) any undertaking for the supply of electricity, gas or water ;
 - (b) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking ;

(c) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse ;

(d) any undertaking of a drainage authority;

and includes any such undertaking as aforesaid which is carried on by a local authority ;

" ship " and " vessel " have respectively the same meanings as in the Merchant Shipping Act, 1894.

- (3) Where, under any of these Regulations, any person has power to authorise other persons to act under that Regulation, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.

Application to Scotland.

101 These Regulations shall apply to Scotland subject to the following modifications:—

(5) In the last preceding Regulation—

(a) references to a drainage authority shall be omitted ;

(b) for the definition of " local authority " there shall be substituted the following definition:—

“ local authority ' means any county, town, or district council”.

Application to Northern Ireland.

102 In the application of these Regulations to Northern Ireland the following modifications shall have effect:—

(1) References to the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland ;

(2) The expression " summary conviction " means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future ;

(10) The expression " Act " includes an Act of the Parliament of Northern Ireland, and references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Exercise of certain powers by the Government of Northern Ireland.

102A1) Where by any of these Regulations any power is conferred upon the Secretary of State, then, in so far as the power is exercisable in relation to Northern Ireland the Secretary of State may, to such extent and subject to such restrictions as he thinks proper, by order delegate the power either to a department of the Government of Northern Ireland specified in the said order or to the appropriate department or departments of the said Government ; and where any power is so delegated to the appropriate department or departments, it shall be exercised by such department or departments of the said Government as the Governor of Northern Ireland may by order specify.

Short title.

105 These Regulations may be cited as the Defence (General) Regulations, 1939.

PART B

THE DEFENCE (FINANCE) REGULATIONS, 1939

Power of Treasury to prohibit action on certain orders as to gold, &c.

- 2A (1) Where the Treasury are satisfied that action to the detriment of the economic position of the United Kingdom is being, or is likely to be, taken by the government of, or persons resident in, any country or territory outside the United Kingdom, the Treasury may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Treasury, of any order given by or on behalf of the government of that country or territory or any person resident therein at the time when the directions were given or at any later time while the directions are in force, in so far as the order—
- (i) requires the person to whom the order is given to make any payment or to part with any gold or securities ; or
 - (ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.
- (2) Where any directions are given under this Regulation with respect to any country or territory, a branch in that country or territory of any business, whether carried on by a body corporate or otherwise, shall, for the purposes of this Regulation, be treated in all respects as if the branch were a body corporate resident in that country or territory.

Application of certain provisions of the Defence (General) Regulations, 1939.

- 9 (1) The provisions of Part V of the Defence (General) Regulations, 1939, shall apply for the purpose of the enforcement of these Regulations, and otherwise in relation thereto, as if these Regulations were included in those Regulations.

Interpretation.

- 10 (1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- " gold " means gold coin or gold bullion ;
 - " security ", except in so far as is otherwise expressly provided, includes—
 - (a) shares, stocks, bonds, notes, debentures, debenture stock and Treasury bills ;
 - (b) a deposit receipt in respect of the deposit of securities;
 - (c) a unit or a sub-unit of a unit trust;
 - (d) an annuity granted under the Government Annuities Act, 1929, or to which either Part I or Part II of that Act applies, and a life assurance policy or other contract entered into with an assurance company for securing the payment in the future of any capital sum or sums or of an annuity ;
 - (e) a warrant conferring an option to acquire a security ;
 - (f) a share in an oil royalty ;
- but does not include a bill of exchange or a promissory note ;

and references in these Regulations to the United Kingdom shall be construed as if the Channel Islands and the Isle of Man were part of the United Kingdom.

- (2) Any consent or permission granted by or on behalf of the Treasury under any of these Regulations may be granted either absolutely or subject to conditions.

Short title.

- 11 These Regulations may be cited as the Defence (Finance) Regulations, 1939.

PART C

THE DEFENCE (ARMED FORCES) REGULATIONS, 1939

- 1 These Regulations may be cited as the Defence (Armed Forces) Regulations, 1939.
- 6 The Admiralty, the Army Council or the Air Council may by order authorise officers and men of Her Majesty's naval, military or air forces under their respective control to be temporarily employed in agricultural work or such other work as may be approved in accordance with instructions issued by the Admiralty, the Army Council or the Air Council, as the case may be, as being urgent work of national importance, and thereupon it shall be the duty of every person subject to 'the Naval Discipline Act, military law or air-force law to obey any command given by his superior officer in relation to such employment, and every such command shall be deemed to be a lawful command within the meaning of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be."