



SUPPLEMENT TO THE  
**CEYLON GOVERNMENT  
GAZETTE**

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No. 9,553—FRIDAY, MAY 17, 1946.

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*Published by Authority.*

**PART I.—GENERAL.**

**GOVERNMENT NOTIFICATIONS.**

**Notification.**

THE following documents are published for general information :—

- (1) The Supplies and Services (Transitional Powers) Act, 1945.
- (2) The Supplies and Services (Transitional Powers) (Colonies, &c.) Order in Council, 1946.
- (3) The Emergency Laws (Transitional Provisions) Act, 1946.
- (4) The Emergency Laws (Transitional Provisions) (Colonies, &c.) Order in Council, 1946.

Colombo, May 7, 1946.

ROBERT H. DRAYTON,  
Chief Secretary.

9 GEO. 6.

*Supplies and Services  
(Transitional Powers) Act, 1945.*

CH. 10.

**CHAPTER 10.**

An Act to provide for the application of certain Defence Regulations for purposes connected with the maintenance control and regulation of supplies and services, for enabling Defence Regulations to be made for the control of prices and charges, for the continuation of Defence Regulations so applied or made during a limited period notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, and for the amendment of other enactments in consequence of such continuation; to make provision for securing more effective Parliamentary control over Defence Regulations and orders and other instruments made thereunder; to provide for applying during a limited period certain powers of the Minister of Supply for purposes similar to those for which Defence Regulations may be applied and otherwise for amending those powers; and for purposes connected with the matters aforesaid.

[10th December 1945.]

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 :—

Power to extend purposes of certain Defence Regulations.

1.—(1) If it appears to His Majesty to be necessary or expedient that any Defence Regulation to which this section applies should have effect for the purpose of so maintaining controlling and regulating supplies and services as—

- (a) to secure a sufficiency of those essential to the wellbeing of the community or their equitable distribution or their availability at fair prices ; or
- (b) to facilitate the demobilisation and resettlement of persons and to secure the orderly disposal of surplus material ; or
- (c) to facilitate the readjustment of industry and commerce to the requirements of the community in time of peace ; or
- (d) to assist the relief of suffering and the restoration and distribution of essential supplies and services in any part of His Majesty's dominions or in foreign countries that are in grave distress as the result of war ;

2 & 3 Geo. 6.  
c. 62.

he may by Order in Council direct that the Regulation shall have effect by virtue of this Act whether or not it is for the time being necessary or expedient for the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939.

(2) An Order in Council made under this section with respect to any Defence Regulation shall provide for the making in the Regulation of such adaptations, if any, as appear to His Majesty to be necessary or expedient for rendering it applicable for the purposes aforesaid.

(3) Where an Order in Council is made under this section with respect to any Defence Regulation, all orders and other instruments made under the Regulation and in force at the date when the Order in Council comes into operation shall continue in force and shall, save as is otherwise expressly provided in the Order in Council, have effect as if they had been made under the Regulation as extended by the Order in Council and as if any references in those orders and instruments to any of the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939, included references to the purposes specified in subsection (1) of this section.

(4) This section applies to any Defence Regulation contained in Part III or Part IV of the Defence (General) Regulations, 1939, at the date of the passing of this Act and to any Defence Regulation specified in the second column of the First Schedule to this Act, and references in any Order in Council made under this section to any such Regulation shall be construed as references to that regulation as in force at the date on which the Order comes into operation.

Power to make Defence Regulations for controlling prices.

2.—(1) The powers conferred on His Majesty by the principal Acts to make such Defence Regulations as appear to him to be necessary or expedient for the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939, shall include power by Order in Council to make such Defence Regulations as appear to him to be necessary or expedient for controlling the prices to be charged for goods of any description or the charges to be made for services of any description, whether or not such Regulations are necessary or expedient for the purposes specified in the said subsection (1).

(2) Without prejudice to the generality of the power conferred by the last foregoing subsection, any Defence Regulation made in pursuance thereof may amend the Goods and Services (Price Control) Acts, 1939 to 1943.

(3) Any Defence Regulation expressed to be made in pursuance of the said power shall have effect by virtue of this Act.

*(Transitional Powers) Act, 1945.*

3.—(1) His Majesty, by Order in Council made under this Act, may revoke in whole or in part any Defence Regulation which has effect by virtue of this Act or may vary any such Regulation in such manner as appears to him—

Revocation and variation of Defence Regulations having effect under this Act.

(a) in the case of a Regulation to which section one of this Act applies, to be necessary or expedient for any of the purposes specified in subsection (1) of that section or, while the principal Acts continue in force, for any of the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939, or

(b) in the case of a Regulation made in pursuance of the power conferred by the last foregoing section, to be necessary or expedient for the additional purpose specified in subsection (1) of that section.

(2) Subsection (3) of section eight of the Emergency Powers (Defence) Act, 1939 (which relates to the power to revoke or vary Orders in Council made under that Act) shall not apply to any Defence Regulation which has effect by virtue of this Act.

4.—(1) Every Order in Council made under the principal Acts (or under those Acts as extended by section two of this Act) which contains Defence Regulations, every order or other instrument made under powers conferred by Defence Regulations which is determined in accordance with regulations made under section three of the Rules Publication Act, 1893, to be a statutory rule within the meaning of the said section and to be of the nature of a public Act or which is or is deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925, applies (being an Order in Council order or instrument made after the passing of this Act), and every Order in Council made under this Act, shall be laid before Parliament as soon as may be after it is made; and if either House of Parliament, within the period of forty days beginning with the day on which any such Order in Council, order or instrument is laid before it, resolves that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new Order in Council, order or other instrument.

Parliamentary control over Defence Regulations and orders and other instruments made thereunder. 56 & 57 Vict. c. 66.

In reckoning any period for the purposes of this subsection no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any such Order in Council, order or other instrument as aforesaid.

(3) Subsections (1) and (2) of section eight of the Emergency Powers (Defence) Act, 1939, are hereby repealed.

5.—(1) Save as is otherwise expressly provided in the last two foregoing sections of this Act, nothing in this Act shall be construed as restricting the operation of the principal Acts while those Acts remain in force, or as affecting their application to Defence Regulations having effect by virtue of this Act, and any reference in those Acts to the purposes for which Defence Regulations may be made shall, in their application to Defence Regulations having effect by virtue of this Act, be construed as including a reference to the purposes specified in section one or, as the case may be, section two of this Act.

Application of principal Acts and effect of their expiry, and adaptation of other enactments.

(2) If the principal Acts expire while this Act is in force—

(a) the provisions of those Acts, except the provisions specified in the Second Schedule to this Act, shall, notwithstanding their expiry for all other purposes, continue to apply (so far as applicable) while this Act is in force to any Defence Regulation having effect by virtue of this Act, any order or other instrument made under any such Regulation and any scheme of control contained in or authorised by any such Regulation; and

*(Transitional Powers) Act, 1945.*

(b) any such Regulation and any order or other instrument made under any such Regulation shall have effect, as from the date of the expiry of the said Acts, as if references therein to any of the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939, were omitted therefrom.

(3) Any enactment other than the principal Acts referring to Defence Regulations or to powers conferred under the Emergency Powers (Defence) Act, 1939, shall be construed as including a reference to Defence Regulations having effect by virtue of this Act or, as the case may be, to powers conferred thereby.

(4) Section four of the Emergency Powers (Defence) Act, 1939, (which provides for the application of that Act to colonies and other territories) shall have effect as if the reference to the provisions of that Act included a reference to the foregoing provisions of this Act, and as if the reference to the authority empowered to make Defence Regulations included a reference to the authority empowered to exercise the powers of His Majesty in Council under the foregoing provisions of this Act; and the said section shall, if the principal Acts expire while this Act is in force, continue in force, notwithstanding such expiry so far as it provides for the extension of the foregoing provisions of this Act to any country or territory mentioned in the said section.

8 & 9 Geo. 6.  
c. 43.

(5) The provisions of Parts II, V and VI of the Requisitioned Land and War Works Act, 1945 (which confer temporary powers to acquire and retain possession of land used for war purposes and to maintain, use and remove war works) shall, subject as hereinafter provided, have effect as if the expression "war period" included any period after the expiry of the Emergency Powers (Defence) Act, 1939, during which this Act is in force and as if the expression "war purposes" included the purposes specified in subsection (1) of section one of this Act, and any other provisions of the said Requisitioned Land and War Works Act, 1945 (except section forty-five thereof), shall, so far as they relate to the provisions aforesaid, have the like effect:

Provided that no powers shall be exercisable by virtue of this subsection unless the appropriate Minister has certified—

(a) in a case where the powers arise in consequence of the doing of work on land, that the work was done after the date of the expiry of the Emergency Powers (Defence) Act, 1939, for the purposes specified in subsection (1) of section one of this Act, or that works constructed in the course of the work have been used after the said date for the purposes aforesaid; or

(b) in a case where the powers arise in consequence of the possession or use of land or damage caused by the use of land, that the land has been used after the said date for the purposes aforesaid;

and has served a copy of the certificate, either by delivery or by prepaid registered letter on any person to whom compensation under paragraph (a) of subsection (1) of section two or subsection (2) of section three of the Compensation (Defence) Act, 1939, is in course of payment in respect of the land to which the certificate relates.

2 & 3 Geo. 6.  
c. 75.

In this subsection the expressions "Minister," "works" and "the doing of work on land" have the same meanings as in the Requisitioned Land and War Works Act, 1945, and the expression "the appropriate Minister" means the Minister by whom or by arrangement with whom or on whose authority or direction the work was done or the land or works were used for the purposes aforesaid, and section fifty-six of the Requisitioned Land and War Works Act, 1945 (which relates to the exercise of powers by the Board of Trade), and subsection (2) of section fifty-eight of that Act (which relates to the proof of certificates) shall apply for the purposes of this subsection as they apply for the purposes of that Act.

*(Transitional Powers) Act, 1945.*

6.—(1) For the purposes of the Ministry of Supply Act, 1939 (which confers powers on the Minister to acquire, produce or dispose of articles required for the public service and to exercise certain other powers in relation to such articles) the expression "articles required for the public service" shall include any supplies which the Minister of Supply is satisfied that it is necessary or expedient to maintain, control or regulate for any of the purposes specified in subsection (1) of section one of this Act, and the expression "works required for the public service" shall be construed accordingly.

Application of powers of Minister of Supply.  
2 & 3 Geo. 6.  
c. 38.

(2) Notwithstanding anything in proviso (i) to subsection (1) of section two of the Ministry of Supply Act, 1939, the powers of the Minister of Supply under that subsection may, so long as this Act continues in force, be exercised in relation to the supply to any other government department of any articles required by that department for the purpose of the discharge of its functions, whether or not the powers of that department in relation to the supply of those articles are for the time being transferred to or made exercisable by the Minister under section three of the Ministry of Supply Act, 1939.

(3) Notwithstanding anything in proviso (ii) to the said subsection (1) of section two, the powers of the said Minister under that subsection of manufacturing or otherwise producing articles may continue to be exercised so long as this Act continues in force in respect of any articles whatsoever required for the public service within the meaning of the Ministry of Supply Act, 1939, as amended by this Act.

(4) Notwithstanding anything in section fourteen of the Ministry of Supply Act, 1939, the provisions of sections seven to thirteen thereof shall continue in force so long as this Act continues in force.

7. There shall be defrayed out of moneys 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 moneys provided by Parliament.

Expenses.

8.—(1) Subject as hereinafter provided this Act shall continue in force for the period of five years after the passing thereof and shall then expire :

Duration.

Provided that, if at any time while this Act is in force, an Address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.

(2) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiry of this Act as if this Act had then been repealed.

52 & 53 Vict.  
c. 63.

9. Nothing in this Act shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws, and any laws made by that Parliament with respect to any such matters shall have effect notwithstanding anything in any Defence Regulation having effect by virtue of this Act and applicable to Northern Ireland, or in any order or other instrument made under such a Regulation.

Saving for legislative powers of Parliament of Northern Ireland.

10.—(1) This Act may be cited as the Supplies and Services (Transitional Powers) Act, 1945.

Short title and interpretation.

(2) In this Act the expression "Defence Regulation" means a Regulation made under the Emergency Powers (Defence) Act, 1939, or under that Act as extended by any subsequent enactment (including this Act), and the expression "the principal Acts" means the Emergency Powers (Defence) Acts, 1939 to 1945.

## SCHEDULES.

## Section 1.

## FIRST SCHEDULE.

ADDITIONAL DEFENCE REGULATIONS TO WHICH SECTION ONE  
OF THIS ACT APPLIES.

<i>Title.</i>	<i>Extent of application.</i>
The Defence (Bodies Corporate and Trade Unions) Regulations, 1940.	All Regulations in force at the date of the passing of this Act.
The Defence (Encouragement of Exports) Regulations, 1940.	All Regulations in force at the said date.
The Defence (Finance) Regulations, 1939.	All Regulations in force at the said date.
The Defence (Local Government) (Scotland) Regulations, 1939.	All Regulations in force at the said date.
The Defence (Recovery of Fines) Regulations, 1942.	All Regulations in force at the said date.
The Defence (Recovery of Fines) (Scotland) Regulations, 1942.	All Regulations in force at the said date.
The Defence (General) Regulations, 1939.	Such of the Regulations contained in Part V at the said date as apply to any other Regulations having effect by virtue of this Act.

## Section 5.

## SECOND SCHEDULE.

PROVISIONS OF EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940,  
EXCEPTED FROM CONTINUANCE UNDER THIS ACT.

<i>Act.</i>	<i>Extent of exception.</i>
Emergency Powers (Defence) Act, 1939	Paragraph (a) of subsection (2) of section one (which relates to the detention of persons in the interests of the public safety or the defence of the realm); and paragraph (aa) of that subsection so far as it confers power to provide for the trial of offenders by courts established under Defence Regulations.
3 & 4 Geo. 6. c. 45. The Emergency Powers (Defence) (No. 2) Act, 1940.	Section six (which relates to the hearing of proceedings in camera). The whole Act (which relates to the power to provide for the trial of offences by special courts in certain areas).

## STATUTORY RULES AND ORDERS

1946 No. 35

## SUPPLIES AND SERVICES (TRANSITIONAL POWERS)

THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS) (COLONIES, ETC.)  
ORDER IN COUNCIL, 1946.

At the Court at Buckingham Palace, the 10th day of January, 1946.

## PRESENT

The King's Most Excellent Majesty

Lord Privy Seal.  
Viscount Addison.  
Lord Winster.  
Mr. Massey.Mr. Bevan.  
Sir Travers Humphreys.  
Mr. St. Laurent.

Whereas by subsection (1) of section four of the Emergency Powers (Defence) Act, 1939(a); (hereinafter called "the Act of 1939") it is provided that His Majesty may by Order in Council direct that the provisions of that Act, other than that section, shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the countries or territories mentioned in the said subsection and in

particular that any such authority as may be specified in the Order shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the country or territory in respect of which the Order is made :

And whereas His Majesty has been pleased by the Emergency Powers (Colonial Defence) Order in Council, 1939(a) (which Order in Council, as amended by subsequent Orders in Council, is hereinafter referred to as "the principal Order") to direct that certain provisions of the Act of 1939 should extend to the territories mentioned in the Second Schedule to the principal Order :

And whereas by the Supplies and Services (Transitional Powers) Act, 1945(b) (hereinafter called "the Act of 1945"), His Majesty is empowered by Order in Council to direct that certain Defence Regulations made under the Act of 1939 shall have effect by virtue of the Act of 1945 ; to make Defence Regulations (to have effect by virtue of the Act of 1945) for controlling prices and charges ; and to revoke, or vary for certain purposes, any Defence Regulation which has effect by virtue of the Act of 1945 :

And whereas by subsection (4) of section five of the Act of 1945 it is provided that section four of the Act of 1939 shall have effect as if the reference to the provisions of the Act of 1939 included a reference to the aforesaid provisions of the Act of 1945, and as if the reference to the authority empowered to make Defence Regulations included a reference to the authority empowered to exercise the powers of His Majesty in Council under the said provisions :

Now, therefore, His Majesty, in pursuance of subsection (1) of section four of the Act of 1939 and subsection (4) of section five of the Act of 1945, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Supplies and Services (Transitional Powers) (Colonies etc.) Order in Council, 1946.

2.—(1) In this Order, and in the Act of 1945 as extended by this Order, unless the context otherwise requires—

- (a) the expression "territory" includes the territorial waters, if any, adjacent thereto and any dependency thereof ;
- (b) the expression "Governor" in relation to any territory [includes any person administering the Government of the territory, and, in the case of Zanzibar, means the British Resident or the person lawfully discharging his functions ;
- (c) the expression "Defence Regulation" means a Regulation made by the Governor under the principal Order.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of section one, subsections (1) and (3) of section two, subsection (1) of section three, and subsections (1), (2) and (3) of section five (including the Second Schedule) of the Act of 1945 shall, subject to the adaptations and modifications contained in the First Schedule to this Order, extend to the territories mentioned in the Second Schedule to this Order.

*E. C. E. Leadbitter.*

#### FIRST SCHEDULE.

(a) The Governor shall be substituted for His Majesty in Council as the authority empowered to exercise the powers of His Majesty in Council under sections one, two and three of the Act of 1945 ; and any reference in those sections to an Order in Council made by His Majesty shall be construed as a reference to an Order made by the Governor.

(b) References to the Emergency Powers (Defence) Act, 1939 (or to "the principal Acts"), shall be construed as references to that Act (or to those Acts) as extended by the principal Order ; and references to "this Act" shall be construed as references to the Act of 1945 as extended by this Order.

(c) In subsection (4) of section one, for the words beginning with "This section applies" and ending with "the First Schedule to this Act", the following words shall be substituted :—

"This section applies to any Defence Regulation in force in the territory at the date of this Order which appears to the Governor to be similar in purpose to any Defence Regulation of the United Kingdom contained on the 10th day of December, 1945, in Part III of Part IV of the Defence (General) Regulations, 1939, or in the Defence (Finance) Regulations, 1939, or in the Defence (Recovery of Fines) Regulations, 1942 ; or which appears to the Governor to be similar in purpose to any Defence Regulation of the United Kingdom contained in Part V of the Defence (General) Regulations, 1939, on the said date, and to be required for the purposes of any other Defence Regulation which will have effect in the territory by virtue of this Order."

(a) S.R. & O. 1939 (No. 968)I, p. 1467.

(c) 52 & 53 Vict. c. 63.

(b) 9 & 10 Geo. 6. c. 10.

## SECOND SCHEDULE.

Aden (Colony and Protectorate).	Leeward Islands :—
Bahamas.	Antigua.
Barbados.	Montserrat.
Bermuda.	St. Christopher and Nevis.
British Guiana.	Virgin Islands.
British Honduras.	Malta.
British Solomon Islands Protectorate.	Mauritius.
Ceylon.	Nigeria :—
Cyprus.	(a) Colony.
Dominica.	(b) Protectorate.
Falkland Islands.	(c) Cameroons under British Mandate.
Fiji.	Northern Rhodesia.
Gambia (Colony and Protectorate).	Nyasaland Protectorate.
Gibraltar.	Palestine (excluding Trans-Jordan).
Gilbert and Ellice Islands Colony.	St. Helena and Ascension.
Gold Coast :—	St. Lucia.
(a) Colony.	St. Vincent.
(b) Ashanti.	Seychelles.
(c) Northern Territories.	Sierra Leone (Colony and Protectorate).
(d) Togoland under British Mandate.	Somaliland Protectorate.
Grenada.	Tanganyika Territory.
Hong Kong.	Trinidad and Tobago.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).	Uganda Protectorate.
Kenya (Colony and Protectorate).	Zanzibar Protectorate.

## STATUTORY RULES AND ORDERS

1946 No. 255

## EMERGENCY LAWS (TRANSITIONAL PROVISIONS)

Colonies, &amp;c.

THE EMERGENCY LAWS (TRANSITIONAL PROVISIONS) (COLONIES, &c.)  
ORDER IN COUNCIL, 1946.

At the Court at Buckingham Palace, the 19th day of February, 1946.

PRESENT,

The King's Most Excellent Majesty.

Lord President.  
Viscount Addison.  
Lord Uthwatt.

Mr. Alexander.  
Sir Richard Hopkins.  
Mr. Beasley.

WHEREAS by subsection (1) of section four of the Emergency Powers (Defence) Act 1939(a), (hereinafter called "the Act of 1939") it is provided that His Majesty may by Order in Council direct that the provisions of that Act, other than that section, shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the countries or territories specified in the said subsection :

And whereas His Majesty has been pleased by the Emergency Powers (Colonial Defence) Order in Council, 1939(b), (which Order in Council, as amended by subsequent Orders in Council(c), is hereinafter called "the principal Order") to direct that certain provisions of the Act of 1939 should extend to the territories mentioned in the Second Schedule to that Order :

And whereas it is provided by section eighteen of the Emergency Laws (Transitional Provisions) Act, 1946(d), (hereinafter called "the Act of 1946") that His Majesty may by Order in Council provide, or empower such authority as may be specified in the Order to provide—

(a) for the continuation in force, notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, until the thirty-first day of December, nineteen hundred and forty-seven, of any Defence Regulations having effect in any such country or territory as is specified in section four of the Act of 1939, being Defence Regulations which appear to His Majesty or the said authority to be required for purposes similar to those for which the Defence Regulations specified in the First Schedule to the Act of 1946 are required, or for purposes similar to the purposes of any Act of the Parliament of the United Kingdom passed on or after the first day of September, 1939, and in force at the date of the passing of the Act of 1946 ;

(a) 2 &amp; 3 Geo. 6. c. 62.

(b) S. R. &amp; O. 1939 (No. 968) I, p. 1467.

(c) S.R. &amp; O. 1940.(No. 1009) II, p. 1472 ; 1942 (Nos. 509 and 1572) II, pp. 2504-5.

(d) 9 &amp; 10 Geo. 6. c. 26.



- (b) that any Defence Regulation so continued in force shall have effect subject to such exceptions, limitations and modifications as His Majesty or the said authority thinks necessary or expedient ;
- (c) for the revocation in whole or in part of any Regulation so continued, and for the making of any saving provisions which His Majesty or the said authority thinks necessary or expedient to take effect on the revocation or expiry of any such Regulation ;
- (d) for the application, in relation to Regulations so continued in force, of sections nineteen and twenty of the Act of 1946, subject to such exceptions, adaptations and modifications as His Majesty or the said authority thinks necessary or expedient :

Now, therefore, His Majesty in pursuance of subsection (1) of section eighteen of the Act of 1946, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Emergency Laws (Transitional Provisions) (Colonies, etc.) Order in Council, 1946.

2.—(1) In this Order unless the context otherwise requires—

- (a) the expression “ territory ” includes the territorial waters, if any, adjacent thereto, and any dependency thereof ;
- (b) the expression “ Governor ” in relation to any territory includes any person administering the Government of the territory, and, in the case of Zanzibar, means the British Resident or the person lawfully discharging his functions ;
- (c) the expression “ Defence Regulation ” means a Regulation made by the Governor under the principal Order.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) The Governor of any territory mentioned in the Schedule to this Order may by Order provide—

- (a) for the continuation in force, notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, until the thirty-first day of December, nineteen hundred and forty-seven, of any Defence Regulations having effect in the territory, being Defence Regulations which appear to the Governor to be required for purposes similar to those for which the Defence Regulations specified in the First Schedule to the Act of 1946 are required, or for purposes similar to the purposes of any Act of the Parliament of the United Kingdom passed on or after the first day of September, 1939, and in force at the date of the passing of the Act of 1946 ;
- (b) that any Defence Regulation so continued in force shall have effect subject to such exceptions, limitations and modifications as the Governor thinks necessary or expedient.

(2) Any Regulation so continued in force may be revoked in whole or in part by the Governor, and the Governor may make any saving provisions which he thinks necessary or expedient to take effect on the revocation or expiry of any such Regulation.

4.—(1) Section three of the Act of 1939 as extended by the principal Order (which relates to the extra-territorial operation of Defence Regulations) shall, notwithstanding the expiry of the said Act, continue to apply (so far as applicable) to any Defence Regulation continued in force under this Order.

(2) Section seven of the Act of 1939 as so extended (which relates to the proof of instruments) shall notwithstanding the expiry of the said Act, continue to apply in relation to instruments made or issued in pursuance of any provision contained in, or having effect under, any Defence Regulation continued in force under this Order, and documents purporting to be such instruments.

5. Where any Defence Regulation continued in force under this Order also has effect in any territory by virtue of the Supplies and Services (Transitional Powers) Act, 1945(b), as extended by the Supplies and Services (Transitional Powers) (Colonies, etc.) Order in Council, 1946(c), nothing in or done under this Order shall affect the operation of that Regulation for the purposes of the said Act as so extended, and nothing in the said Act as so extended or done thereunder shall affect the operation of that Regulation by virtue of this Order.

*E. C. E. Leadbitter.*

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(a) 52 & 53 Vict. c. 63.

(c) S.R. & O. 1946 No. 35.

(b) 9 & 10 Geo. 6. c. 10.

## SCHEDULE.

Aden (Colony and Protectorate).  
Bahamas.  
Barbados.  
Bermuda.  
British Guiana.  
British Honduras.  
British Solomon Islands Protectorate.  
Ceylon.  
Cyprus.  
Dominica.  
Falkland Islands.  
Fiji.  
Gambia (Colony and Protectorate).  
Gibraltar.  
Gilbert and Ellice Islands Colony.  
Gold Coast :—  
    (a) Colony.  
    (b) Ashanti.  
    (c) Northern Territories.  
    (d) Togoland under British Mandate.  
Grenada.  
Hong Kong.  
Jamaica (including Turks and Caicos Islands and the Cayman Islands.)  
Kenya (Colony and Protectorate).  
Leeward Islands :—  
    Antigua.  
    Montserrat.  
    St. Christopher and Nevis.  
    Virgin Islands.  
Malta.  
Mauritius.  
Nigeria :—  
    (a) Colony.  
    (b) Protectorate.  
    (c) Cameroons under British Mandate.  
Northern Rhodesia  
Nyasaland Protectorate.  
Palestine (excluding Trans-Jordan).  
St. Helena and Ascension.  
St. Lucia.  
St. Vincent.  
Seychelles.  
Sierra Leone (Colony and Protectorate).  
Somaliland Protectorate.  
Tanganyika Territory.  
Trinidad and Tobago.  
Uganda Protectorate.  
Zanzibar Protectorate.

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**Emergency Laws (Transitional Provisions) Act, 1946.**

9 &amp; 10 GEO. 6. CH. 26.

## ARRANGEMENT OF SECTIONS.

## PART I.

## TEMPORARY CONTINUATION OF EMERGENCY LAWS.

## Section.

1. Continuation for a limited period of certain Defence Regulations.
2. Extension of Rent of Furnished Houses Control (Scotland) Act, 1943.
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4. Extension of certain emergency enactments relating to Fire Services.
5. Extension of s. 8 of National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.

## Section

6. Extension of Sugar Industry Act, 1942.
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9. Extension of certain emergency enactments relating to legal powers.
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## SCHEDULES :

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Part III.—Savings.

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## CHAPTER 26.

An Act to provide for the continuation of certain Defence Regulations during a limited period notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, and for the extension and amendment of certain enactments the duration or operation of which depends on the duration of the said Acts or of the war; for the permanent enactment of provisions contained in certain Defence Regulations; for establishing the ownership of the Crown of goods requisitioned under emergency powers; for empowering local authorities to remove war works and restore land; for the repeal of certain emergency enactments; and for purposes connected with the matters aforesaid.

[14th February, 1946.]

*(Transitional Provisions) Act, 1946.*

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 :—

## PART I.

## TEMPORARY CONTINUATION OF EMERGENCY LAWS.

Continuation  
for a limited  
period of  
certain  
Defence  
Regulations.

1.—(1) The Defence Regulations mentioned in Parts I and II of the First Schedule to this Act shall, notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire, and the said Regulations shall have effect, as from the date on which the said Acts expire, subject to such exceptions, limitations and modifications as are specified in the third column of the said Part I and the second column of the said Part II :

Provided that His Majesty may at any time by Order in Council revoke any such Defence Regulation either in whole or in part.

(2) Where a Defence Regulation is continued in force by the section, subject to an exception, limitation or modification, any order or other instrument made under the Regulation and in force when the Emergency Powers (Defence) Acts, 1939 to 1945, expire, shall continue in force and shall have effect as if it had been made under the Regulation as continued in force by this section.

52 & 53 Vict.  
c. 63.

(3) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply upon the expiry of any Defence Regulation continued in force by this section, as if the Regulation were an Act of Parliament and had then been repealed.

(4) Without prejudice to the last foregoing subsection, the saving provisions contained in Part III of the First Schedule to this Act shall have effect upon the expiry of the Defence Regulations therein mentioned.

(5) The references in subsection (1) of this section to the Defence Regulations therein referred to shall be construed as references to those Regulations as in force at the passing of this Act.

Extension  
of rent of  
Furnished  
Houses  
Control  
(Scotland)  
Act, 1943.  
6 & 7 Geo. 6.  
C. 44.  
2 & 3 Geo. 6.  
c. 62.

2. In subsection (2) of section ten of the Rent of Furnished Houses Control (Scotland) Act, 1943 (which provides that that Act shall continue in force until the expiry of six months from the date when the Emergency Powers (Defence) Act, 1939, ceases to be in force) for the words "the expiry of six months from the date when the Emergency Powers (Defence) Act, 1939, ceases to be in force" there shall be substituted the words "the expiry of section two of the Emergency Laws (Transitional Provisions) Act, 1946".

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

Extension  
of certain  
emergency  
enactments  
relating to  
agriculture  
and land  
drainage.  
3 & 4 Geo. 6.  
c. 14.  
4 & 5 Geo. 6.  
c. 50.  
6 & 7 Geo. 6.  
c. 16.

3. (1) 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, the expressions "war period" and "the 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 :

Provided that this subsection shall not affect section twenty of the first-named Act.

(2) In the proviso to subsection (1) of section six of the Agriculture (Miscellaneous Provisions) Act, 1943 (which provides that no land shall be acquired for drainage works under that section unless the contract for the acquisition thereof is made, or the notice to treat is served, while the Emergency Powers (Defence) Act, 1939, is in force) after the words "the Emergency Powers (Defence) Act, 1939," there shall be inserted the words "or section three of the Emergency Laws (Transitional Provisions) Act, 1946".

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(3) In subsection (2) of section eight of the Land Drainage (Scotland) Act, 1941 (which provides that the powers of the Secretary of State to prepare and settle schemes shall cease on the expiry of the Emergency Powers (Defence) Act, 1939) for the reference to the Emergency Powers (Defence) Act, 1939, there shall be substituted a reference to this section.

4 & 5 Geo. 6.  
c. 13.

(4) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

4.—(1) For the purposes of the Fire Services (Emergency Provisions) Act, 1941, the expression "the period of the present emergency" shall include the period during which this section is in force after the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945.

Extension of certain emergency enactments relating to Fire Services.  
4 & 5 Geo. 6.  
c. 22.  
2 & 3 Geo. 6.  
c. 82.

(2) If the period of the present emergency, as defined for the purposes of the Personal Injuries (Emergency Provisions) Act, 1939, comes to an end while this section is in force, the said period shall, as respects war service injuries (as so defined) sustained by members of the National Fire Service, include the period during which this section is in force after the first-mentioned period has come to an end :

Provided that section three of the said Act, except so far as it relates to compensation payable under the Workmen's Compensation acts, 1925 to 1938, as amended by any subsequent enactment, shall not apply to any such war service injury as aforesaid sustained after the first-mentioned period has come to an end.

(3) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

5.—(1) Section eight of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941 (which gives power to adapt Insurance Acts and Pensions Acts to conditions arising by reason of the war) shall have effect as if in subsection (4) of that section (which provides for the continuation of the section so long as the Emergency Powers (Defence) Act, 1939, continues in force) for the reference to the Emergency Powers (Defence) Act, 1939, there were substituted a reference to this section.

Extension of s. 8 of National Health Insurance, Contributory Pensions and Workmens' Compensation Act, 1941.  
4 & 5 Geo. 6.  
c. 39.

(2) This section shall not apply to the said section eight as it extends to Northern Ireland by virtue of the National Health Insurance and Contributory Pensions Act (Northern Ireland) 1941, and the Parliament of Northern Ireland shall have power to provide for continuing in force the said section eight as it extends to Northern Ireland.

(3) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

6. In the definition of "war year" in section nine of the Sugar Industry Act, 1942, after the words "the Emergency Powers (Defence) Act, 1939", there shall be inserted the words "or section six of the Emergency Laws (Transitional Provisions) Act, 1946".

Extension of sugar Industry Act, 1942.  
5 & 6 Geo. 6.  
c. 16.

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

7. For the purposes of the subsections (1A) and (1B) inserted by section two of the Patents and Designs Act, 1942, in section twenty-nine of the Patents and Designs Act, 1907 (which empower government departments during any war period to make, use, exercise or vend inventions for certain purposes) 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; and, in relation to the exercise of any powers during the period during which this section is in force, the said subsection (1A) shall have effect as if among the purposes specified in that subsection there were included the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945.

Extension of Patents and designs Act, 1942.  
5 & 6 Geo. 6.  
c. 6.  
7 Edw. 7. c. 29.

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

9 & 10 Geo. 6.  
c. 10.

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Extension  
of Restora-  
tion of  
Pre-War  
Trade  
Practices  
Act, 1942.  
5 & 6 Geo. 6.  
c. 9.

8. The Restoration of Pre-War Trade Practices Act, 1942, shall have effect as if in the definition of the expression "war period" (which is defined to end with a date appointed by the Minister of Labour and National Service not later than the date of the expiry of the Emergency Powers (Defence) Act, 1939) for the reference to the Emergency Powers (Defence) Act, 1939, there were substituted a reference to this section.

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

Extension of  
certain  
emergency  
enactments  
relating to  
legal powers.  
3 & 4 Geo. 6.  
c. 28.

9.—(1) For the purposes of subsection (1) of section one of the Evidence and Powers of Attorney Act, 1940 (which empowers certain officers to administer oaths and take affidavits during any war in which His Majesty is engaged) the war in which His Majesty was engaged at the date of the passing of that Act shall be deemed to continue so long as this section continues in force, and for the purposes of the said Act 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) In subsection (6) of section one of the Settled Land and Trustee Acts (Courts' General Powers) Act, 1943 (which prohibits the exercise of powers under that section in respect of actions taken or proposed to be taken after the expiration of the Emergency Powers (Defence) Act, 1939) for the reference to the Emergency Powers (Defence) Act, 1939, there shall be substituted a reference to this section.

(3) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

6 & 7 Geo. 6.  
c. 25.

Extension of  
certain  
emergency  
enactments  
relating to  
marriage.  
4 & 5 Geo. 6.  
c. 47.  
3 & 4 Geo. 6.  
c. 30.  
5 & 6 Geo. 6.  
c. 20.

10.—(1) For the purposes of the Marriage (Members of His Majesty's Forces) Act, 1941, and the Marriage (Scotland) (Emergency Provisions) Act, 1940, the expression "the war period" and "war period" as defined in the said respective Acts shall include the period during which this section is in force after the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945.

(2) Section one of the Marriage (Scotland) Act, 1942 (which dispenses in certain cases with the fifteen days' residential qualification for marriage in Scotland, and expires when the Emergency Powers (Defence) Act, 1939, expires) shall continue in force so long as this section continues in force.

(3) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

Extension of  
Guardianship  
(Refugee  
Children)  
Act, 1944.  
7 & 8 Geo. 6.  
c. 8.

11. In subsection (3) of section three of the Guardianship (Refugee Children) Act, 1944 (which prohibits the appointment of guardians and tutors after the expiration of the Emergency Powers (Defence) Act, 1939) for the reference to the Emergency Powers (Defence) Act, 1939, there shall be substituted a reference to this section.

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

Power of local  
authorities  
to remove  
works and  
restore land.

12.—(1) Where any local authority in Great Britain have, in pursuance of powers conferred by any enactment, done work on land for the purpose of protecting persons and property from injury or damage in the event of hostile attack from the air or for any purpose connected with any war in which His Majesty has been engaged since the third day of September, nineteen hundred and thirty-nine, that enactment shall be deemed to confer, and always to have conferred, power—

(a) to remove any works constructed or other thing placed on, over or below the surface of the land in the course of the work; and

(b) for the purpose of restoring the land wholly or partly to the condition in which it was before the work was done, to do such work on the land as the authority thinks fit;

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and any power of entry exercisable by the local authority for the purpose of doing the first-mentioned work on land shall be exercisable for the purpose of removing the works or restoring the land as aforesaid.

(2) In this section the expressions "work" and "works" have the same meanings as in the Requisitioned Land and War Works Act, 1945, and the expression "local authority" means, in England and Wales, the council of a county, county borough or county district, the Common Council of the City of London or the council of a metropolitan borough and, in Scotland, means a county, town or district council.

(3) This section shall not effect the provisions of the Requisitioned Land and War Works Act, 1945, with respect to government war work within the meaning of that Act.

(4) This section shall continue in force until the thirty-first day of December, nineteen hundred and forty-seven, and shall then expire.

13. Where it appears to His Majesty that any section in this Part of this Act ought to expire on a date earlier than that specified in that section, he may by Order in Council provide that the section shall expire on such earlier date as may be specified in the Order, and the section shall thereupon expire on that date.

14.—(1) Any Order in Council made under this Part of this Act shall be laid before Parliament as soon as may be after it is made, and if either House of Parliament, within the period of forty days beginning with the day on which any such Order in Council is laid before it, resolves that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new Order in Council.

In reckoning any period for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any such Order in Council.

8 & 9 GEO. 6.  
c. 43.

Power by  
Order in  
Council to  
fix earlier  
date for  
expiry.

Provisions  
as to Orders  
in Council.

56 & 57 Vict.  
c. 66.

PART II.

PERMANENT PROVISIONS.

15. The amendments specified in the Second Schedule to this Act, being amendments of the enactments and laws mentioned in that Schedule made by Defence Regulations therein mentioned, shall have permanent effect.

16. Where any goods have been requisitioned in such circumstances as to give a right to compensation assessed under section six of the Compensation (Defence) Act, 1939, or under Regulation fifty B of the Defence (General) Regulations, 1939, the ownership of the goods shall be deemed to have vested in the Crown as from the time of the requisition free from any mortgage, pledge, lien or other similar obligation.

17. The Essential Buildings and Plant (Repair of War Damage) Act, 1939, the Exchequer and Audit Departments (Temporary Provisions) Act, 1939, and sections one to four of the Allied Powers (War Service) Act, 1942, are hereby repealed.

Permanent  
enactment of  
amendments  
made by cer-  
tain Defence  
Regulations.

Ownership  
of Crown of  
requisitioned  
goods.  
2 & 3 Geo. 6.  
c. 75.

Repeal of  
certain  
emergency  
enactments.  
2 & 3 Geo. 6.  
c. 74.  
2 & 3 Geo. 6.  
c. 101.  
5 & 6 Geo. 6.  
c. 29.

PART III.

SUPPLEMENTARY.

18.—(1) His Majesty may by Order in Council provide, or empower such authority as may be specified in the Order to provide—

(a) for the continuation in force, notwithstanding the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, until the

Provisions as  
to colonies.  
etc.

thirty-first day of December, nineteen hundred and forty-seven, of any Defence Regulations having effect in any such country or territory as is specified in section four of the Emergency Powers (Defence) Act, 1939, being Defence Regulations which appear to His Majesty or the said authority to be required for purposes similar to those for which the Defence Regulations specified in the First Schedule to this Act are required or for purposes similar to the purposes of any Act of the Parliament of the United Kingdom passed on or after the first day of September, nineteen hundred and thirty-nine, and in force at the date of the passing of this Act ;

- (b) that any Defence Regulation so continued in force shall have effect, subject to such exceptions, limitations and modifications as His Majesty or the said authority thinks necessary or expedient ;
- (c) for the revocation in whole or in part of any Regulation so continued and for the making of any saving provisions which His Majesty or the said authority thinks necessary or expedient to take effect on the revocation or expiry of any such Regulation ;
- (d) for the application, in relation to Regulations so continued in force, of the next two following sections of this Act, subject to such exceptions, adaptations and modifications as His Majesty or the said authority thinks necessary or expedient.

(2) Any Order in Council made under this section may be revoked or varied by a subsequent Order in Council.

Continuation  
of ss. 3 and 7  
of Emergency  
Powers  
(Defence) Act,  
1939.

19.—(1) Section three of the Emergency Powers (Defence) Act, 1939 (which relates to the extra-territorial operation of Defence Regulations) shall, notwithstanding the expiry of the said Act, continue to apply (so far as applicable) to any Defence Regulation continued in force by section one of this Act.

(2) Section seven of the Emergency Powers (Defence) Act, 1939 (which relates to the proof of instruments) shall, notwithstanding the expiry of the said Act, continue to apply in relation to instruments made or issued in pursuance of any provision contained in, or having effect under, any Defence Regulation continued in force by section one of this Act, and documents purporting to be such instruments.

Saving for  
Supplies and  
Services  
(Transitional  
Powers) Act,  
1945.

20. Where any Regulation continued in force by section one of this Act also has effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, nothing in the said section one shall affect the operation of that Regulation for the purposes of the Supplies and Services (Transitional Powers) Act, 1945, and nothing in the said Act or done thereunder shall affect the operation of that Regulation under this Act.

Saving for  
temporary  
amendments.

21. Where any section in Part I of this Act amends any other Act, the expiry of the said section shall not affect the continued operation of that other Act (if it remains in force), in relation to the period for which the said section was in force or anything done or omitted to be done during that period.

Financial  
provisions.

22.—(1) There shall be defrayed out of moneys 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 moneys provided by Parliament.

(2) All sums received after the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945, by way of charges imposed by an order made under the Defence (Services for Industry) Regulations, 1945, shall be paid into such public fund or account as the Treasury may determine.



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23. Nothing in section one of this Act shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make laws, and any laws made by that Parliament with respect to any such matters shall have effect notwithstanding anything in any Defence Regulation continued in force by section one of this Act, or in any order or other instrument made under such a Regulation.

Saving for legislative powers of Parliament of Northern Ireland.

24.—(1) This Act may be cited as the Emergency Laws (Transitional Provisions) Act, 1946.

Short title and interpretation.

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

## SCHEDULES.

Section I.

## FIRST SCHEDULE.

## DEFENCE REGULATIONS CONTINUED FOR TEMPORARY PERIOD

## PART I.

*Defence (General) Regulations, 1939.*

<i>Number of Regulation.</i>	<i>Subject matter.</i>	<i>Exception, limitation or modification.</i>
1	False fire alarms	—
2BA	Control of explosives	For the words "the efficient prosecution of the war" there shall be substituted the words "the protection of the public".
12	Protected places	For the words "the efficient prosecution of the war" there shall be substituted the words "the protection of the public".
14	By-laws as respects certain places and areas	—
16	Control of highways over or near defence works and protected places.	For the words "the defence of the realm" where they first occur there shall be substituted the words "the protection of the public or the maintenance of supplies and services essential to the life of the community", and the words "for the defence of the realm or the efficient prosecution of the war or to be essential" shall be omitted. Paragraph (1A) shall be omitted. In paragraph (2) for the words "the Commissioners of Works" there shall be substituted the words "the Minister of Works."
18	Entering and leaving United Kingdom.	Paragraphs (3), (3A) and (5) shall be excepted.
18C	Prisoners of war	—
20	Change of name	—
20AB	Amendments of National Registration Act, 1939.	Paragraph (2) shall be excepted.
22	Billeting	All references to the Commissioners of Works shall be omitted. At the end of paragraph (1) there shall be inserted the words "Provided that a billeting notice shall not come into force until seven days after the service of the notice unless the occupier of the premises otherwise agrees".
23CB	Amendment of section sixty-seven of the Civil Defence Act, 1939.	—

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—cont.

<i>Number of Regulation.</i>	<i>Subject matter.</i>	<i>Exception, limitation or modification.</i>
23CC ..	Amendment of section fifty-four of the Civil Defence Act (Northern Ireland), 1939.	—
30B ..	Information of birth in case where parent has left district owing to war circumstances.	—
31A ..	Provision of food, lodging and medical treatment for persons transferred under evacuation plans.	—
31B ..	Power to remit charges ..	—
32 ..	Hospitals ..	In paragraph (6) for the words "the Commissioners of Works" there shall be substituted the words "the Minister of Works".
32A ..	Transfer of persons of unsound mind and mental defectives.	—
32AA ..	Evacuation of houses licensed under the Lunacy Act, 1890.	—
32AB ..	Power to require nurses, &c., to continue in employment in mental institutions.	No new orders shall be made, and Article 3 of the Mental Nurses (Employment and Offences) Order, 1941, and Article 3 of the Mental Nurses (Employment and Offences) (Scotland) Order, 1943, shall cease to have effect.
32B ..	Temporary registration in medical register of colonial and foreign practitioners.	No new registrations shall be effected.
32C ..	Temporary registration under Pharmacy Acts of foreign pharmacists.	No new registrations shall be effected.
33 ..	Exemption of certain women from Acts relating to midwives.	—
33A ..	Precautions against diseases associated with infestation of vermin.	For the words "the carrying out of any of the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939", there shall be substituted the words "the public health".
33B ..	Compulsory treatment of venereal disease.	—
39 ..	Control of police forces ..	For paragraph (1) there shall be substituted the following paragraph— " (1) The Secretary of State may give, with respect to any police force, such general or special instructions providing for the assistance of one police force by another as appear to him to be necessary or expedient in the interests of the public safety or the maintenance of public order "; Paragraph (3A) shall be excepted; and in paragraph (5) the words "and for the purposes of this Regulation a special constable appointed under any enactment for any police area shall be treated as if he were a member of the police force for that area" shall be omitted.

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<i>Number of Regulation.</i>	<i>Subject matter.</i>	<i>Exception, limitation or modification.</i>
39A ..	Seducing persons from duty and causing disaffection.	—
40AA ..	Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council.	—
40AC ..	Miscellaneous provisions as to police forces.	—
41 ..	Visiting committees for certain prisons.	—
42B ..	Opening on Sundays of cinemas in areas of England or Wales where forces are quartered.	The fact that an order submitted under the Regulation is in force with respect to any borough or county district, or any part thereof, shall not prevent an order for the purposes of subsection (5) of section one of the Sunday Entertainments Act, 1932, with respect to the borough or district being laid before Parliament in accordance with the provisions of the Schedule to the said Act, and on that order being approved by Parliament the said section one shall extend to the borough or district by virtue of that order and the order submitted under the Regulation shall cease to have effect.
42B ..	Opening on Sundays of cinemas in areas of England or Wales where forces are quartered— <i>cont.</i>	
42C ..	Closing of undesirable premises.	Paragraph (1A) shall be excepted and the references to that paragraph or any part thereof shall be omitted.
42CA ..	Unlawful gaming parties	After paragraph (3) the following paragraph shall be inserted— “(3A) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Regulation is being committed at any premises, or if an officer of police of a rank not lower than that of superintendent is satisfied that there is such reasonable ground as aforesaid and that by reason of urgency it is impracticable to make an application to a justice, the justice or officer as the case may be may issue a warrant in writing authorising any constable named in the warrant, together with any other persons named in the warrant and any other constables, to enter the said premises at any time within forty-eight hours from the time of the issue of the warrant and to search those premises; and any person, authorised by the warrant may seize any instrument or other thing found on the premises which is commonly used in connection with the playing of any game and can properly be adduced in evidence in any proceedings in respect of such an offence, and any constable so authorised may arrest and search any person found

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1st SCH —cont.	Number of Regulation.	Subject matter.	Exception, limitation or modification.
	42CA	Unlawful gaming parties— <i>cont.</i>	on the premises whom he reasonably suspects of having committed such an offence : Provided that no woman shall be searched except by a woman."
	45A	Issue of identity cards to seamen.	At the end of paragraph (4) there shall be inserted the words "and the court by or before whom any person is so convicted may order any instrument or other thing seized by virtue of a warrant issued under paragraph (3A) of this Regulation to be forthwith destroyed ; " and paragraph (5) shall be excepted.
	50	Power to do work on land.	In paragraph (1) for the words " in the interests of the defence of the realm or the efficient prosecution of the war " there shall be substituted the words " in the public interest "
	50	Power to do work on land.	In paragraph (1) for the words " the defence of the realm, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community " there shall be substituted the words " the demolition and clearance of property damaged by war operations " and in paragraph (2) for the words " the public safety, the defence of the realm, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community " there shall be substituted the words " the demolition and clearance of property damaged by war operations "
	50B	Special provisions as to severance of fixtures.	The Regulation shall continue in force only so far as it applies in relation to fixtures severed before the passing of this Act.
	52	Use of land for purposes of H.M. Forces.	—
	55C	Restrictions on registration of new clubs.	In sub-paragraph (a) of paragraph (4) after the word " refreshment " there shall be inserted the words " or for cultural or political activities ", and sub-paragraph (b) of the said paragraph and the words from " Provided that. " to the end of the said paragraph shall be omitted.
	57C	Extension of exemption for conveyance of explosives in connection with government contracts.	—
	58AD	Restriction on names of organisations for training boys and girls.	—
	59A	Payment of wages of certain roadmen by cheque.	For the words " for any of the purposes specified in sub-section (1) of section one of the Emergency Powers (Defence) Act, 1939 " there shall be substituted the words " in the public interests "

Number of Regulation.	Subject matter.	Exception, limitation or modification.	1ST SCH. —cont.
60AB ..	Temporary amendments of enactments relating to the closing of shops.	—	
60C ..	Amendment of section four of Sale of Food (Weights and Measures) Act, 1926.	Paragraph (1) shall be excepted.	
60CC ..	Power of officers of Post Office to require production of identity cards.	—	
60DA ..	Extension of Police and Firemen (War Service) Act, 1939, to civilian war work.	For the words in paragraph (10) "the period for which the Emergency Powers (Defence) Act, 1939, is in force" there shall be substituted the words "the period for which this Regulation is in force".	
60N ..	Suspension of obligation to prepare Post Office commercial accounts.	—	
76 ..	Handling and conveyance of ammunition, etc., in ports.	—	
79 ..	Collection and disposal of certain articles of military value.	—	
81A ..	Commission in connection with government contracts.	—	
82 ..	False documents and false statements.	—	
83 ..	Obstruction ..	The words "any servant of His Majesty acting in the course of his duty as such, or" and the words "or otherwise discharging any lawful functions in connection with the defence of the realm or the securing of the public safety" shall be omitted.	
84 ..	Restrictions on disclosing information.	—	
85 ..	Entry upon, and inspection of land.	For paragraph (1) there shall be substituted the following paragraph :— " (1) Any person authorised by a competent authority may, on producing, if so required, some duly authenticated document showing his authority. (a) enter on any land for the purpose of exercising any of the powers conferred by or under any of these Regulations ; and (b) enter on any land and inspect the land and any article thereon for the purpose of determining whether and, if so, in what manner, any of those powers are to be exercised in relation to the land or that article : Provided that admission to any building or part of a building which is occupied shall not be demanded as of right unless twenty-four hours notice of the intended entry has been served on the occupier, or authority to enter without such notice has been given by the competent authority on the ground of urgent necessity in the public interest and the document of authority contains a statement to that effect."	

*(Transitional Provisions) Act, 1946.*

## 1st. SCH.—cont.

<i>Number of Regulation.</i>	<i>Subject matter.</i>	<i>Exception, limitation or modification.</i>
86	Removal of offices, etc.	The saving for orders made under the Regulation shall continue in force.
87	Permits, licences, &c.	Paragraph (1) shall be excepted.
88	Fees for permits, licences, &c.	—
89	Use of force in entering premises.	—
90	Attempts to commit offences and assisting offenders.	—
91	Offences by corporations	—
92	Penalties.	—
93	Legal proceedings	In paragraph (2) for the words "any of the offences specified in the Second Schedule to these Regulations" there shall be substituted the words "any offence against these Regulations."
93A	Proceedings on indictment in Scotland against bodies corporate.	—
Regulations 95 to 99	Supplementary provisions.	—
99B	Application of Interpretation Act, 1889, to Defence Regulations, &c.	The reference to the Emergency Powers (Defence) Act, 1939, shall be construed as including a reference to this Act.
Regulations 100 to 105	Interpretation and application.	In paragraph (7) of Regulation 100, for the words "as amended by any subsequent Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940" there shall be substituted the words "as subsequently amended, modified and adapted."
Third Schedule.	Manner of instituting proceedings.	Only those entries shall continue in force under this Act which relate to Regulations which continue in force under this Act.

## PART II.

*Defence Regulations other than the Defence (General) Regulations, 1939*

<i>Regulations.</i>	<i>Exception, limitation or modification.</i>
The Defence (Administration of Justice) Regulations, 1940.	In paragraph (1) of Regulation 17 the words "or by reason of hostile operations in the United Kingdom" shall be omitted, and in paragraph (2) of Regulation 20 the definition of "hostile operations" shall be omitted.
The Defence (Administration of Justice) (Scotland) Regulations, 1940.	Paragraphs (1) and (3) of Regulation 3 shall be excepted.
The Defence (Agriculture and Fisheries) Regulations, 1939.	Part V shall be excepted. In paragraph (1) of Regulation 28B, the words "the efficient prosecution of the war or," shall be omitted.
The Defence (Agriculture and Fisheries) (Northern Ireland) Regulations, 1940.	—
The Defence (Amalgamation of Police, Forces) Regulations, 1942.	The Regulations shall not continue in force as respects Scotland, and no new orders shall be made as respects England and Wales.

## (Transitional Provisions) Act, 1946.

1st Sch.—cont.

<i>Regulations.</i>	<i>Exception, limitation, or modification.</i>
The Defence (Armed Forces) Regulations, 1939.	Regulations 11 and 14 shall be excepted.
The Defence (Building Societies) Regulations, 1940.	—
The Defence (Burial, Inquests and Registration of Deaths) Regulations, 1942.	Regulations 2, 3 and 4 shall be excepted.
The Defence (Cinematograph Quotas) Regulations, 1940.	Regulations 4, 6 and 7 shall be excepted.
The Defence (Companies) Regulations, 1940.	—
The Defence (Evacuated Areas) Regulations, 1940.	No new order shall be made under Regulation 3, and Regulation 5 shall be excepted.
The Defence (Functions of Ministers) Regulations, 1941.	—
The Defence (Industrial Assurance) Regulations, 1943.	—
The Defence (National Fire Service) Regulations, 1941.	—
The Defence (Parliamentary Under-Secretaries) Regulations, 1940.	—
The Defence (Patents, Trade Marks, etc.) Regulations, 1941.	In Regulations 3 and 3A the words "or the efficient prosecution of the war" wherever they occur shall be omitted and after the words "in the interests of the defence of the realm" wherever they occur there shall be added the words "or otherwise in the public interest".

In Regulations 3 and 3A the words "or the efficient prosecution of the war" wherever they occur shall be omitted and after the words "in the interests of the defence of the realm" wherever they occur there shall be added the words "or otherwise in the public interest".

In paragraph (2) of Regulation 3, after the words "as if the permit had not been granted" there shall be inserted the following proviso—

"Provided that this paragraph shall not apply in any case where—

(a) an application relating to the same invention or design has been made in the United Kingdom not less than four weeks before the application in the foreign country, and

(b) directions have not been given under the foregoing paragraph prohibiting or restricting publication or communication of information with respect to the subject matter of the application in the United Kingdom."

In paragraph (3) of Regulation 3A, sub-paragraph (a) shall be omitted and for the words from the beginning of sub-paragraph (b) to "this Regulation" there shall be substituted the words "transfer any right which existed on the first day of September, nineteen hundred and forty-five, in respect of the use in the United States of America of any invention, discovery or design, and if any person makes any transfer in contravention of this paragraph he shall, without prejudice to the transfer being void, be guilty of an offence against this Regulation."

In paragraph (10) of Regulation 7, after the words "the purposes specified in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939," there shall be

## (Transitional Provisions) Act, 1946.

1ST SCH.—cont.

Regulations.

Exception, limitation, or  
modification.

	inserted the words " or subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945."
The Defence (Sale of Food) Regulations, 1943.	In Regulation 2 for the words " for the efficient prosecution of the war " there shall be substituted the words " for the protection of the public ".
The Defence (Services for Industry) Regulations, 1945.	—
The Defence (Trading with the Enemy) Regulations, 1940.	—
The Defence (United States Forces—Administration of Estates) Regulations, 1942.	—
The Defence (War Risks Insurance) Regulations, 1940.	—
The Defence (War Risks Insurance) (No. 2) Regulations, 1940.	—
The Defence (War Risks Insurance) (No. 3) Regulations, 1940.	—
The Defence (War Risks Insurance) (No. 4) Regulations, 1940.	—
The Defence (War Risks Insurance) Regulations, 1945.	—
The Defence (Women's Forces) Regulations, 1941.	—

## PART III.

## Savings.

1. The expiry of Regulation thirty-two AA of the Defence (General) Regulations, 1939, shall not affect the operation of paragraph (7) of the said Regulation, as respects any reception order or other document issued before such expiry, or the operation of paragraph (8) of the said Regulation as respects any period before such expiry.

2. The expiry of Regulation forty AC of the said Regulations shall not affect the operation of paragraphs (2) and (3A) of the said Regulation as respects the grant of any pension, allowance or gratuity in respect of an injury received before such expiry.

3. The expiry of Regulation fifty B of the said Regulations shall not affect the operation of the said Regulation (except so far as it suspends obligations imposed by enactments) as respects the severance of fixtures before the expiry thereof or the requisition of chattels resulting from such severance.

4. The expiry of Regulation sixty DA of the said Regulations shall not affect the operation of the said Regulation as respects any work or service performed or other thing done or omitted to be done before such expiry.

5. The expiry of Regulation 60N of the said Regulations shall not affect the operation of the said Regulation as respects statements of account relating to the previous financial year.

6. The expiry of Regulation sixteen of the Defence (Administration of Justice) Regulations, 1940, shall not affect the operation of the said Regulation as respects any case where a person has been committed for trial before such expiry; and the expiry of Regulations seventeen B, seventeen C, seventeen D and seventeen E of the said Regulations shall not affect the operation of the said Regulations as respects any case where the complaint has been made before such expiry.

7. The expiry of Regulation two of the Defence (Companies) Regulations, 1940, shall not affect the operation of the said Regulation as respects anything done or omitted to be done before such expiry by any such deputy liquidator as is referred to in the Regulation, and the expiry of Regulation seven of the said Regulations shall not affect the operation of the said Regulation seven as respects the destruction or disposal of any transferred deed or share or stock certificate.



*(Transitional Provisions) Act, 1946.*

8. The expiry of the Defence (Patents, Trade Marks, etc.) Regulations, 1941, shall not affect—

1ST SCH.—cont.

- (a) the operation of paragraph (4) of Regulation three of the said Regulations as respects the communication, publication, making, use, exercise, vending or application of any invention or design before such expiry ;
- (b) the operation of Regulation seven of the said Regulations as respects the use of any mark, get-up or description before such expiry ; or
- (c) the operation of Regulation eight or eight A of the said Regulations as respects any suspension or reduction of trading activities or of the use of any trade mark, mark, name or form of get-up, before such expiry.

9. The expiry of the Defence (United States Forces—Administration of Estates) Regulations, 1942, shall not affect the operation of the said Regulations as respects the death of any member of the United States Forces occurring before such expiry.

## SECOND SCHEDULE.

Section 15.

## PERMANENT AMENDMENTS OF ENACTMENTS AND LAWS.

*Amendment of the Births and Deaths Registration Act, 1874, made by Regulation 31 of the Defence (General) Regulations, 1939.*

At the end of section twenty-five of the Births and Deaths Registration Act, 1874, there shall be added the following paragraph :—

37 & 38 Vict.  
c. 88.

“ If any superintendent registrar dies, resigns or otherwise ceases to hold his office, and there is no interim superintendent registrar, the clerk of the responsible council as defined by subsection (5) of section twenty-two of the Local Government Act, 1929, shall, if required by the Registrar General so to do, appoint an interim superintendent registrar.”

*Amendment of the Road Traffic Act 1934, made by Regulation 37A of the said Regulations.*

Section thirty-six of the Road Traffic Act, 1934 (which provides that certain traffic signs shall be presumed to comply with statutory requirements unless the contrary is proved) shall apply to all traffic signs and accordingly shall have effect as if the words “ (being a sign for regulating by means of light signals the movement of traffic)” were omitted therefrom.

24 & 25 Geo. 5.  
c. 50.

*Amendment of the Special Constables Act, 1923, made by Regulation 40AB of the said Regulations.*

Section four of the Special Constables Act, 1923, shall have effect as if the words “ of or exceeding the age of eighteen years ” were substituted for the words “ of or exceeding the age of twenty years ”.

13 & 14 Geo. 5.  
c. 11.

*Amendment of the Merchant Shipping Act, 1894, made by Regulation 47D of the said Regulations.*

The provisions of paragraphs (b) and (c) of subsection (1) of section one hundred and sixty-three of the Merchant Shipping Act, 1894 (which restricts certain dispositions by seamen of their wages) shall not apply to any such disposition in so far as it relates to the application of wages in the payment of contributions to any body to which this provision applies in respect of membership of that body, and the

57 & 58 Vict.  
c. 60.

*(Transitional Provisions) Act, 1946.*

2ND SCH.—cont.

provisions of paragraphs (a) and (d) of that subsection shall not apply to anything done or to be done in giving effect to such a disposition in so far as it relates to the matters aforesaid.

This provision shall apply to any body which appears to the Minister of War Transport to be representative of the interests of, or to provide benefits for, seamen generally (including all persons employed or engaged in any capacity on board any ship) or any class of seamen, and which, on an application made to the Minister in writing by or on behalf of an organisation appearing to him to be representative of shipowners and seamen, is declared by order of the Minister to be a body to which this provision applies.

Any order made under Regulation forty-seven D of the Defence (General) Regulations, 1939, shall have effect as if it had been made under this provision, and any order made under this provision may be varied or revoked by a subsequent order made by the Minister.

*Amendments of the Food and Drugs Act, 1938, made by Regulation 60C of the said Regulations.*1 & 2, Geo. 6.  
c. 56.

Paragraph (c) of subsection (2) of section thirty-three of the Food and Drugs Act, 1938 (which prescribes conditions as to the containers and wrappers of margarine sold by retail) shall have effect as if—

- (a) for the words "in block letters not less than half an inch long" there were substituted the words "in block letters of a type at least as large as any other letters printed on the outside of that wrapper"; and
- (b) the words "and the outside of that wrapper shall bear no other printed matter, except such matter as may be required by or under any enactment" were omitted.

*Amendment of the Road and Rail Traffic Act, 1933, made by Regulation 60MA of the said Regulations.*23 & 24 Geo. 5.  
c. 53.

Subsection (4) of section sixteen of the Road and Rail Traffic Act, 1933 (which provides for the preservation of certain records kept by the holder of a licence under that Act) shall have effect as if for the words "six months", where they first occur, there were substituted the words "three months".

*Amendments of enactments relating to land drainage made by Regulation 62C of the said Regulations.*20 & 21 Geo. 5.  
c. 44.

1. The powers conferred by section thirty-five of the Land Drainage Act, 1930, on drainage boards other than Catchment Boards, shall be exercisable also by Catchment Boards, and accordingly subsection (2) of that section shall have effect with the omission of the words "not being a Catchment Board".

2. The functions of a drainage board as respects the doing of any work under any enactment relating to land drainage are not to be treated as in any way limited by the fact that some other person is under an obligation, by reason of tenure, custom, prescription or otherwise, to do that work.

*Amendments of the Agricultural Returns Act, 1925, made by Regulation 67 of the said Regulations.*15 & 16 Geo. 5.  
c. 39.

1. For the purposes of the Agricultural Returns Act, 1925, agricultural land shall be deemed to include land used wholly or mainly for the purpose of breeding or keeping poultry.

2. Notwithstanding anything in subsection (2) of section one of the Agricultural Returns Act, 1925, any returns made under that Act may be used in any manner which the Minister of Agriculture and Fisheries or the Secretary of State, as the case may be, thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.

*(Transitional Provisions) Act, 1946.*

*Amendments of the Improvement of Livestock (Licensing of Bulls) Act, 1931, made by Regulation 18 of the Defence (Agriculture and Fisheries) Regulations, 1939.*

2ND SCH.  
—cont.

21 & 22 Geo. 5.  
c. 43.

The Improvement of Livestock (Licensing of Bulls) Act, 1931, shall in its application to England and Wales, have effect subject to the following amendments—

- (a) in subsection (1) of section three the words “and shall send by post to the Minister written notice of the name and address of the new owner” shall be omitted;
- (b) subsections (3) and (4) of section three shall cease to have effect
- (c) in paragraph (a) of subsection (5) of section three the words “or becomes void” shall be omitted;
- (d) paragraph (a) of subsection (1) of section four and paragraph (b) of subsection (2) of section six shall cease to have effect;
- (e) in paragraph (i) of proviso (a) to subsection (4) of section six the words “or has become void under subsection (4) of section three of this Act” shall be omitted.

*Amendments of the law relating to juries made by Regulation 3 (3) of the Defence (Administration of Justice) (Scotland) Regulations, 1940.*

It shall be competent for the presiding judge at any trial in Scotland on indictment (whether in the High Court of Justiciary or in the sheriff court), where he is satisfied that owing to lack of special jurors or of common jurors it is impossible to empanel a jury containing the respective numbers of such special and common jurors required by any Act, to authorise a common juror to serve on the jury in place of a special juror or vice versa.

*Amendments of the enactments relating to trustee savings banks made by Regulation 6 of the Defence (Savings Banks) Regulations, 1939.*

1. The National Debt Commissioners may, in the case of any trustee savings bank, authorise the receipt and repayment of deposits in accordance with arrangements approved by the inspection committee established under section two of the Savings Banks Act, 1891; and where any such authority is given, deposits may be received and repaid accordingly, notwithstanding anything in the rules of the bank and in particular notwithstanding anything included therein by virtue of paragraph (2) of section six of the Trustee Savings Banks Act, 1863, or by virtue of the provision in paragraph (9) of that section for the presence of a second party in every transaction when money is paid or received.

54 & 55 Vict.  
c. 21.

26 & 27 Vict.  
c. 87.

2. No security shall be required under section eight of the Trustee Savings Banks Act, 1863, in respect of such persons or classes of persons as the National Debt Commissioners may direct.

3. Paragraphs (2) and (3) of section eleven of the Trustee Savings Banks Act, 1863 (which relate to the personal liability of trustees and managers), shall not apply to anything done or omitted to be done in pursuance of any authority or direction given by the National Debt Commissioners as aforesaid.