



**Law  
Commission**  
Reforming the law

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## **Statute Law Repeals: Consultation Paper Trade and Industry**

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**SLR 01/14: Closing date for responses – 3 October 2014**

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## THE LAW COMMISSION – HOW WE CONSULT

**About the Law Commission:** The Law Commission for England and Wales was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

The Law Commissioners are: The Rt Hon Lord Justice Lloyd Jones (*Chairman*), Professor Elizabeth Cooke, David Hertzell, Professor David Ormerod QC and Nicholas Paines QC.

The Chief Executive is Elaine Lorimer.

**Topic of this consultation:** The Consultation Paper has been produced by the Law Commission's Statute Law Repeals team. It reviews the statute law relating to Trade and Industry and proposes the repeal of a number of obsolete Acts.

**Scope of this consultation:** The purpose of this consultation is to generate responses to these proposals.

**Geographical scope:** England and Wales, Scotland and Northern Ireland. The Telegraph Acts 1868 and 1870 also extended to the Channel Islands and the Isle of Man.

**Duration of the consultation:** 27 June 2014 to 3 October 2014

### How to respond

Please send your responses either-

**By email to:** [john.saunders@lawcommission.qsi.gov.uk](mailto:john.saunders@lawcommission.qsi.gov.uk) or

**By post to:** John Saunders, Law Commission, 1st Floor, Tower, Post Point 1.55,  
52 Queen Anne's Gate, London SW1H 9AG  
(access via 102 Petty France)  
Tel: 020 3334 3751

If you send your comments by post, it would be helpful if, where possible, you could also send them electronically (for example, by email to the above address, in any commonly used format).

**After the consultation:** In the light of the responses received the Commission will publish its repeal recommendations in its next statute law repeals report. This report is likely to be published in 2015 and will be presented to Parliament. It will be for Parliament to decide whether to implement these recommendations.

**Freedom of information:** It is important that you refer to the Freedom of Information Statement below.

**Availability of this Consultation Paper:** You can view or download the paper free of charge on our website at:  
<http://lawcommission.justice.gov.uk/consultations/trade-and-industry-repeal-proposals.htm>.

**Information provided to the Law Commission**

We may publish or disclose information you provide us in response to this consultation, including personal information. For example, we may publish an extract of your response in Law Commission publications, or publish the response in its entirety. We may also be required to disclose the information, such as in accordance with the Freedom of Information Act 2000.

If you want information that you provide to be treated as confidential please contact us first, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic disclaimer generated by your IT system will not be regarded as binding on the Law Commission.

The Law Commission will process your personal data in accordance with the Data Protection Act 1998.

# TRADE AND INDUSTRY REPEAL PROPOSALS

1. These trade and industry repeal proposals propose the repeal of 37 obsolete Acts and the partial repeal of 11 other Acts.
2. The repeal proposals are in two groups. The first group covers coal industry legislation starting just before the nationalisation of the coal industry in 1947. Much of the post-Second World War legislation relates to the Government's funding of the coal industry and the National Coal Board and is now obsolete.
3. The second group of repeal proposals relates more generally to trade and industry legislation. Mostly dating from the 1940s, the obsolete enactments reflect economic and social changes in the second half of the 20<sup>th</sup> century.
4. The repeals include the repeal of-
  - ◆ five Acts passed to regulate the telegraph industry
  - ◆ a 1938 Act passed to maintain stocks of food and fuel in the event of war
  - ◆ a 1939 Act passed to restrict the advertisement of insurance aimed at protecting home owners against war risks
  - ◆ a 1975 Act passed to prevent important manufacturing firms passing to non-residents
  - ◆ a 1979 Act passed to regulate the Crown Agents.
5. The Acts span the period 1860 to 2007.

**Comments are invited by 3 October 2014.**

## **BACKGROUND NOTES ON STATUTE LAW REPEALS (SLR)**

### **What is it?**

1. Our SLR work involves repealing statutes that are no longer of practical utility. The purpose is to modernise and simplify the statute book, thereby reducing its size and thus saving the time of lawyers and others who use it. This in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If an Act features still in the statute book and is referred to in text-books, people reasonably enough assume that it must mean something.

### **Who does it?**

2. Our SLR work is carried out by the Law Commission and the Scottish Law Commission pursuant to section 3(1) of the Law Commissions Act 1965. Section 3(1) imposes a duty on both Commissions to keep the law under review “with a view to its systematic development and reform, including in particular ... the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law”.

### **Statute Law (Repeals) Bill**

3. Implementation of the Commissions’ SLR proposals is by means of special Statute Law (Repeals) Bills. 19 such Bills have been enacted since 1965 repealing more than 3,000 whole Acts and achieving partial repeals in thousands of others. Broadly speaking the remit of a Statute Law (Repeals) Bill extends to any enactment passed at Westminster. Accordingly it is capable of repealing obsolete statutory text throughout the United Kingdom (i.e. England, Wales, Scotland and Northern Ireland). Where appropriate the repeals may be extended by Order in Council to the Isle of Man and the Channel Islands.

### **Consultation**

4. The Law Commission consults widely before finalising its repeal proposals. The purpose of consulting is to secure as wide a range of views on the proposals as is practicable from all categories of persons who may be affected by the proposals. So the consultation may be with central or local government, organisations, trade bodies, individuals or anyone else who appears to have an interest in a proposal.
5. So far as consulting central government is concerned, any Department or agency with an interest in the subject matter of the repeal proposal will be invited to comment. Because obsolete legislation often extends throughout the United Kingdom it may be necessary to invite comments from several different Departments. So the following will routinely be consulted-
  - ◆ The English Department or Departments with policy responsibility for the subject matter of the proposed repeal (this responsibility will extend to Scotland in appropriate cases)
  - ◆ The Welsh Assembly Government and the Wales Office (unless the proposed repeal relates only to England)
  - ◆ The Scottish Government and the Scotland Office (if the proposed repeal extends to Scotland)
  - ◆ The Northern Ireland Executive and the Northern Ireland Office (if the proposed repeal extends to Northern Ireland).

### **Selection of repeal candidates**

6. Candidates for repeal are selected on the basis that they are no longer of practical utility. Usually this is because they no longer have any legal effect on technical grounds - because they are spent, unnecessary or obsolete. But sometimes they are selected because, although they strictly speaking do continue to have legal effect, the purposes for which they were enacted either no longer exist or are nowadays being met by some other means.

7. Provisions commonly repealed by Statute Law (Repeals) Acts include the following-
- (a) references to bodies, organisations, etc. that have been dissolved or wound up or which have otherwise ceased to serve any purpose;
  - (b) references to issues that are no longer relevant as a result of changes in social or economic conditions (e.g. legislation about tithes or tin mines);
  - (c) references to Acts that have been superseded by more modern (or EU) legislation or by international Convention;
  - (d) references to statutory provisions (i.e. sections, schedules, orders, etc.) that have been repealed;
  - (e) repealing provisions e.g. "Section 33 is repealed/shall cease to have effect";
  - (f) commencement provisions once the whole of an Act is in force;
  - (g) transitional or savings provisions that are spent;
  - (h) provisions that are self-evidently spent - e.g. a one-off statutory obligation to do something becomes spent once the required act has duly been done;
  - (i) powers that have never been exercised over a period of many years or where any previous exercise is now spent.

#### **General savings**

8. Much SLR work is possible because of the general savings provisions of section 16(1) of the Interpretation Act 1978. This provides that where an Act repeals an enactment, the repeal does not (unless the contrary intention appears) -

- “(a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment;
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed”.

#### **Gradual obsolescence**

9. The obsolescence of statutes tends to be a gradual process. Usually there is no single identifiable event that makes a statute obsolete. The Statute Law (Repeals) Act 2013 contained many examples of legislation being overtaken by social and economic changes. Several 18<sup>th</sup> and 19<sup>th</sup> century Acts establishing charities to run hospitals for the poor and sick became unnecessary once the hospitals became absorbed by the National Health Service in 1948. The Sale of Offices Acts 1551 and 1809, which outlawed the sale

for profit of certain public offices and positions, gradually became unnecessary because of changes in the methods of appointment and recruitment to public office in the 20<sup>th</sup> century. And all the 18<sup>th</sup> and 19<sup>th</sup> century laws establishing workhouses for the parish poor gradually became obsolete when responsibility for the poor and sick passed from the parish to central government during the first half of the 20<sup>th</sup> century.

10. Even within individual statutes, the obsolescence tends to be gradual. Some provisions fade away more quickly than others. These include commencement and transitory provisions and 'pump-priming' provisions (e.g. initial funding and initial appointments to a Committee) to implement the new legislation. Next to go may be order-making powers that are no longer needed. Then the Committee established by the Act no longer meets and can be abolished. However, other provisions may be unrepealable for generations, particularly if they confer pensions rights or confer security of tenure or employment rights. Other provisions may be virtually unrepealable ever. Much of English property law relies on medieval statutes such as Quia Emptores (1290) which is regarded as one of the pillars of the law of real property. This last example usefully shows that just because a statute is ancient it is not necessarily obsolete.

#### **Help from consultees**

11. Sometimes it is impossible to tell whether a provision is repealable without factual information that is not readily ascertainable without 'inside' knowledge of a Department or other organisation. Examples of this include savings or transitional provisions which are there to preserve the status quo until an office-holder ceases to hold office or until repayment of a loan has been made. In cases like these the repeal notes drafted by the Law Commissions often invite the organisation being consulted to supply the necessary information. Any help that can be given to fill in the gaps is much appreciated.

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## TRADE AND INDUSTRY REPEAL PROPOSALS

### GROUP 1 – COAL

<i>Reference</i>	<i>Extent of repeal</i>
Coal Act 1943 (6 & 7 Geo.6 c.38)	The whole Act.
Coal Industry Act 1962 (11 & 12 Eliz.2 c.6)	The whole Act.
Coal Industry Act 1965 (c.82)	The whole Act.
Coal Industry Act 1967 (c.91)	The whole Act.
Coal Industry Act 1971 (c.16)	The whole Act.
Coal Industry Act 1973 (c.8)	The whole Act.
National Coal Board (Finance) Act 1976 (c.1)	The whole Act.
Coal Industry Act 1982 (c.15)	The whole Act.
Coal Industry Act 1990 (c.3)	The whole Act.

### GROUP 2 - GENERAL

<i>Reference</i>	<i>Extent of repeal</i>
Refreshment Houses Act 1860 (23 & 24 Vict. c.27)	The whole Act.
Telegraph Act 1863 (26 & 27 Vict. c.112)	The whole Act.
Telegraph Act 1868 (31 & 32 Vict. c.110)	The whole Act.
Telegraph Act 1870 (33 & 34 Vict. c.88)	The whole Act.
Public Health (Drainage of Trade Premises) Act 1937 (1 Edw.8 & 1 Geo.6 c.40)	The whole Act.
Essential Commodities Reserves Act 1938 (1 & 2 Geo.6 c.51)	The whole Act.

Imperial Telegraphs Act 1938 (1 & 2 Geo.6 c.57)	The whole Act.
Restriction of Advertisement (War Risks Insurance) Act 1939 (2 & 3 Geo.6 c.120)	The whole Act.
Cable and Wireless Act 1946 (9 & 10 Geo.6 c.82)	The whole Act.
Statistics of Trade Act 1947 (10 & 11 Geo.6 c.39)	Section 10.
Industrial Organisation and Development Act 1947 (10 & 11 Geo.6 c.40)	The whole Act.
Companies Act 1947 (10 & 11 Geo.6 c.47)	The whole Act.
Development of Inventions Act 1967 (c.32)	The whole Act.
Trade Descriptions Act 1968 (c.29)	Section 17.
Local Employment Act 1970 (c.7)	The whole Act.
Unsolicited Goods and Services (Amendment) Act 1975 (c.13)	The whole Act.
Industry Act 1975 (c.68)	Sections 11 to 20. Schedule 3.
Atomic Energy Authority (Special Constables) Act 1976 (c.23)	The whole Act.
Weights and Measures &c Act 1976 (c.77)	The whole Act.
Dock Work Regulation Act 1976 (c.79)	The whole Act.
Industry Act 1979 (c.32)	The whole Act.
Crown Agents Act 1979 (c.43)	The whole Act.
Shipbuilding Act 1979 (c.59)	The whole Act.
Insurance Companies Act 1980 (c.25)	The whole Act.
Industry Act 1980 (c.33)	The whole Act.
Employment Act 1980 (c.42)	The whole Act.
Supply of Goods and Services Act 1982 (c.29)	Section 20(2). Schedule.
Industrial Development Act 1985 (c.25)	The whole Act.
Wages Act 1986 (c.48)	The whole Act.

Import and Export Control Act 1990 (c.45)	The whole Act.
Agriculture Act 1993 (c.37)	Section 60.
Sunday Trading Act 1994 (c.20)	Section 1(2). Section 4. Section 9(3). Schedule 4.
Sale of Goods (Amendment) Act 1994 (c.32)	The whole Act.
Crown Agents Act 1995 (c.24)	Sections 3 and 4. Sections 8 to 11.
Welsh Development Agency Act 1997 (c.37)	The whole Act.
Competition Act 1998 (c.41)	Section 1. Section 17. Sections 69 and 70.
Enterprise Act 2002 (c.40)	Sections 9 and 10. Sections 207 and 208. Section 247. Section 263.
Consumer Credit Act 2006 (c.14)	Section 15.
Consumers, Estate Agents and Redress Act 2007 (c.17)	Section 25(8). Schedule 2.

## TRADE AND INDUSTRY

### GROUP 1 – COAL

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#### COAL ACT 1943

- 1.1 This note proposes the repeal of the Coal Act 1943.
- 1.2 The Coal Act 1943<sup>1</sup> (“the 1943 Act”) was passed to amend the Coal Act 1938.<sup>2</sup> The Coal Act 1938 had established a Coal Commission and transferred to it the ownership of all unworked coal deposits in Great Britain.<sup>3</sup> The Commission was charged with managing the coal in such a way as to promote “the interests, efficiency and better organisation of the coal-mining industry”.<sup>4</sup> The 1943 Act made some amendments to this management scheme.
- 1.3 It provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Protection for interests arising under coal mining leases for lessees mining minerals other than coal	Coal Industry Act 1994, s 67(8), sch 11 pt II
2	Amendment of rules on unification of ownership	Coal Industry Act 1994, s 67(8), sch 11 pt II
3	Amendment of arbitration procedure on severance of leases	Coal Industry Act 1994, s 67(8), sch 11 pt II
4	Regulated mining leases made to former freeholders	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
5	Reduction of stamp duty on leases granted by the Coal Commission	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X

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<sup>1</sup> 6 & 7 Geo.6 c.38

<sup>2</sup> HL Deb 08 June 1943 vol 127 c890

<sup>3</sup> HL Deb 03 May 1938 vol 108 cc744-761

<sup>4</sup> 1938 Act, s 2(1)



6	Reduction of stamp duty on coal mines alienated by the Commission for purposes other than mining	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
7	Extension of powers to grant rights to work coal	Mines (Working Facilities and Support) Act 1966, s 15(1), sch 1
8	Extension of the Commission's borrowing powers	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
9	Extension of powers to extend dates for exercise of powers	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
10	Amendment of rules on tenure for members of the Commission	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
11	Amendment of rules on restricted coal in accordance with sch 2	Coal Industry Act 1975, s 7(4), sch 5
12	Amendment of rules on Regional Valuation Boards	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
13	Extension of the Commission's liability for costs	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
14	Granted Minister powers to inspect plans of coal works	Coal Industry Act 1994, s 67(8), sch 11 pt III
15	Reports of the Commission to be sent to the Minister	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
16	Dissolution of the Coal Mines National Industrial Board and repealed relevant statutes	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
17	Definitions	Coal Industry Act 1994, s 67(8), sch 11 pt III
18	Short title and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III
Sch 1	Amendments of rules on leases in accordance with s 5	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X
Sch 2	Amendments of rules on restricted coal in accordance with s 11	Coal Industry Act 1975, s 7(4), sch 5
Sch 3	Amendments of 1938 Act in accordance with s 12	Statute Law (Repeals) Act 1973, s 1(1), sch 1 pt X

- 1.4 The entire 1943 Act, apart from the preamble, has been repealed. The repeals of section 11 and schedule 2 by the Coal Industry Act 1975 were originally subject to a savings provision in section 5(3) of that Act. However, section 5 has now been repealed by the Housing and Planning Act 1986.

*Proposal*

- 1.5 Only the preamble of the 1943 Act remains in force. Its formal repeal is now proposed.

*Extent*

- 1.6 The 1943 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.7 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

LAW/005/033/06  
16 June 2014

## COAL INDUSTRY ACT 1962

- 1.1 This note proposes the repeal of the Coal Industry Act 1962.
- 1.2 The Coal Industry Act 1962<sup>5</sup> (“the 1962 Act”) was a short Act, passed to grant new borrowing powers to the National Coal Board. Section 27 of the Coal Industry Nationalisation Act 1946 had empowered the Board to borrow on overdraft from a bank. However, the Board had found it difficult in the past to obtain an overdraft. The 1962 Act therefore amended the 1946 Act to provide that the Board would be empowered to borrow on overdraft from the government.<sup>6</sup>
- 1.3 The 1962 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Amendment of borrowing powers under the 1946 Act	Coal Industry Act 1994, s 67(8), sch 11 pt III
2	Change to Board’s financial year	Coal Industry Act 1994, s 67(8), sch 11 pt III
3	Construction, amendments and repeals	Coal Industry Act 1965, s 5(3), sch 2
4	Short title, citation and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III

### *Proposal*

- 1.4 Given that the only remaining section of the 1962 Act is the preamble, it is now obsolete and can be repealed.

### *Extent*

- 1.5 The 1962 Act extended throughout Great Britain, but not to Northern Ireland.

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<sup>5</sup> 11 & 12 Eliz.2 c.6

<sup>6</sup> HC Deb 20 November 1962 vol 667 cc1027-1029

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

LAW/005/033/06  
16 June 2014

## COAL INDUSTRY ACT 1965

- 1.1 This note proposes the repeal of the Coal Industry Act 1965.
- 1.2 The Coal Industry Act 1965<sup>7</sup> (“the 1965 Act”) was another short Act. The National Coal Board had been running a deficit for some time, and the government determined that its operations were to be consolidated around the most productive collieries. In connection with this, the 1965 Act provided for an extension of the Board’s borrowing powers, the relief of its past debts, and grants to cover expenditure related to the closure of uneconomic pits.<sup>8</sup>
- 1.3 The 1965 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Extension of the Board’s power to borrow on overdraft	Coal Industry Act 1994, s 67(8), sch 11 pt III
2	Liabilities of the Board to the Minister extinguished	Subsections (1)-(2) repealed by Coal Industry Act 1973, s 13(2), sch 2; subsection (3) repealed by Coal Industry Act 1994, s 67(8), sch 11 pt II
3	Grants in connection with pit closures	Coal Industry Act 1977, s 15(2), sch 5 pt I
4	Board members’ pensions	Subsection (1) repealed by Coal Industry Act 1994, s 67(8), sch 11 pt III; subsection (2) repealed by Coal Industry Act 1994, s 67(8), sch 11 pt IV
5	Citation, construction, repeals and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III
Sch 1	Amendments to the 1946 Act	Coal Industry Act 1994, s 67(8), sch 11 pt III
Sch 2	Repeals	Statute Law (Repeals) Act 1974, s 1, sch pt XI

<sup>7</sup> 1965 c.82

<sup>8</sup> HC Deb 25 November 1965 vol 721 cc779-793

*Proposal*

- 1.4 Only the preamble of the 1965 Act remains in force. Its formal repeal is now proposed.

*Extent*

- 1.5 The 1965 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

LAW/005/033/06  
16 June 2014

## COAL INDUSTRY ACT 1967

- 1.1 This note proposes the repeal of the Coal Industry Act 1967.
- 1.2 By 1967, the coal industry was rapidly contracting. Following the discovery of North Sea oil and the introduction of nuclear power, demand for coal had slumped. Furthermore, modernisation meant that less manpower was now needed in the industry. The Coal Industry Act 1967<sup>9</sup> (“the 1967 Act”) contained provisions to shore up demand for coal by subsidising its use in power stations. It also provided schemes to support miners who had been made redundant or redeployed following pit closures.<sup>10</sup>
- 1.3 The 1967 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Increase of Board’s borrowing powers and deficit limit	Coal Industry Act 1973, s 13(2), sch 2
2	Increase of grants in connection with pit closures	Coal Industry Act 1977, s 15(2), sch 5 pt I
3	Payments to workers made redundant over the age of 55	Coal Industry Act 1977, s 15(2), sch 5 pt II
4	Payments to Board to reimburse early retirement benefits	Coal Industry Act 1994, s 67(8), sch 11 pt III
5	Payments to Board to reimburse the costs of deferring pit closures	Coal Industry Act 1977, s 15(2), sch 5 pt II
6	Payments to power stations for using extra coal	Coal Industry Act 1977, s 15(2), sch 5 pt II
7	Interpretation and amendments to the Coal Industry Act 1965	Coal Industry Act 1994, s 67(8), sch 11 pt III
8	Short title, citation and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III
Sch	Amendments	Paragraphs 1 and 2 repealed by Coal Industry Act 1977, s 15(2), sch 5 pt II; paragraphs 3, 4 and 5 repealed by Coal Industry

<sup>9</sup> 1967 c.91

<sup>10</sup> HC Deb 28 November 1967 vol 755 cc245-261

		Act 1977, s 15(2), sch 5 pt I
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*Proposal*

- 1.4 The preamble is the only remaining part of the 1967 Act. Its formal repeal is therefore proposed.

*Extent*

- 1.5 The 1967 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

LAW/005/033/06  
16 June 2014



## COAL INDUSTRY ACT 1971

- 1.1 This note proposes the repeal of the Coal Industry Act 1971.
- 1.2 The Coal Industry Act 1971<sup>11</sup> (“the 1971 Act”) was passed to amend previous coal legislation. In particular, it extended schemes introduced by the Coal Industry Act 1967 to provide resettlement grants and redundancy payments to miners unemployed following pit closures. It also granted a range of new powers to the National Coal Board.<sup>12</sup>
- 1.3 The 1971 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Grants extended until 1974	Coal Industry Act 1977, s 15(2), sch 5 pt I
2	Redundancy payment schemes extended until 1974	Coal Industry Act 1977, s 15(2), sch 5 pt II
3	Increase of Board’s deficit limit	Coal Industry Act 1973, s 13(2), sch 2
4	Amendment of Board’s borrowing powers	Coal Industry Act 1994, s 67(8), sch 11 pt III
5	Power of Board to enter overseas aid agreements	Overseas Development and Co-operation Act 1980, s 18(1), sch 2 pt I
6	Duty to submit reports to Secretary of State	Coal Industry Act 1994, s 67(8), sch 11 pt II
7	Secretary of State’s power to direct Board	Subsections (1)-(6) and (8) repealed by Coal Industry Act 1994, s 67(8), sch 11 pt II; subsection (7) repealed by Coal Industry Act 1994, s 67(8), sch 11 pt IV
8	Directions on annual accounts	Coal Industry Act 1994, s 67(8), sch 11 pt IV
9	Financial provisions	Coal Industry Act 1994, s 67(8), sch 11 pt III

<sup>11</sup> 1971 c.16

<sup>12</sup> HC Deb 09 April 1970 vol 799 cc768-772

10	Short title, citation, interpretation and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III
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*Proposal*

- 1.4 The only section of the 1971 Act that remains in force is the preamble. Its formal repeal is now proposed.

*Extent*

- 1.5 The 1971 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## COAL INDUSTRY ACT 1973

- 1.1 This note proposes the repeal of the Coal Industry Act 1973.
- 1.2 The Coal Industry Act 1973<sup>13</sup> (“the 1973 Act”) was passed in response to substantial losses made by the National Coal Board, following a steady decline in demand for coal and the 1972 miners’ strike. In order to prevent a rapid contraction in the industry, the government provided a significant amount of aid to support the Board.<sup>14</sup>
- 1.3 The 1973 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Board’s debts written off	Coal Industry Act 1994, s 67(8), sch 11 pt IV
2	Reduction of Board’s borrowing and deficit limits	Coal Industry Act 1994, s 67(8), sch 11 pt III
3	Extension of power to make grants following pit closures	Coal Industry Act 1977, s 15(2), sch 5 pt I
4	Extension of redundancy payment scheme	Coal Industry Act 1977, s 15(2), sch 5 pt II
5	Reimbursement of money paid towards miners’ pensions	National Coal Board (Finance) Act 1976, s 2(6)
6	Reimbursement of money used to promote the sale of coal	Coal Industry Act 1977, s 15(2), sch 5 pt II
7	Reimbursement of money paid to build up stocks of coal and coke	Coal Industry Act 1977, s 15(2), sch 5 pt II
8	Grants for producers of coke used by the iron and steel industry	Coal Industry Act 1983, s 6(3), sch
9	Regional grants for mining areas	Coal Industry Act 1977, s 15(2), sch 5 pt II
10	Increase in membership of Board	Coal Industry Act 1994, s 67(8), sch 11 pt III
11	Expenses	Coal Industry Act 1994, s

<sup>13</sup> 1973 c.8

<sup>14</sup> HC Deb 21 December 1972 vol 848 cc1600-1603

		67(8), sch 11 pt IV
12	Interpretation and orders	Coal Industry Act 1994, s 67(8), sch 11 pt IV
13	Amendments and repeals	Coal Industry Act 1994, s 67(8), sch 11 pt IV
14	Short title, citation, commencement and extent	Coal Industry Act 1994, s 67(8), sch 11 pt IV
Sch 1	Amendments	Paragraph 1 repealed by Coal Industry Act 1994, s 67(8), sch 11 pt IV; paragraphs 2-3 repealed by Coal Industry Act 1994, s 67(8), sch 11 pt III; paragraph 4 repealed by Coal Industry Act 1977, s 15(2), sch 5 pt I
Sch 2	Repeals	Coal Industry Act 1994, s 67(8), sch 11 pt IV

*Proposal*

- 1.4 All that remains of the 1973 Act is the preamble. Its repeal is now proposed.

*Extent*

- 1.5 The 1973 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## NATIONAL COAL BOARD (FINANCE) ACT 1976

- 1.1 This note proposes the repeal of the National Coal Board (Finance) Act 1976.
- 1.2 The National Coal Board (Finance) Act 1976<sup>15</sup> (“the 1976 Act”) was an interim measure while *Plan for Coal*, a tripartite report on coal mining, was in the process of implementation. It provided funds where they were urgently needed by the Board, and increased its borrowing limit in order to facilitate new investments.<sup>16</sup>
- 1.3 The 1976 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Increase of Board’s borrowing limit	Coal Industry Act 1977, s 15(2), sch 5 pt II
2	Reimbursement of money paid towards miners’ pensions	Coal Industry Act 1994, s 67(8), sch 11 pt III
3	Reimbursement of money paid to build up stocks of coal and coke	Coal Industry Act 1977, s 15(2), sch 5 pt II
4	Citation, interpretation and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III

### *Proposal*

- 1.4 The only provision of the 1976 Act that has not been repealed is the preamble. Its formal repeal is now proposed.

### *Extent*

- 1.5 The 1976 Act extended throughout Great Britain, but not to Northern Ireland.

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<sup>15</sup> 1976 c.1

<sup>16</sup> HC Deb 27 November 1975 vol 901 cc1058-1063

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## COAL INDUSTRY ACT 1982

- 1.1 This note proposes the repeal of the Coal Industry Act 1982.
- 1.2 The Coal Industry Act 1982<sup>17</sup> (“the 1982 Act”) was passed to provide further financial support for the coal industry. The United Kingdom had recently been hit by a recession and energy demand had slumped. As a result, the National Coal Board was once again facing significant losses.<sup>18</sup>
- 1.3 The 1982 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Increase of Board’s borrowing limit	Coal Industry Act 1983, s 6(3), sch
2	Extension of deficit grants	Coal Industry Act 1983, s 6(3), sch
3	Grants to finance increased levels of pensions	Coal Industry Act 1994, s 67(8), sch 11 pt III
4	Extension of grants relating to pit closures and redundant workers	Coal Industry Act 1983, s 6(3), sch
5	Interpretation	Coal Industry Act 1994, s 67(8), sch 11 pt III
6	Short title, citation and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III

### *Proposal*

- 1.4 The preamble is the only part of the 1982 Act that has not been repealed. Its formal repeal is now proposed.

### *Extent*

- 1.5 The 1982 Act extended throughout Great Britain, but not to Northern Ireland.

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<sup>17</sup> 1982 c.15

<sup>18</sup> HC Deb 02 February 1982 vol 17 cc131-137

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## COAL INDUSTRY ACT 1990

- 1.1 This note proposes the repeal of the Coal Industry Act 1990.
- 1.2 The Coal Industry Act 1990<sup>19</sup> (“the 1990 Act”) provided more grants for the coal industry and allowed for increases in the size of private mining operations.<sup>20</sup> It was an interim Act, passed in the expectation that the British Coal Corporation (formerly the National Coal Board) would be privatised during the course of the next Parliament.<sup>21</sup>
- 1.3 The 1990 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Deficiency grants to the Corporation	Coal Industry Act 1994, s 67(8), sch 11 pt III
2	Grants for workforce redeployment and reduction	Coal Industry Act 1992, s 3(3), sch pt I
3	Repayment of loans by the Corporation	Coal Industry Act 1994, s 67(8), sch 11 pt III
4	Extension of Corporation’s licensed mining scheme	Coal Industry Act 1994, s 67(8), sch 11 pt II
5	Conservation requirements for opencast mines	Coal Industry Act 1994, s 67(8), sch 11 pt II
6	Short title, citation, commencement and extent	Coal Industry Act 1994, s 67(8), sch 11 pt III

### *Proposal*

- 1.4 The only part of the 1990 Act that has not been repealed is the preamble. Its formal repeal is now proposed.

### *Extent*

- 1.5 The 1990 Act extended throughout Great Britain, but not to Northern Ireland.

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<sup>19</sup> 1990 c.3

<sup>20</sup> HC Deb 04 December 1989 vol 163 cc27-36

<sup>21</sup> Privatisation was subsequently accomplished by the Coal Industry Act 1994, the most recent Coal Industry Act to be passed by Parliament

*Consultation*

- 1.6 The Department of Energy & Climate Change, the Coal Authority, UK Coal and the relevant authorities in Scotland and Wales have been consulted about this repeal proposal.

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## GROUP 2 - GENERAL

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### REFRESHMENT HOUSES ACT 1860

- 1.1 This note proposes the repeal of the Refreshment Houses Act 1860.

#### The 1860 Act

- 1.2 The Refreshment Houses Act 1860<sup>22</sup> (“the 1860 Act”) was passed to create three new kinds of excise licence: a licence to keep a refreshment house (s 6); a licence to sell wine in a refreshment house for consumption on the premises (s 7); and a licence to sell wine in a shop for consumption off the premises (s 3). The Act was intended to encourage the drinking of wine over gin, which was regarded as a major social evil.<sup>23</sup>
- 1.3 Section 44 is the only substantive provision of the 1860 Act that remains in force today. It provides that

any covenant or clause of restriction contained in any lease or contract between a landlord and tenant, whereby the trade or business of a vintner is prohibited from being carried on in any house, building, or place mentioned or comprised in such lease or contract, or whereby any such house, building, or place is prohibited from being used as a public house, shall be construed to apply and extend to every person who shall be licensed to sell wine to be consumed on the premises... and to any house specified in the licence granted to such person.

- 1.4 Section 44 applied where a term in a lease had prohibited premises from being used as a vintner’s or a public house. For the avoidance of doubt, it provided that such a term would also cover the new form of licensed refreshment house created by section 7 of the 1860 Act. In *Lorden v Brooke-Hitching*, Salter J held that “the section applies only to covenants existing at the time of the passing of the Act” (that is, 14 June 1860).<sup>24</sup> Any covenant entered after this date would have to refer to the new kind of licensed premises expressly.

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<sup>22</sup> 23 & 24 Vict.c.27

<sup>23</sup> HC Deb 26 March 1860 vol 157 cc1302-1315

<sup>24</sup> [1927] 2 KB 237, 253

### **Repeal of the 1860 Act**

- 1.5 The licence to sell wine for consumption in a refreshment house was abolished by the Finance (1909-10) Act 1910.<sup>25</sup> The provisions of the 1860 Act on licences to sell wine in a shop were also repealed by the 1910 Act. The provisions on bare licences to keep a refreshment house remained in force until they were consolidated by the Late Night Refreshment Houses Act 1969.<sup>26</sup> Schedule 2 to the Licensing Act 2003 now contains the law on refreshment houses that do not sell alcohol.
- 1.6 Section 44 was not included in the 1969 consolidation because that consolidation had no application to refreshment houses that were not licensed to sell wine. Neither was it repealed at this point, because the draftsman found it “obscure”:

I must freely admit I am unable to give any account of it... whether it is in force at the present time is doubtful.<sup>27</sup>

### **Repeal of section 44**

- 1.7 The licence to sell wine for consumption in a refreshment house was abolished in 1910. On one view, section 44 became obsolete at this point. If it concerned only refreshment houses licensed to sell wine under the 1860 Act, it ceased to serve any useful purpose when such licences ceased to exist in 1910.<sup>28</sup>

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<sup>25</sup> 1910 Act, s 96(1), sch 6

<sup>26</sup> Such licences ceased to be excise licences under section 4(1) of the Refreshment Houses Act 1967

<sup>27</sup> Evidence given to the Joint Committee on Consolidation Bills during its consideration of the 1969 Bill. A member of that Committee, Viscount Colville of Culross, suggested that section 44 might subsequently be included in a Statute Law (Repeals) Bill

<sup>28</sup> Indeed, an almost identical provision relating to beer licences (section 31 of the Beerhouse Act 1830) was repealed by the Statute Law (Repeals) Act 1993, s 1(1), Sch 1, Pt 13

- 1.8 On another view, section 44 continued to apply to premises licensed to sell wine under other enactments. Until the licensing regime was reformed by the Licensing Act 2003, it was possible to obtain a licence for the sale of wine only.<sup>29</sup> The 2003 Act, however, finally ended that arrangement. Under the 2003 Act, premises can be licensed only for the sale of alcohol in general.<sup>30</sup> Accordingly it is arguable that section 44 survived the abolition of the original licensing regime in 1910 only to become obsolete when the 2003 Act came into force. It seems improbable that section 44 survived beyond that time.<sup>31</sup>
- 1.9 What does seem clear, however, is that section 44 no longer serves any useful purpose. It was a narrow measure enacted merely in consequence of the Government's wish to promote the sale of wine, and did not apply to licences to sell other kinds of alcohol. Moreover, even when it took effect on 14 June 1860, it did so only in relation to leases that had been granted before that date. The number of such leases still existing would have become vanishingly small by 1910, still more so by 2003.

#### *Proposal*

- 1.10 The repeal of section 44 is proposed on the basis that it is now obsolete. Once the licensing regime established by the 1860 Act had been abolished, the need to extend existing tenancy covenants in order to take that regime into account disappeared.
- 1.11 Because section 44 is the only surviving substantive provision in the 1860 Act, the repeal of section 44 will permit the final repeal of the 1860 Act as a whole.

#### *Extent*

- 1.12 The 1860 Act extends to England and Wales, but not to Scotland or Northern Ireland.

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<sup>29</sup> See s 4(1) of the Licensing Act 1964. The Licensing Act 1964 was repealed by the Licensing Act 2003, ss 199, 200, schs 7, 8

<sup>30</sup> Under s 191(1) of the 2003 Act, "alcohol" includes "spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor"

<sup>31</sup> A contrary view is that section 44 continues to apply to premises licensed to sell alcohol under the 2003 Act (see, for example, Halsbury's Statutes [4th ed], vol 13, 51). However, Halsbury's took a similar view of section 31 of the Beerhouse Act 1830 before its repeal (Halsbury's Statutes [3rd ed], vol 17, 945). Such an interpretation of section 44 would extend the application of the Act from sales of wine to sales of alcohol in any form, an extension not envisaged by Parliament in 1860

*Consultation*

- 1.13 The Home Office, the Department for Communities and Local Government, the Local Government Association, the Welsh Local Government Association, the National Landlords Association, the British Hospitality Association, the British Beer and Pub Association and the British Chambers of Commerce have been consulted about this repeal proposal.

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## TELEGRAPH ACTS 1863, 1868 AND 1870

1.1 This note proposes the repeal of the Telegraph Acts 1863, 1868 and 1870.

### Telegraph Act 1863

1.2 The Telegraph Act 1863<sup>32</sup> (“the 1863 Act”) was passed to regulate the powers of telegraph companies. The first public telegraph line was opened in Britain in 1845, running between London and Gosport, and by 1863, there were five main telegraph companies operating the inland network. However, controversy had arisen over private Acts of Parliament which had granted individual companies wide powers to carry out works without the consent of landowners. The 1863 Act restricted these powers.<sup>33</sup>

1.3 The 1863 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	Telecommunications Act 1984, s 109(6), sch 7 pt I
1	Short title	N/A
2	Application to telegraph companies	Telecommunications Act 1984, s 109(6), sch 7 pt I
3	Interpretation	Telecommunications Act 1984, s 109(6), sch 7 pt I
4	Expenses and penalties	Telecommunications Act 1984, s 109(6), sch 7 pt I
5	Issuing of notices	Telecommunications Act 1984, s 109(6), sch 7 pt I
6-8	Companies’ powers to undertake works	Telecommunications Act 1984, s 109(6), sch 7 pt I
9-13	Restrictions on telegraphs running under streets	Telecommunications Act 1984, s 109(6), sch 7 pt I
14-16	Powers to remove abandoned works on streets	Telecommunications Act 1984, s 109(6), sch 7 pt I

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<sup>32</sup> 26 & 27 Vict. c.112

<sup>33</sup> HL Deb 15 May 1863 vol 170 c.1765

17-20	Restrictions on breaking up of streets	Telecommunications Act 1984, s 109(6), sch 7 pt I
21	Restrictions on works affecting Crown property	Telecommunications Act 1984, s 109(6), sch 7 pt I
22-29	Restrictions on works affecting private property	Telecommunications Act 1984, s 109(6), sch 7 pt I
30-31	Removal of works affecting private property	Telecommunications Act 1984, s 109(6), sch 7 pt I
32-33	Restrictions on works affecting canals and railways	Telecommunications Act 1984, s 109(6), sch 7 pt I
34	Arbitration provisions	Telecommunications Act 1984, s 109(6), sch 7 pt I
35-40	Restrictions on works affecting the seashore	Telecommunications Act 1984, s 109(6), sch 7 pt I
41-44	General obligations of companies	Telecommunications Act 1984, s 109(6), sch 7 pt I
45	Penalties for delaying or divulging the content of messages	Postal Services Act 2000 (Consequential Modifications No 1) Order 2001 [SI 2001/1149], art 3(2), sch 2
46-47	Savings	Telecommunications Act 1984, s 109(6), sch 7 pt I
48-53	Powers of the government to send priority messages and take control of telegraphs	Telecommunications Act 1984, s 109(6), sch 7 pt I
Sch	Saved enactments	Telecommunications Act 1984, s 109(6), sch 7 pt I

1.4 The only remaining part of the 1863 Act is the short title. It can therefore be safely repealed.



## Telegraph Act 1868

1.5 The Telegraph Act 1868<sup>34</sup> (“the 1868 Act”) was passed to enable the Post Office to take control of the British inland telegraph network.<sup>35</sup> The telegraph companies had been criticised for their high prices and poor service, and campaigners had been lobbying for nationalisation for several years. The Act was eventually passed in the face of strenuous opposition from the companies.<sup>36</sup>

1.6 The 1868 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	Telecommunications Act 1984, s 109(6), sch 7 pt I
1	Short title	N/A
2	Incorporation with 1863 Act	Telecommunications Act 1984, s 109(6), sch 7 pt I
3	Interpretation	Telecommunications Act 1984, s 109(6), sch 7 pt I
4-10	Postmaster General to purchase telegraph company undertakings	Telecommunications Act 1984, s 109(6), sch 7 pt I
11-12	Postmaster General to acquire rights of way over canals	Telecommunications Act 1984, s 109(6), sch 7 pt I
13	Confirmation of agreements with railway companies	Telecommunications Act 1984, s 109(6), sch 7 pt I
14	Postmaster General enabled to lease property	Telecommunications Act 1984, s 109(6), sch 7 pt I
15	Regulations and charges	Telecommunications Act 1984, s 109(6), sch 7 pt I
16	Special rates to be offered	Telecommunications Act 1984, s

<sup>34</sup> 31 & 32 Vict. c.110

<sup>35</sup> The overseas telegraph companies remained independent, and were later merged into Cable and Wireless Ltd

<sup>36</sup> HC Deb 09 June 1868 vol 192 cc1301-1306

	to newspapers	109(6), sch 7 pt I
17-19	Sending of messages	Telecommunications Act 1984, s 109(6), sch 7 pt I
20	Penalties for intercepting messages	Postal Services Act 2000 (Consequential Modifications No 1) Order 2001 [SI 2001/1149], art 3(2), sch 2
21-22	Postmaster General to be responsible for property	Telecommunications Act 1984, s 109(6), sch 7 pt I
23	Regulations	Telecommunications Act 1984, s 109(6), sch 7 pt I
24	Costs	Telecommunications Act 1984, s 109(6), sch 7 pt I
Sch	Agreements confirmed	Telecommunications Act 1984, s 109(6), sch 7 pt I

1.7 The only part of the 1868 Act that has not been repealed is the preamble.

1.8 Before the 1868 Act came into force, the Telegraph Act 1869<sup>37</sup> (“the 1869 Act”) was passed to make further provisions for nationalisation, and to grant the Post Office a monopoly on inland telegraph communications. The 1869 Act has since been repealed in full. Following this, the telegraph network was transferred to the Post Office on 5 February 1870.

### **Telegraph Act 1870**

1.9 The Telegraph Act 1870<sup>38</sup> (“the 1870 Act”) was passed to extend the 1868 and 1869 Acts to the Isle of Man and Channel Islands.<sup>39</sup>

1.10 The 1870 Act provided as follows:

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<sup>37</sup> 32 & 33 Vict. c.73

<sup>38</sup> 33 & 34 Vict. c.88

<sup>39</sup> The 1868 Act (other than sections 2 and 3) was repealed in relation to the Channel Islands by the Telecommunication Services (Jersey) Order 1972 [SI 1972/1814], the Telecommunication Services (Guernsey) Order 1972 [SI 1972/1815] and the Telecommunication Services (Channel Islands Consequential Provisions) Order 1972 [SI 1972/1816]. The 1869 Act was repealed by the Post Office Act 1969 (c.73), s 141, Sch 11, Part 2 – this repeal was extended to the Channel Islands and the Isle of Man by the 1969 Act, s 141(3)

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	Statute Law Revision (No 2) Act 1893, s 1, sch 1
1	Short title	Some words repealed by Statute Law Revision (No 2) Act 1893, s 1, sch 1
2	Incorporation with 1868 and 1869 Acts	Statute Law Revision (No 2) Act 1893, s 1, sch 1
3	Extension of Acts to Channel Islands and Isle of Man	N/A
4	Postmaster General to purchase the Jersey and Guernsey Telegraph Company	Statute Law Revision (No 2) Act 1893, s 1, sch 1
5	Postmaster General to purchase the Isle of Man Electric Telegraph Company	Statute Law Revision (No 2) Act 1893, s 1, sch 1
6	Application to other telegraph companies	Statute Law Revision (No 2) Act 1893, s 1, sch 1
7	Saving for Submarine Telegraph Company	Statute Law Revision (No 2) Act 1893, s 1, sch 1
8	Amendment of 1868 Act	Statute Law Revision (No 2) Act 1893, s 1, sch 1
9	Saving for schedule of 1868 Act	Statute Law Revision (No 2) Act 1893, s 1, sch 1
Sch	Agreement with Isle of Man Electric Telegraph Company	Statute Law Revision (No 2) Act 1893, s 1, sch 1

1.11 The Isle of Man Electric Telegraph Company was duly nationalised in 1870, and the Jersey and Guernsey Telegraph Company in 1872.

- 1.12 The only remaining parts of the 1870 Act are the short title and section 3, which provided for the extension of the 1868 and 1869 Acts. Given that the 1869 Act has been repealed in full and only the short title of the 1868 Act survives, the 1870 Act is now obsolete and can also be repealed.

*Proposal*

- 1.13 The 1863, 1868 and 1870 Acts no longer serve any useful purpose and their repeal is proposed on that basis.

*Extent*

- 1.14 The 1863, 1868 and 1870 Acts as enacted extended throughout the United Kingdom. The 1868 and 1870 Acts also extended to the Channel Islands and the Isle of Man.

*Consultation*

- 1.15 The Department for Culture, Media and Sport, the Post Office and the relevant authorities in Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man have been consulted about these repeal proposals.

## **PUBLIC HEALTH (DRAINAGE OF TRADE PREMISES) ACT 1937**

1.1 This note proposes the repeal of the Public Health (Drainage of Trade Premises) Act 1937.

1.2 The Public Health (Drainage of Trade Premises) Act 1937<sup>40</sup> (“the 1937 Act”) was passed to prevent the pollution of rivers with industrial waste. According to its long title, it was an Act “to amend the law with respect to the discharge of trade effluents into public sewers of local authorities”. Previously, factories and traders had no right to discharge their waste in public sewers. Under the Act, however, local authorities were required to make arrangements for the treatment and discharge of trade waste, either by making agreements with factories or by issuing byelaws.<sup>41</sup>

1.3 The 1937 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	N/A
1	Right of trade premises to use public sewers	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
2	Local authority restrictions on discharge of trade effluents	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
3	Appeals against restrictions	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
4	Exemptions from restrictions	Subsections (1)-(3) repealed by Control of Pollution Act 1974, s 108(2), sch 4; subsection (4) repealed by Water Act 1973, s 40(3), sch 9; subsection (5) repealed by Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
5	Local authorities to make byelaws	Public Health Act 1961, s 86(3), sch 5 pt II

<sup>40</sup> 1 Edw.8 & 1 Geo.6 c.40

<sup>41</sup> HL Deb 10 March 1937 vol 104 cc591-594

6	Minister to make byelaws in case of default	Public Health Act 1961, s 86(3), sch 5 pt II
7	Agreements between local authorities and traders	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
7A <sup>42</sup>	Agreements to be available for public inspection	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
8	Works to enable compliance with byelaws	Public Health Act 1961, s 86(3), sch 5 pt II
9	Information on sewers and effluents to be provided to local authorities	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
10	Sampling of effluents	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
11	Penalties	Control of Pollution Act 1974, s 108(2), sch 4
12	Power to adapt local Acts	Subsection (2) repealed by Water Act 1973, s 40(3), sch 9; subsection (5) repealed by Statute Law Revision Act 1950, s 1(1), sch 1
13	Saving of rights to water in a river	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
14	Interpretation	Water Consolidation (Consequential Provisions) Act 1991, s 3(1), sch 3 pt I
15	Short title, extent and commencement	Some text in subsection (2) repealed by London Government Act 1963, s 93(1), sch 18 pt II; subsection (3) repealed by Statute Law Revision Act 1950, s 1(1), sch 1
Sch	Making and publication of byelaws	Public Health Act 1961, s 86(3), sch 5 pt II

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<sup>42</sup> Section 7A was inserted by schedule 8 to the Water Act 1989

- 1.4 Aside from the preamble, short title and extent, the only part of the Act that has not been repealed is the remainder of section 12. This enables the Secretary of State to make orders amending local Acts relating to water authorities, in order to bring them into line with the provisions of the 1937 Act.
- 1.5 Given that section 12 is the only remaining substantive provision of the 1937 Act, the power appears to be obsolete. Repeals to the 1937 Act over the years have meant that there are no provisions left in the 1937 Act with which a local Act could be brought into line by any future order. Indeed, no notice of the making of such an order has been published in the London Gazette since 1971.<sup>43</sup>

*Proposal*

- 1.6 It is clear that for the future the 1937 Act is obsolete and its repeal is proposed on that basis. Orders previously made under section 12 can be continued in force by the entry in the attached *Schedule of Savings*. This will also preserve the existing power in section 12(5) to vary or revoke any such order made in the past.

*Extent*

- 1.7 The 1937 Act extended to England and Wales only.

*Consultation*

- 1.8 The Department for Communities and Local Government, the Environment Agency, the Office of Water Services, the Local Government Association, the Welsh Local Government Association and the relevant authorities in Wales have been consulted about this repeal proposal.

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<sup>43</sup> The last order to be published in the Gazette was the Heckmondwike Sewerage Order 1971. Changes to the water industry brought about by the Water Act 1973 (including the transfer of responsibility for sewers from local authorities to the new regional water authorities) may also help to explain the absence of orders under section 12 since 1971

## **SCHEDULE OF SAVINGS**

### *Public Health (Drainage of Trade Premises) Act 1937 (c.40)*

The repeal by this Act of section 12 of the Public Health (Drainage of Trade Premises Act 1937) does not affect the continued operation of any order made under subsection (1) of that section which still has effect immediately before the passing of this Act or the power in subsection (4) of that section to vary or revoke such order.



## **ESSENTIAL COMMODITIES RESERVES ACT 1938**

- 1.1 This note proposes the repeal of the Essential Commodities Reserves Act 1938.
- 1.2 The Essential Commodities Reserves Act 1938<sup>44</sup> (“the 1938 Act”) was passed to enable the Board of Trade to maintain reserves of commodities which would be essential for the needs of the country in the event of war.
- 1.3 The 1938 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
1	Board of Trade granted the power to obtain information about essential commodities	N/A
2	Board of Trade granted powers to acquire and store stocks of essential commodities; significant disposal of stocks to be effected by a further Act of Parliament	N/A
3	Provision for the creation of an “essential commodities reserve fund” and other financial matters	Finance Act 1947, s 74, Sch 11
4	Enforcement of the terms of the Act	N/A
5	Provision as to orders and powers of the Board of Trade	N/A
6	Interpretation	N/A
7	Short title and extent	N/A
Schedule	Description of commodities which may be declared to be essential	N/A

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<sup>44</sup> 1 & 2 Geo.6 c.51

## Historical background

- 1.4 The 1938 Act was intended partly to retrospectively legalise bulk purchases of wheat, sugar and whale oil which the government had made secretly in the previous year.<sup>45</sup> More importantly, however, it put the Government “in a position to accumulate certain stocks of essential commodities for use in a possible emergency in the future.” It gave “the Government a power which hitherto they have not possessed to create stocks of this character for civilian use.”<sup>46</sup>
- 1.5 Sections 1 and 2 of the Act empowered the Board of Trade to gather information relating to essential commodities; to assist and encourage private enterprise to increase stocks of essential commodities; or to itself purchase and store such stocks. According to Schedule 1, “essential commodities” included food, fertilisers and petroleum. The Essential Commodities Reserves (Declaration) Order 1938, made under the 1938 Act, set out the specific commodities which fell under these general categories.<sup>47</sup>
- 1.6 The Board of Trade had first begun to build up its essential commodities reserves during the international crisis caused by the Nazi annexations of Austria and the Sudetenland. When war was staved off by the Munich Agreement of September 1938, acquiring reserves became a less urgent priority. However, the Board continued to hold onto its stocks.
- 1.7 When war did break out in September 1939, it was decided to constitute the Board of Trade’s Food (Defence Plans) Department into a new Ministry of Food, which would oversee food reserves and rationing. The function of holding stocks of food was transferred to the new Minister of Food on 8 September 1939.<sup>48</sup> The functions of holding stocks of fertilisers and petroleum were transferred to the Minister of Supply on 1 August and 21 September respectively.<sup>49</sup>

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<sup>45</sup> See R J Hammond, *Food and Agriculture in Britain 1939-45: Aspects of Wartime Control* (1954) p 14

<sup>46</sup> HC Deb 02 June 1938 vol 336 c2279, per Oliver Stanley, President of the Board of Trade

<sup>47</sup> SR&O 1938/1110

<sup>48</sup> Ministers of the Crown (Minister of Food) Order 1939 [SR&O 1939/1119]

<sup>49</sup> Ministry of Supply (Transfer of Powers) (No 1) Order 1939 [SR&O 1939/877]

- 1.8 By then, the Board of Trade had acquired around £6 million of stocks under the Act, including over 100,000 tons of whale oil and 180 tons of biscuits. These were duly handed over, and transactions from the Essential Commodities Reserves Fund ceased. The Fund's existing liabilities were also transferred to the new departments. £973,041 14s 6d remained in the Fund at this stage.
- 1.9 A memo of 6 September 1939 observed that the 1938 Act “has now ceased to be of any utility in itself, as complete powers to deal with food supplies are available under the Emergency Powers (Defence) Act 1939”.<sup>50</sup> However, the Act could not be wound up while the Fund was still in existence. In May 1940, it was agreed that legislation would be needed to formally close the Fund. The Finance Bill of that year was already over-long, however, so the matter was postponed.<sup>51</sup> In March 1941, it was “decided to leave the balance where it is, probably until the end of the war”.<sup>52</sup>
- 1.10 The Fund was eventually wound up by section 71 of the Finance Act 1947. The balance was paid into the Exchequer in August 1947. The repeal of the 1938 Act does not appear to have been considered at this stage. However, it seems that the powers given to the Board of Trade for holding reserves have been obsolete since the autumn of 1939, and that the Act has served no residual function since the Fund was closed.

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<sup>50</sup> Memo dated 6 September 1939 in file “Transfer to the Ministry of Food of the Board of Trade powers, etc. under the Essential Commodities Reserves Act”, ref BT 15/158, The National Archives

<sup>51</sup> Note dated May 1940 in file “Essential Commodities Reserves Act - vote and fund accounts”, ref BT 15/171, The National Archives

<sup>52</sup> Note dated March 1941 in file “Essential Commodities Reserve Fund - payments, grants and disposal of balances”, ref BT 15/167, The National Archives

### **Modern position**

- 1.11 The Government now has extensive powers under the Statistics of Trade Act 1947 to require trade and industry to provide information of a type similar to that for which the 1938 Act provides.<sup>53</sup> Indeed, the 1947 Act sprang from the wartime experience, when adequate statistical information greatly assisted the Government's ability to manage resources.
- 1.12 The Government does not, as a matter of policy, keep stockpiles of food; modern administrations have preferred to rely on the market and stocks held by industry to provide for the UK's food security in peacetime.<sup>54</sup> Although it has not been possible to find an official statement on the matter, it seems fair to assume that the same reasoning applies to fertilisers.
- 1.13 The UK does hold significant strategic petroleum reserves, as it is required to do by a European Council Directive.<sup>55</sup> UK petroleum reserves are held and managed under the Energy Act 1976 and the Oil Stocking Order 2012.<sup>56</sup>
- 1.14 It is worth noting too that the Essential Commodities Reserves (Declaration) Order 1938, which lists "essential commodities" for the purposes of the 1938 Act, has been neither replaced nor amended since being brought into force. Given the changing needs of society and the economy over the last 75 years, the total absence of updates strongly suggests that the 1938 Act has long ceased to serve any useful purpose.

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<sup>53</sup> The ONS conducts business surveys under section 1 of the Statistics of Trade Act 1947: see "About Business Surveys" on the ONS website (<http://www.ons.gov.uk/ons/about-ons/get-involved/taking-part-in-a-survey/information-for-businesses/about-ons-business-surveys/index.html>)

<sup>54</sup> See HC Deb 17 Jan 2011, Written Answers to Questions: "The Government have no plans to hold reserve stocks of food. In the UK Food Security Assessment (published in August 2009 and updated in January 2010) DEFRA assesses that the UK enjoys a high level of food security, and we are continuously reviewing our evidence base to maintain this situation."

<sup>55</sup> Council Directive (EC) 2009/119 of 14 September 2009 (OJ L265, 9.10.2009, p 9) imposes an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products

<sup>56</sup> SI 2012/2862

- 1.15 It accordingly appears that the powers in the 1938 Act have either been superseded by newer law, or are no longer necessary from a policy point of view. It is clear that the Act was intended as an emergency measure justified by extraordinary circumstances.<sup>57</sup> Such stocks as were built up under it have long since been run down and never replaced.<sup>58</sup>
- 1.16 In the event that the Government reconsiders its position on holding strategic reserves of food or fertilisers, new legislation, more appropriate to modern concerns, would in any event be necessary.

*Proposal*

- 1.17 The 1938 Act clearly no longer serves any useful purpose and its repeal is proposed on that basis.

*Extent*

- 1.18 The Act extended throughout the United Kingdom.

*Consultation*

- 1.19 The Department for Environment, Food and Rural Affairs, the Department for Business, Innovation and Skills, the Department for Energy and Climate Change and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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<sup>57</sup> See HC Deb 02 June 1938 vol 336: "We all hope that a day will come when the period of emergency will pass, when measures of this character will become unnecessary and the stocks acquired under the Bill will be no longer required."

<sup>58</sup> John Maynard Keynes argued that the Act, or something like it, should be employed in peacetime to maintain stocks of commodities in order to minimise fluctuations in international supply and therefore price. The idea of buffer stocks, however, played out on the international rather than domestic stage, before being overtaken by the success of the developed world economies in the post-war years. For a history of the idea from an Australian perspective see S Turnell *The Quest for Commodity Price Stability: Australian Economists and 'Buffer Stocks'* (1998)

## **IMPERIAL TELEGRAPHS ACT 1938**

### **CABLE AND WIRELESS ACT 1946**

- 1.1 This note proposes the repeal of the Imperial Telegraphs Act 1938 and the Cable and Wireless Act 1946.
- 1.2 The Imperial Telegraphs Act 1938<sup>59</sup> (“the 1938 Act”) and the Cable and Wireless Act 1946<sup>60</sup> (“the 1946 Act”) were passed to deal with matters concerning Cable and Wireless Ltd, a telecommunications company.

### **Cable and Wireless Ltd**

- 1.3 The Imperial Telegraphs Act 1929 had merged the interests of several cable telegraph companies with Marconi’s Wireless Telegraph Company, creating one company with a monopoly on both cable and wireless telegraph communications in the British Empire. This new company was Imperial and International Communications, renamed Cable and Wireless Ltd in 1934. The 1929 Act also created a holding company, Cable and Wireless (Holding) Ltd (“the Holding Company”), which owned the shares of the operating company.<sup>61</sup>

### **The 1938 Act**

- 1.4 Under the 1929 scheme, Cable and Wireless had leased the government’s four beam wireless stations for £250,000 annually. It had also been given free use of the telegraph circuits between the stations. However, the company’s telegraph rates were so high that its business was threatened by foreign competition.
- 1.5 The government had therefore come to a new arrangement with Cable and Wireless. The freehold of the beam stations would be transferred to the company in return for 2.6m Cable and Wireless shares. The annual rent would thereby cease and the company would use the money saved to cut its Empire telegraph rates. This new agreement required Parliamentary approval.<sup>62</sup>
- 1.6 The 1938 Act therefore provided as follows:

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<sup>59</sup> 1 & 2 Geo.6 c.57

<sup>60</sup> 9 & 10 Geo.6 c.82

<sup>61</sup> The 1929 Act was repealed in full by the Statute Law Revision Act 1963

<sup>62</sup> HL Deb 12 July 1938 vol 110 cc748-752

Section	Provided	Repealed
Preamble	Preamble	N/A
1(1)	Treasury authorised to accept and hold Cable and Wireless shares	N/A
1(2)	Cable and Wireless to continue its free use of telegraph circuits	Statute Law Revision Act 1960, s 1(1), sch
1(3)	Postmaster-General to waive a claim against the company	Statute Law Revision Act 1960, s 1(1), sch
1(4)	Postmaster-General to receive a proportion of Empire telegraph revenues	Statute Law Revision Act 1960, s 1(1), sch
1(5)	Interpretation	Statute Law Revision Act 1960, s 1(1), sch
2	Post Office compensated for loss of beam station rent	Post Office Act 1961, s 28(1), sch
3	Short title	N/A

### Two agreements

- 1.7 Cable and Wireless, however, continued to face increasing competition from companies in America. In 1945, in an attempt to stave off a rates war, the British government held an international conference in Bermuda. The resulting Bermuda agreement provided for substantial reductions in telegraph rates between Commonwealth countries and the USA. However, Cable and Wireless refused to implement these rate reductions unless the government agreed to indemnify it against any consequent losses.
- 1.8 At the same time, Commonwealth countries were becoming dissatisfied with the way Cable and Wireless was run. The national importance of telegraph infrastructure had become clear during the Second World War. Various states began to demand greater control over their local telegraph networks, objecting to the fact that they were still in the hands of a private monopoly administered from the UK. In 1945, a Commonwealth Telecommunications Conference was held in London to discuss this problem. It recommended the nationalisation of the company.

## The 1946 Act

1.9 The 1946 Act implemented the agreements that resulted from both of these conferences, bringing Cable and Wireless into public ownership and indemnifying its losses under the Bermuda agreement. Once nationalised, the company's assets were acquired by government bodies throughout the Commonwealth. Within the UK, it was operated by the Post Office. (The Holding Company, which was not taken over, was issued with government stock in exchange for its company shares and became an investment trust.)

1.10 The 1946 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	All shares in the company transferred to the Treasury, in return for compensation in the form of government stock	Subsections (2) and (3) repealed by Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
2	Amount of compensation to be determined by a tribunal	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
3	Provisions for the machinery of nationalisation	Subsections (1), (2) and (3) repealed by Statute Law (Repeals) Act 1981, s 1, sch 1 pt XII
4	Provisions for the transfer of shares and compensation of shareholders	Subsections (1), (2) and (3) repealed by Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
5	Company compensated by the Treasury for losses due to the Bermuda agreement	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
6	Company to provide reasonable assistance to shareholders in bringing their claims to compensation	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
7	Interpretation	Definition of "Bermuda agreement" repealed by Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
8	Short title	N/A



Sch 1	List of current shareholders in the company	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
Sch 2	Details of the government stock given as compensation	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX
Sch 3	Previous agreement to become ineffective	Statute Law (Repeals) Act 1978, s 1, sch 1 pt IX

### Subsequent history

- 1.11 By 1978, compensation for the Bermuda rates had been paid to Cable and Wireless in full. The stocks issued to shareholders as compensation had also been redeemed, and the interest fully paid. Provisions relating to these matters were therefore spent, and were repealed by a Statute Law (Repeals) Act.<sup>63</sup> Some transitional provisions which were also spent were overlooked in 1978 but repealed in 1981.
- 1.12 At that point, the entire share capital in Cable and Wireless was still held by the Treasury Solicitor on behalf of the Treasury (aside from five shares held by nominees to enable a quorum).<sup>64</sup> However, only a few months after the 1981 repeal, provision was made for the privatisation of Cable and Wireless. By s 79(1) of the British Telecommunications Act 1981, the Treasury were empowered to “dispose of their interest in all or any of the shares of Cable and Wireless Limited in consideration of such sums as the Treasury may fix”.
- 1.13 Following this Act, 49% of the company was sold, with the government remaining the majority shareholder. The remaining 51% was sold in further tranches in 1983 and 1985. The government retained a golden share in Cable and Wireless, which enabled it to prevent certain changes in the company’s articles of association.<sup>65</sup> It gave up this share in 2002. The company is therefore now wholly in private hands.

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<sup>63</sup> SLR, *Notes on the Bill 1978*, pp 54-5

<sup>64</sup> SLR, *Notes on the Bill 1981*, p 222

<sup>65</sup> Written Answer, *Hansard* (HC), 6 March 1996, c228

- 1.14 In 2010, the company demerged part of its business as Cable & Wireless Communications, and changed its name to Cable & Wireless Worldwide. In July 2012, Cable & Wireless Worldwide was taken over by Vodafone, and was delisted from the London Stock Exchange. Cable & Wireless Communications continues to trade as a telecommunications company operating in the Caribbean, Panama, Macau, Monaco and various islands within the Commonwealth.
- 1.15 The Holding Company, renamed Cable Trust Ltd, was merged with the Globe Investment Trust in 1977. In 1990, Globe was the subject of a hostile takeover by the British Coal Staff Superannuation Scheme and the Mineworkers Pensions Scheme. This fund is still in existence.

**Provisions still in force**

- 1.16 The only substantive section of the 1938 Act that remains in force is section 1(1), which provided that dividends paid on the Treasury's Cable and Wireless shares would be paid into the Exchequer. It is obsolete now that the Treasury no longer holds any shares in the company. It did not apply to dividends paid on the disposal of the shares, and will not apply to any shares the Treasury acquires in the future.<sup>66</sup>
- 1.17 The substantive sections of the 1946 Act that remain in force are:
- (1) s 1(1), which provided that, on the appointed day, all shares in Cable and Wireless would be transferred to nominated persons to be held on behalf of the Treasury;
  - (2) s 3(4), which provided that no legal consequences would result from the fact that the company's members were to be fewer than required by law;
  - (3) s 3(5), which provided that dividends paid on the Treasury's shares would be paid into the Exchequer; and
  - (4) s 4(4), which provided that Parliament would provide money to indemnify the holding company against any liabilities arising after the appointed day on existing contracts.

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<sup>66</sup> British Telecommunications Act 1981, s 79

- 1.18 Section 1(1) appears to have been obsolete since the transfer of shares to the Treasury was effected in 1946, but certainly since the Treasury sold off its shares.
- 1.19 Section 3(4) granted an exception to the law that, if the number of a company's members fell below two, it could be wound up by the court and its remaining member would incur unlimited liability. This exception was required during the period of Treasury ownership, but is neither necessary nor appropriate today.
- 1.20 Section 3(5) is a similar provision to section 1(1) of the 1938 Act, and is obsolete for the same reasons.
- 1.21 Section 4(4) provided for the funding (out of moneys provided by Parliament) of any claims arising from an undertaking given by the Treasury to the Holding Company to indemnify that company against liabilities for the pensions and death benefits of the operating company's employees. Any such liability would have been pursuant to an agreement entered into before 18 April 1946.
- 1.22 Examination of the Holding Company's records at the London Metropolitan Archives provides no evidence of moneys being paid over pursuant to section 4(4). The provision appears to serve no useful purpose and its repeal is proposed on that basis. It may well be that it was enacted as a matter of Parliamentary procedure. In any event its repeal will have no effect on the Treasury undertaking to which it refers.

*Proposal*

- 1.23 The 1938 and 1946 Acts are both obsolete. Their repeal is proposed on that basis.

*Extent*

- 1.24 The 1938 and 1946 Acts extended throughout the United Kingdom.

*Consultation*

- 1.25 HM Treasury, the Department for Business, Innovation & Skills, the Treasury Solicitor's Department, Cable & Wireless Communications plc, Vodafone plc, Coal Pension Trustees Services Ltd (for the British Coal Staff Superannuation Scheme and the Mineworkers Pension Scheme) and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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**RESTRICTION OF ADVERTISEMENT (WAR RISKS INSURANCE) ACT  
1939**

- 1.1 This note proposes the repeal of the Restriction of Advertisement (War Risks Insurance) Act 1939.
- 1.2 The Restriction of Advertisement (War Risks Insurance) Act 1939<sup>67</sup> (“the 1939 Act”) was passed to restrict the advertisement of insurance schemes which purported to indemnify property owners against war risk.
- 1.3 The 1939 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	N/A
1	Restriction of circulars and advertisements relating to insurance against war risks	Subsection (2)(a) repealed by Statute Law (Repeals) Act 1981, sch 1 pt 11
2	Requirements as to carrying on business where permission is granted under section 1	N/A
3	Provision for the appointment of an advisory committee	N/A
4	Offences	N/A
5	Authorised persons to be able to act on the President of the Board of Trade’s behalf	Statute Law (Repeals) Act 1974, sch pt 9
6	Interpretation	N/A
7	Short title and extent	N/A

- 1.4 Most of the 1939 Act remains in force. It seems likely that the policy behind it was peculiar to the country’s needs on the brink of the Second World War and that the passage of time has rendered the Act obsolete.

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<sup>67</sup> 2 & 3 Geo.6 c.120

- 1.5 The 1939 Act was designed to prevent “small print advertising” misleading consumers about the capacity of ordinary insurance to cope with the potentially massive property damage that it was feared modern weaponry could inflict on an industrial society. In April 1937, the government announced that it would not set up a national scheme to provide insurance against property damage caused by the imminent war. It was suggested that “the extent of the risk was so incalculable and might in certain circumstances be so great that no actuarial basis existed for making a real insurance scheme”.<sup>68</sup> Private companies sprang up to fill this gap. Officials considered that these companies had nothing like the resources to offer complete coverage, but that their advertising, without being necessarily fraudulent, appeared to mislead customers about the level of protection they were likely to receive.
- 1.6 The 1939 Act therefore set up a scheme which required anyone who wanted to advertise insurance against war risks to seek the permission of the Board of Trade. Every application for permission had to be approved by an advisory committee established under section 3 of the Act. To issue advertisements without such permission was made a criminal offence. The intention of the 1939 Act was not to prevent private companies offering insurance against war risk, but to ensure that consumers clearly understood the level of protection that could realistically be provided.
- 1.7 When the Board of Trade was abolished in 1997, its functions under the 1939 Act were transferred to the Treasury, where they remain.<sup>69</sup>
- 1.8 Although the 1939 Act was not in terms limited to risks arising during the course of the Second World War, it would have been of little value in the 70 years since then, if only because property in the United Kingdom has never been at risk from war damage on anything like the scale it was in 1939. More to the point, perhaps, the world has moved on since then. The sale of insurance today is regulated under modern consumer protection legislation protecting property owners to an extent not available back in 1939.

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<sup>68</sup> HC Deb, 9 November 1939, vol 353 c469

<sup>69</sup> See the Transfer of Functions (Insurance) Order 1997 [SI 1997/2781], art 2(4)

- 1.9 Today, any person or body offering war risks insurance would have to be authorised and supervised for conduct purposes by the Financial Conduct Authority, and for prudential purposes by the Prudential Regulation Authority (part of the Bank of England).
- 1.10 Businesses offering contracts of insurance are carrying on “regulated activities” for the purposes of the Financial Services and Markets Act 2000. In order to carry on their business, insurers must meet “threshold requirements” relating to, for example, legal status, the location of the business, supervisability, adequacy of resources and suitability.
- 1.11 Advertising too is now independently regulated. Consumers concerned that an advertisement may be fraudulent or misleading can complain to the Advertising Standards Authority. Misleading advertising is referred to in the relevant advertising code as follows:
- Marketing communications must not mislead the consumer by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.
- Material information is information that the consumer needs to make informed decisions in relation to a product.<sup>70</sup>
- 1.12 Treasury officials have confirmed that they are not aware of any modern use of the arrangements established by the 1939 Act. It therefore appears that the 1939 Act has been entirely superseded by modern regulatory arrangements and is no longer of practical use.

*Proposal*

- 1.13 The 1939 Act is now obsolete and its repeal is proposed on that basis.

*Extent*

- 1.14 The Act extended throughout the United Kingdom.

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<sup>70</sup> See The CAP Code: the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (Edition 12), paras 3.3 and 3.4

*Consultation*

- 1.15 HM Treasury, the Bank of England, the Department for Business, Innovation and Skills, the Financial Conduct Authority, the Association of British Insurers and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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## STATISTICS OF TRADE ACT 1947

- 1.1 This note proposes the repeal of section 10 of the Statistics of Trade Act 1947.
- 1.2 The Statistics of Trade Act 1947<sup>71</sup> (“the 1947 Act”) was enacted to enable certain government departments to obtain more readily the information necessary for the appreciation of economic trends and for the discharge of their functions.
- 1.3 This Act remains the basis on which the Office for National Statistics (ONS) gathers information relating to business. It provides the necessary statutory authority under which questionnaires are sent to businesses, and returns required.<sup>72</sup> Information gathered by ONS under the Act provides the basis for the Annual Business Surveys (ABS). Although the scope and nature of the statistics and the way they are presented have changed a great deal over the years, and have recently been primarily informed by European statistical requirements,<sup>73</sup> the ONS still rely on the authority of the 1947 Act.<sup>74</sup> Section 10 of the 1947 Act, however, is not in use today.
- 1.4 Section 10 gives the Chancellor of the Exchequer<sup>75</sup> power to make provision by order to require those travelling by air into or out of the United Kingdom to provide their name, sex, marital status, occupation and country of departure or destination. This was intended to plug a gap in the Government’s knowledge, which while not serious in 1947, it was feared might become so as air travel grew in the second half of the twentieth century:

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<sup>71</sup> 10 & 11 Geo.6 c.39

<sup>72</sup> Depending on the nature of information requested, a typical ABS questionnaire is headed either “Notice is given under section 1 of the Statistics of Trade Act 1947” or “Notice is given under sections 2 and 3 of the Statistics of Trade Act 1947”; and warns the business in receipt that “If you do not complete and return this questionnaire, penalties may be incurred (under section 4 of the Statistics of Trade Act 1947)”

<sup>73</sup> See in particular Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast)

<sup>74</sup> See, for example, House of Commons Hansard written answers for 8 March 2007, 12 October 2006, 17 November 2005

<sup>75</sup> As enacted this power lay with the Board of Trade; the function was transferred to the Chancellor of the Exchequer, exercisable concurrently with the Secretary of State and the Board of Trade: see the Transfer of Functions (Economic Statistics) Order 1989 [SI 1989/992], art 2(1)

Information is desired about the age, sex, and occupations, of migrants by air, so that the Board of Trade, the Registrar-General, and other Departments, may know the extent and nature of movements in and out of the country. It is particularly important to know what kind of people are leaving the country, and a simple record of total numbers of people leaving the country, without details of what type of people they are, is not satisfactory.

It may be that the absence of this information at the present time is not really a serious matter, but ... we are taking this opportunity, in this Bill, of closing that gap.<sup>76</sup>

- 1.5 No Order has been made under section 10, which therefore means that the section has been inactive since it came into force in 1947. In 1957 a committee was established to examine methods of collecting information from British and Commonwealth citizens entering or leaving the United Kingdom by air. It proposed making an order under section 10, but the intention appears to have foundered on the unwillingness of both the airlines and the Home Office to take responsibility for issuing and collecting questionnaires.
- 1.6 There is to this day no comprehensive measure of migration in the United Kingdom. Instead estimates are made based on a range of surveys and data sources.<sup>77</sup> Relevant for these purposes is the International Passenger Survey (IPS) which collects information about passengers entering and leaving the United Kingdom, and has been running continuously since 1961. IPS was designed to provide economic data on travel and tourism, and has become a vital source for estimating international migration. IPS is conducted on a voluntary basis, and without statutory enforcement provisions.
- 1.7 Nor does it seem likely that section 10 will be necessary in the future for purposes of managing immigration, since immigration officials already have extensive powers to require information.<sup>78</sup>

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<sup>76</sup> John Belcher (Parliamentary Secretary to the Board of Trade) HC Deb 25 April 1947 vol 436, col 1403

<sup>77</sup> House of Commons, Public Administration Select Committee, *Migration Statistics*, HC 523 [incorporating HC 1010-i, Session 2012–13] (28 July 2013)

<sup>78</sup> For example, under the Immigration Act 1971, section 4 and Sch 2

*Proposal*

- 1.8 It appears that section 10 no longer serves any useful purpose and it is proposed for repeal on that basis.

*Extent*

- 1.9 Section 10 extended throughout the United Kingdom.

*Consultation*

- 1.10 HM Treasury, the Department for Business, Innovation and Skills, the Home Office, the Office for National Statistics and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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## INDUSTRIAL ORGANISATION AND DEVELOPMENT ACT 1947

- 1.1 This note proposes the repeal of the Industrial Organisation and Development Act 1947.
- 1.2 The Industrial Organisation and Development Act 1947<sup>79</sup> (“the 1940 Act”) was passed to provide powers for Ministers to establish development councils for individual industries. These councils would be established by order, would be funded by levies on businesses, and would work to improve the efficiency of the individual industries by investing in research, training and marketing.<sup>80</sup>
- 1.3 The 1947 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	N/A
1	Establishment of development councils	N/A
2	Constitution of councils	N/A
3	Provision of information to councils	N/A
4	Levies to fund councils	N/A
5	Restrictions on disclosure of information	N/A
6	Enforcement of information provisions	N/A
7	Councils’ reports and accounts	N/A
8	Amendment or dissolution of councils	N/A
9	Raising of levies in industries without councils	N/A
10	Disposal of sums levied under Defence (Encouragement of Exports) Regulations 1940	Statute Law (Repeals) Act 1978, s 1(1), sch 1 pt IX

<sup>79</sup> 10 & 11 Geo. 6 c.40

<sup>80</sup> HC Deb 13 February 1947 vol 433 cc547-561

11	Grants to Council of Industrial Design	N/A
12	Expenses	N/A
13	Powers of Board of Trade	Industrial Expansion Act 1968, s 18(2), sch 4
14	Definition of activities comprising an industry	N/A
15	Application to Northern Ireland	N/A
16	Repeals	Statute Law Revision Act 1950, s 1(1), sch 1
17	Short title and interpretation	N/A
Sch 1	Functions of councils	N/A
Sch 2	Subsidiary matters	N/A

1.4 By July 1949, development councils had been established for the cotton, furniture, and jewellery and silverware industries.<sup>81</sup> A Clothing Industry Development Council was created later that year. During the 1980s and 1990s, a new set of agricultural development councils were established for the apple and pear, horticulture, milk and potato industries.

1.5 However, few of the development councils had any real impact on their industries. They often received little support from employers, who feared that they were the “thin end of the wedge of nationalisation”.<sup>82</sup> Most of the councils were eventually dissolved and replaced by new industry bodies, funded on a voluntary basis instead of by levies.

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<sup>81</sup> HC Deb 26 July 1949 vol 467 c109W

<sup>82</sup> HC Deb 27 November 1952 vol 508 c681

- 1.6 By 2008, the only three councils that remained were the Horticultural Development Council, the Milk Development Council and the Potato Industry Development Council. These were dissolved when their functions were merged to form the Agriculture and Horticulture Development Board, which was established under the Natural Environment and Rural Communities Act 2006.<sup>83</sup>
- 1.7 Today there are no development councils in existence. In 2010, members of development councils ceased to be disqualified from membership of the House of Commons.<sup>84</sup>
- 1.8 The 1947 Act was also used to raise levies by a number of industries without their own development councils.<sup>85</sup> All of these levies have also now ceased, following the abolition of the Wool Textile Industry Export Promotion Levy in 2008.<sup>86</sup>
- 1.9 The only surviving substantive provision of the 1947 Act that does not concern development councils or levies is section 11. This enables the Board of Trade (now the Department for Business, Innovation and Skills) to make grants to the Council of Industrial Design. The Council of Industrial Design was renamed the Design Council in the 1970s, and is now a charity incorporated by Royal Charter. It continues to receive grants from BIS but it is not clear whether these are authorised pursuant to section 11.

*Proposal*

- 1.10 Assuming that section 11 is no longer used to fund the Design Council, and that the government has no plans to establish new development councils, it appears that the 1947 Act is now obsolete and can be repealed.
- 1.11 A consequential repeal would be section 60 of the Agriculture Act 1993, which amended section 4 of the 1947 Act in relation to development council orders concerning agriculture.

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<sup>83</sup> Agriculture and Horticulture Development Board Order 2008 [SI 2008/576]

<sup>84</sup> House of Commons Disqualification Order 2010 [SI 2010/762], art 2, Sch, para 7

<sup>85</sup> That is, the lace, wool textile, cutlery and stainless steel flatware, meat, iron casting, and hosiery and knitwear industries

<sup>86</sup> Wool Textile Industry (Export Promotion Levy) (Revocation) Order 2008 [SI 2008/2931]

*Extent*

- 1.12 The 1947 Act extended throughout the United Kingdom.

*Consultation*

- 1.13 The Department for Environment, Food and Rural Affairs, the Department for Business, Innovation and Skills, the Design Council and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## COMPANIES ACT 1947

- 1.1 This note proposes the repeal of the Companies Act 1947.
- 1.2 The Companies Act 1947<sup>87</sup> (“the 1947 Act”) was passed to implement the recommendations of the Cohen Report on the reform of British company law. It did this primarily by making amendments to the Companies Act 1929. Because of the complexity of the 1947 Act’s drafting, Parliament called for a Bill to consolidate the two Acts. The government undertook that most of the 1947 Act would not be brought into force until consolidating legislation had been produced. The Companies Act 1948 duly consolidated the 1929 Act and the 1947 Act, thereby rendering most of the 1947 Act obsolete.<sup>88</sup>
- 1.3 The 1947 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1-57	Provisions on the management and administration of companies	Companies Act 1948, s 459, sch 17 pt I
58	Extension of the Registration of Business Names Act 1916	Companies Act 1981, s 119, sch 4
59-90	Provisions on share capital and debentures; constitution of companies; and enforcement and registration of charges	Companies Act 1948, s 459, sch 17 pt I
91	Provision on preferential payments during winding up	Insolvency Act 1985, s 235, sch 10 pt III (for England and Wales); Bankruptcy (Scotland) Act 1985, s 75, sch 8 (for Scotland)
92	Provision on fraudulent preference prior to winding up	Subsection (1) repealed by Companies Act 1948, s 459, sch 17 pt I; whole provision repealed except for purposes of s 115 by Companies Act 1948, s 459, sch 17 pt II; whole provision repealed totally by Insolvency Act 1985, s 235, sch

<sup>87</sup> 10 & 11 Geo.6 c.47

<sup>88</sup> HL Deb 23 March 1948 vol 154 cc1015-6



		10 pt III (for England and Wales)
93-98	Provisions on the machinery of winding up	Companies Act 1948, s 459, sch 17 pt I
99	Provision on liability for rentcharges after winding up	Repealed except for purposes of s 115 by Companies Act 1948, s 459, sch 17 pt II; repealed totally by Insolvency Act 1985, s 235, sch 10 pt III (for England and Wales)
100-114	Provisions on winding up; offences and legal proceedings; and companies not registered under the 1929 Act	Companies Act 1948, s 459, sch 17 pt I
115	Amendment of the Bankruptcy Act 1914 and the Bankruptcy (Scotland) Act 1913	Insolvency Act 1985, s 235, sch 10 pt III (for England and Wales); Bankruptcy (Scotland) Act 1985, s 75, sch 8 (for Scotland)
116	Amendment of the Registration of Business Names Act 1916	Companies Act 1981, s 119, sch 4
117	Amendment of the Prevention of Fraud (Investments) Act 1939	Prevention of Fraud (Investments) Act 1958, s 28, sch 2
118-121	Consequential amendments and general provisions	Companies Act 1948, s 459, sch 17 pt I
122	Interpretation	Subsections (2)-(7) repealed by Companies Act 1948, s 459, sch 17 pt I
123	Short title, commencement and repeals	Part of subsection (1) repealed by Companies Act 1948, s 459, sch 17 pt I ; subsection (3) repealed by Statute Law Revision Act 1950, s 1, sch; whole provision repealed by Insolvency Act 1985, s 235, sch 10 pt III (for England and Wales)
Sch 1-8	Supplementary matters	Companies Act 1948, s 459, sch 17 pt I
Sch 9	Provisions repealed	Pt I repealed by Companies Act 1948, s 459, sch 17 pt I; pt II

		repealed by Statute Law Revision Act 1950, s 1, sch
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1.4 Thus, the only provisions of the 1947 Act that remain in force are:

- (1) the preamble;
- (2) s 92(2)-(4), in Scotland only, and only for the purposes of s 115(4) of the Act;
- (3) s 99, in Scotland only, and only for the purposes of s 115(5) of the Act;
- (4) s 122(1), which defines “the principal Act” as the 1929 Act; and
- (5) the remaining part of s 123, which provides the short title and commencement, in Scotland only.

*Proposal*

1.5 Given that s 115 was repealed in 1985, it is clear that all remaining substantive provisions of the 1947 Act are now obsolete. Accordingly the 1947 Act as a whole is now obsolete. Its repeal is proposed on that basis.

*Extent*

1.6 The 1947 Act extended throughout Great Britain, but not to Northern Ireland. Although the 1947 Act did not contain a specific extent provision, company law in Northern Ireland operated separately from that in Great Britain until the Companies Act 2006. Neither the 1929 Act nor the 1948 Act extended to Northern Ireland.

*Consultation*

1.7 The Department for Business, Innovation and Skills and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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## DEVELOPMENT OF INVENTIONS ACT 1967

- 1.1 This note proposes the repeal of the Development of Inventions Act 1967.
- 1.2 The Development of Inventions Act 1967<sup>89</sup> (“the 1967 Act”) was passed to consolidate the Development of Inventions Acts 1948, 1954 and 1965. These Acts had established the National Research Development Corporation (“the Corporation”) to exploit the commercial potential of inventions resulting from publicly funded research. Hovercrafts, for example, were first made commercially available under a contract from the Corporation.
- 1.3 The 1967 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Constitution of the National Research Development Corporation	British Technology Group Act 1991, s 17(2), sch 2 pt II (on dissolution date)
2	Functions of the Corporation	British Technology Group Act 1991, s 17(2), sch 2 pt I
3	Directions to the Corporation by the Minister	British Technology Group Act 1991, s 17(2), sch 2 pt I
4	Requirements of Ministerial approval	British Technology Group Act 1991, s 17(2), sch 2 pt I
5	Duty of Corporation to ensure that its revenue covers its outgoings	British Technology Group Act 1991, s 17(2), sch 2 pt I
6	Power to borrow up to £250,000	British Technology Group Act 1991, s 17(2), sch 2 pt I
7	Advances to Corporation out of money provided by Parliament	British Technology Group Act 1991, s 17(2), sch 2 pt I

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<sup>89</sup> 1967 c.32

8	Remission of liability to repay advances	British Technology Group Act 1991, s 17(2), sch 2 pt I
9	Relief from interest on advances	British Technology Group Act 1991, s 17(2), sch 2 pt I
10	Establishment of a reserve	British Technology Group Act 1991, s 17(2), sch 2 pt I
11	Undertaking of projects sponsored by government departments	British Technology Group Act 1991, s 17(2), sch 2 pt I
12	Keeping and auditing of accounts	British Technology Group Act 1991, s 17(2), sch 2 pt I
13	Publication of annual report	British Technology Group Act 1991, s 17(2), sch 2 pt I
14	Saving for powers of Parliament of Northern Ireland	Northern Ireland Constitution Act 1973, s 41(1), sch 6 pt I
15	Short title, interpretation, repeals, savings, construction and commencement	Subsections (1)-(2) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt II (on dissolution date); subsections (3)-(8) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I
Sch	Constitution of the Corporation	Paragraphs 4-8 repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; remainder repealed by British Technology Group Act 1991, s 17(2), sch 2 pt II (on dissolution date)

- 1.4 In 1981, the Corporation was merged with the National Enterprise Board to create the British Technology Group. However, the Corporation and the Board continued to be accountable to Parliament as separate entities until the merger was given a statutory grounding by the British Technology Group Act 1991<sup>90</sup> (“the 1991 Act”). This Act transferred all the property, rights, and liabilities of the Corporation to the British Technology Group. Following a management buyout in 1992, the British Technology Group is now a company in the private sector, BTG plc.
- 1.5 Virtually the whole of the 1967 Act has already been repealed, so that the only provision that has not been repealed is the preamble. Savings provisions originally applied to sections 7(6), 12 and 13(2), but these ceased to have effect after 6 January 1992 (the appointed day).<sup>91</sup>
- 1.6 However, some of the provisions repealing parts of the 1967 Act were to commence only on the date of the Corporation’s dissolution. These are the repeals of:
- (1) section 1, which established the Corporation;
  - (2) section 15(1)-(2) (short title and interpretation); and
  - (3) paragraphs 1-3 and 9 of the schedule, on the Corporation’s procedure, regulations and tax liability.
- 1.7 Under section 11(2) of the 1991 Act, the Secretary of State may dissolve the Corporation once he is satisfied that it has fulfilled all its obligations under schedule 3 of that Act. No statutory instrument has so far been issued to set a dissolution date for the Corporation. These provisions therefore technically remain in force.

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<sup>90</sup> 1991 c.66

<sup>91</sup> British Technology Group Act 1991 (Appointed Day) Order 1991 [SI 1991/2721], art 2

1.8 It appears that the Corporation has today long ceased to operate as a going concern. 2008 was the last year in which the Corporation was required to prepare financial information for the Treasury.<sup>92</sup> In 2010, the chairmanship of the Corporation ceased to be a post that would disqualify its holder from membership of the House of Commons.<sup>93</sup> While it is not clear why the Corporation has not yet been formally dissolved, the provisions in the 1967 Act relating to the Corporation have long ceased to serve any useful purpose. Their formal repeal now will permit the whole of the 1967 Act to be finally laid to rest.

*Proposal*

1.9 The remaining provisions in the 1967 Act no longer serve any useful purpose and their repeal is proposed on that basis.

*Extent*

1.10 The 1967 Act extended throughout the United Kingdom.

*Consultation*

1.11 The Department for Business, Innovation and Skills, BTG plc and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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<sup>92</sup> Whole of Government Accounts (Designation of Bodies) Order 2008 [SI 2008/1440], art 2, sch 1

<sup>93</sup> House of Commons Disqualification Order 2010 [SI 2010/762], art 11

## **TRADE DESCRIPTIONS ACT 1968**

- 1.1 This note proposes the repeal of section 17 of the Trade Descriptions Act 1968.
- 1.2 The Trade Descriptions Act 1968<sup>94</sup> (“the 1968 Act”) was passed to make new provision for the prohibition of false trade descriptions.
- 1.3 Section 17 of the 1968 Act inserted a new section 64A into the Trade Marks Act 1938.<sup>95</sup> This enabled the proprietor of a trademark to request that goods infringing that trademark be prohibited from importation into the UK.
- 1.4 The Trade Marks Act 1938 was repealed in its entirety by the Trade Marks Act 1994.<sup>96</sup> The prohibition of infringing goods is now dealt with under section 89 of that Act.

### *Proposal*

- 1.5 Section 17 has been obsolete since the repeal of the 1938 Act. Its repeal is proposed on that basis.

### *Extent*

- 1.6 Section 17 extended throughout the United Kingdom.

### *Consultation*

- 1.7 The Department for Business, Innovation and Skills and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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<sup>94</sup> 1968 c.29

<sup>95</sup> 1938 c.22

<sup>96</sup> 1994 Act, s 106(2), sch 5

## LOCAL EMPLOYMENT ACT 1970

- 1.1 This note proposes the repeal of the Local Employment Act 1970.
- 1.2 The Local Employment Act 1970<sup>97</sup> (“the 1970 Act”) was passed to extend the government’s regional development policy. Previously, assistance had been focused on development areas and special development areas, which had been designated as the regions most at need. The 1970 Act introduced intermediate areas, which faced less serious economic difficulties than development areas. It also provided funds for improving derelict land.<sup>98</sup>
- 1.3 The 1970 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Specification of intermediate areas	Local Employment Act 1972, s 22(2), sch 4
2	Derelict land clearance areas	Local Employment Act 1972, s 22(2), sch 4
3	Orders	Local Employment Act 1972, s 22(2), sch 4
4	Grants towards improvement work	Local Employment Act 1972, s 22(2), sch 4
5	Amendments	N/A
6	Financial provisions	Local Employment Act 1972, s 22(2), sch 4
7	Withdrawal of selective employment premium	Finance Act 1972, s 134(7), sch 28 pt IX
8	Interpretation	Subsection (1) repealed by Local Employment Act 1972, s 22(2), sch 4
9	Short title, commencement, repeals and extent	Subsections (2) and (4) repealed by Local Employment Act 1972, s 22(2), sch 4

<sup>97</sup> 1970 c.7

<sup>98</sup> HC Deb 05 November 1969 vol 790 cc1024-1034



Sch	Amendments	Aside from the entry relating to section 60 of the Landlord and Tenant Act 1954, repealed by Local Employment Act 1972, s 22(2), sch 4
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1.4 Most of the 1970 Act has been repealed. Statutory provisions on development and intermediate areas are now found in the Industrial Development Act 1982, which consolidated previous legislation on the subject. Similarly, provisions on the improvement of derelict land are now contained in the Derelict Land Act 1982.

1.5 The only substantive provision of the 1970 Act that currently remains in force is the entry in the Schedule which amends section 60 of the Landlord and Tenant Act 1954. Section 60 now provides that, where the Secretary of State or the Urban Regeneration Agency is the landlord of property in a development or intermediate area, the Secretary of State may terminate a tenancy in order to achieve the purpose mentioned in section 2(1) of the Local Employment Act 1972. The purpose mentioned in section 2(1) is providing employment appropriate to the needs of the area.<sup>99</sup>

*Proposal*

1.6 With the exception of the amendment made to the Landlord and Tenant Act 1954, the 1970 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendment may be conveniently continued by the entry in the attached *Schedule of Savings*. This will permit the final repeal of the 1970 Act in its entirety.

*Extent*

1.7 The 1970 Act extended throughout Great Britain, but not Northern Ireland.

*Consultation*

1.8 The Department for Business, Innovation and Skills, the Department for Communities and Local Government and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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<sup>99</sup> Section 2(1) has been repealed except as applied by section 60: see Industrial Development Act 1982, s 19(1), sch 2 pt II para 2(a)

## **SCHEDULE OF SAVINGS**

### *Landlord and Tenant Act 1954 (c.56)*

The repeal by this Act of the Schedule to the Local Employment Act 1970 does not affect the amendments made by that Schedule to section 60 of the Landlord and Tenant Act 1954 (special provisions as to certain premises where the Secretary of State or the English Industrial Estates Corporation is the landlord).

## UNSOLICITED GOODS AND SERVICES (AMENDMENT) ACT 1975

- 1.1 This note proposes the repeal of the Unsolicited Goods and Services (Amendment) Act 1975.
- 1.2 The Unsolicited Goods and Services (Amendment) Act 1975<sup>100</sup> (“the 1975 Act”) was passed to amend the Unsolicited Goods and Services Act 1971 (“the 1971 Act”). The 1971 Act made it an offence to provide goods or services to a person who had not asked for them. However, it had failed to stop the practice of sending businesses purported invoices for unsolicited entries in directories. The 1975 Act enabled the Secretary of State to make regulations about the form of invoices, and provided stronger penalties for offenders.<sup>101</sup>
- 1.3 The 1975 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Section 3A inserted into 1971 Act	N/A
2	Amendments to sections 3(3) and 6(2) consequential on insertion of section 3A	Subsection (1) repealed by Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
3	Offences under section 3(2) of 1971 Act to be prosecuted on indictment	Subsection (2) repealed by Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
4	Short title, commencement, transitional provisions and extent	Subsections (2)-(4) repealed by Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16

- 1.4 The Unsolicited Goods and Services (Invoices etc) Regulations 1975<sup>102</sup> were duly made under section 3A of the 1971 Act (as inserted by section 1 of the 1975 Act). They required purported invoices to contain notices in large red type, explaining that the recipient was under no obligation to pay.

<sup>100</sup> 1975 c.13

<sup>101</sup> HL Deb 04 March 1975 vol 357 cc1235-1238

<sup>102</sup> SI 1975/732

- 1.5 However the law on directory entries was reformed by the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005<sup>103</sup> (“the 2005 Order”). The 2005 Order amended the 1971 Act to take account of repeat entries in directories. It also repealed section 3A and made new provision for the form of invoices.<sup>104</sup> This made section 1 of the 1975 Act unnecessary.
- 1.6 The amendments to the 1971 Act made by section 2 of the 1975 Act are also no longer effective. Section 2(1) was repealed before being brought into force.<sup>105</sup> Section 2(2) substituted a new section 6(2) in the 1971 Act but became unnecessary when section 6(2) was further substituted by the 2005 Order.<sup>106</sup> Section 2 is therefore also unnecessary.
- 1.7 The only substantive provision of the 1975 Act that continues to have an effect is subsection 3(1), which provides for the prosecution on indictment of offences under section 3(2) of the 1971 Act. Section 3(2) was repealed in 2004.<sup>107</sup> Section 4, so far as unrepealed, merely provides for the short title and extent.

#### *Proposal*

- 1.8 With the exception of section 3(1), the 1975 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of section 3(1) may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the final repeal of the 1975 Act in its entirety.

#### *Extent*

- 1.9 The 1975 Act extended throughout Great Britain, but not Northern Ireland.

#### *Consultation*

- 1.10 The Department for Business, Innovation and Skills and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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<sup>103</sup> SI 2005/55

<sup>104</sup> 2005 Order, art 2(6)

<sup>105</sup> Statute Law (Repeals) Act 2004, s 1(1), Sch 1, Pt 16, Group 2

<sup>106</sup> 2005 Order, art 2(8)(a)

<sup>107</sup> Statute Law (Repeals) Act 2004, s 1(1), Sch 1, Pt 16, Group 2

## **SCHEDULE OF SAVINGS**

### *Unsolicited Goods and Services Act 1971 (c.30)*

In section 3(2) of the Unsolicited Goods and Services Act 1971, after “the prescribed sum” insert “or on conviction upon indictment with a fine”.

## INDUSTRY ACT 1975

- 1.1 This note proposes the repeal of Part 2 of the Industry Act 1975. Part 2 (sections 11 to 20 and Schedule 3) is concerned with powers given to the Secretary of State to prevent important manufacturing undertakings being transferred to persons who are not resident in the United Kingdom.
- 1.2 The Industry Act 1975<sup>108</sup> (“the 1975 Act”) was passed to reform British industry by improving co-operation between workers, businesses and the government. As well as introducing the aforementioned powers, it established the National Enterprise Board, increased public investment in manufacturing, and provided for planning agreements between the government and major companies.<sup>109</sup> Many of its provisions implemented proposals from the 1974 white paper, *The Regeneration of British Industry*.<sup>110</sup>
- 1.3 Much of the 1975 Act has already been repealed. This includes Part 1 (sections 1 to 10: establishment of the National Enterprise Board) and Part 4 (sections 27 to 34: disclosure of information). This note is concerned with the proposed repeal of Part 2 (sections 11 to 20 and Schedule 3).
- 1.4 Sections 11 to 20, along with Schedule 3, gave the Secretary of State power to prohibit the control of important manufacturing undertakings from passing to persons resident outside the UK, where such a change of control would be contrary to the national interest<sup>111</sup>. The Secretary of State would also have powers to acquire the undertaking and to provide compensation.

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<sup>108</sup> 1975 c.68

<sup>109</sup> HC Deb 17 February 1975 vol 886 cc935-946

<sup>110</sup> Cmnd 5710

<sup>111</sup> Section 11(2) defines “important manufacturing undertaking” as an undertaking which, in so far as it is carried on in the United Kingdom, is wholly or mainly engaged in manufacturing industry and appears to the Secretary of State to be of special importance to the United Kingdom or to any substantial part of the United Kingdom. “Manufacturing industry” is defined in section 37(1) by reference to activities which are described in any of the minimum list headings in Orders III to XIX of the Standard Industrial Classification. Section 37(3), however, lists a wide range of activities which are to be treated as manufacturing industry in so far as they relate to products manufactured by the particular industry, including research, transport, sales, and production and distribution of energy and heating

- 1.5 The principal power is section 13. This empowers the Secretary of State to make a prohibition order to prevent the control of an important manufacturing undertaking passing to a non-resident person. Section 13 also empowers the Secretary of State to make a vesting order vesting the capital or assets of the undertaking in him. No such prohibition or vesting orders have ever been made.
- 1.6 The other provisions in Part 2 are ancillary to the powers in section 13. Of special interest are section 19 (which provides for the making of a compensation order if a vesting order is ever made) and Schedule 3 (which empowers the Secretary of State by order to establish an arbitration tribunal to determine disputes arising from a compensation or a vesting order). No compensation order has ever been made, nor has any order been made to establish an arbitration tribunal.
- 1.7 Lord Beswick explained that these powers were needed for “national economic planning purposes”. He said that “there may well be cases – indeed, there have been cases – where we would think it undesirable that a particular industry should pass under the control of a particular citizen overseas”, giving the examples of “a particularly sensitive industry” or “a company that is essential to the British economy” being taken over by an asset stripper or a speculator.<sup>112</sup> Similar powers exist in other jurisdictions: for example, under the Investment Canada Act 1985, or Australia’s Foreign Acquisitions and Takeovers Act 1975.
- 1.8 Nevertheless, the fact that these powers have never been invoked in the near 40 years since they were created suggests that they may have outlived their usefulness and are no longer considered necessary.

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<sup>112</sup> HL Deb 24 July 1975 vol 363 cc470-477

- 1.9 One reason why the 1975 Act powers have never been used may be that they have been at least partly superseded by powers in Part 3 of the Enterprise Act 2002, relating to mergers. Chapter 2 of Part 3 empowers the Secretary of State to intervene in business mergers if he believes that a public interest consideration applies.<sup>113</sup> Such mergers may be referred to the Competition and Markets Authority, following which the Secretary of State may take enforcement action, including the blocking of the merger.<sup>114</sup>

*Proposal*

- 1.10 Part 2 of the 1975 Act no longer appears to serve any useful purpose, and its repeal is proposed on that basis. The repeal will not affect the remaining provisions of the 1975 Act which continue to be useful.<sup>115</sup>

*Extent*

- 1.11 Part 2 of the 1975 Act extends throughout the United Kingdom.

*Consultation*

- 1.12 HM Treasury, the Department for Business, Innovation and Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>113</sup> Public interest considerations include protecting national security and public security, maintaining the stability of the UK financial system, and a variety of interests relating to news and media

<sup>114</sup> The 2002 Act, s 55, Sch 7, para 11; Sch 8, para 2

<sup>115</sup> These remaining provisions are sections 23 to 25 (relating to finance for the building of ships) and the general and supplementary provisions in sections 35 to 39



## **ATOMIC ENERGY AUTHORITY (SPECIAL CONSTABLES) ACT 1976**

- 1.1 This note proposes the repeal of the Atomic Energy Authority (Special Constables) Act 1976.
- 1.2 The Atomic Energy Authority (Special Constables) Act 1976<sup>116</sup> (“the 1976 Act”) was passed to increase the security of Britain’s nuclear sites. It empowered the civilian guards at such sites to carry firearms, and to use them off-site when protecting fissile material.<sup>117</sup>
- 1.3 The 1976 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	N/A
1	AEA special constables deemed to be Crown servants for the purposes of the Firearms Act 1968	Energy Act 2004, s 197(9), sch 23 pt I
2	Powers of special constables could be exercised to protect fissile material in the possession of AEA or unlawfully removed from it	Energy Act 2004, s 197(9), sch 23 pt I
3	Powers of special constables could be exercised anywhere	Anti-terrorism, Crime and Security Act 2001, s 125, sch 8 pt V
4	Short title, interpretation, construction, amendment of the Metropolitan Police Act 1860, and extent	Energy Act 2004, s 197(9), sch 23 pt I

- 1.4 The whole Act, with the exception of the preamble, has now been repealed. The Act has therefore been obsolete since the last of these repeals was commenced in 2006.<sup>118</sup>

### *Proposal*

- 1.5 The 1976 Act now serves no useful purpose and its repeal is proposed on that basis.

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<sup>116</sup> 1976 c.23

<sup>117</sup> HL Deb 18 May 1976 vol 370 cc1267-1270

<sup>118</sup> Energy Act 2004 (Commencement No 5) Order 2005 [SI 2005/877], art 2(3), sch 3

*Extent*

- 1.6 The 1976 Act extended throughout Great Britain, but not Northern Ireland.

*Consultation*

- 1.7 The Department for Business, Innovation and Skills, the Home Office, the United Kingdom Atomic Energy Authority and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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## **WEIGHTS AND MEASURES & C ACT 1976**

- 1.1 This note suggests the possible repeal of the Weights and Measures & C Act 1976.
- 1.2 The Weights and Measures & C Act 1976<sup>119</sup> (“the 1976 Act”) was passed to continue the phasing out of imperial measures in the UK. It granted the government increased powers to restrict the use of imperial units for trade, in line with the requirements of EEC directives. It also made other changes to the law on weights and measures, requiring the standardisation of pack sizes, allowing local authorities to charge fees for weights and measures work, and enabling labelling requirements to be relaxed in case of shortages.<sup>120</sup>
- 1.3 The only provisions in the 1976 Act remaining in force relate to emergency powers that have never been exercised.
- 1.4 The 1976 Act provided as follows:

<b>Section</b>	<b>Provided</b>	<b>Repealed</b>
Preamble	Preamble	Weights and Measures Act 1985, s 98(1), sch 13 pt I
1	Units of measurement not to be used for trade	Weights and Measures Act 1985, s 98(1), sch 13 pt I
2	Units of measurement lawful for use for trade	Weights and Measures Act 1985, s 98(1), sch 13 pt I
3	Consultation on dual marking and conversion charts	Weights and Measures Act 1985, s 98(1), sch 13 pt I
4	Sales of pre-packed goods in imperial quantities	Weights and Measures Act 1985, s 98(1), sch 13 pt I
5	Use of weighing equipment with destroyed stamps	Weights and Measures Act 1985, s 98(1), sch 13

<sup>119</sup> 1976 c.77

<sup>120</sup> HC Deb 18 October 1976 vol 917 cc947-960

		pt I
6-7	Standardised marking of containers	Weights and Measures Act 1985, s 98(1), sch 13 pt I
8	Quantities of solid fuel	Weights and Measures Act 1985, s 98(1), sch 13 pt I
9	Fees charged by weights and measures authorities	Weights and Measures Act 1985, s 98(1), sch 13 pt I
10	Application to Northern Ireland	Weights and Measures Act 1985, s 98(1), sch 13 pt I
11	Quantities of solid fuel in Northern Ireland	Weights and Measures Act 1985, s 98(1), sch 13 pt I
12-13	Orders for the alleviation of food or other shortages	N/A
14	Interpretation	N/A
15	Short title, commencement, extent, repeals and saving	Subsections (4) and (5) repealed by Weights and Measures Act 1985, s 98(1), sch 13 pt I
Sch 1	Units of measurement for trade	Weights and Measures Act 1985, s 98(1), sch 13 pt I
Sch 2	Further units of measurement for trade	Weights and Measures Act 1985, s 98(1), sch 13 pt I
Sch 3	Pre-packed and other goods	Weights and Measures Act 1985, s 98(1), sch 13 pt I
Sch 4	Solid fuel	Weights and Measures Act 1985, s 98(1), sch 13 pt I
Sch 5	Solid fuel in Northern Ireland	Weights and Measures Act 1985, s 98(1), sch 13

		pt I
Sch 6	Temporary requirements imposed by orders under section 12	N/A
Sch 7	Repeals	Weights and Measures Act 1985, s 98(1), sch 13 pt I

1.5 The whole of the 1976 Act was repealed in 1985, except sections 12-14 and 15(1-3) and schedule 6. Section 12 provides that, where food or other goods are likely to be in short supply, the Minister may by order lift some restrictions normally imposed on the supply of the goods. These are:

- (1) the food safety requirements in section 16 of the Food Safety Act 1990 (in England, Wales and Scotland) or article 15 of the Food Safety (Northern Ireland) Order 1991<sup>121</sup> (in Northern Ireland),<sup>122</sup> and
- (2) the labelling requirements in sections 21, 22 and 23 of the Weights and Measures Act 1985 (in England, Wales and Scotland) or article 19 of the Weights and Measures (Northern Ireland) Order 1981<sup>123</sup> (in Northern Ireland).<sup>124</sup>

1.6 The remainder of the Act is ancillary to the power in section 12.

1.7 In Parliament, it was explained that the need for this power

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<sup>121</sup> SI 1991/762

<sup>122</sup> The reference in section 12(1)(a) to requirements in sections 4 and 7 of the Food Act 1984 have not been repealed for Northern Ireland. However, as these parts of the 1984 Act no longer apply to Northern Ireland, this reference appears to be obsolete

<sup>123</sup> SI 1981/231

<sup>124</sup> The reference in section 12(1)(d) to requirements in section 21 of the Weights and Measures Act 1963 has not been repealed for Northern Ireland. However, as the 1963 Act has been repealed in Northern Ireland, this reference appears to be obsolete

became apparent during the sugar shortage of 1974. During this time, packs of sugar were specially imported to cope with the emergency situation. In many cases the sale of this sugar was technically illegal either because weights and measures law relating to quantities or weight marking was being contravened or because certain labelling requirements of the Food and Drugs Acts were not being complied with. Very large numbers of retailers were therefore technically at risk of prosecution in selling this sugar. Under the clause, the Government would be able to suspend or relax these requirements if a shortage were to arise in the future.<sup>125</sup>

- 1.8 Given that no order has ever been made under section 12, consultees are invited to consider whether this power is now considered to be necessary. If the section 12 order-making power is no longer required, the 1976 Act as a whole may be repealed.

*Extent*

- 1.9 The relevant provisions of the 1976 Act extend throughout the United Kingdom.

*Consultation*

- 1.10 The Department for Environment, Food and Rural Affairs, the Department for Business, Innovation & Skills, the Food Standards Agency, the National Measurement Office, and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>125</sup> HC Deb 18 October 1976 vol 917 c949

## DOCK WORK REGULATION ACT 1976

- 1.1 This note proposes the repeal of the Dock Work Regulation Act 1976.
- 1.2 The Dock Work Regulation Act 1976<sup>126</sup> (“the 1976 Act”) was passed to reform the National Dock Labour Board (“the Board”). The Board had been established in 1947 to administer the Dock Labour Scheme. This scheme prevented the use of casual labour in the industry, by guaranteeing work for dockers and giving them rights to holidays, sick pay and pensions.
- 1.3 The 1976 Act provided for the creation of a new scheme, and also gave the Board responsibility for classifying which work fell under the scheme. It provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Reconstitution of National Dock Labour Board as body corporate	Dock Work Act 1989, s 7(1), sch 1 pt II
2-3	Board’s duties and finances	Dock Work Act 1989, s 7(1), sch 1 pt I
4-5	Preparation of new Dock Labour Scheme	Dock Work Act 1989, s 7(1), sch 1 pt I
6-12	Classification of dock work	Dock Work Act 1989, s 7(1), sch 1 pt I
13	Financial provisions	Subsection (1) repealed by Dock Work Act 1989, s 7(1), sch 1 pt II; subsection (2) repealed by Dock Work Act 1989, s 7(1), sch 1 pt I
14	Continuation of statutory exceptions applying to dock workers	Dock Work Act 1989, s 7(1), sch 1 pt I
15	Interpretation	Subsection (1) repealed by Dock Work Act 1989, s 7(1), sch 1 pt II; subsections (2) and (3) repealed by Dock Work Act

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<sup>126</sup> 1976 c.79

		1989, s 7(1), sch 1 pt I
16	Statutory instruments	Dock Work Act 1989, s 7(1), sch 1 pt I
17	Commencement and repeals	Subsections (1) and (2) repealed by Dock Work Act 1989, s 7(1), sch 1 pt II; subsections (3) and (4) repealed by Dock Work Act 1989, s 7(1), sch 1 pt I
18	Short title and extent	Dock Work Act 1989, s 7(1), sch 1 pt II
Sch 1	Constitution of new Board and transitional provisions	Dock Work Act 1989, s 7(1), sch 1 pt II
Sch 2-6	Subsidiary provisions and repeals	Dock Work Act 1989, s 7(1), sch 1 pt I

1.4 By 1989, the Dock Labour Scheme had come to be seen as “a total anachronism” by the government. The scheme and the Board were both abolished by the Dock Work Act 1989, rendering the 1976 Act obsolete. The Board was duly dissolved on 30 June 1990.<sup>127</sup> Today, the only remaining part of the 1976 Act is the preamble.

*Proposal*

1.5 The 1976 Act now serves no useful purpose and its repeal is proposed on that basis.

*Extent*

1.6 The 1976 Act extended throughout Great Britain, but not Northern Ireland.

*Consultation*

1.7 The Department for Business, Innovation and Skills, the Department for Work and Pensions and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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<sup>127</sup> National Dock Labour Board (Date of Dissolution) Order 1990 [SI 1990/1158], art 2



## INDUSTRY ACT 1979

- 1.1 This note proposes the repeal of the Industry Act 1979.
- 1.2 The Industry Act 1979<sup>128</sup> (“the 1979 Act”) was passed to raise the borrowing limits of the National Enterprise Board, the Scottish Development Agency and the Welsh Development Agency. These three bodies had been established to encourage economic development and industrial investment. Part of the impetus behind the 1979 Act was the need to address the liabilities of the National Enterprise Board’s subsidiary, British Leyland.<sup>129</sup>
- 1.3 The 1979 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Acts amended to increase limits on borrowing	Subsection (1) was introductory and is now partly repealed and partly spent; subsections (2)-(4) repealed by Industry Act 1981, s 7(3), sch; references to National Enterprise Board repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; insofar as relating to Scottish Development Agency, repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I
2	Short title and repeals	N/A
Sch	Acts as amended	Entry relating to Industry Act 1975 repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; insofar as relating to Scottish Development Agency, repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I

- 1.4 The three bodies dealt with by the 1979 Act are now defunct:

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<sup>128</sup> 1979 c.32

<sup>129</sup> HC Deb 18 January 1979 vol 960 cc2023-2045

- (1) The functions of the Scottish Development Agency were transferred to Scottish Enterprise in 1990, and the Agency was dissolved the following year.<sup>130</sup>
- (2) The National Enterprise Board was merged with the National Research Development Corporation to become the British Technology Group. The Board was then dissolved on 1 July 1996.<sup>131</sup>
- (3) In 2006, the functions of the Welsh Development Agency were transferred to the Welsh Assembly, and the Agency was dissolved.<sup>132</sup>

1.5 The 1979 Act has already been repealed insofar as it applies to the National Enterprise Board and the Scottish Development Agency. Today, it remains in force only in relation to the Welsh Development Agency. Since the Welsh Development Agency no longer exists, the 1979 Act is entirely obsolete.

#### *Proposal*

1.6 The 1979 Act now serves no useful purpose and its repeal is proposed on that basis.

#### *Extent*

1.7 The 1979 Act extended throughout the United Kingdom.

#### *Consultation*

1.8 The Department for Business, Innovation and Skills, Scottish Enterprise, BTG plc and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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<sup>130</sup> Enterprise and New Towns (Scotland) Act 1990, ss 22-23; Enterprise and New Towns (Scotland) Act 1990 Commencement Order 1990 [SI 1990/1840]

<sup>131</sup> British Technology Group Act 1991, s 1; National Enterprise Board (Dissolution) Order 1996 [SI 1996/1448]

<sup>132</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226]

## CROWN AGENTS ACTS 1979 AND 1995

- 1.1 This note proposes the repeal of the Crown Agents Act 1979 and part of the Crown Agents Act 1995.

### Background

- 1.2 The Crown Agents Act 1979<sup>133</sup> (“the 1979 Act”) was passed to establish a new constitutional basis for the position of the Crown Agents. The Crown Agents had been established under the Royal Prerogative by the Secretary of State for the Colonies in 1833. They acted as commercial agents, with a monopoly on the supply of goods and services to colonial administrations. None of their activities was supported by any statutory authority. Originally known as the “Joint Agents General for Crown Affairs”, their name was changed in 1863 to “Crown Agents for the Colonies”, and in 1954 to “Crown Agents for Overseas Governments and Administrations”.
- 1.3 By the 1960s, the Crown Agents carried on a wide-ranging business, offering their financial and commercial services to overseas governments and international bodies. However, as their principals were no longer British colonies, the relationship between the Agents and ministers had become unclear.
- 1.4 During the 1970s, the Crown Agents expanded their business into the secondary banking sector. They suffered multimillion pound losses in the property crash of 1973, which had to be underwritten by the government. This disaster provided the impetus for the 1979 Act, which established a new system of close government control over the Agents. The 1979 Act re-constituted the Crown Agents as a body corporate.<sup>134</sup>

- 1.5 The 1979 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Reconstitution of Crown Agents as body corporate	Subsections (1)-(6) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt II upon the dissolution of the Crown Agents (dissolution

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<sup>133</sup> 1979 c.43

<sup>134</sup> HC Deb 08 February 1979 vol 962 cc585-598; HC Deb 06 June 1995 vol 261 cc35-36

		still awaited); subsection (7) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I <sup>135</sup>
2-12	Activities of Crown Agents	Crown Agents Act 1995, s 13(2), sch 2 pt I
13-24	Financial provisions	Crown Agents Act 1995, s 13(2), sch 2 pt I
25	Establishment of Crown Agents Holding and Realisation Board	N/A
26	Liability to repay recoverable grants to be extinguished	N/A
27	Board exempt from certain taxes and duties	Subsection (2) and text in subsection (3) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I
28	Revenue received by former Agents	Crown Agents Act 1995, s 13(2), sch 2 pt I
29	Expenses	N/A
30	Statutory instruments	Text in subsection (3)(a) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I; text in subsection (3)(a) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt II upon the dissolution of the Crown Agents (dissolution still awaited)
31	Interpretation	Text in subsection (1) and subsections (2)-(3) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I
32	Amendments, transitional provisions and repeals	N/A
33	Short title and extent	N/A
Sch 1	Constitution of Crown	Text in paragraph 7 and paragraphs 8, 9, 11, 13, 14 and

<sup>135</sup> By virtue of section 11(8) of the Crown Agents Act 1995, repeals by that Act of provisions of the 1979 Act that relate to the Crown Agents do not affect the continued operation of those provisions to the extent that they are applied (by the 1995 Act) to the Crown Agents Holding and Realisation Board. This saving provision became spent once that Board was dissolved in 2009

	Agents	15 repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I; remainder repealed by Crown Agents Act 1995, s 13(2), sch 2 pt II upon the dissolution of the Crown Agents (dissolution still awaited)
Sch 2-4	Further subsidiary provisions	Crown Agents Act 1995, s 13(2), sch 2 pt I
Sch 5	Crown Agents Holding and Realisation Board	Paragraphs 8(4) and (5) and text in paragraph 23(2)(a) repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I
Sch 6	Amendments and transitional provisions	Part II repealed by Crown Agents Act 1995, s 13(2), sch 2 pt I
Sch 7	Repeals	N/A

1.6 Following its establishment by the Act as a public corporation, the Crown Agents continued to provide services to overseas governments and development agencies. It was privatised in March 1997 under the Crown Agents Act 1995, when all the property, rights and liabilities of the Crown Agents were vested in a newly incorporated private company.<sup>136</sup> At that point the Crown Agents ceased to have any functions except to wind up its remaining affairs. Today the new private company acts as an international development specialist, wholly owned by the not-for-profit Crown Agents Foundation.<sup>137</sup>

#### **Unrepealed provisions of the 1979 Act**

1.7 Most of the 1979 Act was repealed by the Crown Agents Act 1995<sup>138</sup> (“the 1995 Act”). The provisions that have not been repealed are:

- (1) the preamble;

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<sup>136</sup> Crown Agents Act 1995 (Appointed Day) Order 1997 [SI 1997/1139], art 2

<sup>137</sup> The Crown Agents Foundation is the sole shareholder of the private company incorporated at privatisation. This company, incorporated originally under the name of Crown Agents for Overseas Governments and Administrations Ltd (and referred to in the Crown Agents Act 1995 as “the successor company”), changed its name in 2013 to “Crown Agents Ltd”

<sup>138</sup> 1995 c.24

- (2) section 25 (establishment of the Crown Agents Holding and Realisation Board) (“the Board”);
- (3) section 26 (financial liabilities of the unincorporated Crown Agents and the Board);
- (4) section 27 (the Board’s tax liability);
- (5) sections 29 to 33 (ancillary provisions including administrative expenses, order-making powers, interpretation, citation and extent);
- (6) Schedule 5 (provisions relating to the Board);
- (7) Schedule 6, Part I (which designated the records of the Crown Agents and the Board as public records); and
- (8) Schedule 7 (repeals).

1.8 The substantive provisions that remain in force are concerned primarily with the Board. This Board was established by the 1979 Act to take over and disengage from the Crown Agents’ ill-fated activities in secondary banking. In particular, the Agents had made large property investments in Australia, which the Board was charged with managing until they could be realised.<sup>139</sup>

1.9 On 1 April 2008, the Board was deemed to have substantially discharged its responsibilities, and all of its property, rights, liabilities and obligations were transferred to the Secretary of State for International Development.<sup>140</sup> The Board was formally dissolved on 18 July 2009.<sup>141</sup>

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<sup>139</sup> HC Deb 08 February 1979 vol 962 cc591-592

<sup>140</sup> Crown Agents Holding and Realisation Board (Prescribed Day) Order 2008 [SI 2008/921], art 3

<sup>141</sup> Crown Agents Holding and Realisation Board (Dissolution) Order 2009 [SI 2014/1366]

### **Uncommenced repeals**

- 1.10 Most of the 1979 Act repeals made by the 1995 Act came into effect on 21 March 1997, when the Crown Agents' property, rights and liabilities were transferred to its successor company. However, some of the repeals were due to come into effect only on the formal dissolution of the Crown Agents. These were the repeals of section 1(1)-(6), some text in section 30(3)(a), and parts of schedule 1.
- 1.11 Provision for the dissolution of the Crown Agents was made by section 8 of the 1995 Act. Section 8(1) provided for the Crown Agents to continue in existence after "the appointed day": that is, the day on which their property, rights and liabilities had been transferred to the successor company under section 1 of the 1995 Act. Section 8(4) empowered the Secretary of State to make an order dissolving the Crown Agents upon being satisfied that the residual functions of the Crown Agents had been substantially discharged.
- 1.12 The appointed day was 21 March 1997, when all the property, rights and liabilities of the Crown Agents were duly vested in the private limited company ("the successor company") referred to above.
- 1.13 No order has ever been made for the formal dissolution of the Crown Agents. It follows that the provisions identified above for repeal once the Crown Agents were formally dissolved remain in force to this day, even though the Crown Agents no longer exist as a body. The last annual report of the Crown Agents to be held by the National Archives was issued on 26 March 1996.<sup>142</sup> At this point, preparations were still underway for the transfer to the successor company. The National Archives have no records from the Crown Agents that post-date this transfer.<sup>143</sup>

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<sup>142</sup> *Crown Agents' Report & Accounts 1995* (26 March 1996)

<sup>143</sup> Subsequent annual reports of the Crown Agents were issued by the successor company. The *Crown Agents' Report & Accounts 1996* (2 April 1997) covers the final pre-transfer activities of the Crown Agents

## *Proposal*

### **The 1979 Act**

- 1.14 Provisions relating to the Board have been obsolete since it was dissolved in 2009. Despite the absence of any formal dissolution of the Crown Agents, the fact that its functions have been removed means that it has long ceased to serve any useful purpose. It follows that the 1979 Act, which is solely concerned with the functions of those bodies, can now serve no useful purpose. Its repeal is proposed on that basis.
- 1.15 The only provision that continues to have value is Part 1 of Schedule 6 to the 1979 Act. This amended the Public Records Act 1958 to include references to the Crown Agents and the Board as organisations whose records are public records. The effect of this amendment may be conveniently preserved by the entry in the attached *Schedule of Savings*.

### **The 1995 Act**

- 1.16 The 1995 Act contains a number of provisions relating to the vesting of the functions of the Crown Agents in the successor company. These became spent once the vesting was complete and the successor company became fully privatised. There are also spent provisions relating to the winding-up of the Crown Agents and their affairs. The following paragraphs identify these provisions.
- 1.17 *Sections 3 and 4* provided for the Secretary of State to acquire securities in the successor company. These powers were expressed to subsist only whilst the successor company was wholly owned by the Crown. As explained earlier, the successor company is now wholly owned by the Crown Agents Foundation.



1.18 *Sections 8 to 10* provided for the residual functions and dissolution of the Crown Agents. Section 8(1) continued the Crown Agents in existence until they had performed the functions in sections 9 (vesting of foreign property in the successor company) and 10 (preparation of final reports and accounts). Section 8(4) empowered the Secretary of State to make an order dissolving the Crown Agents when these residual functions had been completed. As explained above, no such order was ever made. The passage of time since 1997 and the fact that the Crown Agents no longer exist as a public body means that this power can never now be exercised.<sup>144</sup>

1.19 *Section 11* (constitution of the Board after the appointed day) relates to the operation of the Board after the appointed day (21 March 1997). The dissolution of the Board in 2009 means that section 11 is now unnecessary.

*Extent*

1.20 The 1979 Act and the relevant parts of the 1995 Act extended throughout the United Kingdom.

*Consultation*

1.21 The Department for International Development, the Crown Agents Foundation and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about these repeal proposals.

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<sup>144</sup> Indeed the power was exercisable only after consultation with the Crown Agents

## **SCHEDULE OF SAVINGS**

### *Public Records Act 1958 (c.51)*

The repeal by this Act of the Crown Agents Act 1979 (c.43) does not affect the amendments made by Part 1 of Schedule 6 to that Act to Schedule 1 to the Public Records Act 1958 (definition of public records)

## SHIPBUILDING ACT 1979

- 1.1 This note proposes the repeal of the Shipbuilding Act 1979.
- 1.2 The Shipbuilding Act 1979<sup>145</sup> (“the 1979 Act”) was a short Act passed to provide financial aid to British Shipbuilders, which had been suffering significant losses. The Act increased British Shipbuilders’ borrowing limit and extended the Home Shipbuilding Credit Guarantee Scheme (HSCGS) to cover conversions of ships. The HSCGS was established by the Industry Act 1972 (“the 1972 Act”), and provided government backing for loans taken out to fund the construction of ships in the UK.<sup>146</sup>
- 1.3 The 1979 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	British Shipbuilders’ borrowing limit increased	Shipbuilding Act 1982, s 1(2)
2	Amendment of section 10(9) of the 1972 Act to include alterations to ships	N/A
3	Short title and extent	N/A

- 1.4 British Shipbuilders was privatised during the 1980s. The HSCGS closed to new applications on 1 October 2004. However, as of March 2013, there were four guarantees from the scheme still current, totalling around £2 million.<sup>147</sup> Section 10(9) of the 1972 Act was amended by section 2 of the 1979 Act and will remain in use until these four loans have been paid off in full.<sup>148</sup>

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<sup>145</sup> 1979 c.59

<sup>146</sup> HL Deb 04 December 1979 vol 403 cc581-585

<sup>147</sup> Secretary of State for Business, Innovation and Skills, the First Minister of Scotland, and the Welsh Ministers, *Industrial Development Act 1982: an annual report for the year ended 31 March 2013*, p 16

<sup>148</sup> The amendment extended the definition of “construction” so as to include “the alteration of a ship or installation and of a partially constructed ship and of a partially constructed ship or installation”

*Proposal*

- 1.5 With the exception of the amendment made by section 2, the 1979 Act contains no substantive provisions.<sup>149</sup> The 1979 Act therefore now serves no useful purpose and its repeal is proposed on that basis. The effect of the amendment made by section 2 may be conveniently continued by the entry in the attached *Schedule of Savings*. This will permit the repeal of the 1979 Act as a whole.

*Extent*

- 1.6 The 1979 Act extended throughout the United Kingdom.

*Consultation*

- 1.7 The Department for Business, Innovation and Skills and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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**SCHEDULE OF SAVINGS**

*Industry Act 1972 (c.63)*

The repeal by this Act of the Shipbuilding Act 1979 (c.59) does not affect the amendment made by section 2 of that Act to 10(9) of the Industry Act 1972 (definition of “construction”).

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<sup>149</sup> Section 3 merely provides for the short title and extent

## INSURANCE COMPANIES ACT 1980

- 1.1 This note proposes the repeal of the Insurance Companies Act 1980.
- 1.2 The Insurance Companies Act 1980<sup>150</sup> (“the 1980 Act”) was passed to extend the Insurance Companies Act 1974 to Northern Ireland. This was in response to an EC directive, which required each Member State to have a uniform law on insurance companies throughout its national territory.<sup>151</sup>
- 1.3 The 1980 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Extension of Insurance Companies Act 1974 to Northern Ireland	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
2	Amendments to 1974 Act	Insurance Companies Act 1982, s 99(3), sch 6
3	Extension of related regulations to Northern Ireland	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
4	Amendments, savings, transitional provisions and repeals	Subsection (1) introduces Schedule 3; subsections (2), (3) and (4) repealed by Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
5	Short title, commencement and extent	N/A
Sch 1	Amendments to Insurance Companies Act 1974	Insurance Companies Act 1982, s 99(3), sch 6
Sch 2	Regulations to be extended to Northern Ireland	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
Sch 3	Amendments to other Acts	Various (see below)
Sch 4	Savings and transitional provisions	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
Sch 5	Repeals	Statute Law (Repeals) Act

<sup>150</sup> 1980 c.25

<sup>151</sup> HC Deb 15 April 1980 vol 982 c1153

		1993, s 1(1), sch 1 pt V
Sch 6	Revocations	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V

1.4 Schedule 3 has been repealed as follows:

Paragraph	Repealed
1	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
2	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
3	Building Societies Act 1986, s 120(2), sch 19 pt III [for Northern Ireland]
4	Children (Northern Ireland) Order 1995 [SI 1995/755], art 185(2), sch 10 [for Northern Ireland]
5	Insurance Companies Act 1981, s 36(2), sch 5 pt I
6	Judgments Enforcement (Northern Ireland) Order 1981 [SI 1981/226], art 147(3), sch 4 [for Northern Ireland]
7	Insurance Companies Act 1981, s 26(2), sch 5 pt I
8	Insurance Companies Act 1981, s 26(2), sch 5 pt I
9	Policyholders Protection Act 1997, s 22, sch 5 [not commenced]
10	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
11	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
12	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
13	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
14	Statute Law (Repeals) Act 1993, s 1(1), sch 1 pt V
15	Subparagraph (a) and (c) repealed by Insurance Companies Act 1981, s 36(2), sch 5 pt I
16	Statute Law (Repeals) Act 1995, s 1(1), sch 1 pt VI
17	N/A
18	N/A

19	Statute Law (Repeals) Act 1995, s 1(1), sch 1 pt VI
20	N/A

1.5 Paragraphs 3, 4 and 6 of schedule 3 were repealed in Northern Ireland only. These paragraphs made amendments to Northern Ireland legislation and have no significance for the rest of the UK.

1.6 Paragraph 9 was repealed by the Policyholders Protection Act 1997. The repealing provisions in this Act were never commenced, and the 1997 Act has now been repealed itself. Paragraph 9 therefore remains in force. It made amendments to the Policyholders Protection Act 1975, which has been repealed. Paragraph 9 is therefore obsolete.

1.7 Aside from this, the only provisions of the 1980 Act that have not been repealed are:

- (1) the preamble;
- (2) section 4(1), which enacts schedule 3;
- (3) section 5, which provides the short title, commencement and extent; and
- (4) paragraphs 15(b), 17, 18 and 20 of schedule 3, which all make amendments to the Industrial Assurance (Northern Ireland) Order 1979.

1.8 The 1979 Order was revoked by the Financial Services and Markets Act 2000.<sup>152</sup> A savings provision applied to article 32 of the Order, as amended by schedule 3 to the 1980 Act.<sup>153</sup> However, article 32 was subsequently further amended, rendering the amendments made by the 1980 Act obsolete.<sup>154</sup> Thus, none of the amendments made by Schedule 3 to the 1980 Act retain any significance today.

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<sup>152</sup> Financial Services and Markets Act 2000, s 146(2)

<sup>153</sup> Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 2001 [SI 2001/3647], sch 1 para 51

<sup>154</sup> 2001 Order, sch 1 para 51(a)

*Proposal*

- 1.9 Since it now contains no substantive live provisions, the 1980 Act now serves no useful purpose and its repeal is proposed on that basis.

*Extent*

- 1.10 The 1980 Act extended throughout the United Kingdom.

*Consultation*

- 1.11 The Department for Business, Innovation and Skills and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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## INDUSTRY ACT 1980

- 1.1 This note proposes the repeal of the Industry Act 1980.
- 1.2 The Industry Act 1980<sup>155</sup> (“the 1980 Act”) was passed to reduce the powers of the Welsh Development Agency, the Scottish Development Agency and the National Enterprise Board. These three bodies were to cease to hold shares in companies, in accordance with the government’s policy of shrinking the public sector. The 1980 Act also amended the functions of the English Industrial Estates Corporation.<sup>156</sup>
- 1.3 The 1980 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Amendment of bodies’ functions	Subsection (1) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; subsection (2) repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I
2	Transfer of bodies’ property to Secretary of State	Repealed (for Wales) by Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1), sch 2 pt 1 para 8; references to National Enterprise Board repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; as applying to Scottish Development Agency, repealed by Enterprise and New Towns (Scotland)

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<sup>155</sup> 1980 c.33

<sup>156</sup> HL Deb 18 February 1980 vol 405 cc486-493

		Act 1990, s 38(2), sch 5 pt I
2A <sup>157</sup>	Transfers exempt from stamp duty land tax	Repealed (for Wales) by Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1), sch 2 pt 1 para 8
3	Companies transferred to Secretary of State by National Enterprise Board	N/A
4	Bodies' public dividend capital	Subsection (1) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; subsection (2) repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I
5	Bodies' financial limits	Subsection (2) and references to National Enterprise Board repealed by Industry Act 1981, s 7(3), sch; subsections (3) and (5) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; as applying to Scottish Development Agency, repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I
6	Bodies' powers to acquire shares	Subsection (1) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; subsection (2) repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I; subsection (4) repealed by Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
7	Members of National Enterprise Board	British Technology Group Act 1991, s 17(2), sch 2 pt III
8	Reduction of bodies' powers to give selective financial assistance	Subsection (1) repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; subsection (2) repealed by Statute Law (Repeals) Act 2004, s

<sup>157</sup> Section 2A was inserted by the Stamp Duty Land Tax (Consequential Amendment of Enactments) Regulations 2003 [SI 2003/2867]

		1(1), sch 1 pt 16
9	Repeal of provisions on overseas aid	Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
10	Functions of English Industrial Estates Corporation	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
11	Transfer of land to Corporation	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
12	Members of Corporation	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
13	Corporation's borrowing powers	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
14	Treasury to guarantee Corporation's loans	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
15	Expenses of Corporation	English Industrial Estates Corporation Act 1981, s 9(4), sch 2
16	Amendment of Industry Act 1972	Industrial Development Act 1982, s 19(2), sch 3
17	Amendment of Industry Act 1972	Industrial Development Act 1982, s 19(2), sch 3
18	Provision of advice for businesses	Industrial Development Act 1982, s 19(2), sch 3
19	Repeal of provisions in Industry Act 1975	Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
20	Repeal of provisions in Aircraft and Shipbuilding Industries Act 1977	Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
21	Repeals and transitional provisions	In subsection (2) references to National Enterprise Board repealed by British Technology Group Act 1991, s 17(2), sch 2 pt I; as applying to Scottish Development Agency, repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt I

22	Short title and extent	Subsection (2) repealed by Enterprise and New Towns (Scotland) Act 1990, s 38(2), sch 5 pt 1; some text in subsection (3) repealed by Statute Law (Repeals) Act 2004, s 1(1), sch 1 pt 16
Sch 1	Amendments to Industry Act 1972	Industrial Development Act 1982, s 19(2), sch 3
Sch 2	Repeals	N/A

1.4 None of the bodies dealt with by the 1980 Act remain in existence today. As explained above in relation to the proposed repeal of the Industry Act 1979, the Scottish Development Agency,<sup>158</sup> National Enterprise Board<sup>159</sup> and Welsh Development Agency<sup>160</sup> have all been dissolved. The English Industrial Estates Corporation was also dissolved on 1 April 1994, and its assets were transferred to the Urban Regeneration Agency (now the Homes and Communities Agency).<sup>161</sup>

1.5 Because of this, much of the 1980 Act has already been repealed. The provisions of the Act that remain in force are:

- (1) section 1(3), which makes amendments to section 1 of the Welsh Development Agency Act 1975. Although the Welsh Development Agency has been abolished, section 1 of the 1975 Act remains in force to confer the Agency's powers on the National Assembly for Wales. Section 1(3) is therefore still in use today.

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<sup>158</sup> Enterprise and New Towns (Scotland) Act 1990, ss 22-23; Enterprise and New Towns (Scotland) Act 1990 Commencement Order 1990 [SI 1990/1840]

<sup>159</sup> British Technology Group Act 1991, s 1; National Enterprise Board (Dissolution) Order 1996 [SI 1996/1448]

<sup>160</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226]

<sup>161</sup> Leasehold Reform, Housing and Urban Development Act 1993, s 184; Leasehold Reform, Housing and Urban Development Act 1993 (Commencement No 4) Order 1994 [SI 1994/935]

- (2) sections 2 and 2A, which enabled the Board and the two Agencies to transfer property to the Secretary of State. Both sections have been repealed in Wales, and section 2 no longer applies to either the Scottish Development Agency or the National Enterprise Board. No more transfers can therefore be made. Both of these sections can be safely repealed.
- (3) section 3, which provided for the management of companies transferred from the ownership of the National Enterprise Board to the Secretary of State. The Board sold its holdings in most companies immediately, but others were not yet in a state for privatisation and were transferred instead to the Secretary of State's control. This was the case for Rolls-Royce and British Leyland. Both of these companies were privatised by the end of the 1980s and the government no longer appears to hold shares in any companies transferred from the National Enterprise Board. Section 3 is therefore obsolete and can be repealed.
- (4) section 4(3), which amends paragraph 1 of schedule 3 to the Welsh Development Act 1975. This paragraph has since been repealed.<sup>162</sup> Section 4(3) can therefore be repealed.
- (5) section 5(1), which amends section 18(3) of the Welsh Development Act 1975. This section has since been repealed.<sup>163</sup> Section 5(1) can therefore be repealed.
- (6) section 5(4), which sets a financial limit for outgoings under section 5(3) of the 1980 Act and section 8(2) of the Industry Act 1975. Neither of these provisions remains in force, so section 5(4) is obsolete and can also be repealed.

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<sup>162</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1), sch 1 para 32(1)

<sup>163</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1), sch 1 para 18(1). Other provisions in section 5(1) were repealed by the Industry Act 1981, ss 1(4), 7(3), Sch, and by the Welsh Development Agency Act 1975, s 18(3)

- (7) section 5(6)-(8), which sets a limit on the amount the Secretary of State may pay to acquire shares in companies from the National Enterprise Board. Since no more such transfers can be made, this provision is spent and can be repealed.
- (8) section 6(3), which amends section 20 of the Welsh Development Agency Act 1975. This section has since been repealed.<sup>164</sup> Section 6(3) can therefore be repealed.
- (9) section 21(1) and schedule 2, which enact the repeals. These provisions are spent and can be repealed.
- (10) section 21(2), which is a saving provision in respect of the property and activities of the Welsh Development Agency before the commencement of the 1980 Act, notwithstanding the repeal by the 1980 Act of its functions to promote industrial democracy and the reorganisation of industry. Given that the property and functions of the Agency have since vested in the Welsh Assembly, this saving is now spent and can be repealed.
- (11) section 22, which contains the short title and extent.

*Proposal*

- 1.6 With the exception of the amendments made by section 1(3) to the Welsh Development Agency 1975, the 1980 Act now serves no useful purpose. Its repeal is proposed on that basis. The effect of the amendments made by section 1(3) may be conveniently preserved by the entry in the attached *Schedule of Savings*. This will permit the final repeal of the 1980 Act in its entirety.

*Extent*

- 1.7 The 1980 Act extended throughout the United Kingdom.

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<sup>164</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1), sch 1 para 20

*Consultation*

- 1.8 The Department for Business, Innovation & Skills, Scottish Enterprise, the Homes and Communities Agency, BTG plc and the relevant authorities in Wales, Scotland and Northern Ireland have been consulted about this repeal proposal.

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**SCHEDULE OF SAVINGS**

*Welsh Development Agency Act 1975 (c.70)*

The repeal by this Act of section 1(3) of the Industry Act 1980 does not affect the amendments made by that provision to section 1 of the Welsh Development Act 1975.

## EMPLOYMENT ACT 1980

- 1.1 This note proposes the repeal of the Employment Act 1980.
- 1.2 The Employment Act 1980<sup>165</sup> (“the 1980 Act”) was passed to curtail certain activities of trade unions. It restricted the definition of lawful picketing; prevented union members from picketing at workplaces other than their own; and required 80% of a workforce to approve its becoming a closed shop.<sup>166</sup>
- 1.3 The 1980 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1-3	Trade union ballots and codes of practice	Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1
4-5	Unreasonable exclusion from union membership	Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1
6	Determination of unfairness of dismissal	Employment Rights Act 1996, s 242, sch 3 pt I
7	Dismissal on the grounds of non-union membership	Employment Act 1982, s 21(3), sch 4
8	Exclusion of dismissal rights of some employees	Subsection (1) repealed by Trade Union Reform and Employment Rights Act 1993, s 51, sch 10; subsection (2) repealed by Employment Rights Act 1996, s 242, sch 3 pt I
9	Reduction of unfair dismissal awards	Employment Rights Act 1996, s 242, sch 3 pt I
10	Contributions from unions to compensation awards	Employment Act 1982, s 21(3), sch 4
11	Maternity pay dependent on notice	Trade Union Reform and Employment Rights Act 1993, s

<sup>165</sup> 1980 c.42

<sup>166</sup> HL Deb 20 May 1980 vol 409 cc735-749



		51, sch 10
12-14	Restrictions on maternity rights; other workers' rights	Employment Rights Act 1996, s 242, sch 3 pt I
15	Employees not to be compelled to join trade unions	Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1
16	Restrictions on picketing	Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1
17	Restrictions on picketing at other workplaces	Employment Act 1990, s 16(2), sch 3
18	Actionability of acts to compel trade union membership	Employment Act 1982, s 21(3), sch 4
19	Repeals	Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1
20	Interpretation, amendments and repeals	Employment Rights Act 1996, s 242, sch 3 pt I
21	Short title, commencement, transitional provisions and extent	Employment Rights Act 1996, s 242, sch 3 pt I
Sch 1	Amendments	Paragraphs 1, 8, 11, 13, 20, 22, 23, 25, 31 and 33 repealed by Employment Rights Act 1996, s 242, sch 3 pt I; paragraphs 2-7, 19, 21(b) and 24 repealed by Trade Union and Labour Relations (Consolidation) Act 1992, s 300(1), sch 1; paragraph 9 repealed by Employment Act 1989, s 29(4), sch 7 pt III; paragraphs 10, 21(a) and 32 repealed by Trade Union Reform and Employment Rights Act 1993, s 51, sch 10; paragraphs 12 and 14 repealed by Employment Act 1982, s 21(3), sch 4; paragraph 15 repealed by Insolvency Act 1985, s 235(3), sch 10 pt IV; paragraphs 16-18 and 26-29 repealed by

		Employment Tribunals Act 1996, s 45, sch 3 pt I; paragraph 30 repealed by Contempt of Court Act 1981, s 16(6)
Sch 2	Repeals	Employment Rights Act 1996, s 242, sch 3 pt I

*Proposal*

- 1.4 Since the only part of the 1980 Act that has not been repealed is the preamble, the Act is now obsolete and its repeal is proposed on that basis.

*Extent*

- 1.5 The 1980 Act extended throughout Great Britain, but not Northern Ireland.

*Consultation*

- 1.6 The Department for Business, Innovation and Skills, the Department for Work and Pensions and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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## **SUPPLY OF GOODS AND SERVICES ACT 1982**

- 1.1 This note proposes the repeal of section 20(2) of, and the Schedule to, the Supply of Goods and Services Act 1982.
- 1.2 The Supply of Goods and Services Act 1982<sup>167</sup> (“the 1982 Act”) amended the terms that would be implied into certain contracts for the transfer or hire of goods and the supply of services. The Schedule to the Act contained transitional provisions, which would be necessary if sections 4 and 9 of the 1982 Act came into operation before relevant provisions in the Sale of Goods Act 1979 and the Consumer Credit Act 1974.
- 1.3 Sections 4 and 9 came into operation on 4 January 1983.<sup>168</sup> The 1979 Act came into force on 1 January 1980<sup>169</sup> and the relevant provision of the 1974 Act was commenced on 19 May 1985.<sup>170</sup> The provisions in the Schedule have therefore been spent since 1985. Section 20(2) of the Act, which gave effect to the schedule, is also obsolete.

### *Proposal*

- 1.4 Section 20(2) and the Schedule are both obsolete and their repeal is proposed on that basis.

### *Extent*

- 1.5 Section 20(2) and the Schedule extended to Wales and Northern Ireland only.

### *Consultation*

- 1.6 The Department for Business, Innovation and Skills and the relevant authorities in Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>167</sup> 1982 c.29

<sup>168</sup> 1982 Act, s 20(3)

<sup>169</sup> 1979 Act, s 64(2)

<sup>170</sup> Consumer Credit Act (Commencement No. 8) Order 1983 [SI 1983/1551], s 4, sch 1 pt I

## INDUSTRIAL DEVELOPMENT ACT 1985

- 1.1 This note proposes the repeal of the Industrial Development Act 1985.
- 1.2 The Industrial Development Act 1985<sup>171</sup> (“the 1985 Act”) was passed to make some technical amendments to the English Industrial Estates Corporation Act 1981 (“the 1981 Act”). The English Industrial Estates Corporation provided premises for small businesses on industrial estates. The 1985 Act also contained a provision concerning the Welsh Development Agency.<sup>172</sup>
- 1.3 The provisions of the 1985 Act that amended the 1981 Act are now spent, because the 1981 Act was repealed by the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), with effect from 1 April 1994.<sup>173</sup> These provisions are identified in the table below. Other provisions of the 1985 Act have been prospectively repealed by the 1993 Act, although the repeals have yet to be commenced.<sup>174</sup>
- 1.4 The Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Extension of the English Industrial Estates Corporation’s functions	Subsections (1) and (2) spent, being amendments to the 1981 Act; subsection (3) prospectively repealed by the 1993 Act [but not commenced]
2	Extension of the Corporation’s borrowing power	Spent, being an amendment to the 1981 Act
3	Corporation’s receipts	Spent, being an amendment to the 1981 Act
4	Corporation’s accounts and reports	Subsection (1) spent, being an amendment to the 1981 Act; subsection (2) spent, being a

<sup>171</sup> 1985 c.25

<sup>172</sup> HL Deb 19 February 1985 vol 460 cc508-509

<sup>173</sup> Leasehold Reform, Housing and Urban Development Act 1993 (Commencement No 4) Order 1994 [SI 1994/935]

<sup>174</sup> 1993 Act, s 187(2), sch 22

		repealing provision
5	Extension of the Welsh Development Agency's borrowing power	N/A
6	Short title, repeals, commencement and extent	Subsection (2) spent, being a repealing provision
Sch	Repeals	N/A

1.5 The 1993 Act provided for the dissolution of the English Industrial Estates Corporation,<sup>175</sup> and the repeals of the 1981 Act and most of the 1985 Act. The Corporation was duly dissolved on 1 April 1994 and its assets were transferred to the Urban Regeneration Agency (now the Homes and Communities Agency).<sup>176</sup> The repeal of the 1981 Act was also commenced on this date.<sup>177</sup> As explained above, the repeals to the 1985 Act have yet to be commenced.

1.6 The only provisions of the 1985 Act that remain in force (other than the spent amending provisions referred to above) are:

- (1) the preamble;
- (2) section 1(3), which is a spent Parliamentary money provision;
- (3) section 5, which amends the Welsh Development Agency Act 1975;
- (4) the parts of section 6 providing the short title, repeals, commencement and extent; and
- (5) the schedule, which contains the repeals.

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<sup>175</sup> 1993 Act, s 184

<sup>176</sup> Leasehold Reform, Housing and Urban Development Act 1993 (Commencement No. 4) Order 1994 [SI 1994/935]

<sup>177</sup> 1994 Order, art 3

- 1.7 Section 5 made amendments to paragraph 3 of schedule 3 to the 1975 Act. This paragraph was replaced by entirely new text in 2006, when the functions of the Welsh Development Agency were transferred to the National Assembly for Wales and the Agency was dissolved.<sup>178</sup> Section 5 is therefore also spent.

*Proposal*

- 1.8 All other unrepealed provisions of the 1985 Act are supplementary. The Act therefore no longer serves any useful purpose and its repeal is proposed on that basis.

*Extent*

- 1.9 The 1985 Act extended throughout Great Britain, but not to Northern Ireland.

*Consultation*

- 1.10 The Department for Business, Innovation & Skills, the Homes and Communities Agency, and the relevant authorities in Wales and Scotland have been consulted about this repeal proposal.

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<sup>178</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226], art 7(1)(a), sch 1 para 32(2)

## WAGES ACT 1986

- 1.1 This note proposes the repeal of the Wages Act 1986.
- 1.2 The Wages Act 1986<sup>179</sup> (“the 1986 Act”) was passed to modernise rules on the payment of wages. It removed the right to payment in cash, prohibited certain deductions from wages, and limited the redundancy rebate. It also greatly restricted the operation of wages councils, allowing them to set only certain basic rates of pay, and removing under-21s completely from their scope.<sup>180</sup>
- 1.3 The 1986 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1-11	Protection against unauthorised deductions from wages	Employment Rights Act 1996, s 242, sch 3 pt I
12-26	Operation of wages councils	Trade Union Reform and Employment Rights Act 1993, s 51, sch 10
27	Restriction of redundancy rebates	Employment Act 1989, s 29(4), sch 7 pt II
28-29	Abolition of payments equivalent to redundancy rebates	Employment Rights Act 1996, s 242, sch 3 pt I
30	Excluded employments	Employment Rights Act 1996, s 242, sch 3 pt I
31	Expenses	Employment Rights Act 1996, s 242, sch 3 pt I
32	Amendments, repeals, transitional provisions and savings	Employment Rights Act 1996, s 242, sch 3 pt I
33	Short title, commencement and extent	Employment Rights Act 1996, s 242, sch 3 pt I
Sch 1	Repeals	Employment Rights Act

<sup>179</sup> 1986 c.48

<sup>180</sup> HC Deb 11 February 1986 vol 91 cc796-806

		1996, s 242, sch 3 pt I
Sch 2	Constitutions of wages councils	Trade Union Reform and Employment Rights Act 1993, s 51, sch 10
Sch 3	Provisions on wages orders	Trade Union Reform and Employment Rights Act 1993, s 51, sch 10
Sch 4	Amendments	Paras 1-3 repealed by Coal Industry Act 1992, s 3(3), sch pt II; para 4 repealed by Employment Rights Act 1996, s 242, sch 3 pt I; paras 5-7 repealed by Trade Union Reform and Employment Rights Act 1993, s 51, sch 10; paras 8 and 11 repealed by Employment Act 1989, s 29(4), sch 7 pt II; paras 9 and 10 repealed by Employment Tribunals Act 1996, s 45, sch 3 pt I
Sch 5	Repeals	Employment Rights Act 1996, s 242, sch 3 pt I
Sch 6	Transitional provisions and savings	Paras 1-8 repealed by Trade Union Reform and Employment Rights Act 1993, s 51, sch 10; para 9 repealed by Employment Act 1989, s 29(4), sch 7 pt II; para 10 repealed by Employment Rights Act 1996, s 242, sch 3 pt I

1.4 The whole of the 1986 Act has now been repealed, with the exception of the preamble.

*Proposal*

1.5 The 1986 Act now serves no useful purpose and its repeal is proposed on that basis.

*Extent*

1.6 The 1986 Act extended throughout the United Kingdom.



*Consultation*

- 1.7 The Department for Business, Innovation & Skills, the Department for Work and Pensions and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## IMPORT AND EXPORT CONTROL ACT 1990

- 1.1 This note proposes the repeal of the Import and Export Control Act 1990.
- 1.2 The Import and Export Control Act 1990<sup>181</sup> (“the 1990 Act”) was a short Act passed to repeal section 9(3) of the Import, Export and Customs Powers (Defence) Act 1939 (“the 1939 Act”).
- 1.3 The 1939 Act was a piece of emergency legislation which had been intended to regulate imports and exports during the Second World War. Section 9(3) provided for its expiry at the end of “the emergency”.
- 1.4 However, the government continued to find the 1939 Act useful after the end of the war. It was used, for example, to restrict the import of firearms and the export of national art treasures. The 1939 Act was therefore made permanent by the repeal of section 9(3).<sup>182</sup>
- 1.5 The 1990 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Repeal of section 9(3) of the 1939 Act	N/A
2	Short title	N/A

- 1.6 The 1990 Act did no more than repeal section 9(3) and became spent when it came into force at Royal Assent on 6 December 1990.

### *Proposal*

- 1.7 The 1990 Act no longer serves any useful purpose and its repeal is proposed on that basis. The repeal will not affect the 1939 Act in any way.

### *Extent*

- 1.8 The 1990 Act extended throughout the United Kingdom.

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<sup>181</sup> 1990 c.45

<sup>182</sup> HL Deb 04 December 1990 vol 524 cc171-172

*Consultation*

- 1.9 HM Treasury, the Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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## **SUNDAY TRADING ACT 1994**

- 1.1 This note proposes the repeal of obsolete provisions in the Sunday Trading Act 1994.
- 1.2 The Sunday Trading Act 1994<sup>183</sup> (“the 1994 Act”) was passed to enable shops to open on Sundays.
- 1.3 Schedule 4 to the 1994 Act concerned the rights of shop workers, allowing them to opt out of Sunday working. It has since been replaced by similar provisions in subsequent legislation.
- 1.4 Schedule 4 has been repealed as follows:

<b>Paragraph</b>	<b>Repealed</b>
1-20	Employment Rights Act 1996, s 242, sch 3 pt I
21	Employment Tribunals Act 1996, s 45, sch 3 pt I
22	Employment Rights Act 1996, s 242, sch 3 pt I
23	Deregulation and Contracting Out Act 1994, s 81(1), sch 17
24	N/A

- 1.5 Paragraph 24 is the only part of Schedule 4 that remains in force. It is a repealing provision,<sup>184</sup> and is therefore now spent. Schedule 4 and section 4, which gives it effect, are therefore both obsolete.
- 1.6 Section 1(2) is also a repealing provision.<sup>185</sup> It became spent when it came into force at Royal Assent.
- 1.7 Finally, the commencement provision in section 9(3) became spent on 26 August 1994 when the 1994 Act was brought fully into force by the Sunday Trading Act 1994 Appointed Day Order 1994.<sup>186</sup>

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<sup>183</sup> 1994 c.20

<sup>184</sup> It repealed the Children and Young Persons Act 1933, s 20(3)

<sup>185</sup> It repealed the Shops Act 1950, ss 47-66, Schs 5-7

<sup>186</sup> SI 1994/1841

*Proposal*

- 1.8 Sections 1(2), 4 and 9(3) of, and Schedule 4 to, the 1994 Act are proposed for repeal on the basis that they are obsolete.

*Extent*

- 1.9 The 1994 Act extended only to England and Wales.

*Consultation*

- 1.10 The Department for Business, Innovation & Skills, the Department for Work and Pensions and the relevant authorities in Wales have been consulted about this repeal proposal.

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## SALE OF GOODS (AMENDMENT) ACT 1994

- 1.1 This note proposes the repeal of the Sale of Goods (Amendment) Act 1994.
- 1.2 The Sale of Goods (Amendment) Act 1994<sup>187</sup> (“the 1994 Act”) was passed to abolish the rule of law relating to the sale of goods in market overt. The general rule of English law is that a buyer can obtain no better title to goods than the seller had.<sup>188</sup> However, since medieval times, an exception had existed for goods sold in market overt. In this case, a buyer would obtain good title to the goods as long as he bought them in good faith, even if the seller had no title.<sup>189</sup>
- 1.3 The market overt rule applied only in certain ancient street markets, to goods sold between sunrise and sunset and on open display. It had been established at a time when most goods were sold in local markets, and it was reasonable to expect the owner of stolen goods to search for them there.
- 1.4 However, in the modern era, when goods could quickly be moved anywhere in the country, it simply enabled thieves to dispose of stolen goods more easily. For example, in the early 1990s, Gainsborough and Reynolds portraits worth thousands of pounds were stolen from Lincoln’s Inn and sold in Bermondsey market. Because of the market overt rule, they could not be recovered from the buyer.<sup>190</sup>
- 1.5 The 1994 Act closed this loophole. It provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Repeal of section 22(1) of Sale of Goods Act 1979	N/A
2	Consequential repeals <sup>191</sup>	N/A

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<sup>187</sup> 1994 c.32

<sup>188</sup> Sale of Goods Act 1979, s 21(1)

<sup>189</sup> 1979 Act, s 22(1)

<sup>190</sup> HL Deb 12 January 1994 vol 551 cc209-211

<sup>191</sup> Law in Wales Act 1542, s 47; text in Sea Fisheries (Shellfish) Act 1967, s 7(3)

3	Short title, commencement and extent	N/A
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1.6 Because the 1994 Act was a repealing Act, it became spent once it took effect on 3 January 1995.<sup>192</sup>

*Proposal*

1.7 The 1994 Act now serves no useful purpose and its repeal is proposed on that basis.

*Extent*

1.8 The 1994 Act extended throughout the United Kingdom.

*Consultation*

1.9 The Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>192</sup> 1994 Act, s 3(3)

## WELSH DEVELOPMENT AGENCY ACT 1997

- 1.1 This note proposes the repeal of the Welsh Development Agency Act 1997.
- 1.2 The Welsh Development Agency Act 1997<sup>193</sup> (“the 1997 Act”) was a short Act passed to increase the financial limit of the Welsh Development Agency.<sup>194</sup> This was done by amending section 18 of the Welsh Development Agency Act 1975 (“the 1975 Act”).<sup>195</sup>
- 1.3 The 1997 Act provided as follows:

Section	Provided	Repealed
Preamble	Preamble	N/A
1	Increase in Agency’s financial limit	N/A
2	Short title, extent, commencement and repeal	N/A

- 1.4 The Welsh Development Agency has now been abolished, and its functions are carried out by the Welsh Assembly.<sup>196</sup> The provisions of the 1975 Act that were amended by the 1997 Act have been repealed.<sup>197</sup> The 1997 Act is therefore wholly spent.

### *Proposal*

- 1.5 The 1997 Act is now spent and its repeal is proposed on that basis.

### *Extent*

- 1.6 The 1997 Act extended throughout Great Britain (but not Northern Ireland) but had no practical effect outside England and Wales.

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<sup>193</sup> 1997 c.37

<sup>194</sup> HC Deb 10 February 1997 vol 290 cc72-82

<sup>195</sup> The relevant amendments were to s 18(2) and (3) and the insertion of a new s 18(3A)

<sup>196</sup> Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 [SI 2005/3226]

<sup>197</sup> 2005 Order, s 7(1), sch 1 para 18(1)



*Consultation*

- 1.7 The Department for Business, Innovation & Skills and the relevant authorities in Wales have been consulted about this repeal proposal.

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## COMPETITION ACT 1998

- 1.1 This note proposes the repeal of spent provisions in the Competition Act 1998.
- 1.2 The Competition Act 1998<sup>198</sup> (the 1998 Act<sup>198</sup>) was passed to strengthen the law on cartels and abuse of a dominant market position. It repealed and replaced a number of previous Acts and parts of Acts on the same topic. The repeals were made by sections 1,<sup>199</sup> 17,<sup>200</sup> 69<sup>201</sup> and 70.<sup>202</sup> These provisions are all now spent.

### *Proposal*

- 1.3 Sections 1, 17, 69 and 70 of the 1998 Act are spent and are proposed for repeal.

### *Extent*

- 1.4 The provisions proposed for repeal extended throughout the United Kingdom.

### *Consultation*

- 1.5 The Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>198</sup> 1998 c.41

<sup>199</sup> Repeals to the Restrictive Practices Court Act 1976, the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976

<sup>200</sup> Repeals to the Competition Act 1980

<sup>201</sup> Amendment of s 83 of the Fair Trading Act 1973, which has since been repealed

<sup>202</sup> Repeals to the Patents Act 1977

## **ENTERPRISE ACT 2002**

- 1.1 This note proposes the repeal of spent provisions in the Enterprise Act 2002.
- 1.2 The Enterprise Act 2002<sup>203</sup> (“the 2002 Act”) was passed to amend the law on competition, insolvency and consumer protection. It contained a number of provisions which were either repealing provisions or provisions which have since become spent. These provisions are as follows:
- (1) Section 9 repealed provisions in the Fair Trading Act 1973 and the Competition Act 1980.
  - (2) Section 10(1) repealed provisions in the Fair Trading Act 1973. Section 10(2)-(4) has already been repealed by the Consumer Protection from Unfair Trading Regulations 2008.<sup>204</sup>
  - (3) Section 207 repealed provisions in the Competition Act 1998.
  - (4) Section 208 repealed provisions in the Fair Trading Act 1973.
  - (5) Section 247 repealed provisions in a series of consumer protection Acts.
  - (6) Section 263 repealed provisions in the Insolvency Act 1986.

### *Proposal*

- 1.3 These provisions of the 2002 Act are all now spent and their repeal is proposed on that basis.

### *Extent*

- 1.4 The provisions proposed for repeal extended throughout the United Kingdom (except section 263, which extended only to England and Wales).

### *Consultation*

- 1.5 The Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>203</sup> 2002 c.40

<sup>204</sup> SI 2008/1277, reg 30(1)(3), sch 2 pt I, para 69(2), Sch 4, Pt 1

## **CONSUMER CREDIT ACT 2006**

- 1.1 This note proposes the repeal of a spent provision in the Consumer Credit Act 2006.
- 1.2 The Consumer Credit Act 2006<sup>205</sup> (“the 2006 Act”) was passed to amend the Consumer Credit Act 1974. Section 15 of the 2006 Act repealed provisions in the Consumer Credit Act 1974 and became spent when it came into force on 6 April 2007.<sup>206</sup>

### *Proposal*

- 1.3 Section 15 of the 2006 Act is spent and its repeal is proposed on that basis.

### *Extent*

- 1.4 Section 15 extended throughout the United Kingdom.

### *Consultation*

- 1.5 The Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>205</sup> 2006 c.14

<sup>206</sup> Consumer Credit Act 2006 (Commencement No. 2 and Transitional Provisions and Savings) Order 2007 [SI 2007/123], art 3(2), sch 2

## **CONSUMERS, ESTATE AGENTS AND REDRESS ACT 2007**

- 1.1 This note proposes the repeal of spent provisions in the Consumers, Estate Agents and Redress Act 2007.
- 1.2 The Consumers, Estate Agents and Redress Act 2007<sup>207</sup> (“the 2007 Act”) was passed to establish the National Consumer Council and to otherwise amend the law on consumer protection.
- 1.3 Schedule 2 to the 2007 Act made amendments to the Gas Act 1986, the Electricity Act 1989, and the Postal Services Act 2000. All three paragraphs in that Schedule are now either spent or have been repealed.
- 1.4 *Paragraph 1* amended section 28(8) of the Gas Act 1986. The relevant part of section 28(8) was replaced by the Electricity and Gas (Internal Markets) Regulations 2011.<sup>208</sup> *Paragraph 2* amended section 25(8) of the Electricity Act 1989. The relevant part of section 25(8) has also been replaced by the 2011 Regulations.<sup>209</sup> *Paragraph 3*, which concerned the Postal Services Act 2000, was repealed by the Postal Services Act 2011.<sup>210</sup> Accordingly Schedule 2 as a whole is now spent.

### *Proposal*

- 1.5 Schedule 2 is spent, as is its introductory provision, section 25(8). Their repeal is proposed on that basis.

### *Extent*

- 1.6 The provisions proposed for repeal extend throughout the United Kingdom.

### *Consultation*

- 1.7 The Department for Business, Innovation & Skills and the relevant authorities in Scotland, Wales and Northern Ireland have been consulted about this repeal proposal.

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<sup>207</sup> 2007 c.17

<sup>208</sup> 2011 Regulations, reg 37(5)(c)

<sup>209</sup> 2011 Regulations, reg 39(4)(c)

<sup>210</sup> 2000 Act, s 91(1), sch 12, para 188(b)